

SCNC BOARD

Lisa Cahan Davis
Jane Drucker
Jon Epstein
Remy Kessler
John Lawler
Richard Niederberg
Scott Ouellette
Lisa Sarkin
Lana Shackelford
Gail Steinberg
Rita C. Villa
John T. Walker
Denise Welvang



BOARD MEETING AGENDA

Wednesday, August 21, 2013

Light Buffet 6:30pm

Meeting 7:00pm

at

**CBS Studio Center, Building 8, MPR-3,
4024 Radford, Studio City CA, 91604**

PRESIDENT

John T. Walker

VICE PRESIDENT

Lisa Sarkin

TREASURER

Remy Kessler

SECRETARY

Rita C. Villa

CORRESPONDING SECRETARY

Jane Drucker

4024 Radford Ave.
Edit. Bldg. 2, Suite 6
Studio City, CA 91604
(818) 655-5400

www.studiocitync.org

The public is requested to fill out a "Comment Card" to address the Board on any item of the agenda prior to the Board taking action on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the Agenda that is within the Board's subject matter jurisdiction will be heard during the Public Comment period. **Public comment is limited to two minutes per speaker, unless directed otherwise by the presiding officer of the Board.** The agenda is posted for public review at: Studio City Neighborhood Council website (www.studiocitync.org); as well as CBS Studio Center, Radford and Colfax gates; the Studio City Library, 12511 Moorpark St.; the Studio City Recreation Center, 12621 Rye Ave. and at Carpenter Community Charter School, 3909 Carpenter Avenue, Studio City, CA 91604. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least three (3) business days (72 hours) prior to the meeting you wish to attend by contacting the Neighborhood Council Project Coordinator (213) 473-5391 or by e-mail to Thomas.Soong@lacity.org. In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be viewed at our website by clicking on the following link: www.studiocitync.org or at the scheduled meeting.. In addition, if you would like a copy of any record related to an item on the agenda, please contact office@studiocitync.org.

1. Call to Order & Roll Call (2 min).
2. Approval of July 17, 2013 Board Minutes (2 min).
3. Comments by the President (10 min).
4. Introduction of the new District Director for CD2, Jackie Keene (10 min).
5. Introduction and appointment of Brian Mahoney as our new Board Member Residential Renter.
6. Public Comments on non-agenda items within the Board's jurisdiction (2 minutes each)
7. Responses to comments from the Board (2 minutes each).
8. Update and presentation of Certificate from CD2 by **Geoffrey Yazzetta** (10 min).
9. Treasurer's report by **Remy Kessler** (5 min).

Motion: The Board of the Studio City Neighborhood Council has reviewed the Monthly Expenditure Report for July, 2013 and hereby accepts and approves them.

10. Budget Committee Report – new Chair Denise Welvang (2 min).
11. VANC Report by **Denise Welvang** (10 min).

12. Land Use Committee Report by **Lisa Sarkin** (30 min).

Motion: The Board of the Studio City Neighborhood Council supports a request to the City Council that funds be separately designated for implementing Prop D, Ordinance 182580. These funds shall be dispensed to the Police Department, City Attorney and Department of Building & Safety for the exclusive purpose of prompt enforcement of Prop D, Ordinance 182580. [This motion shall be submitted as a Community Impact Statement if possible.]

13. Government Affairs Committee Report by **Rita Villa** (20 min).

Motion A: The Board of the Studio City Neighborhood Council responds to each of the nine motions by the Neighborhood Council Plan Review Committee currently being considered by the Board of Neighborhood Commissioners as set forth below.

SCNC Supports Motion 1

1. Neighborhood Council subdivision/boundary adjustment policies -

Motion recommends that:

"A new Neighborhood Council may be created from within the boundaries of an existing Neighborhood Council by the following process:

- a. The subdividing group shall undertake the process for Neighborhood Council formation as already described for new councils.
- b. The Department of Neighborhood Empowerment shall set an election to take up the question within 90 days of verifying all paperwork is complete.
- c. A majority of the votes cast by stakeholders of the entire original Neighborhood Council shall be required to complete the separation and create a new council.
- d. If an area leaves a Neighborhood Council, the original council should simply be required to adjust its boundaries and board structure and not recertify.
- e. If an area moves between two existing Neighborhood Councils, neither should be required to recertify."

SCNC Does Not Support Motion 2. We don't agree with the recommendations in the flowchart.

2. Grievances and complaints policies and

Motion recommends that:

"The grievance procedure and the complaint process be merged into one system; that the Department of Neighborhood Empowerment (Department) establish a single set of procedures with a regional grievance panel empowered to render a final decision on a grievance without further right of appeal, which shall be based on the grievance policy recommendations already made by the Department as reflected in its report dated November 22, 2011, and contained in Council File Number 11-1018."

SCNC Does Objects to Motion 3. The NC system is intended to create a place for input at the local level (in each neighborhood). It is intended for the input of local ideas and methods of governing itself. It was created to respect the differences within the individual communities throughout the city. City wide governance should be uniform.

3. Rules for governing board selections

Motion recommends that:

- a. "The Department of Neighborhood Empowerment look at establishing rules and guidelines for Board selections so that they are more uniform and more open to the public."

SCNC Supports item, C, D and E to Motion 4. With respect to item A, we do not support partnering with the City Clerk for back office administrative services as it is too costly to have the City Clerk involved. With respect to item B, we request the deletion of the words "at least." Elections or selections should be every two years.

4. Election policies and procedures; term limits

Motion recommends that:

- a. "Reaffirm support for the authority having been returned to the Department of Neighborhood Empowerment to conduct Neighborhood Council board elections and to partner with the City Clerk for back office administrative services.
- b. All Neighborhood Councils need to participate in elections or selections at least every two year cycle.
- c. Existing Neighborhood Council boards are encouraged to partner with other Neighborhood Councils and with the Department of Neighborhood Empowerment for candidate recruitment and election outreach.
- d. The City of Los Angeles should not require Neighborhood Councils to impose term limits. It should be left to each Neighborhood Council's discretion.
- e. There shall be participatory involvement of Neighborhood Councils in reviewing election policies and procedures prior to Neighborhood Council elections."

SCNC Supports Motion 5. However, with respect to item A, the posting requirement should be 72 hours for regular agendas and 24 hours for special agendas.

5. Brown Act and posting policies

Motion recommends that:

- a. "Reaffirm support for the Brown Act for Neighborhood Councils and its single accessible 24 hour posting requirement, and reaffirm current board policies regarding electronic mail and website posting, with only one physical posting site as opposed to many. The email requirement shall specify that agendas be sent to "NCSupport" with the intent that the Department will post them to the city's agenda system.
- b. Neighborhood Councils that do not have a website must post in at least five (5) physical locations."

SCNC Supports Motion 6.

6. NCs and rule formulation; appointments of GM, Board of Neighborhood Commissioners

Motion recommends that:

- a. "Neighborhood Councils should have a greater role in the formulation of rules and regulations as promulgated by the Department and shall continue to have an advisory role in the

- b. "Appointment of the Department General Manager and the members of the Board of Neighborhood Commissioners."

