

08-0923-S16

OCT 07 2011

For WSD 10/12

TO CITY CLERK FOR PLACEMENT ON NEXT
REGULAR COUNCIL AGENDA TO BE POSTED

#54

MOTION

Commencing in 2007, more than 850 storefront medical marijuana dispensaries have opened within the City limits, all without land use approval under the Los Angeles Municipal Code (LAMC). An unknown number of these businesses, estimated to number in excess of 250 dispensaries, continue to operate in Los Angeles without having obtained land use authorization, which the LAMC limits to those uses enumerated in the Code. New dispensing collectives continue to open on a daily basis, including within 600 feet of schools, which is prohibited by State law (California Health & Safety Code Section 11362.768.

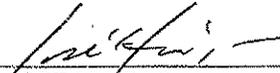
In an effort to implement the Compassionate Use Act and the Medical Marijuana Program Act, the City Council enacted measures to reduce and restrict the operation of medical marijuana collectives. Article 5.1 was added to the LAMC, through the original medical marijuana ordinance (MMO) adopted in January 2010 and through the temporary urgency medical marijuana ordinance (TUO) adopted in January 2011. These regulatory measures remain the subject of more than fifty lawsuits filed against the City by more than one hundred collectives. The legality of the MMO has been fully briefed and is pending before the state court of appeal; the legality of the TUO is fully briefed and has been taken under submission by the state trial court.

This week, the Second Appellate District of the Court of Appeal, whose decisions bind the City of Los Angeles, issued its ruling in the case of *Pack v. City of Long Beach*. That ruling, which is not final, calls into question the ability of a municipality to regulate collectives. According to the *Pack* court, cities may restrict and limit the actions of collectives, but cities may not regulate in a manner that permits or authorizes collectives because such facilitation violates federal law. Marijuana remains a banned Schedule I drug under the Controlled Substances Act.

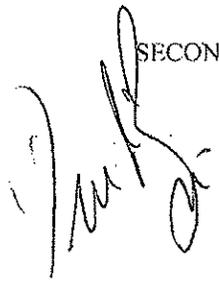
On October 7th, California's four United States Attorneys are expected to announce federal enforcement actions targeting sales, distribution, and cultivation by the State's marijuana industry. At the same time, our neighborhoods continue to complain daily about the disruption and public safety issues presented by collectives that are operating storefront, growing, private home, mobile, and other medical marijuana businesses in the City. The resources of the Los Angeles Police Department and the Office of the City Attorney have been aggressively burdened during these times of fiscal belt tightening by the volume of unauthorized collectives.

I THEREFORE MOVE that the Council request the City Attorney to appear before the Council in closed session, pursuant to Government Code Section 54956.9 (a) in order to discuss *Medical Marijuana Collectives Litigation*, Los Angeles Superior Court Case No. BC433942 (Lead Case) and all related actions; and *City of Los Angeles et al. v. 420 Grand, et al.*, Los Angeles Superior Court Case No. BC444336, in light of the *Pack* decision, other applicable rulings, and the actions of the federal government.

PRESENTED BY:


JOSE HUIZAR
Councilmember, 14th District

SECONDED BY:

OCT 7 2011

ORIGINAL

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