



# *Memorandum*

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, MMC  
City Clerk

**SUBJECT:** The Public Record  
January 29, 2026 – February 5, 2026

**DATE:** February 11, 2026

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## **ITEMS FILED FOR THE PUBLIC RECORD**

### **Letters from Boards, Commissions, and Committees**

### **Letters from the Public**

1. Letter from Getting it Right from the Start, dated February 3, 2026, regarding: Getting it Right from the Start Presents: 2025 California Local Cannabis Policy Scorecards.
2. Letter from Mark Nagales, dated February 3, 2026, regarding: BART Board Workshop on Thursday, February 12.
3. Letter from Andrew Bigelow, dated February 3, 2026, regarding: Open Letter Regarding SJPD's Sweep on January 15th, 2026.



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Toni J. Taber, MMC  
City Clerk

TJT/tt



## Getting it Right from the Start Presents: 2025 California Local Cannabis Policy Scorecards

From Getting it Right from the Start [REDACTED]

Date Tue 2/3/2026 11:20 AM

To The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Ali, Fai [REDACTED]; Cicirelli, Jon <Jon.Cicirelli@sanjoseca.gov> [REDACTED] City Clerk <city.clerk@sanjoseca.gov>; Sollazzi, Wendy <Wendy.Sollazzi@sanjoseca.gov>

Cc Jason Soroosh [REDACTED]

2 attachments (931 KB)

Summary Methodology\_Storefront Retailers\_2025.pdf; San Jose 2025.pdf;

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[Getting it Right from the Start](#), a project of the Public Health Institute (PHI), is pleased to announce the release of our *2025 State of Cannabis Policy in California Scorecards* for each California jurisdiction that permits cannabis retail sales in storefronts and/or by delivery. Your jurisdiction's scorecard is attached, and all jurisdictions' scorecards are now available at

<https://www.gettingitrightfromthestart.org/custom/25-winter-updates/map-2025.html>.

Since 2019, we have publicly released these scorecards, modeled after the *State of Tobacco Control* California Local Grades, which have long been used by the American Lung Association. Now that your jurisdiction has likely set its basic policies and approach to legal cannabis commerce, these scorecards seek to highlight a second set of actions you can take to go beyond state law and build complementary guardrails to protect health. The scores are based on twenty-nine policies across six categories that policy research suggests best protect youth and public health and promote equity. We hope they will serve as a roadmap for community leaders like you to foster a safer cannabis market and provide a benchmark for your local adoption of best practices in cannabis regulation.

We populate these scorecards by collecting information on the cannabis retail, marketing, and taxation policies passed each year by cities and counties in California. We use multiple resources, including municipal codes and jurisdiction websites, as well as direct feedback from jurisdictions. We also

recognize and appreciate that your jurisdictions may be working hard in other ways to implement state law.

**Please note: This 2025 scorecard only reflects laws enacted as of January 1, 2025; Any policies passed after this date will be included in the 2026 scorecard.**

To protect California's progress in smoke-free air and to protect workers and patrons from secondhand smoke exposure, we continue to discourage the authorization of on-site consumption spaces. If allowed, we recommend against expanding these activities to restaurants or clubs allowed by the recently passed Cannabis Café bill (AB1775), which is subject to local authorization.

In response to the Medicinal Cannabis Patients' Right of Access Act (SB1186), we recommend that jurisdictions require all retailers conducting cannabis sales within their jurisdiction to obtain local permits, regardless of their jurisdiction of origin. This will enable monitoring and compliance. We developed a brief one-pager, [Principles for Jurisdictions Legalizing Delivery Services](#), as a tool for jurisdictions considering establishing or with established cannabis delivery services. It includes options such as using a nonprofit intermediary, requiring deliverers to use a third-party electronic identity verification process, and to provide evidence-based educational information to consumers.

State law also now requires retailers to make [standard health information](#) available to all customers and to offer it to new customers. Another state law that jurisdictions should be aware of is the Cannabis and Industrial Hemp: Advertising: Civil Action bill (SB1498). This bill empowers individuals outside the Department of Cannabis Control (DCC), such as the attorney general, a district attorney, a city attorney, or a county counsel, to bring an action against a cannabis licensee who has violated the state marketing restrictions, especially advertising that is attractive to youth.

