

To: Mayor Bob Foster and all members of the Long Beach City Council
From: Gregory Moore
Re: Erroneous information provided by the City Attorney's office

At the City Council Meeting of May 18, 2010, during discussion of the City's medical-marijuana collective fee schedule, Councilmember Gabelich expressed concern over collectives with as few as 4 members being charged the same fees as a collectives of up to 500 members and asked where this figure "4 or more" comes from: Assistant City Attorney Mais replied (1 hour 53 minutes into the video of the meeting) that "We came to that number because that's what the state, the Compassionate Use Act, defines a collective as: 4 or more." One minute later, in response to Gabelich's inquiry into the possibility of raising the figure, Mais replied, "Since we did follow the state law, which defines a collective as 4 or fewer [*sic*; he meant to say "more"], I would suggest that we stay with that for the purposes of regulation."

This information provided by the City Attorney's office, and subsequently used in the formation of City policy, is false. This is documented as follows:

- The word 'collective' does not appear in the Compassionate Use Act (1996), nor does any synonym for 'collective.' (See www.cdph.ca.gov/programs/MMP/Pages/CompassionateUseact.aspx.)
- In the Medical Marijuana Program Act (2003), the word 'collective' and its synonyms appear only as adjectives. No number of patients, members, etc., is associated with their usage nor anywhere discussed. (See www.leginfo.ca.gov/pub/03-04/bill/sen/sb_0401-0450/sb_420_bill_20031012_chaptered.html.)
- In State Attorney General Jerry Brown's August 2008 guidelines regarding medical marijuana, he notes that "California law does not define collectives" (IV.A.2). (See www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf.)

On June 15, 2010, during public comment for non-agenda items (specifically, 26 minutes into the meeting), I pointed out that the City Attorney had provided the aforesaid erroneous information, and I expressed concern that part of City policy had been crafted based on this erroneous information. City Attorney Shannon said he did not believe his office had provided erroneous information but that he would be "happy to look into it," and Mayor Foster requested "a little note on where this comes from."

I request that if he has not already done so, the City Attorney be compelled to produce a memorandum to the Mayor and the Council explaining the actual rationale for advising the City Council that collectives are defined as "4 or more" people, since, contrary to Mais's claim, state law does not define them as such (or at all); and I request that the City Attorney's memorandum be inserted into the public record.

Respectfully,

Greggory Moore
Long Beech, CA