

Measure Z Committee

"REGULAR MEETING"

Thursday, May 20, 2010, 6:00 p.m.
City Council Chambers, City Hall, 3rd Floor
Oakland, California 94612

AGENDA

Members:

Dale Gieringer	District 1	Keith Stephenson	District 7
Joseph E. Villatoro	District 2	TC Everett	At Large
Richard Lee	District 3	Leslie Bonett	Mayor
James Anthony	District 4	Wendy Herndon	City Auditor
Matt Hummel	District 5	Jeff Baker	City Administrator
Vacant	District 6		

Available on-line at: <http://www.oaklandnet.com/measurez>

AGENDA

- A. Roll Call and Determination of Quorum
- B. Open Forum / Public Comment
- C. Review of the Pending List
- D. Approval of the Draft Minutes, Measure Z Committee Meeting of April 1, 2010
- E. Reports for Discussion and Possible Action:
 - 1. Presentation: The Brown Act and Oakland Sunshine Ordinance
Dan Purnell, Director, Ethics Commission, City of Oakland
- F. Announcements.
- G. Adjournment.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2010 MAY 17 PM 3:22

Persons may speak on any item appearing on the agenda; however a Speaker Card must be filled out and given to a representative of the Measure Z Commission. Multiple agenda items cannot be listed on one speaker card. If a speaker signs up to speak on multiple items listed on the agenda, the Chairperson may rule that the speaker be given an appropriate allocation of time to address all issues at one time (cumulative) before the items are called. All speakers will be allotted 3 minutes or less – unless the Chairperson allots additional time.

♿ This meeting is wheelchair accessible. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the Measure Z Commission, please contact the Office of the City Clerk (510) 238-3612. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility. In compliance with Oakland's policy for people with chemical sensitivities, please refrain from wearing strongly scented products to events.

Questions or concerns regarding this agenda, or to review any agenda-related materials, please contact the Measure Z Commission at (510) 238-3301.

C: REVIEW OF PENDING LIST

Measure Z Committee

Pending List and Proposed

May 20, 2010, 6:00 p.m.

Items for Discussion

Pending, No Specific Date

1. Establishment of guidelines for Measure Z club's to deal with the issue of fees to be paid by licensed Measure Z Clubs. (R. Lee / K. Stephenson) *rev. Aug 08*
2. Develop guidelines for future enforcement (D. Gieringer)
3. Draft a proposed Training Bulletin for OPD for Measure Z (modeled after the Medicinal Cannabis Training Bulletin) for the implementation of the Measure Z lowest law enforcement priority, including protocols for OFD/OPD interaction, re: encountering cultivation operations in the course of their duties (J. Anthony and K. Stephenson) *rev. Aug 08*
4. Monitor, on an ongoing basis, "private, adult" marijuana offense arrests (J. Anthony)
5. A definition of "private" as it relates to cultivation in the law (R. Lee) *rev. Aug 08*
6. Annual Report from the Measure Z Committee to the Oakland City Council (D. Gieringer 7/20/06)
7. Review of Oakland compliance / non-compliance policies with the Drug Enforcement Agency (DEA) (R. Lee/D. Gieringer 9/20/07)
8. Discussion of "clear violations" of Measure Z (ex. People packaging personal use cannabis in their homes) as part of a dialog with OPD (invite public to share stories) (J. Anthony 12/20/07)
9. Review of environmental impacts of indoor / outdoor growing and possible regulations (M. Hummel 11/19/09)
10. Licensed cannabis smoking premises in the City of Oakland (D. Gieringer 3/19/09)
11. Report from the District Attorney – conviction vs. arrest statistics for CA Health & Safety Code section 11357 – misdemeanor arrests (L. Bonett 5/21/09)

For Tracking Purposes

1. Election of Officers – March 2012

(Rev. May 1, 2010)

Item: C
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**D. REVIEW AND APPROVAL OF DRAFT
MINUTES, MEASURE Z COMMITTEE
MEETING, APRIL 1, 2010**

Measure Z Committee

DRAFT
Meeting Minutes

Thursday, April 1, 2010, 6:00 p.m.
City Council Chambers, City Hall, One Frank H. Ogawa Plaza
"SPECIAL MEETING"

Members:

Dale Gieringer	District 1	Keith Stephenson	District 7
Joseph E. Villatoro	District 2	TC Everett	At Large
Richard Lee	District 3	Leslie Bonett	Mayor
James Anthony	District 4	Wendy Herndon	City Auditor
Matt Hummel	District 5	Jeff Baker	City Administrator
Vacant	District 6		

DRAFT MINUTES

A. Roll Call and determination of quorum

*Members Present: L. Bonett, TC Everett, Chairperson Anthony
R. Lee, K. Stephenson, W. Herndon, J. Baker, J. Villatoro*
Members Excused: D. Gieringer (Excused), M Hummel (Excused)

The "Special Meeting" of April 1, 2010 was called to order at 6:04 p.m.

