

ORDINANCE NO. 2870

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO AMEND CHAPTER 18.52 (VARIANCE AND CONDITIONAL USE PERMITS) AND TO ADD CHAPTER 18.45 (ZONING) TO THE WHITTIER MUNICIPAL CODE RELATING TO THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF WHITTIER (CASE: ZONING CODE AMENDMENT 05-005)

WHEREAS, the voters of California acted in 1996 to pass Proposition 215, the Compassionate Use Act; and,

WHEREAS, the legitimacy of this new law was challenged and ultimately decided in favor of upholding the validity of Proposition 215 by the California Supreme Court in the case of People v. Mower, 28 Cal. 4th 457 (2002); and,

WHEREAS, it is in furtherance of the health, welfare and safety of the populace within the City of Whittier that businesses operated for the purpose of furnishing medical marijuana in a manner compliant with the Compassionate Use Act be subject to reasonable regulation; and,

WHEREAS, the Zoning Code Amendment 05-005 was initiated by the City of Whittier to reasonably regulate the establishment and operation of Medical Marijuana Dispensaries within the City of Whittier, and,

WHEREAS, The project has been determined to be Categorically Exempt pursuant to Section 15305 (Class 5 - Minor Alterations in Land Use Limitations) of the California Environmental Quality Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Subsection K.2 of Section 18.52.030 of Title 18 (Zoning) of the Whittier Municipal Code is hereby amended to include the term "Medical Marijuana Dispensaries," as that term is defined in Section 18.45.020, as a conditionally permitted use within the "M" (Manufacturing) zone.

SECTION 2. Chapter 18.45 is hereby added to Title 18 (Zoning) of the Whittier Municipal Code, in its entirety as follows:

Chapter 18.45

MEDICAL MARIJUANA REGULATIONS

18.45.010 Purpose.

The purpose of this Chapter is to establish a comprehensive set of regulations applicable to the operation of Medical Marijuana Dispensaries within the city to insure such operation is in a manner consistent with the overall health, welfare and safety of the city and its populace and in compliance with the California Compassionate Use Act.

18.45.020 Medical Marijuana Dispensaries Defined.

As used in this chapter, "Medical Marijuana Dispensaries" means any business or enterprise, whether or not operated for profit, intended to serve or which does serve as a means of distributing or providing marijuana for medical purposes as defined by the State's Compassionate Use Act, California Health & Safety Code Section 11362.5, et seq.

18.45.030 Conditionally Permitted Use.

A. Medical Marijuana Dispensaries shall be conditionally permitted on any lots in the M zone. All persons, entities or organizations wishing to establish a Medical Marijuana Dispensary within the city must apply for and be granted a conditional use permit for said use, pursuant to the provisions of chapter 18.52 of this code.

B. Notwithstanding subsection A, no person or entity shall own, establish, operate, control or enlarge, or cause or permit the establishment, operation, enlargement or transfer of ownership or control of any Medical Marijuana Dispensary if such dispensary is within two hundred fifty feet of any adult business which sells or provides in any manner drug paraphernalia, as defined in section 18.44.020; within one thousand (1000) feet of any school, library, day care facility (as defined in Sections 18.06.072 and 18.06.119) or public or private park within the city; within two hundred fifty feet of any special needs housing facility, as defined in Section 18.44.020 (W); or within two hundred fifty feet of any residentially zoned property in the city, except residentially zoned properties which are used for commercial or institutional uses, such as hospitals, correctional facilities or public utility facilities, and which abut M zoned property.

C. A Medical Marijuana Dispensary shall not be established, operated, enlarged or transferred except as allowed by and in compliance with the provisions of this chapter. The conduct of such establishment and the use of

premises shall otherwise comply with the zoning regulations of the city and all other applicable regulations.

D. In addition to the information required by Section 18.52.060 regarding the contents for a conditional use permit application, Medical Marijuana Dispensaries shall also provide the following information upon application for a conditional use permit:

1. An application must be signed by the owner or lessee who is applying for a conditional adult use permit and who will be conducting, or whose agents, employees, or independent contractors will be conducting, the Medical Marijuana Dispensary on the premises for which the permit is sought. In the case of a lessee of a property applying for a permit pursuant to this chapter, the property owner shall acknowledge on the application consent to the application for a conditional use permit for a Medical Marijuana Dispensary.