SCNC Supports Motion 7 provided that the Department receives funding sufficient to accomplish the objective.

7. Creating and maintaining information and communication network for public use

Motion recommends that:

Duties of the Department in Sec 22.801(j) currently states that "[The Department shall] with the assistance of the Information Technology Agency, create and maintain an internal and external information and communication network, including a Citywide database of neighborhood organizations and similar information, that would be available for public use;"

Proposed motion to adopt the recommendations of the NC Plan Review Committees that Sec 22.801(j) of the Administrative Code be amended as follows:

"with the assistance of the Information Technology Agency, create and maintain an internal and external information and communication network that would be available for public use to:

- a. Provide organized access to all current rules, regulations, and election/selection/voting and any other procedures adopted by the Department of Neighborhood Empowerment.
- b. Provide organized access to all historic rules, regulations, and election/selection/voting and any other procedures adopted by the Department of Neighborhood Empowerment that are no longer in force.
- c. Provide organized access to all current legal opinions by the City Attorney on matters relating to the Department of Neighborhood Empowerment, Board of Neighborhood Commissioners, Department rules or regulations, and Department procedures for elections/selections/voting and any other matter.
- d. Provide organized access to all historic legal opinions by the City Attorney on matters relating to the Department of Neighborhood Empowerment, Board of Neighborhood Commissioners, department rules or regulations, and department procedures for elections/selections/voting and any other matter that are no longer in force.
- e. Provide a Citywide database of existing neighborhood organizations and similar information, sortable by areas and individual Neighborhood Councils."

SCNC Objects to Motion 8. We can't support this motion as the specific "power" being considered is not adequately defined.

8. Duties of the Board of Neighborhood Commissioners

Motion recommends that:

- a. "The Board of Neighborhood Commissioners be given more power to enforce its policies."

SCNC Objects to Motion 9. We object to the recommendation. The remedy should be to recommend that an election be held within three months rather than recommending involuntary decertification.

9. Exhaustive efforts process

Motion recommends that:

- a. "As part of exhaustive efforts the Department shall be able to recommend to the Board of Neighborhood Commissioners that the board of a neighborhood council be removed prior to

b. having to recommend involuntary decertification.”

Motion B: : The Board of the Studio City Neighborhood Council supports Los Angeles City Mural Ordinance "B" (Council File # 11-0923), which prohibits murals in Single-Family (R-1) neighborhoods except in those Neighborhood Council areas whose boards, in conjunction with their councilmember, "Opt In" to allow murals within their Neighborhood Council boundary in their particular Single-Family (R-1) neighborhoods.

10. Outreach Committee Report by **Lisa Cahan Davis** (10 min).

11. Public Safety Committee Report by **Brandon Pender** (10 min).

12. Cultural Affairs Committee Report by **Richard Niederberg** (5 min).

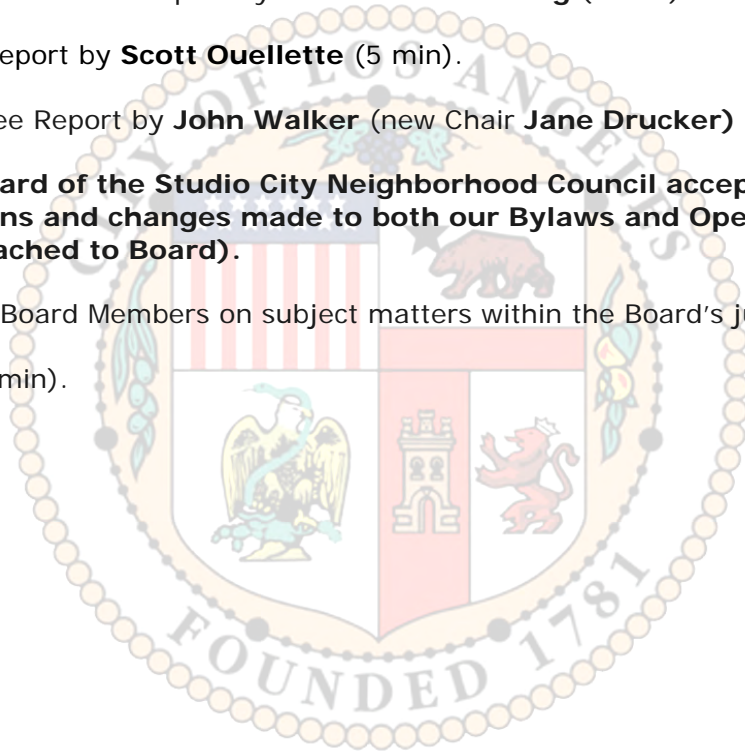
13. Transportation Report by **Scott Ouellette** (5 min).

14. Bylaws Committee Report by **John Walker** (new Chair **Jane Drucker**) (10 min).

Motion: The Board of the Studio City Neighborhood Council accepts and adopts the recommendations and changes made to both our Bylaws and Operating Procedures as presented. (attached to Board).

15. Comments from Board Members on subject matters within the Board's jurisdiction (10 min).

16. Adjournment (1 min).



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SPECIAL BOARD MEETING AGENDA Wednesday, August 21, 2013

PRESIDENT
John T. Walker

VICE PRESIDENT
Lisa Sarkin

TREASURER
Remy Kessler

SECRETARY
Rita C. Villa

CORRESPONDING SECRETARY
Jane Drucker

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On or about 7:15 PM

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1. Call to Order & Roll Call (1 min).
2. No minutes to approve.
3. Public comments on non-agenda items. (1 min).
4. Responses to comments from the Board (1 min).
5. **The Board of the Studio City Neighborhood Council requests that Councilman Krekorian and the CD2 staff review the situation causing the LADOT to fail to restore pavement markings after streets are resurfaced, repaved or slurry sealed. Further, we request that the "School Crossings" pavement markings be restored in the vicinity of Laurel Canyon Blvd., Maxwellton Road, Ventura Blvd. and Carpenter Ave.**
6. Adjournment (1 min).

Proposition D
Frequently Asked Questions
(July 17, 2013)

The following is provided for informational purposes only and not for the purpose of providing legal advice. You should contact an attorney to obtain advice with respect to any particular issue or problem or to answer any questions you may have regarding Proposition D.

1. What is Proposition D?

Proposition D was passed by the electorate in the May 21, 2013 Municipal Election. Proposition D prohibits the operation or establishment of Medical Marijuana Businesses, including renting to, working for, and using any vehicle in furtherance of such businesses.

Proposition D provides protection (i.e., limited immunity) from its prohibitions for Medical Marijuana Businesses that comply with **all of the following four** requirements: (1) were timely registered with the City Clerk under the City's 2007 Interim Control Ordinance 179027 (ICO); (2) timely applied for registration under the City's 2010 Medical Marijuana Ordinance 181069 as amended by the 2011 Temporary Urgency Ordinance 181530 (TUO); (3) registered under Measure M regarding taxation of medical marijuana in 2011 or 2012; and (4) comply with other operating and location restrictions. (Proposition D at Section 45.19.6.3)

2. What is the effective date of Proposition D?

Proposition D became effective by Ordinance 182580 upon publication on June 20, 2013.