B. Open Forum / Public Comment

There were no speakers at Open Forum.

C. Review of the Pending List

There were two changes to the Pending List.

- 1. Election of Officers -- March 2012*
- 2. Item 6: Annual Report for 2009; Draft will provided by Member Bonnet*

D. Approval of Draft Minutes

The Minutes of the February 18, 2010 meeting were approved, by consensus.

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G. Review and Approval of Report from Measure Z Subcommittee re Guidelines for Fees on Measure Z Clubs

(This Item was taken out of turn per direction of Chairperson Anthony.)

Member Lee and Member Villatoro provided the report: Changes have been made to the payment schedule:

1. (See Item 3, Sub Committee Report.) Payments will be made quarterly and figured annually.
2. (See Item 5, Sub Committee Report) Measure Z clubs will pay \$15 per member, per year fee.
3. (See Item 5a., Sub Committee Report) Measure Z Clubs pay the Measure F Tax of 1.8% gross receipts tax.
4. (See Item 18, Requirement for a “reserve account.”
5. Discussion on Sub Committee whether to “ earmark” tax revenues to specific projects; city department and/or programs.

Chairperson Anthony outlined the “limits of the Committee’s powers; that is, the power consists of moving proposed policy recommendations to the City Council through the Office of the City Administrator. In the event the City Administrator does not support policy, the Committee may send proposed policy recommendations directly to City Council.

Auturo Sanchez, Assistant to the City Administrator, provided the following: Any one who opens a Measure Z Club presently and distributes cannabis for non-medicinal purposes could be subject to prosecution under the City’s Nuisance Abatement Ordinance or under current state and federal law.

There was one speaker on this item.

Alex Campbell (commended Committee on work on 2010 Initiative)
Preston Thompson (expressed concern on reference to cannabis dispensary or or club as “nuisance”)

Chairperson Anthony proposed the following language amendments to Item 14: Sub Committee Report on Measure Z Clubs:

“Measure Z Clubs shall be required to issue membership identification cards to all active members and are required to maintain and to quarterly submit a list of active and non-active members for each year for fee calculating purposes.”

(See Item 12, Sub Committee Report:) Change first sentence to read: “If by May 1st a club fails to complete...”

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(See Item 16, Sub Committee Report:) Change first sentence to read: Membership identifications shall be issued only after a members applicant's identification and state law age requirement has been verified..."

(See Item 16, Sub Committee Report:) Add: "...or another form of photo identification that has been issued by an agency authorized to issue identifications recognized by California.

(See Item 17, Sub Committee Report:) Change first sentence to "Club member identification numbers shall be unique to that individual."

(See Item 17, Sub Committee Report:) Change second sentence to read: "The Measure Z Club shall determine the most efficient method of assigning identification numbers to members." Delete remainder of sentence.

(See Items 19 and 20, Sub Committee Report:) Delete Items 19 and 20.

Motion to accept report with aforementioned changes passed by consensus.

E-1 Review of Oakland Police Department Report on Department Activities Related to Arrests for Criminal Marijuana Offenses for 2009-2010

Lieutenant Poirier, OPD, provided the report. The Oakland Police Department maintains a policy that the investigation, citation and arrest for private cannabis offenses is the lowest law enforcement priority. All officers receive training on the marijuana policy. As of this date, the Oakland Police Department has not drafted a training bulletin on the policy. (OPD is not adverse to the Measure Z Committee drafting a training bulletin for department review.) However, statistics bear out the fact that enforcement of private adult cannabis offenses is a low priority.

There was one speaker on this Item:

- Jeff Jones

Motion to Receive and Accept Report. Passed by consensus.

F. Election of Officers

Chairperson Anthony nominated Richard Lee as Chairperson. The nomination was seconded and passed unanimously.

