

Cannabis Regulatory Commission (former Measure Z) Regular Meeting

Thursday, November 20th, 2014, 6:30 p.m.

Council Chambers, City Hall, One Frank H. Ogawa Plaza

AGENDA

Members:

| | | | |
|-----------------|------------|-------------------|--------------------|
| Dale Gieringer | District 1 | Jacob Sassaman | District 7 |
| Sean Donahoe | District 2 | A. Kathryn Parker | At Large |
| Sierra Martinez | District 3 | Vacant | Mayor |
| James Anthony | District 4 | Amanda Reiman | City Auditor |
| Matt Hummel | District 5 | Joe DeVries | City Administrator |
| Marlon Hendrix | District 6 | | |

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

AGENDA

Please Note New Meeting Time of 6:30PM

- A. Roll Call and Determination of Quorum
- B. Open Forum / Public Comment
- C. Review of the Pending List and Additions to Next Month's Agenda
- D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meeting of 10-16-2014.
- E. Reports for Discussion and Possible Action
 1. Follow-up Discussion regarding the October report to the City Council Public Safety Committee on recent enforcement action against "Measure Z" Clubs by the City/OPD.
 2. Discussion and possible action the election results and on creating a delegation to discuss issues of importance to the Commission with newly elected office holders.
 3. A discussion and possible action on the 2014 Annual Report (see attached draft, Parker)
 4. An update on efforts at Statewide Legalization in 2016 (Reiman)
- F. Announcements
- G. Adjournment

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 Cannabis Regulatory 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 Cannabis Regulatory Commission, please contact the Office of the City Clerk (510) 238-3612. Notification two full business days prior to 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 Cannabis Regulatory Commission (510) 238-3301.

Cannabis Regulatory Commission (former Measure Z)

Pending List and Proposed

Thursday, November 20th, 2014 6:30 p.m.

Items for discussion

Pending, no specific date

1. Establishment of guidelines, regulations, and fees for Cannabis Clubs (Measure Z Clubs)
2. Report from the District Attorney- conviction versus arrest statistics for CA Health and Safety Code section 11357- misdemeanor arrests (L. Bonett October, 2012)
3. Extended Discussion regarding "direction" of the Cannabis Regulatory Commission
4. Tracking of ballot measures and/or passed legislation regarding cannabis reform in states outside of California.
5. A public education campaign regarding the private versus public use of cannabis. (July, 2012)
6. A discussion regarding the definition of "Private" in regard to cannabis offenses in the City of Oakland.
7. A continuation of the discussion of horticultural waste associated with cannabis grows and how recycling it could benefit the City's Recycling Program
8. A discussion on packaging for sales of cannabis and the impact on the environment.

For Tracking Purposes

1. Annual Report to the City Council (finalize in November/December)* On tonight's agenda

(rev. 1-2014)

Cannabis Regulatory Commission (former Measure Z) Regular Meeting

Thursday, October 16th, 2014, 6:30 p.m.

Meeting Minutes

Council Chambers, City Hall, One Frank H. Ogawa Plaza

Members:

| | | | |
|-----------------|------------|-------------------|--------------------|
| Dale Gieringer | District 1 | Jacob Sassaman | District 7 |
| Sean Donahoe | District 2 | A. Kathryn Parker | At Large |
| Sierra Martinez | District 3 | Vacant | Mayor |
| James Anthony | District 4 | Amanda Reiman | City Auditor |
| Matt Hummel | District 5 | Joe DeVries | City Administrator |
| Marlon Hendrix | District 6 | | |

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AGENDA

Please Note New Meeting Time of 6:30PM

A. Roll Call and Determination of Quorum

Members Present: Donahoe, Hummel, Hendrix, Sassaman, Parker, Reiman, DeVries
Members Absent: Anthony, Gieringer, Martinez,

B. Open Forum / Public Comment

There were no public speakers.

C. Review of the Pending List and Additions to Next Month's Agenda

The Commission added: A discussion and possible action on the Annual Report, and an election recap (which will fit with item E2 below) to the November agenda.

D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meeting of 8/21 /14.

The minutes were approved with one minor formatting correction.