2. The application shall list the legal form of the applicant, e.g., individual, partnership, corporation.

a. If the applicant is an individual, the application shall list his or her legal name, any aliases and date of birth;

b. If the applicant is a partnership, the application shall list the full and complete name of the partnership, the legal names and addresses of all partners, dates of birth, and all aliases used by all of the general partners, and whether the partnership is general or limited; and

c. If the applicant is a corporation, the application shall list the full and complete corporate name, the date and status of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, and all aliases used, and the capacity of all officers, directors and principal stockholders (i.e., all stockholders with ten percent or more of all outstanding shares), and the name and address of the registered officer for service of process.

3. The application must list whether, preceding the date of the application, the applicant or any of the individuals listed pursuant to subsection D (2) of this section, has:

a. Other licenses and/or permits issued to and/or revoked from the applicant, in the three years prior to the year of the permit application, such other license and/or permit relating to similar business activities as in the permit application. If the application lists such other licenses and/or permits, the list shall include the type, current status, and issuing agency for each license/permit;

b. Been a partner in a partnership or an officer, director or principal stockholder of a corporation which has had any other licenses and/or permits, relating to similar business activities

as in the permit application, issued to and/or revoked in the three years prior to the year of the permit application. The type, current status, and issuing agency for each previously issued or revoked licenses and/or permits shall be listed on the application;

c. Been found guilty of or pleaded nolo contendere within the past four years to a misdemeanor or a felony classified by the state as a drug or drug-related offense.

18.45.040 – Restrictions on Use.

The following restrictions/regulations/conditions shall apply to the operation of all Medical Marijuana Dispensaries:

A. Hours of Operation. Medical Marijuana Dispensaries shall be restricted to hours of operation between 6 a.m. and 10 p.m.

B. Conviction of Crimes. No operator and/or employee of a Medical Marijuana Dispensary shall have been convicted of any felony under state or federal law, convicted of a crime in any other jurisdiction the commission of which would be a felony under California law, nor convicted of any crime of moral turpitude. All operators and/or employees of a Medical Marijuana Dispensary shall be subject to verification by the Whittier Police Department of the absence of any disqualifying conviction under this subsection prior to commencement of any such operation and/or employment and annually thereafter, pursuant to reasonable regulations pertaining thereto as established and promulgated by the Chief of Police.

C. Security System. Medical Marijuana Dispensaries shall be equipped with, and the operators of such dispensaries shall maintain in working order at all times burglary/robbery alarms in a manner compliant with the provisions of chapter 5.20 (Communication Devices) of this code.

D. Security Guard. During all hours of operation, there shall be, for each 1,000 square feet of occupied building space, or portion thereof, at least one licensed, uniformed security guard present and visible on the premises, i.e., one guard for zero to and including 1,000 square feet, two guards for 1,001 to and including 2,000 square feet, etc.

1. Such guard(s) shall be duly licensed by the State of California, Department of Consumer Affairs in a manner compliant with all applicable state and local laws. In particular, all security officers shall comply with the provisions of California Business and Professions Code Section 7582, et seq.

2. The presence and licensing of such guards shall be subject to proof thereof by the operator(s), employee(s) or security guard(s) of such dispensary at all required times, upon reasonable demand by any state or federal peace officer.

E. Use on Premises. Use or consumption in any manner of marijuana is not permitted on the premises of any Medical Marijuana Dispensary at any time.

F. Drug Paraphernalia. No Medical Marijuana Dispensary may sell or display any drug paraphernalia on the premises at any time, including but not limited to cocaine and sniffing kits, glass mirrors for cutting cocaine, snorting spoons and tubes, strainers to sift cocaine, water pipes (bongs), everyday items with special removable tops that have been converted to conceal narcotics and drugs, including but not limited to beer cans, oil cans and plastic photograph film vials, roach clips (for holding marijuana cigarettes), cigarette paper or filters.

G. Minors. Persons under the age of eighteen (18) years of age are not permitted to be on the premises of any Medical Marijuana Dispensary at any time.

H. Alcohol. No alcoholic beverage shall be sold, conveyed or consumed on the premises of any Medical Marijuana Dispensary at any time.

I. Under the Influence. No person shall be present on the premises of a Medical Marijuana Dispensary while intoxicated and/or under the influence of alcohol or any controlled substance at any time, as defined in California Health & Safety Code Section 11007.

J. Unobstructed view. The interior of the dispensary shall be configured such that there is an unobstructed view, by use of the naked eye, and unaided by video, closed circuit cameras or any other means, of every public area of the premises by a manager. No public area shall be obscured by any door, curtain, wall, two-way mirror, or other device. A manager shall be in the public portion of the dispensary at all times it is in operation or open to the public in order to enforce all rules and regulations.

