

Los Angeles City Council, **Journal/Council Proceedings**
Tuesday, **October 2, 2012**
John Ferraro Council Chamber, Room 340, City Hall - 11:15 am

--- SPECIAL COUNCIL MEETING ---

11:15 A.M. OR AS SOON THEREAFTER
AS COUNCIL RECESSES ITS REGULAR MEETING

ROLL CALL - Members present: Buscaino, Cárdenas, Englander, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Reyes, Rosendahl, Zine and President Wesson (13); Absent: Alarcón, Garcetti (2)

Item for Which Public Hearing Has Not Been Held - Item 19
(10 Votes Required for Consideration)

ITEM NO. (19) - ADOPTED - ORDINANCE OVER TO OCTOBER 9, 2012

Adopted, Ordinance Over One Week, Ayes (11); Noes: BUSCAINO, HUIZAR (2); Absent: ALARCON, GARCETTI (2)

[11-1737-S2](#)

COMMUNICATION FROM THE CITY CLERK, CERTIFICATION OF SUFFICIENCY OF REFERENDUM PETITION, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to petition to repeal Ordinance No. 182190 relating to Medical Marijuana.

Recommendation for Council action:

That the Council take ONE of the following two actions:

1. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, repealing Ordinance No. 182190.

OR

2. ADOPT the following recommendations in connection with submitting Ordinance No. 182190 to the voters at the City's regularly scheduled election on March 5, 2013:

- a. ADOPT the accompanying RESOLUTION, providing in response to a referendary petition, Ordinance No. 182190 relating to Medical Marijuana, be submitted to the qualified voters of the City of Los Angeles at a Special Election to be called on March 5, 2013, and consolidated with the Primary Nominating Election to be held on the same date.
- b. ADOPT the accompanying BALLOT TITLE RESOLUTION containing a ballot title and question for the measure.
- c. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 5, 2013, for the purpose of submitting to the qualified voters of the City of Los Angeles a certain ordinance, and to consolidate this Special Election with the City's regularly scheduled Primary Nominating Election to be held on the same date.

Fiscal Impact Statement: The City Clerk reports there is no fiscal impact for adopting Recommendation No. 1 of the report and zero to minimal cost for adopting Recommendation No. 2 of the report. However, if Council chooses to place the measure before the voters in a special stand-alone election, the cost of that election is estimated to be \$4,000,000.

Community Impact Statement: None submitted.

(TIME LIMIT FILE - PURSUANT TO CHARTER SECTION 462)

(Council must take one of the above actions within 20 days of presentation of the Certificate of Sufficiency of the Referendum Petition)

The City Council may recess to Closed Session in order to confer or discuss with, or receive advice from, its legal counsel, pursuant to Government Code Section 54956.9(b)(3)(E), significant exposure to litigation based upon statements threatening litigation in relation to the City's medical marijuana Ordinance; and, pursuant to Government Code Section 54956.9(a), regarding pending litigation in cases entitled Americans for Safe Access et al. v. City of Los Angeles, Los Angeles Superior Court (LASC), Lead Case No. BC 433942 (and all related actions); The People of the State of California v. Natural Ways Always, et al. / Natural Ways Always, Inc. v. City of Los Angeles, et al. LASC Case No. BC 460799 (and related cases); Doe I, et al. v. City of Los Angeles, LASC Case No. BC480010; Patient Care Alliance v. City of Los Angeles, LASC Case No. BC490484 (and all related actions), New Era Caregivers v. City of Los Angeles, LASC Case No. BS138882; Kure L.A. Caregivers v. City of Los Angeles, LASC Case No. BC491681; and So Cal Co-Op, Inc. v. City of Los Angeles, LASC Case No. pending.

(The pending litigation includes more than 50 separate lawsuits and crosscomplaints filed against the City by medical marijuana dispensaries, owners, operators, and patients. The lawsuits challenge the City's medical marijuana ordinance on a wide variety of legal grounds and seek to enjoin enforcement of the City's ordinance. There are seven cases currently pending in Los Angeles Superior Court specifically relating to the City's most recent medical marijuana ordinance, Ordinance No. 182190.)

Whereupon the Special Council meeting did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL