



**CITY OF HENDERSON**  
240 Water Street  
P. O. Box 95050  
Henderson, NV 89009

June 23, 2014

Marla L. McDade Williams  
Deputy Administrator  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Dear Ms. McDade Williams:

The City of Henderson (City) would like to clarify the process that the Department of Health and Human Services, Division of Public and Behavioral Health (Division), will be undertaking for the ranking of medical marijuana establishments. The City, as a result of action taken by the Clark County Board of Commissioners, will be given the ability to license five (5) dispensaries during the upcoming process. In discussions with City staff it was indicated that the Division will only transmit the top five ranked dispensaries, and if one of those applicants does not meet the City's criteria for any reason, we would then have to contact the Division to receive the name of the next ranked applicant.

This is problematic for three reasons:

- First, due to open meeting law requirements it may take weeks or months for the Mayor and City Council to work through the list if a request must go to the Division each time they want to know the name of the next ranked applicant.
- Second, the Mayor and City Council will be going through a process to award privileged business licenses. As staff, we feel they should be able to view the rankings of all applicants within the City and put them all through a rigorous vetting process that will rely heavily on the state ranking, but not be limited to that ranking.
- Third, the Mayor and City Council have a desire to pursue vertically integrated medical marijuana establishments when possible. Due to the Division not ranking applicants with the intent to vertically integrate (the Division indicated that separate rankings would be produced for each establishment type), the Mayor and City Council may want to take a lower ranked dispensary because they are the highest ranked cultivator. We believe this flexibility should be allowed and will make the selection process at the local level stronger.

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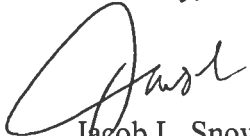
In review of Nevada Administrative Code 453A and in particular Section 28, we do not see any language that precludes the Division from sending all dispensaries that achieve conditional certification in a ranked list to the City. Section 28 only references the Division ranking the establishments from first to last. We do not believe there is language within the Nevada Administrative Code that would preclude the Division from sending the entire list of ranked dispensaries.

In summary, the City of Henderson would like to request that the ranking list sent to the Mayor and City Council at the end of the Division's 90-day evaluation period include all dispensaries that are eligible for certification and how those dispensaries are ranked. We believe the cultivation and production lists will already be sent in an inclusive manner, as there is no limit on the number of those establishments.

It would be greatly appreciated if a response to this request can be made by 12:00 p.m., July 1, 2014. The City Council will be considering the medical marijuana ordinances that evening and we would like to have an answer to these questions.

Thank you for your consideration of this request and we look forward to a strong partnership with the Division in moving forward with this new business type for the State of Nevada.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Snow", written over the printed name.

Jacob L. Snow  
City Manager

cc: Honorable Mayor and City Council, City of Henderson