3. Does Proposition D provide any protection against prosecution under state or federal law?

Proposition D does **not** provide **any** protection from prosecution for violations of state controlled substances laws.

Proposition D does **not** provide **any** protection from prosecution under the Federal Controlled Substances Act which, prohibits the possession, use and sale of marijuana for all purposes without any exception for medical marijuana.

4. Where can I find the text of Proposition D?

Proposition D is codified in the Los Angeles Municipal Code as Article 5.1 of Chapter 4, Sections 45.19.6 through 45.19.6.9.

The Los Angeles Municipal Code can be accessed at:
<http://www.amlegal.com/library/ca/losangeles.shtml>

Proposition D can also be accessed at:
http://clkrep.lacity.org/onlinedocs/2013/13-1300_ord_182580.pdf

5. What is the document entitled “Proposition D: Existing Medical Marijuana Businesses Timely Registered Under ICO, TUO and Measure M” (Proposition D Information List)?

The Proposition D Information List (the “List”) was designed to provide the public with a summary of information available to the City regarding Medical Marijuana Businesses that timely registered with the City Clerk under the ICO, timely notified the City Clerk of an intention to register under the TUO, and registered under Measure M in 2011 or 2012.

The List does not grant or remove any rights or benefits, nor does it change the status of any business. It is not a determination of businesses entitled to protection under Proposition D. It does not prevent any business included on the List from being prosecuted for violating Proposition D. It does not prevent any business not on the List from raising the protection provided by Proposition D, if prosecuted.

6. Where can I find the List?

The List can be accessed at the City Attorney’s website,
www.atty.lacity.org

7. Can I appeal the fact that my business is not on the List?

No. The City does not provide any appeal for not being on the List because the List does not provide any right or benefit to any business, but rather is only a summary of information available to the City.

8. Why are businesses that I thought were closed still on the List?

The information available to the City and used to create the List may not be up to date and may not reflect that a business has closed.

9. How will the City enforce Proposition D?

The Office of the City Attorney is responsible for enforcing Proposition D. Shortly prior to its effective date, the Office sent a notification letter to Medical Marijuana Businesses allowing them an opportunity to provide information to establish the protection provided by Proposition D. The Office will commence criminal and/or civil enforcement proceedings against all responsible entities and individuals if it has evidence that a Medical Marijuana Business is open and not entitled to the protection provided in Proposition D.

10. Can I be prosecuted under Proposition D if I am employed by or rent to a Medical Marijuana Business that is not immunized?

Yes. Proposition D makes it unlawful to participate as an employee, contractor, agent, volunteer, or in any other manner or capacity in a Medical Marijuana Business. This includes renting, leasing, or otherwise permitting a Medical Marijuana Business to occupy or use a location, vehicle or other mode of transportation in connection with such a business.

11. If I am a business that is on the List, what else must I do to comply with Proposition D's requirements?

In order to be protected under Proposition D, a Medical Marijuana Business on the List **must not**:

- Open or operate between 8:00 p.m. and 10:00 a.m.;
- Have marijuana and/or alcohol consumed on the premises or parking area;

- Allow a minor unaccompanied by a parent or legal guardian to enter the premises;
- Have any marijuana visible from the exterior of the premises;
- During closure hours, illuminate the premises by any lighting visible from the exterior of the premises, except reasonable security lighting;
- Locate any access (other than an emergency exit) on any side of the location that abuts, is across the street (unless 80 feet wide), alley or walk from the location, or has a common corner with residentially zoned land. Any non-complaint business has until December 17, 2013 to move to a compliant location;
- Fail to: (1) identify the name and residence address of each of its managers to the City Clerk by October 31 of each year or (2) fail to have the managers successfully take and pass a Livescan by January 31 of each year;
- Have a manager who is also the manager of another medical marijuana business in the City;
- Locate within a 1000-foot radius of a school, or within a 600-foot radius of a public park, public library, religious institution, child care facility, youth center, alcoholism, drug abuse recovery or treatment facility, or other medical marijuana business. Any non-complaint business has until December 17, 2013 to move to a compliant location.

Note: The above is only a summary. Proposition D should be consulted for specific language pertaining to all of its requirements.

12. Will the City approve my location if I move to comply with the site requirements of Proposition D?

No. If you believe you are entitled to the protection in Proposition D, it is your responsibility to comply with all of its requirements to qualify for the protection. The City will not approve your specific location for a Medical Marijuana Business.

PROPOSITION D

ORDINANCE NO. 182580

An ordinance replacing Article 5.1 of Chapter IV and amending Section 21.50(b) of the Los Angeles Municipal Code. The ordinance: (a) prohibits medical marijuana businesses, (b) grants a limited immunity from enforcement to medical marijuana businesses that do not violate specified restrictions, and (c) increases the existing tax on such businesses from \$50 to \$60 per each \$1,000 of gross receipts, until such time as the California Supreme Court rules regarding what cities can and cannot regulate and the City enacts new medical marijuana legislation consistent with that judicial guidance.

WHEREAS, the Compassionate Use Act (CUA), adopted by the voters in 1996, and the Medical Marijuana Program Act (MMPA), enacted by the State Legislature in 2003, provided California's qualified patients and their primary caregivers with limited immunities to specified criminal prosecutions under state law for purposes including to ensure that qualified patients and their primary caregivers who obtain and use marijuana for medical purposes are not subject to state criminal prosecution;

WHEREAS, commencing in 2007, according to local media reports and neighborhood sightings and complaints, more than 850 medical marijuana businesses opened, closed and reopened storefront shops and commercial growing operations in the City without any land use approval under the Los Angeles Municipal Code (LAMC or Code) and, since that time, an unknown number of these businesses continue to open, close, and reopen in Los Angeles, with no regulatory authorization from the City;

WHEREAS, the Los Angeles Police Department (LAPD) has reported that, as the number of marijuana dispensaries and commercial growing operations continue to proliferate without legal oversight, the City and its neighborhoods have experienced an increase in crime and the negative secondary harms associated with unregulated marijuana businesses, including but not limited to, murders, robberies, the distribution of tainted marijuana, and the diversion of marijuana for non-medical and recreational uses;

WHEREAS, in August 2007, the City enacted an Interim Control Ordinance 179027 (the ICO) to prohibit medical marijuana businesses in the City and to exempt from that prohibition, until the City's adoption of comprehensive medical marijuana regulations, certain existing medical marijuana facilities that timely registered with the City Clerk; and 185 existing medical marijuana businesses registered with the City Clerk by November 13, 2007 in accordance with all requirements of the ICO;

WHEREAS, in January 2010, the City established a regulatory framework to balance the proliferation of medical marijuana businesses, access by seriously ill patients to medical marijuana, and public safety, by adopting Medical Marijuana Ordinance 181069 (MMO), adding Article 5.1, Chapter IV, of the LAMC, subsequently amended by ordinances including, in 2011, Temporary Urgency Ordinance 181530