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Leslie Bonnett was nominated for Vice Chairperson. The nomination was seconded and passed unanimously.

H. Announcements

I. Adjournment

DRAFT

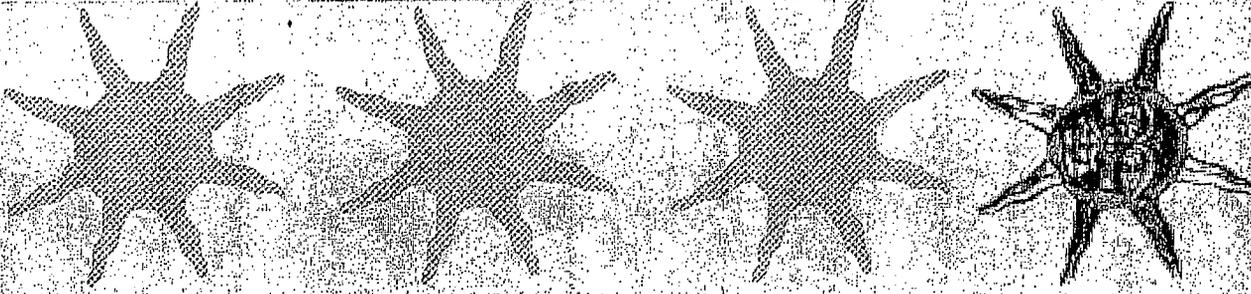
E-1:

**PRESENTATION: THE BROWN ACT AND
OAKLAND SUNSHINE ORDINANCE, Dan
Purnell, Director, Ethics Commission**



PUBLIC MEETINGS AND
CONFLICTS OF INTEREST

A PRESENTATION BY THE
OAKLAND PUBLIC ETHICS
COMMISSION



SO WHAT IS A MEETING?

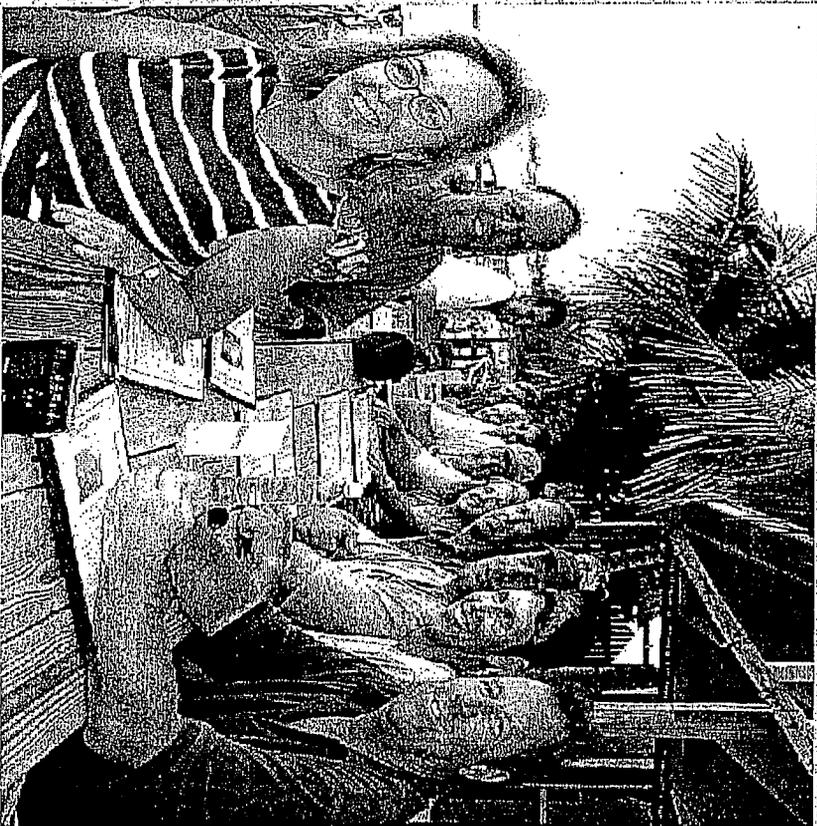
A congregation of a majority of a board in which any item within its jurisdiction is "heard, discussed, deliberated or acted upon" (includes meals before, during or after a meeting)

