

Opinion: S. Lake council violating federal drug laws

Publisher's note: *The following is a letter written to the South Lake Tahoe City Council that is reprinted with permission.*

Dear City Council Members,

The California Court of Appeal for the Second Appellate District issued an opinion on Oct. 11, 2011, in *Pack v. City of Long Beach*, that federal law preempted certain provisions of the city's marijuana ordinance.



Steve Kubby

As a result, it is clear that the South Lake Tahoe City Council is prohibited by federal drug laws and the Controlled Substances Act, from creating and regulating conditions which facilitate the cultivation of marijuana. In *Pack v. Long Beach*, it was decided that such ordinances are beyond the powers of any city or county, due to the fact that only the federal government can regulate marijuana.

State law is not in conflict with the CSA or federal drug laws, as it merely decriminalizes possession and cultivation of marijuana statewide, for certain individuals, in a defined medical class.

The SLT Cultivation Ordinance and its goals are in direct

conflict with the federal CSA, and places each member of the SLT City Council at personal risk of criminal prosecution.

I strongly suggest you consult with legal experts to review whether or not this council has violated Federal law with its cultivation ordinance. Furthermore, I would suggest that any and all fees, fines and penalties that are collected by the city under this ordinance could be considered as serious violations of federal drug laws regarding money laundering and facilitating federal crimes.

In the meantime, you should definitely consider protecting yourselves from federal prosecution and possible prison time by immediately suspending the SLT Cultivation Ordinance, while you obtain competent legal advice.

Let freedom grow,

Steve Kubby, South Lake Tahoe