Enclosed is a summary of the scorecard methodology, your jurisdiction's scorecard, and a map with examples of best practices adopted by fellow California cities and counties. A comprehensive explanation of our methodology is also available on our website at [gettingitrightfromthestart.org/custom/25-winter-updates/map-2025.html](http://gettingitrightfromthestart.org/custom/25-winter-updates/map-2025.html).

As you continue to shape your local policies, we invite you to review our [three model local ordinances](#) for California on cannabis retail, marketing, and taxation best practices to protect public health. You can also [visit our website](#) to learn more about our work, access other resources such as [fact sheets](#), and [make a TA request and/or join our listserv](#). We hope these tools help jurisdictions to allow legal cannabis sales without fostering the development of a new tobacco-like industry in our state.

Please let us know if we can assist your jurisdiction, and don't hesitate to send us any feedback about the scorecards via our [Scorecard Feedback form](#).

*The Getting it Right from the Start team:*

Alisa A. Padon, PhD  
Research Director

Aurash J. Soroosh, RD, MSPH  
Policy Associate

Lynn Silver, MD, MPH, FAAP  
Director

Kiara Gonzalez  
Health Equity Program Coordinator

Getting it Right from the Start  
Public Health Institute

<https://gettingitrightfromthestart.org/>

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## 2025 STOREFRONT SCORECARD METHODOLOGY

### Where jurisdictions allow sales at storefront retailers (may also allow delivery):

The scores are based on **six key categories of policies** that local governments can enact to advance public health and equity if they opt to allow cannabis retail sales in storefronts. Based on the best available evidence, policies with the greatest potential for achieving these goals received higher points. Cannabis laws passed by January 1st, 2025, were identified using legal databases, municipal codes, and direct outreach to cities and counties. The maximum score possible was 100.

**1) RETAILER REQUIREMENTS (28 total points possible):** Strategic limits on cannabis retailers and educating consumers can decrease youth use and risks of cannabis use.

- **Caps on Retailers (10 points max).** Limit the number of licensed retailers; we used a ratio of retailers to inhabitants.
- **Distance from Schools (5 points).** Mandate a distance greater than 600 feet between K-12 schools and retailers.
- **Retailer Buffers (2 points).** Mandate a required distance between retailers.
- **Other Location Restrictions (3 points).** Mandate a distance between retailers and other youth-serving sites not covered by state law, such as parks, playgrounds, or universities, or other locations, such as residential areas.
- **Health Warnings Posted in Stores OR Handed Out to Customers (8 points max).** Mandate retailers post and/or hand out health warnings informing consumers of relevant risks at the point of sale.

**2) TAXES & PRICES (20 total points possible):** Taxes and higher prices can decrease youth access while raising valuable revenue for local communities.

- **Local Cannabis Tax (6 points).** Impose a local tax on cannabis retail sales.
- **Dedicated Tax Revenue (6 points max).** Dedicate tax revenue to youth programs, prevention, or reinvestment in the communities most affected by the war on drugs.
- **Tax by THC Content (5 points).** Impose higher tax rates for high potency (high THC) products.
- **Discounting (2 points).** Prohibit cannabis discounting such as coupons or discount days.
- **Minimum Price (1 point).** Establish a minimum price floor for cannabis.

**3) PRODUCT LIMITS (17 total points possible):** End the Cannabis Kids Menu of products that appeal to youth and limit products that increase adverse effects.

- **Limit Potency (6 points max).** Prohibit sale of high potency cannabis flower and products through bans or ceilings.
- **Flavored Products (Non-Edibles) (5 points).** Prohibit sale of flavored inhalable (non-edible) products.
- **Cannabis-Infused Beverages (4 points).** Prohibit sale of cannabis-infused beverages.
- **Products Attractive to Youth (2 points).** Prohibit sale of products attractive to youth more clearly than state law.

**4) MARKETING (18 total points possible):** Limit marketing exposure to decrease youth use and educate consumers.

- **Billboards (6 points max).** Restrict or prohibit the use of billboards to advertise cannabis.
- **Health Warnings on Ads (4 points).** Require health warnings on all cannabis advertisements.
- **Therapeutic or Health Claims (3 points).** Prohibit therapeutic or health claims on cannabis labels, packages, and ads.
- **Business Signage Restrictions (3 points).** Restrict on-site business advertising.
- **Marketing Attractive to Youth (2 points).** Prohibit advertising attractive to youth more clearly than state law.

