

SORO NC Board Applicant Biography

19 January 2012

Meredith Levine

Candidate for At Large seat 1

Meredith Levine has lived in South Robertson her whole life. She is interested in the South Robertson neighborhood council because she wants to get more involved in local politics and wants to take a more active role in the future of her neighborhood.



Fresh Fruit on Fridays for Shenandoah Street Elementary School - \$4,999.00

Agenda Item: GB011912-5

Date: January 19, 2011

Proposed By: Barry E. Levine

Full Proposal

Fresh Fruit on Friday provides a taste of some type of fresh produce. A short summary of it's nutritional value, the geography where it is grown, and something about the farmer is relayed over the intercom to all the students before the product is given out on the school yard. This is the third year for funding and the program is greatly appreciated by all at Shenandoah Street Elementary School.

The cost is \$4999 and is in the Education Committee budget.

Proposed Motion

South Robertson Neighborhoods Council will fund \$4999.00 for Fresh Fruit on Fridays at Shenandoah Street Elementary School. The program will run for twenty weeks beginning in the Spring of 2012.

Doug Fitzsimmons
President

Brian Kite
Vice-President

Terrence Gomes
Treasurer

Nick Burkhardt
Secretary

Considerations

Committee review: Votes For: 3 Against: 0
(highly recommended)

Amount previously allocated in Committee's working budget: \$5,000.
(applies to funding motions only)

Arguments for:

This is a good program to help fight childhood obesity in a community that is under served by other programs

This program educates students on good nutrition and healthy eating.

Arguments against:

It uses money that could be used elsewhere and for other good causes

It only serves one group within SORONC

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Fresh Fruit on Fridays for Shenandoah Street Elementary School - \$3000.00

Agenda Item: GB011912-6

Date: January 19, 2011

Proposed By: Barry E. Levine

Full Proposal

Fresh Fruit on Friday provides a taste of some type of fresh produce. A short summary of it's nutritional value, the geography where it is grown, and something about the farmer is relayed over the intercom to all the students before the product is given out on the school yard. This is the third year for funding and the program is greatly appreciated by all at Shenandoah Street Elementary School.

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Terrence Gomes
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Nick Burkhardt
Secretary

Considerations

Committee review: <i>(highly recommended)</i>	Votes For: 3	Against: 0
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Amount previously allocated in Committee's working budget: <i>(applies to funding motions only)</i>	\$5,000.
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Arguments for:

This is a good program to help fight childhood obesity in a community that is under served by other programs

This program educates students on good nutrition and healthy eating.

Arguments against:

It uses money that could be used elsewhere and for other good causes

It only serves one group within SORONC

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Motion to file a community impact statement supporting a temporary ban on medical marijuana dispensaries

Agenda Item: GB011912-7
Date: 19 January 2012
Proposed By: Doug Fitzsimmons

Full Proposal

Within a few weeks of each other in October, two new medical marijuana dispensaries opened on South Robertson. These new dispensaries are within two blocks of two existing dispensaries; all four are a block away from Shenandoah Elementary School. By Court decree, the City is all but powerless to stop them.

This is untenable. By any measure, excessive concentration of dispensaries in the South Robertson neighborhood threatens the viability of existing businesses and future business investment. Four liquor stores within the same distance would destabilize the business district and would not be allowed; indeed, even four Starbucks that close together would be a problem. Something must be done.

Legal status

Twice, the voters of California approved measures decriminalizing possession and cultivation of medical marijuana within certain parameters (the Compassionate Use Act (CUA) and the Medical Marijuana Program Act (MMPA)). Both acts sought to balance safe access to medicine with general public safety.

However, the Federal government continues to classify marijuana a Schedule I drug, which means it does not recognize any accepted medical uses. Interestingly, Marinol, a patented and expensive pill-based derivative of marijuana, is a Schedule III drug.

On November 30th 2011, Governors Chris Gregoire of Washington and Lincoln Chafee of Rhode Island filed a petition with the DEA, asking the agency to reclassify marijuana to Schedule II. While this is not the first time such a petition has been made, it is the first time it is come from bipartisan Governors. Governor Gregoire in particular carries real weight since she just completed her term as the Chair of the National Governors Association.

Jason McGill, Governor Gregoire's executive policy advisor who co-authored the petition strongly believes that having the LA City Council sign on to support their petition would have tremendous impact—in his words, perhaps more impact than many Governors. In the meantime, two new Governors are about to sign onto their petition (Colorado and Vermont) and it is gathering steam.