(TUO); and 230 medical marijuana businesses notified the City Clerk by February 18, 2011 of their intention to register under the MMO as amended by the TUO;

WHEREAS, the City's efforts to foster compassionate patient access to medical marijuana, which capped the number of dispensaries through priority registration opportunities for earlier existing collectives, a drawing, and mandatory geographic dispersal, resulted in an explosion of lawsuits by medical marijuana businesses challenging the validity of the MMO and TUO. These related actions were deemed complex and are assigned to Department 309 of the Los Angeles Superior Court. *MJ Collectives Litigation: Americans for Safe Access et al. v. City of Los Angeles, et al*, Los Angeles Superior Court, Lead Case No. BC433942 (and all related actions). These lawsuits have been accompanied by the continued opening and operation of unpermitted businesses, recurrent neighborhood complaints regarding crime and negative secondary effects, and an inappropriate and overly excessive drain upon civic legal and law enforcement resources;

WHEREAS, in the March 8, 2011 Municipal Election, the voters of the City of Los Angeles passed Measure M and enacted Los Angeles Municipal Code Section 21.50, which imposed a tax of \$50 for every \$1,000 of revenues generated by Medical Marijuana Collectives, which measure has been subsequently challenged in court;

WHEREAS 157 medical marijuana businesses that registered under the ICO also notified the City Clerk by February 18, 2011 of their intention to register under the MMO as amended by the TUO; and 135 out of those 157 medical marijuana businesses also registered under Measure M in either 2011 or 2012;

WHEREAS, on October 4, 2011, the Second Appellate District of the California Court of Appeal, whose decisions bind the City of Los Angeles, ruled in the case of *Pack v. Superior Court*, 199 Cal.App.4th 1070 (2011) (Pack), that significant provisions of the medical marijuana ordinance of the City of Long Beach, which was modeled after Article 5.1, Chapter IV of the LAMC, are preempted by the federal Controlled Substances Act (CSA) [21 U.S.C. Section 801, *et seq.*], which bans marijuana for all purposes;

WHEREAS, the *Pack* court held, as more particularly stated in the opinion, that while cities may enact prohibitions that restrict and limit medical marijuana businesses, cities are preempted under the CSA from enacting affirmative regulations that permit or authorize medical marijuana businesses and marijuana related activities, and further raised the specter of violation of federal law through the actions of individual city officials, 199 Cal.App.4th 1070, 1091, fn. 27;

WHEREAS, although the Los Angeles Superior Court issued a narrow preliminary injunction against pieces of the MMO in December 2010, on October 14, 2011, it: (1) denied numerous motions to enjoin the MMO, as amended; (2) declined to address the impact of federal preemption on the City's medical marijuana regulations in light of *Pack* until that case becomes final or until "our Supreme Court decides to weigh

in on the federal preemption issue” and because federal preemption had not been raised in those cases; and (3) observed that *Pack* could have a profound impact on the TUO “which bears more than a passing resemblance to the Long Beach medical marijuana ordinance”;

WHEREAS, given the similarities between the ordinance at issue in *Pack* and the City’s MMO and to avoid any possibility of violating federal law, the City discontinued implementing the MMO, as amended;

WHEREAS, in December 2011, California Attorney General Kamala Harris abandoned her effort to revise the medical marijuana guidelines of the Attorney General and advised the State Legislature that in the opinion of the Attorney General, new legislation is required in order to resolve questions of law regarding medical marijuana that are not answered by existing law. The Attorney General specifically called for legislation on the contours of collective and cooperative cultivation, and on the definition and rules for dispensaries;

WHEREAS, in January 2012, the California Supreme Court granted review of *Pack*, declined to enjoin a ban of medical marijuana business proposed for the City of Long Beach, and subsequently dismissed its review in August 2012 as abandoned and moot, thereby not addressing the substantive question of federal preemption of local regulations, and has also granted review of *City of Riverside v. Inland Empire Patient’s Health & Wellness Center*, 200 Cal.App.4th 885 (4th Dist., 2011) and *People v. G3 Holistic*, 2011 Cal.App. Unpub. LEXIS 8634, both recognizing that cities may properly ban medical marijuana businesses consistent with the CUA and MMPA, with oral argument in those cases set for February 5, 2013;

WHEREAS, additional appellate rulings concerning medical marijuana were issued in February 2012, including by the Second Appellate District of the California Court of Appeal in the case of *People v. Colvin*, 203 Cal.App.4th 1029 (2012), and by the Fourth Appellate District of the California Court of Appeal in the case of *City of Lake Forest v. Evergreen Holistic Collective*, 203 Cal.App.4th 1413 (2012), and whereas the *Evergreen Holistic* case decision has been accepted for review by the California Supreme Court with further action deferred pending consideration and disposition of related issues in the *Inland Empire* case;

WHEREAS, an additional appellate ruling concerning medical marijuana was issued in March 2012, by the Second Appellate District of the California Court of Appeal in the case of *People ex rel. Trutanich v. Joseph*, 204 Cal.App.4th 1512 (2012) which held that that neither section 11362.775 nor section 11362.765 of the MMPA immunizes marijuana sales activity. “Section 11362.775 protects group activity ‘to cultivate marijuana for medical purposes.’ It does not cover dispensing or selling marijuana. Section 11362.765 allows reasonable compensation for services provided to a qualified patient or person authorized to use marijuana, but such compensation may be given only to a ‘primary caregiver.’” *Joseph* at 1523;

WHEREAS, in July 2012, the Second District Court of Appeal reversed the preliminary injunction order issued against the MMO in the case now renamed from its original filing to *420 Caregivers, LLC v. City of Los Angeles*, 207 Cal. App. 4th 703 (2nd Dist., 2012), which held, among other things, that (a) the provisions of the MMO were lawful that limited medical marijuana collectives in the City to only those approximately 180 that had timely registered with the City under the ICO, and (b) the MMO sunset by its own terms on June 6, 2012, and that as of that date only collectives of three or fewer members are allowed to operate in the City, and whereas portions of this decision have been accepted for deferred review by the California Supreme Court;

WHEREAS, having made a confidential settlement proposal that was rejected by the dispensary litigants, the City thereafter sought in August 2012 to address the continued proliferation of unregulated and unauthorized medical marijuana businesses in the City by enacting Ordinance 182190 (Gentle Ban) to prohibit medical marijuana businesses, with limited exceptions that include dwelling units used by three or fewer qualified persons to process or collectively and cooperatively cultivate medical marijuana; and hospices and licensed clinics, care facilities and home health agencies entitled to the state law qualified immunities;

WHEREAS, the City Clerk presented a referendary petition to the City Council regarding the Gentle Ban Ordinance on September 17, 2012, and the City Charter authorizes the Council to respond to the referendary petition by repealing the Gentle Ban Ordinance within twenty days of its presentation;

