

South Lake Tahoe confident; keeps pot ordinance intact

By Kathryn Reed

“Bring it on!”



That was essentially what the five members of South Lake Tahoe’s City Council said Tuesday night at the conclusion of a one-hour special meeting about the medical marijuana ordinance.

“Let them react to us for a change,” Councilman Tom Davis said after Councilman Bruce Grego led the charge to stick with the status quo.

The reference is to the feds who keep waffling on what their stance is in regards to medical marijuana as well as to the recent Pack vs. Long Beach court decision.

The Nov. 29 meeting was a continuation of the Nov. 15 meeting when attendees spilled into the lobby area where they had to watch the proceedings via a television monitor. The latest meeting, though people nearly filled the room, was much more subdued with only five people speaking.

All the council members agreed much give and take has gone on for the last two years to come up with what all sides affected locally believe is a viable, comprehensive and fair ordinance for regulating the three dispensaries and dealing with growing medical marijuana in residences.

City Attorney Patrick Enright presented five scenarios to the council. They ranged from doing nothing to banning dispensaries completely.

After the meeting, Enright told *Lake Tahoe News*, "I think they made the right decision."

While an attorney better versed in the topic was consulted and recommended tweaking the ordinance, Enright believes in what is on the books, as does the council.

It was also pointed out that something new about the topic seems to emerge monthly – whether it's a court decision, litigation, policy change or something else. Neither the council nor city staff wants to keep hashing out the issue.

As Grego said, the city needs to move on and start addressing other issues besides medical marijuana.

Plus, there is no truly safe decision the council could have made.

"I think we could get sued no matter what we do," Councilwoman Angela Swanson said. "We can't act based on the fear of litigation."

While the ordinance remains in effect without change, all cities in the California with medical marijuana dispensaries are waiting until the state Supreme Court decides if it will hear the Long Beach case. That decision is expected by Jan. 10. If the jurists hear the case, a decision could take more than a year. If they don't hear it, then the Long Beach case is the law of the land and South Lake Tahoe would have to revisit the issue. Or the top court could depublish the Long Beach decision, making it enforceable only within the limits of the Southern California city.

South Lake Tahoe has asked for the federal government to issue a ruling on the city's ordinance but as of Nov. 29 had received no response. And while the feds have sent letters to dispensaries in some California cities to cease and desist, the three dispensaries in South Tahoe have received no such letters to date.