Inability to regulate

As some dispensaries have proven, it is possible to operate responsibly and legally, in partnership with the business community. Unfortunately many do not, and efforts to-date at self-regulation within the medical marijuana community have failed. A large percentage make no effort to even pretend to operate as non-profit entities. Sadly, the current boom is not driven by a desire to improve patient access—one or two dispensaries in the area would do that—but rather by pure greed.

The City of Los Angeles passed an ordinance in January 2010 that, among other things, restricted dispensaries from opening within 1,000 feet of schools, parks, libraries and each other. However, a recent ruling (*Pack v. City of Long Beach*, 4

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October 2011) by the 2nd District Court of Appeal effectively invalidated any city ordinance that creates a permitting process for collectives or otherwise explicitly authorizes them to exist, a decision largely based on marijuana's Schedule I status.

This creates a situation where the City has two options: allow an uncontrollable number of unregulated, unpermitted dispensaries or ban them altogether.

Calling a time out

The Appellate Court ruling in *Pack* conflicts with other rulings (including one in November by the 4th District Court) and a law passed in September by the State of California (AB 1300) that authorized cities to use criminal and civil penalties to regulate the establishment, location and operation of medical marijuana collectives. The hope is that the State Supreme Court will hear the *Pack* case and overturn it. However, a decision is not expected for a year or more—and the outcome is far from certain. For now, the balance between access and safety sought by the CUA and MMPA is lost.

Councilmember Huizar has therefore introduced a measure in City Council to ban all collectives until the City is able to regulate and control medical marijuana businesses. Patients could still cultivate and possess marijuana for personal use as provided for by the CUA and MMPA, but the storefronts would close. A draft copy is attached.

Some forward-thinking people within the Medical Marijuana community have expressed optimism that regulation is still possible, although how and whether it would stand up to lawsuits is unclear.

This motion supports Councilmember Huizar's proposal as a regrettable and hopefully temporary necessity. It also calls for the City Council to actively support the reclassification of marijuana to allow medical uses, which would resolve many of the legal issues behind the current situation. It holds out hope that some compromise can be found in the meantime, but recognizes that the City cannot continue in a state of uncertainty easily exploited by unscrupulous dispensary operators.

Proposed Motion

- I. The South Robertson Neighborhoods Council recognizes the benefits of medical marijuana for the seriously ill and the expressed desire of California voters to decriminalize possession and cultivation for medical purposes.
- II. The NC therefore urges the City of Los Angeles to join with Governors Gregoire and Chaffee to join their petition asking that the Federal government re-examine the classification of marijuana to allow medical uses under the Controlled Substances Act.
- III. However, given the recent unacceptable and illegal proliferation and concentration of medical marijuana dispensaries in the South Robertson area and the California Division 3, 2nd Appellate Court's *Pack v. Long Beach* decision which prevents the City of Los Angeles from enforcing reasonable restrictions on dispensaries, the South Robertson Neighborhoods Council supports a city-wide ban on medical marijuana collectives until such time as the State Supreme Court restores the City's right to regulate and/or State or Municipal regulatory actions are adopted which a) impose reasonable restrictions on the number, location and operation of collectives with the goal of fostering responsible community partners, and b) are able to withstand sustained legal challenges.
- IV. The NC authorizes a community impact statement to this effect, as well as communication of the NC's position to governmental leaders and press.



Considerations

Committee review:
(highly recommended)

Votes For:

Against: 0

Amount previously allocated in Committee's working budget: \$
(applies to funding motions only)

Arguments for:

At stake here is the City's ability to regulate business. The concentration of dispensaries makes SORO NC a particularly heavily impacted zone and threatens to stifle economic development.

Arguments against:

A patient's well-being trumps concerns about neighborhood zoning. A ban would seriously impair safe access to treatment for a large number of patients, and potentially encourage illegal drug sales.

11-1737-51

NOV 23 2011

MOTION

Commencing in 2007, more than 850 medical marijuana businesses opened storefront shops and commercial growing operations in the City without any land use approval under the Los Angeles Municipal Code (LAMC). An unknown number of these businesses, estimated to exceed 300, currently operate in Los Angeles without land use authorization, which the LAMC limits to those uses expressly enumerated in the Code. New medical marijuana businesses continue to open on a daily basis, including many located within 600 feet of schools, which is prohibited by State law (California Health & Safety Code Section 11362.768).