WHEREAS, in connection with consideration by the City Council of the referendary petition, members and representatives of the medical marijuana community submitted comments and objections to the Gentle Ban and alternative proposed regulations to restrict medical marijuana businesses;

WHEREAS, the comments, objections and proposals include, among others, limitations upon the number of medical marijuana businesses rather than a ban; prohibitions that restrict rather than affirmative regulations that permit or authorize such businesses; prohibitions upon operating within certain distances of sensitive uses; prohibitions upon hours of operation, unaccompanied minors, marijuana visible from the exterior, lighting, and signage; criminal background checks; requiring transparent operations; requiring testing of marijuana for mold and contaminants; and restrictions related to security;

WHEREAS, in response to the comments, objections and proposals, the City Council adopted Ordinance 182286 on October 9, 2012 repealing the Gentle Ban Ordinance;

WHEREAS, an appellate ruling issued on October 24, 2012 by the Fourth Appellate District of the California Court of Appeal in the case of *People v. Jackson*, 2012 Cal. App. LEXIS 1106, regarding the scope of immunities available under the MMPA regarding profits and sales by medical marijuana collectives;

WHEREAS, on November 5, 2012, Department 311 of the Los Angeles Superior Court, in related actions filed by the People of the State of California and entitled *People v. Cahuenga's The Spot LLC, et al.*, Los Angeles Superior Court Lead Case No. BC460794 (and all related cases), granted motions for preliminary injunction by the People against numerous medical marijuana dispensaries which opened in the City in violation of the City's Zoning Code, which does not include medical marijuana as an enumerated use, and without following the required procedures to obtain a Zoning Administrator Interpretation (ZAI) under LAMC §12.21(A)(1) or Variance (Variance) under LAMC §12.27 for such a use, which orders have been appealed; and

WHEREAS, the City wishes to address the continued proliferation of unauthorized medical marijuana businesses in the City by granting a limited immunity from enforcement of its prohibition on medical marijuana businesses under Los Angeles Municipal Code Section 11.00 (I) to those medical marijuana businesses that have abided by the City's regulations to date and do not violate the restrictions set forth in this ordinance, until such time as the California Supreme Court rules regarding what cities can and cannot regulate and the City enacts new medical marijuana legislation consistent with that judicial guidance.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Article 5.1 of Chapter IV of the Los Angeles Municipal Code is replaced in its entirety to read as follows:

ARTICLE 5.1

MEDICAL MARIJUANA

SEC. 45.19.6. PURPOSES AND INTENT.

The purpose of this Article is to enact a materially new ordinance that (a) prohibits medical marijuana businesses, but (b) grants a limited immunity from the enforcement of its prohibition to those medical marijuana businesses that do not violate the restrictions set forth in this ordinance, until such time as the California Supreme Court rules regarding what cities can and cannot regulate and the City enacts new medical marijuana legislation consistent with that judicial guidance.

It is also the purpose of this Article to stem the negative impacts and secondary effects associated with the ongoing medical marijuana businesses in the City, including but not limited to the extraordinary and unsustainable demands that have been placed upon scarce City policing, legal, policy, and administrative resources; neighborhood

disruption, increased transient visitors, and intimidation; the exposure of school-age children and other sensitive residents to medical marijuana; drug sales to both minors and adults; fraud in issuing, obtaining or using medical marijuana recommendations; and murders, robberies, burglaries, assaults, drug trafficking and other violent crimes.

This Article is not intended to conflict with federal or state law, nor is this Article intended to answer or invite litigation over the unresolved legal questions posed by the California Attorney General or by case law regarding the scope and application of state law. It is the intention of the City Council that this Article be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

SEC. 45.19.6.1. DEFINITIONS.

A. The following words or phrases, when used in this Article, shall be construed as defined below. Words and phrases not defined here shall be construed as defined in Section 11.01, 12.03 and 45.19.5 of this Code.

"Building" means any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels, or property of any kind.

"Location" means any parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area.

"Manager" means any person to whom a medical marijuana business has delegated discretionary powers to organize, direct, carry on or control its operations. Authority to control one or more of the following functions shall be prima facie evidence that such a person is a manager of the business: (a) to hire, select, or separate employees or staff, including volunteers; (b) to acquire facilities, furniture, equipment or supplies other than the occasional replenishment of stock; (c) to disburse funds of the business other than for the receipt of regularly replaced items of stock; or (d) to make, or participate in making, policy decisions relative to operations of the business.

"Marijuana" shall be construed as defined in California Health and Safety Code Section 11018 and further shall specifically include any product that contains marijuana or a derivative of marijuana.

"Medical marijuana business" means either of the following:

(1) Any location where marijuana is cultivated, processed, distributed, delivered, or given away to a qualified patient, a person with an identification card, or a primary caregiver.

(2) Any vehicle or other mode of transportation, stationary or mobile, which is used to transport, distribute, deliver, or give away marijuana to a qualified patient, a person with an identification card, or a primary caregiver.

(3) Notwithstanding Subparagraphs 1 and 2 above, "medical marijuana business" shall not include any of the following:

(a) Any dwelling unit where a maximum of three (3) or fewer qualified patients, persons with an identification card, and/or primary caregivers process or associate to collectively or cooperatively cultivate marijuana on-site, with respect to qualified patients and persons with an identification card for their own personal medical use, and with respect to the primary caregivers for the personal medical use of the qualified patients or persons with an identification card who have designated the individual as a primary caregiver, in accordance with California Health and Safety Code Sections 11362.5 and 11362.7 *et seq.*;

(b) Any location during only that time reasonably required for a primary caregiver to distribute, deliver, or give away marijuana to a qualified patient or person with an identification card who has designated the individual as a primary caregiver, for the personal medical use of the qualified patient or person with an identification card, in accordance with California Health and Safety Code Section 11362.5 and 11362.7 *et seq.*;

(c) The location of any clinic licensed pursuant to Chapter 1 (commencing with Section 1200), a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250), a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01), a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569), a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725), all of Division 2 of the California Health and Safety Code where: (i) a qualified patient or person with an identification card receives medical care or supportive services, or both, from the clinic, facility, hospice, or home health agency, and (ii) the owner or operator, or one of not more than three employees designated by the owner or operator, of the clinic, facility, hospice, or home health agency has been designated as a primary caregiver pursuant to California Health and Safety Code Section 11362.7(d) by that qualified patient or person with an identification card; or

(d) Any vehicle during only that time reasonably required for its use by: (i) a qualified patient or person with an identification card to transport marijuana for his or her personal medical use, or (ii) a primary caregiver to transport, distribute, deliver, or give away marijuana to a qualified patient or person with an identification card who has designated the individual as a primary caregiver, for the personal medical use of the qualified patient or person with an identification card, in accordance with California Health and Safety Code Section 11362.765.

“Structure” means anything constructed or erected which is supported directly or indirectly on the earth, but not including any vehicle.

“Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a street, sidewalk or waterway, including but not limited to a device moved exclusively by human power.