**5) SMOKE-FREE AIR (8 total points possible):** Smoke-free air policies can reduce secondhand smoke exposure and discourage youth use.

- **Temporary Events (5 points).** Prohibit temporary cannabis events such as at county fairs or concerts in parks.
- **On-Site Consumption (3 points).** Prohibit on-site cannabis consumption, whether by smoking, vaping, or use of edibles.

**6) EQUITY & CONFLICTS OF INTEREST (9 total points possible):** Cannabis policy can promote social equity and reduce conflicts of interest.

- **Priority in Licensing (3 points).** Prioritize equity applicants when issuing cannabis business licenses.
- **Equity in Hiring (3 points).** Require hiring to prioritize low-income, transitional, or other workers from communities disadvantaged by the war on drugs.
- **Cost Reduction/Deferral (1 point).** Reduce/defer the costs of cannabis business licenses for equity applicants.
- **Conflict of Interest (2 points max).** Prohibit on-premises patient evaluations, prescriber ownership or other financial relationships with retailers, industry representation in oversight, or industry communication with application evaluation committee members.

# Cannabis Policy

San Jose

## 2025 SCORECARD

This scorecard analyzes local cannabis ordinances passed prior to January 1, 2025, in each California city or county that legalized storefront retail sales, to assess policies in effect going into 2024. It evaluates to what extent potential best practices were adopted to protect youth, reduce problem cannabis use and promote social equity beyond those already in state law. Scores fall into six public health and equity focused categories for a total maximum of 100 points.



Policy Adopted Beyond State Law
No Policy Adopted Beyond State Law
Weaker than State Law

RETAILER REQUIREMENTS	TAXES & PRICES	PRODUCT LIMITS	MARKETING	SMOKE-FREE AIR	EQUITY & CONFLICTS OF INTEREST
Limit # of retailers (max. 10 pts)	10	Local retail tax (6 pts)	6	Limit high potency products (max. 6 pts)	0
Require distance >600 ft. from schools (5 pts)	-5	Revenue dedicated to youth, prevention or equity (max. 6 pts)	0	END THE CANNABIS KIDS MENU	0
Require distance between retailers (2 pts)	2	Tax by THC content (5 pts)	0	No flavored products for combustion or inhalation (max. 5 pts)	0
Other location restrictions (max. 3 pts)	1	Prohibit discounting (2 pts)	0	No cannabis-infused beverages (4 pts)	0
Health warnings posted in store or handed out (max. 8 pts)	4	Minimum price (1 pt)	0	Limit other products/ packaging attractive to youth (2 pts)	0



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**Fw: BART Board Workshop on Thursday, February 12**

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**From** City Clerk <city.clerk@sanjoseca.gov>

**Date** Tue 2/3/2026 3:58 PM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

**Office of the City Clerk | City of San José**

200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

How is our service? Your [feedback](#) is appreciated!

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**From:** Mark Nagales [REDACTED]

**Sent:** Tuesday, February 3, 2026 3:53 PM

**To:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

**Cc:** Webmaster Manager <webmaster.manager@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Bradley Dunn [REDACTED]

**Subject:** BART Board Workshop on Thursday, February 12

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Some people who received this message don't often get email from mark.nagales@bart.gov. [Learn why this is important](#)

Dear Mayor Mahan, City Council, and City Manager Maguire;

BART is hosting our annual Board Workshop on Thursday, February 12<sup>th</sup> beginning at 9 am. As part of the workshop, our Board of Directors asked for detailed plans on an Alternative Service Framework if a November 2026 ballot measure fails and no other operating revenue source is identified. To develop this Framework and create a balanced budget, BART staff evaluated multiple aspects of BART service (e.g., routes, stations, headways, peak, evening and weekend service) and did the difficult work of calculating the service and staff reductions needed and support services cuts required to close the projected FY27 \$376M deficit.

