



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: City Manager's Office

CM/DCM/ACM: Sara Hensley, City Manager

DATE: June 6, 2023

SUBJECT

Consider adoption of an ordinance of the City of Denton adopting Chapter 21, Article V, of the City of Denton code of ordinances, titled "Marijuana Enforcement"; providing repealer, cumulative, and severability clauses; and declaring an effective date.

BACKGROUND

Proposition B, relating to marijuana enforcement, was approved by election on Nov. 8, 2022. The election was canvased on Nov. 22, and the provisions of Proposition B were codified as Chapter 21, Article V – "Marijuana Enforcement" within the Code of Ordinances.

Generally, the proposition prohibits the Denton Police Department from making arrests or issuing citations for low-level marijuana possession and using the smell of marijuana or hemp to establish probable cause for a search or seizure. It also prohibits the City from using City funds or personnel to request, conduct, or obtain testing of any cannabis-related substance. In a memo (**attached**) to the City Council dated Nov. 9, 2022, staff outlined the enforcement challenges of provisions within the Proposition due to conflicts with state law, federal law, and/or the City of Denton Charter. On Feb. 21, 2023, staff provided an implementation update to the Council.

On March 7, 2023, Council Member Davis presented a 2-minute pitch and requested that the City schedule a work session discussion regarding "which aspects of Prop B the City Council CAN give effect to, and how we can go about it". The City Council gave direction to hold the work session with that discussion occurring on April 18, 2023. No direction was provided at that time.

On May 16, Mayor Pro Tem Beck presented a 2-minute pitch and requested that City adopt the provisions of Proposition B by Ordinance at the next available Council meeting. The written request submitted by MPT Beck is provided below:

"On Tuesday, Nov 8, 2022, the voters overwhelmingly (~72%, ~34K citizens, and 43/45 precincts) approved Proposition B which is now Chapter 21.V in our code. Chapter 21.V implementation figured prominently in the May 6, 2023 election. As first pitched on 11/21/22, I request council to adopt the voter-approved ordinance as it was written, thereby obviating any potential confusion between the powers of council and the powers of initiatives. Council would be explicitly confirming the democratic will of the voters that elected them. Since such a recapitulative adoption involves NO additional effort by staff or council, I ask that this be given the maximum priority and appear as an item on the very next council meeting after direction is given. As part of this adoption, I request a 60-day implementation plan to allow staff to identify and propose any redlined

alterations they would recommend that would more firmly codify the clear intent of the voters over two election cycles.”

The City Council gave direction to place an ordinance containing the provisions of Proposition B on the next available Council meeting agenda on June 6, 2023.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

May 16, 2023:	2-Minute Policy Pitch from Mayor Pro Tem Beck
April 18, 2023:	Work Session Discussion Regarding Implementable Components of Prop B
March 7, 2023:	2-Minute Policy Pitch from Council Member Davis
Feb. 21, 2023:	City Manager Implementation Update to Council

EXHIBITS

1. Agenda Information Sheet
2. Ordinance
3. Nov. 9, 2022, City Manager Memo to City Council

Respectfully submitted:
Sara Hensley
City Manager

Prepared by:
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Chief of Staff