“Youth Center” means any indoor, public, private or parochial facility, other than a private residence or a multiple dwelling unit, which contains programs which provide, on a regular basis, activities or services for persons who have not yet reached the age of 18 years, including, but not limited to, community-based programs, after-school programs, weekend programs, violence prevention programs, leadership development programs, vocational programs, substance abuse prevention programs, individual or group counseling, remedial, tutorial or other educational assistance or enrichment, music, art, dance and other recreational or cultural activities, physical fitness activities and sports programs.

B. The following words or phrases when used in this Section shall be construed as defined in California Health and Safety Code Sections 1746, 11362.5, 11362.7, and 11834.02.

“Alcoholism or drug abuse recovery or treatment facility”;

“Hospice”;

“Identification card”;

“Person with an identification card”;

“Primary caregiver”; and

“Qualified patient”.

SEC. 45.19.6.2. PROHIBITED ACTIVITIES.

A. It is unlawful to own, establish, operate, use, or permit the establishment or operation of a medical marijuana business, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity in any medical marijuana business.

B. The prohibition in Subsection A, above, includes renting, leasing, or otherwise permitting a medical marijuana business to occupy or use a location, vehicle, or other mode of transportation.

SEC. 45.19.6.3. LIMITED IMMUNITY.

Notwithstanding the activities prohibited by this Article, and notwithstanding that medical marijuana business is not and shall not become a permitted use in the City for so long as this Article remains in effect, a medical marijuana business shall not be subject to the remedies set forth in Los Angeles Municipal Code Sections 11.00 or

12.27.1 solely on the basis of: (1) an activity prohibited by Section 45.19.6.2; and (2) the fact that medical marijuana business is not a permitted use in the City, provided however that, as authorized by California Health and Safety Code Section 11362.83, this limited immunity is available and may be asserted as an affirmative defense only so long as subsections A through D and G through O of this Section 45.19.6.3 remain in effect in their entirety, only by a medical marijuana business at the one location identified in its original or any amended business tax registration certificate issued by the City, and only if that medical marijuana business does not violate any of the following medical marijuana business restrictions:

A. Every medical marijuana business is prohibited that was not operating in the City as a medical marijuana business by September 14, 2007, as evidenced by a business tax registration or tax exemption certificate issued by the City on or before November 13, 2007;

B. Every medical marijuana business is prohibited that did not register with the City Clerk by November 13, 2007 in accordance with all requirements of the City's Interim Control Ordinance 179027;

C. Every medical marijuana business is prohibited that did not notify the City Clerk by February 18, 2011 of its intention to register under the City's Medical Marijuana Ordinance 181069, as amended by the Temporary Urgency Ordinance 181530;

D. Every medical marijuana business is prohibited that ceased or ceases operation at the location set forth in its original or any amended business tax registration or tax exemption certificate issued by the City, as evidenced by: (i) an enforcement determination, written settlement agreement, or court order, that has not been repealed, rescinded, or overturned by a government agency or court of competent jurisdiction, or (ii) the absence of either a lease or deed and utility bills for the location, in the name of the medical marijuana business or in the name of any person or entity for the benefit of the medical marijuana business. Upon request from the City, a medical marijuana business that seeks immunity pursuant to this Article shall direct its landlord and utility providers to provide its lease and utility bills to the City Clerk. For purposes of provision (ii) of this subsection, a medical marijuana business shall not be deemed to have ceased operation during the time reasonably necessary to move to a new location pursuant to this Article, or if it temporarily ceased but resumed operation in response to an enforcement letter issued by a federal governmental entity or the City prior to the effective date of Temporary Urgency Ordinance 181530;

E. Every medical marijuana business is prohibited that failed or fails to: (i) obtain a City business tax registration for taxation as a medical marijuana collective in 2011 or 2012, and (ii) renew that business tax registration within 90 days of the effective date of this Article and before each annual renewal deadline thereafter;

F. Every medical marijuana business is prohibited that has an unpaid tax obligation to the City that is not paid in full, including any assessed fines, penalties,

interest or other costs (collectively "unpaid tax obligations"), prior to the commencement of the following tax year. A taxpayer shall not be in breach of this subsection for tax years 2011 and 2012 if it pays the City by January 1, 2014 all unpaid tax obligations incurred for tax years 2011 and 2012. Further, a taxpayer shall not be in breach of this subsection if it enters into and fully performs per the terms of an offer and compromise or other settlement agreement with the City that satisfies any unpaid obligations. This subsection shall not deprive any medical marijuana business of rights, if any, to appeal or seek judicial determination of the propriety of any amounts alleged by the City as unpaid tax obligations, and a medical marijuana business shall not lose its claim of limited immunity due to the pendency of any such appeal or judicial determination;

G. Every medical marijuana business is prohibited that remains open and/or operating between the hours of 8 PM and 10 AM;

H. Every medical marijuana business is prohibited where marijuana and/or alcohol are consumed at the premises or in any area of the location used for parking any vehicle;

I. Every medical marijuana business is prohibited that allows a minor unaccompanied by a parent or legal guardian to enter its premises;

J. Every medical marijuana business is prohibited where marijuana is visible from the exterior of the premises;

K. Every medical marijuana business is prohibited that illuminates any portion of its premises during closure hours by lighting that is visible from the exterior of the premises, except such lighting as is reasonably utilized for the security of the premises;

L. Every medical marijuana business is prohibited that provides ingress or egress to its premises on any side of the location that (i) abuts, (ii) is across a street, alley or walk from, as measured at 90 degrees from the lot lines of the location, or (iii) has a common corner with any land zoned residential, except that an exit door required by this Code may be maintained for emergency egress only and must be locked from the exterior at all times. The above notwithstanding, this subsection shall not prohibit a medical marijuana business from locating across a street from, or having a common corner with, any land zoned residential if the medical marijuana business is separated from that residential zone by a public thoroughfare with a minimum roadway width of 80 feet. This subsection shall not apply to defeat the limited immunity claim of a medical marijuana business that is otherwise entitled to assert the limited immunity provided by this Article if it moves within one hundred eighty (180) days after the effective date of this Article to a location that does not violate this subsection;

M. Every medical marijuana business is prohibited that fails to identify by name and residence address each of its Managers to the City Clerk by October 31 of each year and whose Managers fail to successfully pass and publicly display at the

location of the medical marijuana business the results of an annual LAPD LiveScan background check to be completed by January 31 of each year. A failed LAPD LiveScan is a LiveScan that includes any felony conviction within the past ten years and/or current parole or probation for the sale or distribution of a controlled substance;

N. Every medical marijuana business is prohibited that has one or more Managers who are also Managers at the same time of another medical marijuana business in the City; and

O. Every medical marijuana business is prohibited that is located within a 1,000-foot radius of a school, or within a 600-foot radius of a public park, public library, religious institution, child care facility, youth center, alcoholism, drug abuse recovery or treatment facility, or other medical marijuana business. The distance specified in this paragraph shall be the horizontal distance measured in a straight line from the property line of the school, public park, public library, religious institution, child care facility, youth center, alcoholism or drug abuse recovery or treatment facility, or other medical marijuana business, to the closest property line of the lot on which the medical marijuana business is located without regard to intervening structures. In the event that two or more medical marijuana businesses are located within a 600-foot radius of one another, only the medical marijuana business with the earliest issuance date on a City business tax registration or tax exemption certificate for its operation at the location may assert the limited immunity provided by this Article. The distance requirements set forth in this subsection shall not apply to: (i) those licensed health care and other facilities identified in California Health and Safety Code Section 11362.7(d)(1); (ii) defeat the limited immunity claim of a medical marijuana business that is otherwise entitled to assert the limited immunity provided by this Article if it moves within 180 days after the effective date of this Article to a location that does not violate the distance requirements; and (iii) a medical marijuana business that violates the distance requirements because a sensitive use located within the prohibited radius of the medical marijuana business after the date on which the City issued a City business tax registration or tax exemption certificate to the medical marijuana business for its location.