BART staff will post the workshop materials on Thursday, February 5. The materials will outline very specific details, including naming stations that would need to be closed due to a lack of operating funds

and the phased approach to triggering further cuts. This planning is a necessary and prudent step in preparing for a variety of financial scenarios and educating the public and stakeholders. More risk analysis is required, and the scenarios will continue to evolve. As soon as materials are available to the Board, we will share them with you.

The agenda for the workshop is:

1. 2026: A Defining Year for BART
  - a. The importance of BART to the region
  - b. Fiscal year 2027 budget strategy
  - c. Timeline lookahead at key milestones and board actions
2. Connect Bay Area Measure Fails FY27 Strategy
  - a. Budget framework and phasing approach
  - b. Service reductions and non-service budget actions
3. Grow Ridership and Build Confidence
  - a. Financial stability: efficiencies and cost savings
  - b. The New BART has arrived: focus on the customer

We welcome your participation in the workshop. You may join in person (2150 Webster Street, Oakland, CA 94612) or via Zoom videoconferencing (<https://us06web.zoom.us/j/89025424156>)

Written comments may be addressed to the BART Board in advance via email to [Board.Meeting@BART.gov](mailto:Board.Meeting@BART.gov), using “public comment” as the subject line, before 3:00 p.m. on Wednesday, February 11<sup>th</sup>.

All the best,

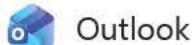
**Mark Nagales**

Principal Government and Community Relations Representative  
San Francisco Bay Area Rapid Transit (BART)  
2150 Webster Street, 10<sup>th</sup> Floor | Oakland, CA 94612  
Office: 510-464-6390  
[REDACTED]  
[mark.nagales@bart.gov](mailto:mark.nagales@bart.gov)



**Remote: Thursdays & Fridays**

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## Fw: Open Letter Regarding SJPD's Sweep on January 15th, 2026

**From** City Clerk <city.clerk@sanjoseca.gov>

**Date** Tue 2/3/2026 3:59 PM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

1 attachment (144 KB)

Open Letter Regarding SJPD's Sweep on January 15th, 2026.pdf;

**Office of the City Clerk | City of San José**

200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

How is our service? Your [feedback](#) is appreciated!

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**From:** Andrew Bigelow [REDACTED]

**Sent:** Tuesday, February 3, 2026 3:55 PM

**To:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; [REDACTED]  
[REDACTED]; Chief.sjpd <chief.sjpd@sanjoseca.gov>

**Cc:** Elizabeth Gonzalez [REDACTED] Raj Jayadev [REDACTED]

**Subject:** Open Letter Regarding SJPD's Sweep on January 15th, 2026

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Hello all,

Attached is an open letter addressing our concerns with a recent violent sweep of our unhoused neighbors near The Plant Shopping Center in San Jose on January 15th by SJPD. The letter is supported by the following organizations that have signed on:

- Silicon Valley De-Bug
- Unhoused Response Group (URG)

- Asian Law Alliance
- Coalition for Justice and Accountability
- Guadalupe Residents Advocating for Community Empowerment (GRACE)
- NAACP of Silicon Valley
- Showing Up for Racial Justice Santa Clara County (SURJ SCC)
- Sacred Heart Community Service
- San Jose Nikkei Resisters
- CHAM Deliverance Ministries
- Services, Immigrant Rights, and Education Network (SIREN)
- Bay Area Super Heroes (BASH)
- San Jose May Day Coalition

Thank you for your attention to this.

Andrew Bigelow  
Silicon Valley De-Bug

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**January 30th, 2025**

Mayor Matt Mahan  
Vice Mayor Pam Foley  
Council Member David Cohen  
Council Member Rosemary Kamei  
Council Member Peter Ortiz  
Council Member George Casey  
Council Member Michael Mulcahy  
Council Member Carl Salas  
Council Member Bien Doan  
Council Member Domingo Candelas  
Council Member Pamela Campos  
Council Member Tordillos  
San Jose Police Department Chief Paul Joseph  
Santa Clara County District Attorney Jeff Rosen

**Re: SJPD's Sweep on January 15th, 2026**

We are writing to address our concerns with a recent violent sweep of our unhoused neighbors near The Plant Shopping Center in San Jose on January 15th by SJPD.

