

Contact Information

Neighborhood Council: Studio City Neighborhood Council

Name: Lisa Sarkin

Phone Number: 818-980-1010

Email: lsarkin@scnc.info

Date of NC Board Action: 10/21/2009

Type of NC Board Action: For Proposal

Impact Information

Date: 10/22/2009

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 08-0923

Agenda Date:

Item Number:

Brief Summary: The SCNC supports draft ordinance 08-0923.

Additional Information: We request that the City Council pass the draft ordinance now without further delays; that the final ordinance not authorize any activity beyond the limited scope of the State of California's medical marijuana laws; and that this ordinance include the following urgency clause "The City Council finds and declares that this Ordinance is required for the immediate protection of the public peace, health and safety."

SCNC BOARD

Barbara Monahan Burke
 Extra Dweck
 Victor Helo
 Remy Kessler
 Michael McCue
 Ben Neumann
 Richard Niederberg
 Todd Royal
 Lisa Sarkin
 Jeffrey Steinberg
 Gail Steinberg
 Ron Taylor
 John Walker



**SPECIAL BOARD MEETING
 DRAFT MINUTES**

WEDNESDAY, OCT 21, 2009 9:30 PM
 at
CBS Studio Center, Building 8, MPR-3
4024 Radford, Studio City CA, 91604

PRESIDENT
 (acting) John T. Walker

VICE PRESIDENT
 John T. Walker

TREASURER
 Remy Kessler

SECRETARY
 Gail Steinberg

CORRESPONDING SECRETARY
 Lisa Sarkin

4024 Radford Ave.
 Edit. Bldg. 2, Suite 6
 Studio City, CA 91604
 Phone (818) 655-5400
www.scnc.info

The public is requested to fill out a "Speaker Card" to address the Committee on any item of the agenda prior to the Committee taking action on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the Agenda that is within the Committee's subject matter jurisdiction will be heard during the Public Comment period. Public comment is limited to two minutes per speaker, unless directed otherwise by the presiding officer of the Board. The agenda is posted for public review at: Studio City Neighborhood Council website (www.scnc.info); as well as CBS Studio Center, Radford and Colfax gates; the Studio City Library, 12511 Moorpark St.; the Studio City Recreation Center, 12621 Rye Ave. and at Carpenter Avenue Elementary School, 3909 Carpenter Avenue, Studio City, CA 91604. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least three (3) business days (72 hours) prior to the meeting you wish to attend by contacting the Neighborhood Council Project Coordinator (213) 473-5391 or by e-mail to Thomas.Soong@lacity.org.

1. Call to Order and Roll Call. Roll Call: Ezra Dweck –excused, Victor Helo-present, Remy Kessler-present, Michael McCue - present, Ben Neumann - excused, Richard Niederberg - present, Todd Royal-excused, Gail Steinberg - present, Ron Taylor - present, John T. Walker-present. Lisa Sarkin -present, Rita Villa - present, Jeffrey Steinberg - present, Barbara Monahan Burke –present. 10 board members are present and a quorum is achieved. 6 "yes" votes required to pass a motion.

2. Approval of Minutes. None.

3. Public Comment on non-agenda items within the Committee's jurisdiction. Barry Johnson. Operating procedures require that comment is limited to 3 minutes per speaker. It should be changed to 2 minutes.

4. Member's Responses to Public Comments. None

5. MOTION: The Board of the Studio City Neighborhood Council supports the issuance of a letter to the Mayor, City Council and City Clerk substantially in the form attached hereto regarding the adoption of an ordinance governing medical marijuana dispensaries. Lisa Sarkin/Rita Villa.

Moved: Rita Villa; **Second** Lisa Sarkin; **Lisa Sarkin** reported that there was a second sheet that was distributed which is a community impact statement. She also reported that she had sent out an email from Jam Usher regarding the 4th draft ordinance. See attached. Additionally, as we now have a council file number for this matter we are also bringing forth a community impact statement. **Rita Villa** proposed an **amendment** to add the words "Community Impact Statement and" after the words "issuance of" in the first sentence of the motion. The amendment received a **second** from **Michael McCue**. **Ron Taylor** is curious if taxes are being collected on the sales of marijuana by dispensaries. He supports the decrease in availability of marijuana within the spirit of the law the citizens of California have supported. **Michael McCue** attended the NC Action Summit and Jane Usher was one of the presenters. He also stated that stakeholders brought this matter to the SCNC a couple of years ago making a poignant request to allow medical marijuana collectives. The SCNC Board was in favor of medical marijuana use. Those were to be collectives or cooperatives. Collectives are composed of people who need the medicine and are growing it themselves, only paying for the cost of growing it to each other. These are not the same as dispensaries with for profit sales. **Rita Villa** advised that coops are not to be eliminated by this ordinance. **Richard Niederberg** said that medical marijuana is not being distributed used as it should be. **Lisa Sarkin** stated that the correct council file number is

080923. **Barry Johnson** stated that Obama said he would not enforce the law against the sale of marijuana in cases where it is being grown for medical use but that does not make the law go away. The city of Oakland has 4 coops. Even if LA were 10 times bigger than Oakland we would not need more than 40 dispensaries. John Walker read the amended motion:

MOTION: The Board of the Studio City Neighborhood Council supports the issuance of a CIS and a letter to the Mayor, City Council and City Clerk substantially in the form attached hereto regarding the adoption of an ordinance governing medical marijuana dispensaries. Vote: 10-0-0. Motion passes.

6. Adjournment. Moved: Michael McCue; Second Lisa Sarkin; Vote 10-0-0.



The final ordinance must be completely in line with State of California law and it should not include a permitting scheme. When the PLUM committee asked the City Attorney for clarification on certain court cases they were given legal advice on those and several others they had not asked for but were recently published. One case, the City of Claremont v Kruse clearly drew the distinction that the CUA and MMP did not mention or require dispensaries and that Cities had the right to ban them as a nuisance as the City of Claremont did. This is from the City Attorney report *"The court upheld the trial court's determination that defendants' dispensary constituted a nuisance per se based on violations of the City's municipal code. The court also addressed the applicability of both the CUA and the MMP and found that neither preempted the City's actions. In fact, both the CUA and MMP expressly allow local regulation. Significantly, in discussing the CUA, the court noted the narrow nature of the initiative, and the abundant case law supporting this view. For example, courts have determined that the CUA did not create a 'constitutional right to obtain marijuana: and they have refused to expand the scope of the CUA to allow the sale or nonprofit distribution of marijuana by medical marijuana cooperatives. (Ibid.; Peron, supra, at pp.1389-1390.) Kruse at p. 17. The California Supreme Court has explicitly endorsed, in Mentch and numerous other cases involving medical marijuana, strict construction of the CUA and cautioned against a broad interpretive approach. As proposed in the Office's draft ordinance, we can adhere to this approach and also provide compassionate access to medical marijuana through the recognition and regulation of collective cultivation projects."*