The limited immunity provided by this Section shall not be available to and shall not be asserted as an affirmative defense to any violation of law except as expressly set forth in this Article. Further, nothing contained in this limited immunity is intended to provide or shall be asserted as a defense to a claim for violation of law brought by any county, state, or federal governmental authority. Finally, the limited immunity provided by this Section shall be available and may be asserted only so long as each and every provision and clause of subsections A through D and G through O of this Section 45.19.6.3 remain valid, effective and operative.

SEC. 45.19.6.4. CONFIDENTIALITY OF TAX INFORMATION.

The City shall not disclose information and documents to the federal government, its officers, or agents regarding the gross receipts declared and taxes paid to the City by a medical marijuana business that is entitled to claim immunity pursuant to this Article

absent a grand jury subpoena, civil or administrative subpoena, warrant, discovery request, summons, court order or similar process authorized under law which seeks the involuntary disclosure of such information and documents. If the City receives a civil or administrative subpoena, warrant, discovery request, summons, court order or similar process authorized under law seeking its involuntary disclosure of such information and documents to the federal government, its officers, or agents, the City shall provide a copy of the civil or administrative subpoena, discovery request, or court order to the medical marijuana business whose information and documents are sought. The medical marijuana business shall have ten (10) days from the date of such notice and receipt of copy within which to obtain and serve on the City a protective order from a court of competent jurisdiction. This provision shall take precedence over any other provisions in the Los Angeles Municipal Code or the Los Angeles Administrative Code governing the disclosure of information.

SEC. 45.19.6.5. NO AUTHORITY TO PERMIT USE IN ANY ZONE.

The use of any building, structure, location, premises or land for a medical marijuana business is not currently enumerated in the Los Angeles Municipal Code as a permitted use in any zone, nor is the use set forth on the Official Use List of the City as determined and maintained by the Zoning Administrator. So long as this Article remains in effect, the Zoning Administrator shall not have the authority to determine that the use of any building, structure, location, premises or land as a medical marijuana business may be permitted in any zone; to add medical marijuana business to the Official Use List of the City; or to grant any variance authorizing any medical marijuana business.

SEC. 45.19.6.6. NO VESTED OR NONCONFORMING RIGHTS.

This Article prohibits medical marijuana businesses. Neither this Article, nor any other provision of this Code or action, failure to act, statement, representation, certificate, approval, or permit issued by the City or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any medical marijuana business. Any immunity or benefit conferred by this ordinance shall expire permanently and in full on the effective date of the City Council's enactment of new medical marijuana legislation after the issuance of guidance by the California Supreme Court guidance, or otherwise upon repeal of this ordinance.

SEC. 45.19.6.7. DUE PROCESS AND ENFORCEMENT.

All existing medical marijuana businesses must immediately cease operation; except that any medical marijuana business that that does not violate any of the medical marijuana business restrictions described in Section 45.19.6.3, Limited Immunity, may continue to operate but only so long as subsections A through D and G through O of Section 45.19.6.3 remain valid, effective and operative.

As has always been the law in the City, any enforcement action by the City for failure to comply with this Article shall be accompanied by due process. Every violation of this Article and each day that a violation of this Article occurs shall constitute a separate violation and shall be subject to all criminal and civil remedies and enforcement measures authorized by Sections 11.00 and 12.27.1 of this Code. In any enforcement proceeding pursuant to Section 12.27.1, the notice required by Subsection C.1 of Section 12.27.1 shall be provided only to the owner and lessee of the medical marijuana business, and shall not also be provided to other property owners within a 500-foot radius.

In the event a court of competent jurisdiction preliminarily or permanently enjoins, or holds to be unconstitutional or otherwise invalid, any enforcement remedy provided for in this Section 45.19.6.7, then the remainder of the enforcement remedies provided for by this Section shall remain in full force and effect.

SEC. 45.19.6.8. LIMITED SEVERABILITY.

If any provision or clause of Section 45.19.6.3 of this Article is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall invalidate every other provision, clause and application of Section 45.19.6.3 of this Article, and to this end the provisions and clauses of Section 45.19.6.3 of this Article are declared to be inseverable. The preceding sentence notwithstanding, if subsection E or F of Section 45.19.6.3 is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, subsections E and F of Section 45.19.6.3 of this Article shall be severable from the remaining subsections of Section 45.19.6.3 of this Article.

Except for the inseverability of the provisions, clauses and applications of Section 45.19.6.3 on the terms set forth hereinabove, if any other provision or clause of this Article is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect those provisions, clauses or applications of this Article which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this Article other than Section 45.19.6.3 are declared to be severable.

SEC. 45.19.6.9. EFFECTIVE DATE.

This Article shall be effective upon its passage.

Section 2. Taxation of Medical Marijuana Collectives.

A. Section 21.50(b) of the Los Angeles Municipal Code is amended to change the tax rate from \$50 to \$60, to read as follows:

(b) Every person engaged in operating or otherwise conducting a medical marijuana collective not otherwise specifically taxed by other business tax

provisions of this Chapter, shall pay a business tax of \$60.00 for each \$1,000.00 of gross receipts or fractional part thereof.

B. **Effective Date.** This amendment to Section 21.50(b) of the Los Angeles Municipal Code to change the tax rate from \$50 to \$60 shall be effective upon the beginning of the first tax year following passage of this ordinance.

C. **Severability.** If this Section 2 of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the validity of the remaining provisions of this ordinance and, to this end, the provisions of Section 2 of this ordinance are declared to be severable from the remaining provisions of this ordinance.

Section 3. Competing Measures. In the event that this measure and another measure or measures relating to the regulation of medical marijuana in the City of Los Angeles appear on the same ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes than the other measure or measures, the provisions of this measure shall prevail in their entirety over all provisions of the competing measure or measures, and the competing measure or measures shall be null and void.

Section 4. Amendment and Repeal. As an ordinance submitted to the voters by the Los Angeles City Council, the provisions of this ordinance, other than the taxation provisions contained in Section 2, shall be subject to amendment or repeal as provided in Section 464(b) of the Los Angeles City Charter. The City shall amend or repeal this ordinance pursuant to Charter Section 464(b) as may be appropriate in order to implement judicial rulings or guidance from the California Supreme Court regarding what medical marijuana activities and conduct California cities can and cannot regulate.