California's Compassionate Use Act (CUA) and the Medical Marijuana Program Act (MMPA) seek to enable qualified patients and their primary caregivers to access safe supplies of medical marijuana, while prohibiting sales and ensuring public safety. Consistent with the letter and spirit of these State laws, the City Council enacted a comprehensive measure to cap, geographically distribute, register, and regulate the operations of medical marijuana collectives involving four or more members. The Medical Marijuana Ordinance (MMO), adopted in January 2010, added Article 5.1 to the LAMC; it was amended in January 2011 by the Temporary Urgency Medical Marijuana Ordinance (TUO). These regulations are the subject of more than 50 lawsuits filed against the City by more than 100 operators of medical marijuana businesses.

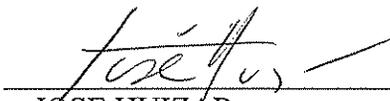
On October 4, 2011, the Second Appellate District of the Court of Appeal, whose decisions bind the City of Los Angeles, issued its ruling in the case of *Pack v. City of Long Beach*. That ruling calls into question the ability of a municipality to regulate collectives. According to the *Pack* court, cities may enact prohibitions that restrict and limit collectives, but may not enact affirmative regulations that permit or authorize collectives. Regulations that go beyond merely restricting are preempted by federal law because marijuana is banned for all purposes as a Schedule I drug under the federal Controlled Substances Act.

On October 14, 2011, in the *Americans For Safe Access v. City Of Los Angeles* cases challenging the City's MMO and TUO, Superior Court Judge Anthony J. Mohr denied the constitutional challenges and refused to enter a preliminary injunction against the City's TUO. Judge Mohr rejected the plaintiffs' claims that they have vested rights to operate in Los Angeles. However, Judge Mohr did not address federal preemption under *Pack*. He noted that *Pack* "could have a profound impact on the TUO" and left the law "unsettled." Rather than opine on *Pack*, he elected "to wait until *Pack* becomes final or until our Supreme Court decides to weigh on the federal preemption issue."

California's four United States Attorneys recently announced federal enforcement actions targeting commercial trafficking, sales, distribution, and cultivation by the State's burgeoning marijuana industry. Similarly, our neighborhoods continue to complain daily about the disruption and public safety issues presented by medical marijuana businesses operating in the City. Yet, implementation of the City's comprehensive medical marijuana regulatory effort, which balances public safety concerns with compassionate access for seriously ill patients, is thwarted by the *Pack* decision.

I THEREFORE MOVE that the Council request that the City Attorney prepare language to: (1) repeal the MMO and the TUO in light of *Pack*; (2) ban medical marijuana businesses in the City until the *Pack* decision is modified to grant us tools to affirmatively regulate and control medical marijuana businesses; (3) provide amicus support to the City of Long Beach petition for review of *Pack*, affirming the need for California Supreme Court finality regarding the scope of permissible local regulation; and (4) confirm the City's commitment to safe access consistent with State criminal immunities (as provided by the CUA and MMPA) through personal participation in medical marijuana cultivation by qualified patients and their primary caregivers, and not through storefront, mobile, commercial growing, or other dispensing operations, so long as the laws regarding local regulation remain unsettled.

I FURTHER MOVE that this Motion shall be referred to the Public Safety and Planning and Land Use Management Committees for action and return to Council at the earliest possible time.

PRESENTED BY: 
JOSE HUIZAR,
Councilmember, 14th District

SECONDED BY: 

NOV 23 2011

ORIGINAL

November 30, 2011

Michele Leonhart, Administrator
Drug Enforcement Administration
Attn: Administrator
8701 Morrissette Drive
Springfield, VA 22152

Subject: Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II

Dear Administrator Leonhart:

I write in support of the petition that Governor Chafee and Governor Gregoire recently submitted to initiate rulemaking proceedings for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the CSA.

I am also concerned that patients with serious medical conditions who could benefit from medical use of cannabis do not have a safe and consistent source of the drug. The divergence in state and federal law creates a situation where there is no regulated and safe system to supply legitimate patients who may need medical cannabis. More to the point, it is clear that the long-standing classification of medical use of cannabis in the United States as an illegal Schedule I substance is fundamentally wrong and should be changed. The federal government could quickly solve the issue if it reclassified cannabis for medical use from a Schedule I drug to a Schedule II drug, which I believe the petition provides substantiated peer-reviewed scientific evidence to support.

[Detail medical and pharmacy association support or other specific clinical and scientific support here like public health and safety support]

The solution lies with the federal government. I urge the DEA to initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug so qualifying patients who follow state law may obtain the medication they need through the traditional and safe method of physician prescribing and pharmacy dispensing.

Thank you for your consideration.