This particular sweep on January 15th was emblematic of all the issues of these systemic attempts to further displace our City's most vulnerable. As reported by our partners at the Unhoused Response Group (URG), witnesses and victims of the sweep said there was no warning before SJPD drug people out of their tents with some dressed only in underclothes in the cold weather. Several people were arrested and later released with trespassing charges. And like with all these sweeps, people's belongings were discarded. Some of them were day laborers and now have no clothing or work tools.

To make matters worse, both SJPD and Mahan boasted about the sweep on social media with SJPD listing the number of people they arrested and cited. They included a picture of several people sitting on a curb, all of them handcuffed behind their backs faced away from the camera. It resembled the type of propaganda we are seeing from the current Department of Homeland Security conducting their violent raids across the country. Gloating about arresting and citing people for reasons directly related to being houseless is making a spectacle of their suffering. Also, similarly to DHS, the cruel conduct is justified by publicly calling them criminals. This

sweep was also conducted by an SJPD unit named the “Quality of Life” unit whose responsibilities are seemingly looking for unhoused people to contact and potentially arrest.

We see this recent sweep as exemplifying where poverty, immigration, and policing intersect. Sweeps are already a cruel tactic to further displace and criminalize the poorest of our community, but the police contact and any potential prosecution after can also lead to dire consequences for our unhoused immigrant neighbors. Given the undeniable, violent conduct of federal ICE agents across this country and the raid-type of sweep people experienced at the hands of SJPD, we see our local police paralleling what the world has been witnessing around the country: armed, aggressive police terrorizing, criminalizing and detaining vulnerable residents of our city. Along with the increased threat of ICE contact because of these raid-styled sweeps to our unhoused immigrant neighbors, SJPD is essentially doing ICE’s business for them.

Lastly, this is all particularly appalling, and we believe intentionally timed, given the backdrop of the Super Bowl coming to the South Bay on February 8th. We have seen campaigns by the Mayor to host “clean-ups” and “beautify” our City before our wealthy out of town guests come. This same language of “beautifying” and “cleaning up” is how SJPD described this recent sweep. We are left to tie the safety of our unhoused neighbors from aggressive police terrorizing them, arresting and discarding all they have as part of this effort to prepare the City of San Jose for a national spotlight. This is cruel, immoral, and exemplifies the priority of the Mayor’s office to create an aesthetic in this city, including ridding it of those in need, living on our streets.

Given all above, we demand the City of San Jose and the Santa Clara County District Attorney Office to:

- **Stop the systematic sweeps of our unhoused community.** These are a costly, inefficient and cruel way to address an undeniable housing crises in our city and we demand this practice stop.
- **District Attorney to not file criminal charges on those who were cited and arrested in the sweep.** Again, any prosecution of these poverty related citations and arrests will impact all of those who were arrested but will especially make those who are immigrants more at risk of ICE contact.
- **Stop using city resources, the SJPD, to do ICE enforcement.** We do not want our public resources to be used to terrorize our unhoused neighbors and put those who are immigrants at further risk.
- **Dismantle the “Quality of Life” police unit within SJPD.** The deceptive name for this unit is especially cruel given their purpose of targeting poor and unhoused residents.
- **Stop the towing of all lived in vehicles and those of all unhoused/marginally housed people with expired registration.** Additionally, as part of provider metrics, ensure providers pay for client’s registration/repairs/insurance, if requested and agreed to, within three months.

- **Stop SJPD profiling, harassment and citing of unhoused people who are accessing city trails.** Unhoused people, much like police officers, cannot be treated as a monolithic group, their presence on a trail cannot be assumed to be trespassing.
- **Stop SJPD threats to cite advocates providing aid to unhoused people.** SB 634 prohibits cities from punishing individuals or organizations for providing food, water, medicine, or, in some cases, shelter, to unhoused people.

**The letter above written by:**

- Silicon Valley De-Bug
- Unhoused Response Group (URG)

**This position as articulated in the letter above is supported by:**

- Asian Law Alliance
- Coalition for Justice and Accountability
- Guadalupe Residents Advocating for Community Empowerment (GRACE)
- NAACP of Silicon Valley
- Showing Up for Racial Justice Santa Clara County (SURJ SCC)
- Sacred Heart Community Service
- San Jose Nikkei Resisters
- CHAM Deliverance Ministries
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