STUDIO CITY NEIGHBORHOOD COUNCIL BYLAWS

ARTICLE VII – COMMITTEES

The SCNC shall have three types of committees: Standing, Ad Hoc, and Advisory.

Section 1: Standing Committees

The current Standing Committees of the SCNC are: Budget, Bylaws & Procedures, Public Safety, Cultural Affairs, Government Affairs, Land Use, Outreach and Transportation. Standing Committees shall continue in existence unless and until disbanded by the Board, and may be established or disbanded only by the Board.

Standing Committees shall comply with the Brown Act.

Standing Committees shall meet at least twice each quarter unless the President and the Committee Chair determine that fewer meetings are needed during any particular quarter. Standing Committees shall maintain minutes of its meetings which, upon approval by the Committee, shall be made available to all Board members and shall be posted on the SCNC website. No Standing Committee shall be comprised of more than four (4) members of the Board.

Section 2: Ad Hoc Committees

Ad Hoc Committees may be established by the Board, or by the President with notice to the Board as its next regular meeting, as they may be needed from time-to-time to address temporary issues of importance to the SCNC. Ad Hoc Committees shall be automatically disbanded without further action by the Board or the President upon the earlier of (1) completion of the task assigned to the Committee and report to the Board, or (2) a date certain if set by the Board or the President. No Ad Hoc Committee shall be comprised of more than four (4) members of the Board. Ad Hoc Committees are not subject to the Brown Act.

~~Ad Hoc Committees are not subject to the Brown Act unless a majority of the members of the Board are also members of the Ad Hoc Committee.~~

~~———— If a majority of the members of an Ad Hoc Committee are also members of the Board then any recommended action of the Ad Hoc Committee shall be submitted, considered, and voted on by the Board at a regular noticed Board meeting.~~

Section 3: Advisory Committees

Advisory Committees may be established by any Board member or Standing or Ad Hoc Committee Chair to advise and assist that Board member or Committee Chair on a specific issue or subject. The Advisory Committee shall be automatically disbanded upon completion of its assigned task or may be disbanded at any time by the establishing Board member or Committee Chair.

No member of the Board shall be a member of any Advisory Committee.

The appointing Board member or Committee Chair shall promptly report the findings of the Advisory Committee, if any, to the Board or to any Standing or Ad Hoc Committee having jurisdiction over the subject matter addressed by the Advisory Committee.

Advisory Committees shall have no decision making power.

Advisory Committees are not subject to the Brown Act.

Section 4: Recordation of Committee Establishment or Disbandment

The establishment or disbandment of any Standing or Ad Hoc Committee shall be noted in the Board meeting minutes by the Secretary.

See Studio City Neighborhood Council Operating Procedures, Article Seven.

STUDIO CITY NEIGHBORHOOD COUNCIL OPERATING PROCEDURES

COMMITTEES

ARTICLE SEVEN

APPOINTMENT OF COMMITTEES

A. TYPES OF COMMITTEES PER SCNC BYLAWS:

- a. Standing
- b. Ad Hoc
- c. Advisory

- B. The President shall appoint the Chair of each Standing and Ad Hoc Committee following (1) each SCNC election of Board officers, (2) the establishment of the Committee, or (3) any vacancy resulting from the resignation or removal of a Committee Chair. The Chair of each Standing and Ad Hoc Committee shall remain in that position until the earlier of that Chair's resignation or removal, or the next SCNC election.
- C. The President may remove any Chair of a Standing or Ad Hoc Committee, which removal shall be effective immediately.
- D. The Chair of each Standing and Ad Hoc Committee shall appoint the members of that Committee, each of whom shall be a SCNC stakeholder, and shall determine the appropriate size of the Committee. Members of each Standing and Ad Hoc Committee shall remain in that position until the earlier of (1) that member's resignation or removal, (2) the appointment of a new Chair of the Committee, or (3) the next SCNC election. Each Standing Committee shall include one but not more than four members of the Board.
- E. The Chair of a Standing or Ad Hoc Committee may remove any member of that Committee, which removal shall be effective immediately.
- F. The Board member or Standing or Ad Hoc Committee Chair that establishes an Advisory Committee shall appoint the Committee's Chair and members, and may remove the Chair or any member so long as the Committee is in existence.
- G. Each Standing and Ad Hoc Committee shall have a mission statement, i.e., a written statement of its function and objectives. All mission statements shall be submitted to the President and shall be subject to approval of the Board.
- H. The President shall be an ex officio member of all Standing and Ad Hoc Committees without voting rights.

STUDIO CITY NEIGHBORHOOD COUNCIL OPERATING PROCEDURES

COMMITTEES

ARTICLE SEVEN

APPOINTMENT OF COMMITTEES

A. TYPES OF COMMITTEES PER SCNC BYLAWS:

- a. Standing
- b. Ad Hoc
- c. Advisory

B. The President shall appoint the Chair of each Standing and Ad Hoc Committee **promptly** following (1) each SCNC election of Board officers, (2) the establishment of the Committee, or (3) any vacancy resulting from the resignation or removal of a Committee Chair. The Chair of each Standing and Ad Hoc Committee shall remain in that position until the earlier of that Chair's resignation or removal, or the next SCNC election.

C. The President may remove any Chair of a Standing or Ad Hoc Committee, which removal shall be effective immediately. ~~but shall be subject to approval of the Board at its next regular meeting. If the Board does not approve the President's removal of the Committee Chair at its next regular meeting then that Chair immediately shall be reinstated in place of any intervening appointment. Additionally, the Board may on its own motion remove any Chair of a Standing or Ad Hoc Committee.~~

D. The Chair of each Standing and Ad Hoc Committee shall appoint the members of that Committee, each of whom shall be an SCNC stakeholder, and shall determine the appropriate size of the Committee. Members of each Standing and Ad Hoc Committee shall remain in that position until the earlier of (1) that member's resignation or removal, (2) the appointment of a new Chair of the Committee, or (3) the next SCNC election. Each Standing Committee shall include one but not more than four members of the Board.

E. The Chair of a Standing or Ad Hoc Committee may remove any member of that Committee, which removal shall be effective immediately. ~~but shall be subject to approval of the Board at its next regular meeting. If the Board does not approve the Committee member's removal at its next regular meeting then that member immediately shall be reinstated. Additionally, the Board may on its own motion remove any member of a Standing or Ad Hoc Committee.~~

F. The Board member or Standing or Ad Hoc Committee Chair that establishes an Advisory Committee shall appoint the Committee's Chair and members, and may remove the Chair or any member so long as the Committee is in existence.

G. ~~Each All~~ Standing and Ad Hoc Committees shall have a mission statement, ~~as specified by the Board,~~ i.e., a written statement of its function and objectives. All mission statements shall be submitted to the President and shall be subject to approval of the Board.

H. The President shall be an ex officio member of all Standing and Ad Hoc Committees without voting rights.