

S. Tahoe officials jittery about legalities of medical pot

By Kathryn Reed

Cities across California are fearful of what a medical marijuana decision out of Long Beach will mean to them as well as what the feds may do.

South Lake Tahoe and Sacramento's city councils on Tuesday wrestled with what to do with their respective ordinances. In predictable fashion, South Lake Tahoe couldn't make a decision. Sacramento voted to essentially put its 38 dispensaries on hold – with their permit application deadlines extended seven months.



After nearly three-dozen people spoke to the issue Nov. 15, the South Tahoe council voted to continue the meeting to Nov. 29 at 5pm.

The city has three dispensaries that are allowed under an ordinance that was voted on in September. A separate ordinance regulates growing marijuana in residential areas.

One of the options discussed was similar to what Sacramento decided to do. Other alternatives include banning dispensaries or doing nothing – as in keeping the status quo. There is also the Berkeley method that essentially lets the collectives operate under a permit and not an ordinance.

City Attorney Patrick Enright was tasked with finding out more about what Berkeley does.

What many of the people at the Tuesday meeting didn't seem to get was the council has no desire to deny people medical marijuana. What they want to avoid is literally or figuratively having the feds come in with guns drawn.

The federal government in the past has used money as a way to force compliance – just look at how the states all have 21 as the legal drinking age instead of 18 and how speed limits are 65mph. The threat of federal dollars going away brought states to their knees.

South Tahoe would also like to avoid being sued. After all, as was pointed out by Councilwoman Claire Fortier, the Long Beach case was a result of the dispensaries not selected in a lottery system suing the city.

The Pack vs. Long Beach decision by a state appellate court says that city's medical marijuana ordinance violates federal law. The feds believe marijuana is an illegal drug.

A petition has been filed with the state Supreme Court. The court has until mid-January to decide if it will take up the case; then it could be another year before it does. An application has also been filed to have the Long Beach case de-published. This would mean the ruling would only pertain to Long Beach and nowhere else in California.

Michael Stallings, one of the few people who actually spoke to the issue at hand, was articulate as he expressed his desire to suspend permitting of dispensaries – essentially the route Sacramento took.

“The responsible thing to do is allow the state Supreme Court to rule,” Stallings said.

Kashon Kohler said, “Be bold and continue to stand up for your community. The country is learning from what is going on in Tahoe.”

Even though states are supposed to be able to govern themselves – and 17 have legalized medical marijuana – the Obama administration says otherwise. It is cracking down on weed as medicine. No firm number is out there as to how many collectives exist in California because not all are permitted by a city or county. Estimates range from 500 to 2,500.

South Tahoe Councilman Bruce Grego said he's heard of two in the city limits that are operating beyond the three that are legally allowed.

Californians approved Proposition 215 in 1996. This allowed marijuana for medicinal purposes. Some have said the medical marijuana industry is a \$1.5 billion business in California.

Not all cities are running from the feds. The Marin Alliance for Medical Marijuana is the oldest licensed dispensary in the state, having started 14 years ago. The Fairfax Town Council on Nov. 4 voted to keep the \$1 million-a-year business operational despite the threat by the feds to prosecute the landlord.

In other action the council:

- Put off a decision and discussion about funding the economic analysis of the South Shore Vision until the Dec. 13 meeting.
- Agreed to go forward with altering business license fees. The idea is the higher grossing businesses would pay more, while the smaller businesses would pay less. Councilman Tom Davis is against having automatic increases tied to the Consumer Price Index. It was left that the CPI would not be part of the new funding structure. However, that would ultimately mean the city would be collecting less from businesses than it does now because the current fee is tied to the CPI. No one on the council or staff brought the funny math to light. The council will have the business tax as a formal agenda item to approve in January, with the projected date for voters to cast a ballot being in June.

- Heard from Bill Crawford questioning why Measure S (now Measure R) bonds might become taxable. He also said the city should take over operation of the recreation bond instead continuing to have John Upton be the sole paid staff member.
- Sided with Michael McKinney in allowing him to be a BlueGo bus driver.
- Agreed to spend an extra \$6,000 on the annual survey that goes out in December to be published in Spanish. This brings the cost to \$16,000. Davis voted against it. Councilwoman Fortier had left for the TRPA meeting by this time.
- Was adamant in not wanting to increase fees for vacation rental owners. They were disappointed Finance Director Christine Vuletich didn't bring forward ways to increase revenue. The fees are only supposed to cover the cost of doing business, not be a revenue generator. She was directed to bring back in more detail the idea of hiring a company that would be paid a percentage of taxes currently not being collected or fees not being collected.
- Wants to implement a utility cut fee so the entity mucking them up the roads would fix them.