K. Development Review. If an application for a conditional use permit pursuant to this chapter includes external structural changes to the building requiring a building permit, including the construction of a new building, an addition to an existing building, or a facade remodel of an existing building, the construction, addition, or remodeling shall be reviewed by the design review board, established by Chapter 2.12 of this code, to ensure that the proposed design is consistent with the general architectural character of the neighborhood and shall follow the procedural provisions in Section 18.44.210 of this code. An application for a conditional use permit required by this chapter shall not be exempt from the provisions of Chapter 18.56 of this code.

L. Signs. Changeable copy signs and temporary signs (as defined in Chapter 18.72) are not permitted. In addition to the requirements of Title 18, Division II, of the Whittier Municipal Code, all sign permits shall be subject to review and approval by the planning commission as part of the conditional use permit process, such approval to be made according to the provisions

regarding the location and nature of signs as provided in Chapters 18.72 and 18.76 of this code.

M. Exterior Painting. Buildings and structures shall not be painted or surfaced with any design that would simulate a sign or advertising message and cannot be established or maintained such that the exterior appearance of the structure is substantially inconsistent with the external appearance of structures on abutting properties.

N. Displays. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

O. Loudspeakers. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

P. Graffiti. Upon order of the city manager, graffiti appearing on any exterior surface of a building or premises of a dispensary, which graffiti is within public view, shall be removed and that surface shall be restored within forty-eight hours of notification to the owner or person in charge of the premises or as may be specified in other ordinances of the city regulating graffiti removal.

Q. Security Cameras. The operator of the Medical Marijuana Dispensary shall be responsible for insuring that a video surveillance system on the premises complies with the following minimum standards:

1. Visually records and monitors all parking lot areas, rear alley areas immediately adjacent to the dispensary, the main building entrance(s) and exit(s), and any and all transaction areas for the dispensing of medical marijuana. The operator of the dispensary or his/her designated representative shall instruct the company or individual(s) installing the surveillance equipment at the dispensary to position cameras to maximize the quality of facial and body images and to avoid backlighting and physical obstructions. The company or individual(s) installing the surveillance equipment for any Medical Marijuana Dispensary shall be responsible for reasonable compliance with those instructions in installing such equipment at the dispensary.

2. Cameras shall have a minimum resolution of five hundred lines per inch and a minimum light factor requirement of 0.7 LUX. Light sensitive lenses or the installation of additional lighting may be required to increase picture clarity and brightness. Cameras shall be calibrated and focused to maximize the quality of the recorded image.

3. The recording device shall be defined as a "high density recorder" by manufacturer specifications. The device shall be a time-lapse recorder that displays a current date and time stamp on the

videotape. Systems required to have more than one camera shall include a "quad" or "multiplexer" video display splitter. The recording equipment and all recorded video tapes kept in compliance with this section shall be secured in a locked area in which access is limited to the dispensary operator, the permit holder, and/or his/her designated representative(s).

4. A display monitor with a minimum screen size of twelve inches shall be connected to the video surveillance system at all times. If a "quad" video display splitter is utilized, the display monitor shall have a minimum screen size of fifteen inches.

5. Video surveillance systems shall be maintained in good working order at all times. The owner of the dispensary shall instruct each employee, volunteer, agent, servant or other individual overseeing the functioning of the video system, to immediately report any malfunctioning of or technical problems whatsoever with surveillance equipment. Every three months, the operator of the dispensary or his/her designated representative shall inspect all cameras and video recorders to ensure proper operation and shall perform the following functions: the camera lenses shall be cleaned and calibrated into focus; the recording heads shall be cleaned and the date and time stamp shall be calibrated to reflect true information; all wires connected to the camera and video recording device shall be inspected for wear and tear; and, a test recording shall be done to verify the image quality and date and time stamp. The operator of the dispensary or his/her designated representative shall keep a video surveillance maintenance log documenting all inspections and repairs to the system. Any technical problems or inoperable equipment shall be repaired as soon as possible, not to exceed fifteen days from discovery of the problem. The video surveillance system and maintenance log are subject to periodic inspection by the police department, in order to ensure compliance with this section.

