

Ballot proposal would keep medicinal pot in SLT

By Kathryn Reed

A quest to put cannabis on the June ballot stems from the ongoing legal battle between South Lake Tahoe and Tahoe Wellness Cooperative owner Cody Bass.

“The ballot measure spells it out in very small words; it is a legal business and has property rights like any other business,” James Anthony, the attorney who crafted the ballot measure petition and represents Bass, told *Lake Tahoe News*.

The measure would ask city voters to permit medical cannabis storefronts. Today, South Lake Tahoe’s ordinance allows only the one dispensary, and then has myriad strings attached.

Essentially what Anthony submitted to the city was its own ordinance with certain passages struck out, along with some new verbiage. “No vested rights” was eliminated, and inserted is the wording, “Licensed medical marijuana dispensaries that have obtained a medical marijuana dispensary permit under this article are ‘grandfathered’ for all legal purposes and possess a vested right in the operation for which they have been permitted.”

It goes on to talk about cultivation, where the facility could be located, delivery of said medicine, and owner transfer rights.

The proposal is essentially an end-around to the legal quagmire between the city and Bass, and would give Bass more leverage if he were convicted on the criminal charges he faces because the initiative would allow him to transfer ownership.

Anthony said this proposal has nothing to do with **criminal**

issues the medicinal pot shop owner runs. Bass' arraignment, which is being handled by a different attorney, was set for last week. It was pushed back until January to give the defense time to review discovery.

The city attorney this week is expected to issue a title and summary for the initiative. Proponents have 180 days after it is issued to get signatures from 10 percent of the registered voters in the city based on the last General Election, so just more than 1,100 people. Those will then be verified by the county elections officials. Other paperwork is required as well.

The city contends Bass is operating without a valid permit because he does not have the landlord's signature. TWC's position is that the long-term lease where it states he is operating a medical cannabis facility is proof of permission by the landlord.

The dispute has been in the legal system for more than a year. Before El Dorado County Superior Court Judge Steve Bailey retired in August both sides could have let him rule, but the city said no.

Anthony sent a letter to the City Council on Nov. 7 regarding Tahoe Wellness Cooperative's permit. He went over Bailey's statements and his perception of former City Attorney Tom Watson and current attorney Nira Doherty's actions.

On Aug. 18, Bailey said, "It's patently unreasonable in the court's mind that this lease doesn't fit all of the requirements that the city needs to determine a valid consent by the landlord."

All councilmembers were asked by *Lake Tahoe News* to comment on the letter. Only Councilwoman Wendy David responded, saying it would be inappropriate to comment.

Doherty told *LTN*, "The City Attorney's Office does not plan to

respond to the letter sent from James Anthony. Judge Bailey asked both parties if they would waive the statutorily prescribed timelines for filing objections and the City determined it would not waive timelines. Because Judge Bailey was retiring before the timelines had run, a new judge was assigned to the lawsuit.”

Both sides, though, say they are willing to talk about a settlement. Depending on that outcome, Anthony said the ballot measure might not be needed.

If the measure qualifies for the ballot, the city will then do a study to determine any financial ramifications.

The city also has its hands full with recreational marijuana.

The City Council is being proactive on this topic. While the voters of California a year ago approved pot to be used for reasons beyond medical needs, it isn't until this January that it becomes legal to do so. However, every city and county can make its own rules.

Because the state has been slow in devising laws to make recreational pot work, most jurisdictions are delaying sales and other aspects of the law. At the Dec. 12 council meeting the electeds are expected to enact a moratorium on pot sales, at least on an interim basis.

At the same time Councilmembers Brooke Laine and Tom Davis, who were appointed to head up a cannabis subcommittee, are going forward with that process. The subcommittee includes 15 community members who will meet about a half dozen times in the next few months. The outcome should be a set of recommendations that will provide a framework for the development of cannabis regulations for South Lake Tahoe.

This subcommittee, unlike the vacation home rental one, intends to work more in the open by putting updates on the **city's website**. This way there is more transparency and

members aren't working in a silo of secrecy.