E. Reports for Discussion and Possible Action

1. Discussion and recommendation regarding an upcoming report to City Council on recent enforcement action against "Measure Z" Clubs by the City/OPD (see attached report)

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The Commission discussed the upcoming report to the Public Safety Committee and how the commissioners intended to address it at the meeting. Joe DeVries directed them to the attachment in the report which is a letter from the Chairperson delineating what the Commission recommends the City do in regard to unlicensed Cannabis Dispensaries (treat it strictly administratively). He noted that this recommendation is what they should focus on.

Member Sassaman expressed serious concern over the presentation to the Commission in August by OPD. He felt there were several untruthful statements made and he expects more of that from OPD at the Public Safety Committee. Therefore, he wants the Commission's recommendation to be, in part, based on those inconsistencies and he wants commission members to be able to point out these inconsistencies at the meeting.

Member Reiman and Donahoe both stated they felt the recommendations made in the attachment were of greatest significance in that they made a very specific case against ANY OPD involvement. They went on to discuss the military style nature of the raids, noting that no one on the Council would be supportive of this type of resource expenditure to address what the Commission believes to be little more than nuisance activity.

One member of the public, Rob Raich, spoke on the item. He noted that some of the raids were NOT based on real complaints. He also noted that in Seattle they have thrown out all cannabis citations recently because they were all issued by one rogue police officer. He thought there may be a similar pattern in the recent raids on clubs.

One concern Joe DeVries raised was the need for the Commission to be prepared to answer the question of what they expect the City to do when there is a club that is not willing to cease when the administrative routes fail. He pointed out that, generally OPD does not want to spend resources on these issues based on his experience working with them. He also noted that when an administrative employee attempts to go visit a location with illegal activity occurring it is difficult to determine if it's safe to go without police support.

2. Discussion and possible action on creating a delegation to discuss issues of importance to the Commission with Oakland Mayoral and City Council Candidates.

Chairperson Hummel noted this item came from an earlier conversation about having a Mayoral Debate. Short of a debate, he thought a questionnaire might also be effective. Rob Raich was asked by Member Parker if the Oakland Civil Liberties Alliance (OCLA, which he chairs) has already reached out to candidates on Cannabis related issues. He said that they had and were using funding to promote their chosen candidates in the East Bay Express and on hand bills in dispensaries. OCLA's decision making was based on the candidates answers and included Kaplan and Schaaf for Mayor, Guillen and King for City Council District 2, Brooks in District 6, and no one in District 4 because no questionnaires were returned.

Chairperson Hummel asked if there were members who would be interested in seating a delegation to approach candidates. Member Sassaman indicated a strong interest and Joe DeVries suggested they may want to wait until after the election to only approach the winners.

Vice Chair Parker stated that she thought this item was about the racial disparity committee that Assistant Chief Figueroa had discussed in August. She wants to be sure the Commission has an attendee on that committee. Member Martinez had initially shown interest and Vice Chair Parker said she would follow up with him and get back to Joe DeVries about who would represent the commission.

3. A discussion regarding the definition of "Private" in regard to cannabis offenses in the City of Oakland

This item was tabled.

4. A continuation of the discussion of Cannabis Cabaret Proposal

Member Reiman wants to ask all the newly elected what their thoughts are on these issues including on-site consumption, full legalization (2016) and how they see the City preparing itself for these changes. Member Donahoe pointed out the consumption issues are wrapped up in the City's smoking ordinance which the commission has long held needs to be changed.

Joe DeVries asked about the 2016 campaign and the fact that the Commission had discussed having a standing item on the agenda about the statewide effort. Member Reiman offered to provide an update at the next meeting and beyond.

F. Announcements

Vice Chair Parker announced that the Students for Sensible Drug Policy were offering opportunities for people to participate in the get out the vote effort in other states by using an online phone banking to allow calling from anywhere.

G. Adjournment

The meeting adjourned at 7:56pm.

To: Oakland City Council Public Safety Committee
From: Cannabis Regulatory Commission
Re: 2014 Annual Report
Date:

Introduction

We are pleased to submit the Annual Report of the Cannabis Regulatory Commission (Commission) for the 2014 calendar year. Pursuant to City Council Ordinance No. 12694 C.M.S., the Commission is charged to “(a) advise the City Council of concerns, issues regarding the lowest law enforcement [priority] policy for private adult cannabis offenses; (b) make recommendations to the Council regarding policy implementations; and (c) report annually to the Council on the implementation of Measure Z.”