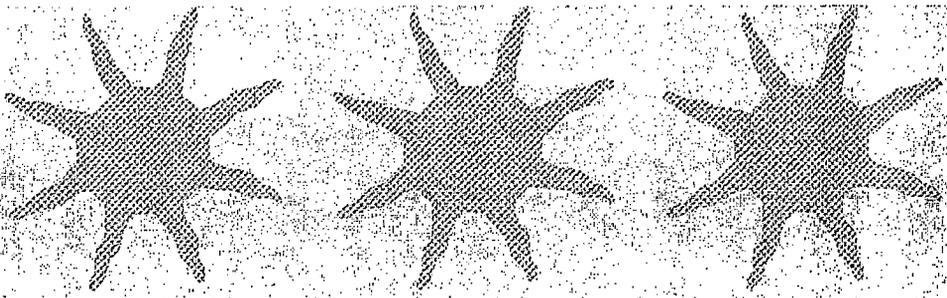
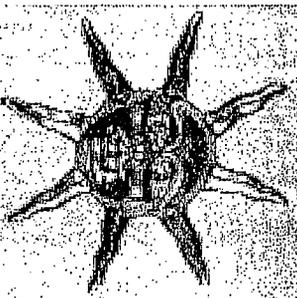
Use of direct communication or intermediaries that causes a majority to become aware of the views of other members is prohibited

SO WHAT IS A MEETING?

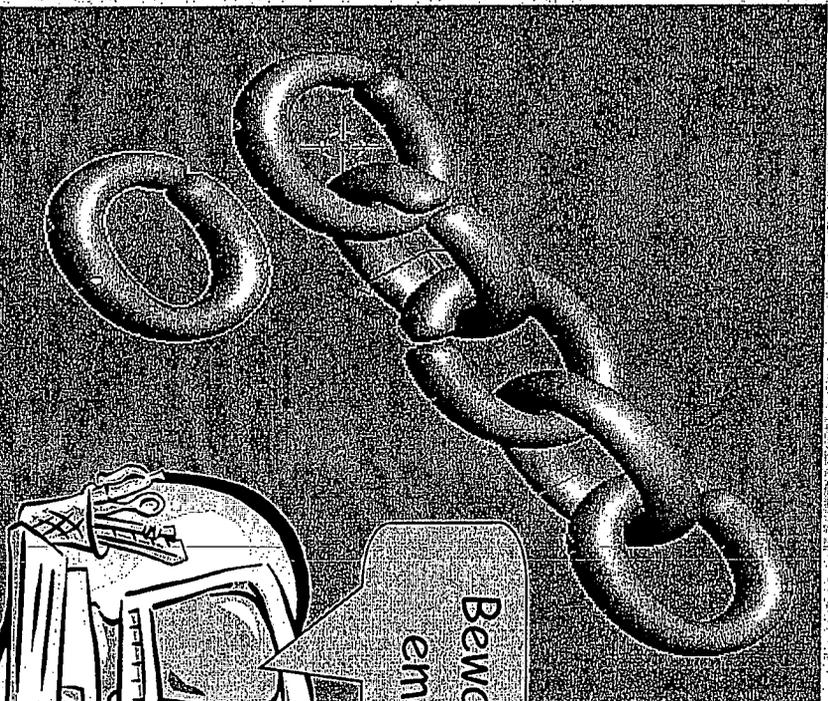
Almost any gathering by a majority to receive information, hear a proposal, or discuss views on an issue can constitute a meeting

Includes "retreats", workshops and planning sessions





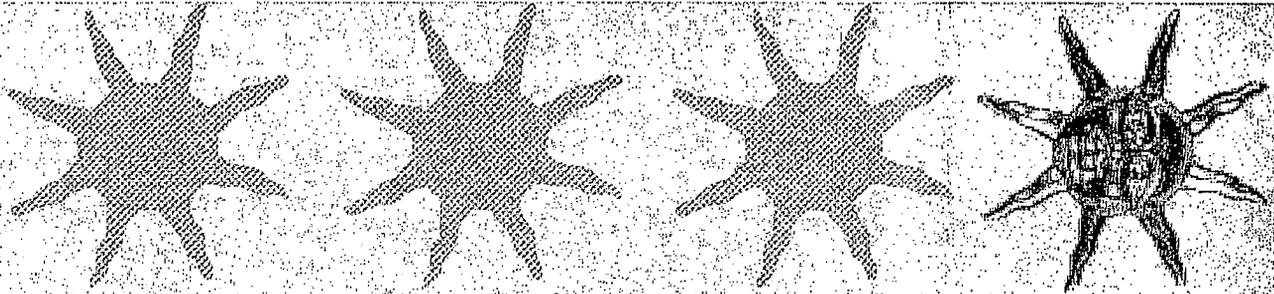
WATCH OUT FOR "SERIAL MEETINGS"



Beware of emails!