6. The video surveillance system and recording device shall be in continuous operation from one full hour before to one full hour after the dispensary is open to the public, or any portion thereof. Videotapes of daily operations shall be kept a minimum of thirty days prior to reuse or destruction of such videotapes, and shall be provided to the police department as may be authorized by state and federal law. Such videotapes shall be clearly marked with the date the videotape was most recently recorded, and, in the event there are multiple tapes of the same date, each videotape shall be clearly marked in the sequential numerical order that it was so recorded.

R. Lighting.

1. Interior. The premises within which the dispensary is operated shall be equipped with and, at all times during which the dispensary

is open to the public or any portion thereof, shall remain illuminated with overhead lighting fixtures of sufficient intensity to illuminate every place to which members of the public or portions thereof are permitted access with an illumination of not less than two foot-candles as measured at the floor level.

2. Exterior. The exterior of the premises upon which the dispensary is operated shall be equipped with and, at all times between sunset and sunrise, shall remain illuminated with fixtures of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one foot-candle as measured at the ground level, including, but not limited to, landscaped areas, parking lots, driveways, walkways, entry areas, and refuse storage areas.

S. Change of Ownership. If a dispensary operating with a permit pursuant to this chapter changes ownership, the current owner or operator shall notify the police department of the new owner's name and address within ten days of the effective date of such change of ownership.

T. Manager on Premises. All dispensaries shall have a responsible person who shall be at least twenty one (21) years of age and shall be on the premises to act as manager at all times during which the dispensary is open to the public or any portion thereof. The individual designated as the on-site manager shall be registered with the City's Director of Community Development by the owner to receive all complaints and be responsible for all violations taking place on the premises.

U. Records and Inspection. All dispensaries shall maintain sufficiently detailed written records regarding their verification that medical marijuana is dispensed only to qualified patients and primary caregivers under the California Compassionate Use Act, Health & Safety Code Section 11362.5, et seq. These written records are subject to periodic inspection by the police department, in order to ensure compliance with this section, as authorized by state and federal law.

V. Other Conditions. The Planning Commission or City Council may add any conditions to the granting of a permit pursuant to this chapter, should the particular facts and/or circumstances of a proposed use so justify.

18.45.050 – Operator Responsible.

The operator(s) of any Medical Marijuana Dispensary is responsible for insuring at all times that all employees, volunteers, agents, servants, or any other individuals having any charge over the functioning of the dispensary are acting in compliance with the provisions of this chapter

18.45.060 – Other Regulations.

The provisions of this chapter do not waive or modify any other provision of this code with which Medical Marijuana Dispensaries are required to comply. Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any facility, building or use which violates any city of Whittier ordinance or statute of the state of California regarding public nuisances, medical marijuana, or any federal regulations or statutes relating to the use of controlled substances.

18.45.070 Measure of Distance.

All required minimum distances set forth in Section 18.45.030 shall be measured from the nearest property line of one designated location to the nearest property line of the other designated location along a straight line extended between the two points without regard to intervening structures.

18.45.080 Violations - Public Nuisance.

The conduct of any dispensary within the city in violation of any of the terms of this chapter is hereby found and declared to be a public nuisance per se, and the city attorney or the district attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the civil abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as well as abate or remove such Medical Marijuana Dispensary and restrain and enjoin any person from conducting, operating or maintaining a Medical Marijuana Dispensary contrary to the provisions of this chapter. The conduct of any dispensary within the city in violation of any of the terms of this chapter will also serve as grounds for the revocation of a conditional use permit pursuant to Section 18.52.160.

18.45.090 Violations – Penalty.

Any person who violates any section of this chapter shall be guilty of a misdemeanor and subject to a fine of one thousand dollars and/or imprisonment in the county jail for a period of up to six months.

18.45.100 – Invalidity.

This chapter shall be null and void if any determination is made, after the adoption of the ordinance enacting this chapter, by any court of competent jurisdiction that California Health and Safety Code Section 11362.5, et seq.,

is invalid, or shall be null and void to the extent any portion of such section is held invalid.

18.45.110 – Severability.

Should any section, subsection, clause or provision of this chapter for any reason be held to be invalid or facially unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being hereby expressly declared that this chapter, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this chapter be declared invalid or unconstitutional.

SECTION 3. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 4. The Mayor shall sign and the City Clerk-Treasurer shall attest to the passage of this Ordinance. The City Clerk-Treasurer shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this 10th day of January 2006.