The Commission met [eight or nine] times in 2014. At the start of the year, 10 seats were filled. In June, Tyson Nagler (District 2) vacated his seat. In October, Sean Donahoe joined the Commission, filling the District 2 vacancy. At the end of the year, the Commission again had 10 members. The Mayor has yet to appoint someone to fill the vacancy created when Leslie Bonett resigned from the Commission in December 2013.

Because Leslie Bonett was still serving her term as Chair of the Commission when she resigned, the Commission elected an interim Chair and Vice Chair. Matt Hummel was elected as Interim Chair, and Kathryn Parker was elected Interim Vice Chair. In April, Mr. Hummel and Ms. Parker were elected to full terms as Chair and Vice Chair, respectively.

Primary Discussion and Action Items

I. Monitor OPD Compliance with Measure Z

a. OPD Activity at Unlicensed Dispensaries

In 2014, the Commission’s discussion focused largely on OPD’s activity at unlicensed dispensaries. The Commission is aware of at least five search warrants OPD executed on these unlicensed dispensaries with SWAT-style force between December 2013 and July 2014. While the Commission understands the City cannot ignore complaints and agrees the City should have the authority to close unlicensed businesses, executing search warrants with SWAT-style force is not the way to respond. The City should respond to these complaints through the established administrative process in the nuisance-abatement department, which does not involve OPD except under extreme circumstances.

Making all cannabis offenses lowest law enforcement priority is another way the Council could prevent the City from using unnecessary resources to enforce a law the people of Oakland believe should be repealed (Prop 19, which would have legalized possession, use and sales of cannabis, passed Alameda County with 56% of the vote, and Measure Z passed with 65% of the vote.) If the City Council passed a resolution making *all* cannabis offenses the lowest law enforcement priority, OPD would be able to better focus its limited resources on the crime that hurts Oakland's communities. This would also resolve the Commission's long-standing dispute with the City Attorney's office regarding the definition of "private," which continues to be a topic the Commission discusses regularly.

b. OPD's Annual Report to the Commission

In August, Assistant Chief Paul Figueroa and Lt. Tony Jones presented OPD's annual report with the 2013 arrest data for cannabis-related offenses. Once again, the Commission received a thorough report from OPD, which included demographic data to better enable the Commission to evaluate the Police Department's compliance with Measure Z. (See Attachment A.)

As in past years, the Commission remains concerned with the racial disparity in enforcement – 96% of those cited or arrested for possession, cultivation, or sales of cannabis in Oakland in 2013 were people of color. However, the Commission is encouraged by Assistant Chief Figueroa's dedication to evaluate and combat this racial disparity through the Department's work with Stanford Researcher Jennifer Everhardt to analyze OPD's 2013 stop data, which includes a sampling of the cannabis arrests from 2013. The Commission hopes OPD will stay dedicated to this work and eradicate racial disparity from its enforcement of the law.

II. Cannabis Regulations

a. Cultivation Regulations

In 2014, the Commission's Cultivation Regulation Research Committee continued its work researching options for cultivation regulations in Oakland. The Committee worked on model language for modifying Oakland's regulations for cultivating cannabis in light of community members' concerns regarding large cultivation sites in Oakland.

b. Licenses for Consumption

The Commission discussed a potential licensing system to allow on-site consumption of cannabis in private social clubs. The motivation behind these licenses is to build community, bring business to Oakland, and encourage cannabis consumption in a private facility, rather than

in public. The licensing system would allow a venue to have a permanent or temporary license permitting on-site cannabis consumption. The vision is to create a community-center-like space that encourages community-building and provides a safe space for people to engage with their neighbors and consume cannabis in private.

c. Reducing Waste

The Commission discussed ways to better dispose of waste associated with cannabis cultivation, including pesticides, fertilizers, unused plant material, soil, rockwool, and other growing materials. The Commission consulted with Alameda County's Household Hazardous Waste Management and the Alameda County Department of Agriculture as a part of its discussion to make sure any solutions could be implemented with the resources currently provided in the county.

The Commission also discussed ways to reduce waste from packaging used for retail cannabis sales, including a deposit/return system for glass jars often used to package cannabis for retail sales.

DRAFT