Typically occurs in one of two ways:

- Member A calls B who then calls C ("chain" meeting)
- Member A calls B and C ("hub" meeting)
- Don't be a link or a hub!

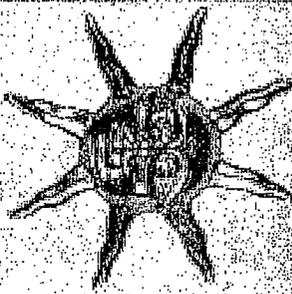


WHEN IS A GATHERING NOT A MEETING?

Okay to attend
conferences,
meetings of other
public agencies,
community
meetings, and
social occasions

Just don't "talk
shop"

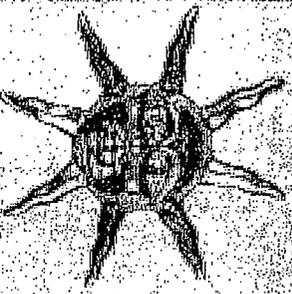




DEALING WITH PUBLIC SPEAKERS. . .



- ★ Public has a right to speak before voting on an item
- ★ Speaking rules must be "reasonable and uniformly applied"
- ★ City policy is two minutes per speaker, per item



DEALING WITH PUBLIC SPEAKERS...

Can't prohibit
criticism of policies,
procedures, members
or staff

But CAN limit actual
disruptions:

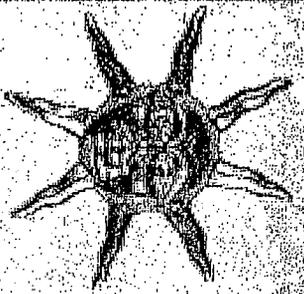
Speaking beyond time

Unduly repetitious

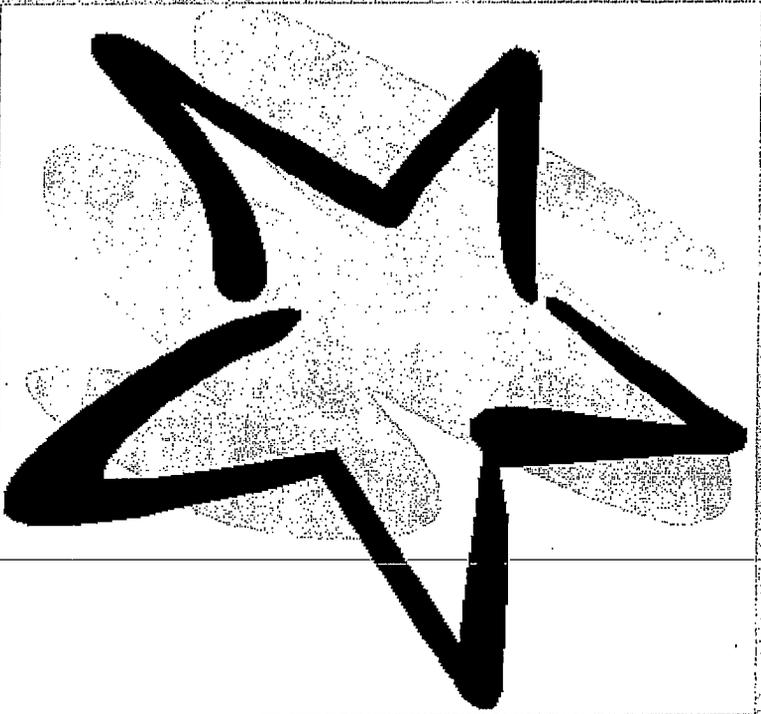
Extended Irrelevant
Discussion

Intimidation or
Threats





PUBLIC BODIES AND PUBLIC SPEAKERS



- Best Practices:**
- Direct comments "through the chair"
 - Don't engage in dialogue
 - Always remain courteous; maintain appearance that all comments have meaning and matter