



Candy Rosales <candy.rosales@lacity.org>

Please Support the Koretz/Wesson Motion in PLUM on Tuesday

1 message

Sarah Armstrong <resipsa2005@gmail.com>

Fri, May 25, 2012 at
5:43 PM

To: Sarah Armstrong <resipsa2005@gmail.com>

Bcc: candy.rosales@lacity.org

VIA E-MAIL AND FACSIMILE (213) 485-8907

May 25, 2012

The Honorable Ed Reyes
Chairman
Planning and Land Use Committee
200 North Spring Street
Room 410
Los Angeles, CA 90012

Re: Council File 08-0923-S17 – Consideration of Koretz/Wesson Motion Requesting the City Attorney to Write a Limited Immunity Ordinance/Tuesday May 29, 2012 PLUM Meeting

Dear Councilman Reyes:

I'm writing to request that the Koretz/Wesson Motion (attached) be considered at the next PLUM Meeting for the following reasons:

1. The Koretz/Wesson Motion is a more compassionate solution than an outright ban.
2. It would have the same ability to enforce against bad actors that a ban would. It could also be drafted to provide any additional benefits a ban ordinance conferred.
3. If closed sessions discussing Huizar's Motion to Ban were not attended by all Council Members (the last two closed sessions were April 24th and May 16th) proponents of a ban could be moving their motion forward before the entire Council was aware of all the available options.
4. Council and Council Staff may be unaware of the benefits and advantages the Koretz/Wesson

motion would create. A full hearing on this matter in PLUM would help correct this problem.

5. If only the Huizar motion to ban is discussed at PLUM, it gives Council only half the information they need to make an informed decision.

A limited immunity ordinance confers the same advantages a ban ordinance does, plus many more. Chief among these benefits is that the sick and dying in Los Angeles would still have access to medical cannabis, but the proliferation of rouge actors would end. A limited immunity ordinance would also avoid an avalanche of lawsuits and the voter referendum which would surely follow Huizar's Motion.

As you are probably aware, a series of settlement conferences took place between the City and Cannabis facilities, but were terminated abruptly for reasons that were never made clear. I was present during these discussions and would characterize them both as historic and effective. In my opinion, at the time the discussions ended, the group was very close to fashioning a good ordinance that would have served the City well.

The Pre-ICO contingent, particularly the GLACA folks, would gladly return to the settlement table if that is the City's wish. Judge Bendix, who supervised the settlement talks, has indicated a willingness to resume in the past, should the parties want to come back to the table.

It was never the City's intention to allow hundreds of rogue facilities to continue to operate. Limiting this new round of settlement talks to those the City has vetted and has been dealing with for over half a decade might yield fruitful results. A Limited Immunity Ordinance could include these talks, a ban does not.

In the interest of a full discussion of all the available options, I would implore you to make sure the Koretz/Wesson Motion is fully discussed at the next PLUM Meeting. Thank you for your time and attention to this matter.

I can be reached at [\(805\) 279-8229](tel:8052798229) if you have any questions.

Sincerely,
Sarah Armstrong
Legal Liaison
The Greater Los Angeles Collective Alliance

Cc: Interested Members of the Los Angeles City Council
UFCW Local770
Don Duncan – Americans For Safe Access
The Greater Los Angeles Collective Alliance

Jane Usher – City Attorney’s Office
Judge Helen Bendix

Encl: (1) Koretz/Wesson Motion



Koretz Wesson Motion.pdf
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08-0923-517

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PLANNING & LAND USE MANAGEMENT

MOTION

The City is in the process of complying with various court rulings controlling its regulation of medical marijuana. On January 26, 2012 the City Planning Commission discussed the matter and moved forward in recommending a "gentle ban" to the City Council until such time as the California Supreme Court issues clearer guidance to cities.

The City has strived for more than seven years to strike a balance between carefully regulating medical marijuana facilities and assuring patient access to medication. The "gentle ban" would eliminate all medical marijuana dispensaries while still providing for distribution by licensed health care facilities and for home-based cultivation by patients and care-givers. This approach may result in a hardship for seriously ill patients who cannot cultivate at home and who lack access to a licensed health care provider or a care-giver who will cultivate for them.

A second more reasonable approach to compliance could include a limited immunity approach whereby the City proceeds forward with a ban on dispensaries but uses its prosecutorial discretion to abstain from any enforcement action against the limited number of dispensaries that do not violate a set of City Council imposed restrictions. This approach would protect neighborhoods while still assuring limited safe access for patients within the confines of ever evolving case law.

I THEREFORE MOVE that the City Attorney report to the Council regarding the gentle ban with limited immunity approach and that an ordinance implementing that approach be presented to the Council as an alternate to the ban approved by the City Planning Commission.

ORIGINAL

PRESENTED BY



PAUL KORETZ
Councilmember, 5th District


MAY 9 2012

SECONDED BY