J. GREG NORDBAK, Mayor

ATTEST:

KATHRYN MARSHALL
City Clerk – Treasurer

CITY OF WHITTIER)
) SS
 STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Whittier on the 13th day of December 2005, and adopted at a regular meeting of the City Council of the City of Whittier on the 10th day of January 2006 by the following roll call vote:

AYES: D. M. Lopez R. L. Henderson J. G. Nordbak

NOES: O. NewcomerC. Warner

ABSENT: None

WITNESS my hand and the official seal of the City of Whittier, California, this _____ day of _____ 2006.

 KATHRYN A. MARSHALL
 City Clerk-Treasurer

Published as required by law: January 24, 2006

ORDINANCE NO. 2879

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO ADD SECTION 18.45.120 TO CHAPTER 18.45 -MEDICAL MARIJUANA REGULATIONS (CASE: ZONING CODE AMENDMENT 06-003)

WHEREAS the City Council of the City of Whittier has previously adopted an ordinance enacting Chapter 18.45 (Medical Marijuana Regulations) of Title 18 (Zoning) in order to regulate medical marijuana dispensaries within the City of Whittier in furtherance of the health, welfare and safety of the public and in conformance with the provisions of Proposition 215, the Compassionate Use Act (the "Act");

WHEREAS, the City Council finds that the operating requirements set forth in Chapter 18.45 are reasonable, consistent with the Act, and impose a minimal burden on Medical Marijuana Dispensaries to comply within ninety (90) days of the effective date of this Ordinance; and

WHEREAS, the City Council further finds that Medical Marijuana Dispensaries can be reasonably required to comply with the locational requirements set forth in Chapter 18.45 within one year of the effective date of this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 18.45.120 is hereby added to Chapter 18.45 (Medical Marijuana Regulations) of the Whittier Municipal Code, in its entirety as follows:

18.45.120 Amortization of non-conforming uses.

- (a) This Section shall supercede and apply in lieu of Chapter 18.62, regarding non-conforming uses, as to medical marijuana dispensaries only.
- (b) Any medical marijuana dispensary operating on or before June 13, 2006, that is in violation of this chapter shall be deemed a nonconforming use and must be discontinued within the time periods prescribed herein, unless a Conditional Use Permit is obtained in compliance with the provisions of this chapter. A nonconforming medical marijuana dispensary will be permitted to continue for a period of one (1) year from June 13, 2006, with a potential operating time extension for extenuating circumstances not to go beyond October 31,

2008, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. An application for a time extension for extenuating circumstances may be granted by the Planning Commission only upon a convincing showing of extreme financial hardship by the medical marijuana dispensary.

- (c) Notwithstanding the period during which non-conforming medical marijuana dispensaries are permitted to continue by this section, all non-conforming medical marijuana dispensaries shall comply with the restrictions set forth in Section 18.45.040 within ninety (90) days of the effective date of the ordinance enacting this Section.
- (d) A nonconforming medical marijuana dispensary shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.
- (e) Any medical marijuana dispensary lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of a conditional use permit pursuant to this chapter, of a school, library, day care facility or public or private park within one thousand (1,000) feet, any adult business which sells or provides in any manner drug paraphernalia within two hundred fifty (250) feet, any special needs housing facility within two hundred fifty (250) feet, or any residentially zoned property in the city within two hundred fifty (250) feet, except residentially zoned properties which are used for commercial or institutional uses, such as hospitals, correctional facilities or public utility facilities, and which abut M zoned property. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

SECTION 2. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. The Mayor shall sign and the City Clerk-Treasurer shall attest to the passage of this Ordinance. The City Clerk-Treasurer shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

SECTION 4. If any section, subsection, sentence, clause, phrase or provision of this ordinance is for any reason held to be invalid or unconstitutional, by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of

the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clause, phrases or portion be declared invalid or unconstitutional.

APPROVED AND ADOPTED this 22nd day of August 2006.

CATHY WARNER, Mayor

ATTEST:

KATHRYN A. MARSHALL,
City Clerk–Treasurer

CITY OF WHITTIER)
) SS
 STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at an adjourned regular meeting of the City Council of the City of Whittier on the 1st day of August 2006, and adopted at a regular meeting of the City Council of the City of Whittier on the 22nd day of August 2006 by the following roll call vote:

AYES: J. G. Nordbak R. L. Henderson O. Newcomer
 NOES: J. Vinatieri C. Warner
 ABSENT: None

WITNESS my hand and the official seal of the City of Whittier, California, this
 _____ day of _____ 2006.

 KATHRYN A. MARSHALL
 City Clerk-Treasurer