Sincerely,

[INSERT NAME]

cc: The Honorable Eric Holder, U.S. Attorney General
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health & Human Services
The Honorable Margaret Hamburg, M.D., FDA Commissioner
Governor Christine O. Gregoire



Motion to Submit a Community Impact Statement RE: Proposed Sidewalk Repair Ordinance

Agenda Item: GB011912-8
Date: January 19, 2011
Proposed By: Michael Lynn

Full Proposal

The State of California Improvement Act of 1911 provides cities the authority to require property owners to effect repairs to sidewalks abutting their property (California Streets and Highways Code.) Should the property owner fail to effect such repairs, City forces are authorized to make the repairs and assess the property owner for the cost. However, Los Angeles Municipal Code (Section 62.104, Ordinance No. 146.040 effective July 3, 1974) exempts homeowners from the responsibility for sidewalk repairs caused by city owned trees and places responsibility for these repairs with the City's Department of Public Works.

The Los Angeles City Council and its committees have been formulating, debating and reviewing a proposal that would remove the "Tree Root Damage" Exemption from the *Los Angeles Municipal Code Section 62.104*, and possibly adding a "Point of Sale" and/or other plan to address sidewalk repairs. The issue could come out of committee and be brought before the City Council at any time.

A significant number of residents have expressed opposition to any such proposal that would transfer the sidewalk repair liability to the homeowner for several reasons (see "Arguments" attachment).

Therefore, the South Robertson Neighborhoods Council should formally represent its residents' views to City Council by submitting a Community Impact Statement (CIS), to be placed in the Ordinance Proposal's public file.

Proposed Motion

That the South Robertson Neighborhoods Council submits the attached CIS to the Los Angeles City Council, to be placed under File(s) # 05-1853, 05-1853-S1.

Considerations

Committee review:
(highly recommended)

Votes For: 3

Against: 0

Arguments for:

See "Arguments" attachment

Arguments against:

State law authorizes cities to make homeowners responsible for costs. At least sidewalk repairs could occur when houses are sold or remodeled.

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SOUTH ROBERTSON NEIGHBORHOODS COUNCIL
Proposed Community Impact Statement
Sidewalk Repair Ordinance

The South Robertson Neighborhoods Council objects to the **currently proposed** ordinance that would amend Subsection (e) of Section 62.104 of the Los Angeles Municipal Code to repeal the Exception within this section that established City liability for repair of curbs, driveways and sidewalks due to tree root damage, for the following reasons:

1. The City does not allow adjoining property owners to remove the root cause of the sidewalk damage (the offending tree);
2. “Point of Sale” part of the Ordinance fails to promote immediate repairs;
3. Exception was originally instituted because the City considers sidewalks to be “public”.

Additional arguments:

4. The South Robertson Neighborhoods Council is desirous of promoting both tree-lined streets and safe sidewalks.
5. When the original Ordinance was adopted (authorized by The State of California Improvement Act of 1911), the City did not require homeowners to maintain trees on their property- the 1974 “Exemption” recognized this fact;
6. Of the damaged sidewalks in the City, it is estimated that approximately 80 percent of the damage is the result of parkway tree root growth.
7. Transfer of maintenance liability to the homeowner does not necessarily alleviate legal liability of the City;
8. The City has neglected repairs to the point where minor damage has significantly worsened- unfair to suddenly “dump” the problem on the homeowner;
9. In a poor economy, many homeowners may not be able to afford the repair, which can cost as much as \$10-20,000;
10. The “Point of Sale” plan has a major flaw. If the City does not have enough funds to fix the sidewalks now, how will they suddenly have the funds to fix the sidewalks *prior* to billing the Homeowner?
11. Council member Koretz has come out against the proposed ordinance; Council member Wesson has not taken a position;



Council File: 05-1853, 05-1853-S1

Community Impact Statement

As adopted by vote of the full SORO NC governing board

Yes:

No:

Abstain:

Recuse:

Date of vote:

19 January 2011

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2. "Point of Sale" part of the Ordinance fails to promote immediate repairs;
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Submitted by:

Name of approved SORO NC CIS submitter:

Doug Fitzsimmons

Brian Kite

Terrence Gomes

Nick Burkhart

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Motion to encourage the City of LA to adopt bee keeping pilot program and revise current regulations.

Agenda Item: GB011912-9

Date: January 19, 2012

Proposed By: Larry Hess, Paula Waxman

Full Proposal

Bees are responsible for pollinating 80% of the world's plants including 90 different food crops. Because of diminishing bee populations, the Mar Vista Community Council Green Committee in conjunction with HoneyLove conducted a feasibility study of urban beekeeping in Mar Vista to evaluate whether a recently adopted beekeeping ordinance by the City of Santa Monica would be applicable to the City of Los Angeles. Their findings were published October 26, 2011. See the attached full feasibility report.

The feasibility study concluded that there exists strong community support for urban beekeeping efforts and that doing so could result in positive changes that would help promote the healthy growth of honey bee colonies and increase the production and quality of local fruits, vegetables and flowers that require bees for pollination. It should also be noted that whenever bees prove to be a threat to citizens, safe removal of bees, rather than destruction of hives, should be a consideration.

Proposed Motion

That the South Robertson Neighborhoods Council submit a letter to the City of Los Angeles recommending the implementation of a Beekeeping Pilot Program in order to test the economic feasibility of such a program and the possibility that urban beekeepers can help to reverse the trend of diminishing bee colonies.

We also recommend that the City of Los Angeles study the feasibility of adopting a policy that would include the safe transference (rather than destruction) of existing colonies wherever their current position poses a threat to citizens. Such policy should also include conditions relating to the maintenance, location, registration and identification of beekeepers to insure the safety and continued preservation of the quality of life for those living near urban beekeepers and beehives.

See attached letter.

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Considerations

Committee review:
(highly recommended)

Votes
For:unani
mous
(9)

Against:

Amount previously allocated in Committee's working budget:

(applies to funding motions only)

\$

Arguments for:

Considers public safety by controlling where beehives are located.

Bees are responsible for pollinating 90 different edible fruits and vegetables (80% of the world's plants). This pilot program would possibly increase safe habitats for diminishing bee populations.

When left alone, bees are harmless

Similar motion already approved by MVCC Board and City of Santa Monica

Arguments against:

Some people are frightened of bees and/or deathly allergic.

There are potential costs to the city which would have to be offset by fees.



Motion to release \$12,161 to fund Phase I of the South Robertson Tree Planting Project

Agenda Item: GB011912-10
Date: January 19, 2012
Proposed By: Larry Hess, Paula Waxman

Full Proposal

The revitalization of South Robertson Boulevard has been an ongoing project under discussion by the South Robertson Neighborhoods Council Ad Hoc Committee. The Tree Planting portion of the Project is a major component. Phase I of the Tree Planting Project is to plant new, city-approved, Chinese Elm trees in empty tree spaces along Robertson Boulevard. Tree experts from the city identified 17 current and newly created spaces suitable for tree planting. The costs associated with this installation (concrete cuts, permits, trees, planting labor/supervision, amendments and 2-year maintenance contract) amount to \$12,161.00.

Proposed Motion

Motion that the Board authorize CD 10 to release \$12,161.00 of the previously allocated funds held in a Trust by CD10 to pay for the preparation, permitting, procurement, planting and maintenance contract for the Chinese Elms to be planted along South Robertson Boulevard during Phase I of the South Robertson Boulevard revitalization project.

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Terrence Gomes
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Nick Burkhart
Secretary

Considerations

Committee review:
(highly recommended)

Votes For: 0

Against:

Amount previously allocated in Committee's working budget: \$???
(applies to funding motions only)

Arguments for:

Arguments against:

The funds have already been approved by a motion and set aside for this project.

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Motion for \$1050 to Purchase Emergency Trauma Kits

Agenda Item: GB011912-11

Date: January 19, 2012

Proposed By: Michael Lynn

Full Proposal

In 2011, the SORO NC General Board approved the Public Safety Committee's "Neighborhood Team Program" (NTP), as part of an overall SORO Emergency Preparedness Plan.

In a major emergency or disaster, first responders and medical professionals would likely be overwhelmed and therefore need to prioritize medical attention based on severity. Residents (trained as part of the NTP) would use these trauma kits to assist in the treatment of less severe injuries.

The kits would be stored at the SORO NC storage space at the Robertson Recreation Center, and/or other designated locations.

Proposed Motion

To approve up to \$1050 to purchase four (4) 50-Person Trauma Kits (or equivalent).

Doug Fitzsimmons
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Vice-President

Terrence Gomes
Treasurer

Nick Burkhart
Secretary

Considerations

Committee review:
(highly recommended)

Votes For: 3

Against: 0

Amount previously allocated in Committee's working budget: \$ 5750.00
(applies to funding motions only)

Arguments for:

Trauma kits can be a primary need in a disaster/emergency event.

Can be used to treat up to 200 people.

Arguments against:

If there is no disaster, trauma kits never get used.

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