

Cannabis Regulatory Commission

Thursday, June 18th, 2015, 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>

MEETING AGENDA

- 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 4-16-15.
- E. Reports for Discussion and Possible Action
 - 1. Discussion and Action on the Oakland Police Department Memo on 2014 Citations and Arrests for Marijuana Offenses (Attached)
 - 2. An update on AB 266 (link below)
 - 3. Update on the City's proposed Cannabis Cultivation Ordinance.
 - 4. An update on efforts at Statewide Legalization in 2016 (Reiman)

Link to the current version of AB266:

http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_0251-0300/ab_266_bill_20150602_amended_asm_v95.pdf

- 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 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 Cannabis Regulatory Commission at (510) 238-3301.

Cannabis Regulatory Commission

Thursday, April 16th, 2015, 6:30 p.m.

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

MEETING MINUTES

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>

MEETING MINUTES

A. Roll Call and Determination of Quorum

Members present: Gieringer, Donahoe, Martinez, Hummel, Parker, Reiman, DeVries

Members Absent: Hendrix, Sassaman, Anthony.

B. Open Forum / Public Comment

There were no public speakers.

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

The "Do's and Don'ts" item below (Item E2) was moved to the Pending List. Also, the Commission asked to hear the OPD Annual 2014 Report on Arrests at its next meeting.

D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meeting of 2-19-15.

The February Meeting Minutes were approved with no changes.

E. Reports for Discussion and Possible Action

1. Update action on the recommendations to the City Council Public Safety Committee regarding the City's proposed Cannabis Cultivation Ordinance and Annual Report.(Attached)

Joe DeVries reported that the Annual Report was ready to go but he thought it made sense to wait on scheduling it until the Draft Cultivation ordinance was ready to bring back to the committee so both could

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 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 Cannabis Regulatory Commission at (510) 238-3301.

happen simultaneously. The Committee expressed concerns about the delay on bringing back both items to the Committee. Member Donahoe noted that other cities are already considering licensing cultivation and manufacturing and that if Oakland waits it will potentially lose businesses to cities that are more favorable. He cited the recent move of Steep Hill Labs as an example of a viable cannabis related business that left Oakland.

Joe DeVries explained that staff resources were limited and that there was an internal desire to bring back a much more comprehensive ordinance, in large part based on the multiple recommendations of the Commission that staff was still trying to work through internally.

There were two public speakers on the item:

Jim Jardine spoke about other municipalities that were loosening their restrictions in hopes of attracting more businesses and increasing revenues. He said that he would personally like to apply for a cultivation/manufacturing permit to operate a legitimate business in Oakland but would not do so until a legal process was in place.

William Taggart stated that the City of Richmond is considering some additional regulations around manufacturing but that this info may be irrelevant to the Commission since its charge is Oakland and because State Law may pre-empt those proposed regulations anyway.

2. A discussion of “Do’s and Don’ts for Measure Z Clubs (list attached)

Member Reiman tabled this item and moved it back to the pending list.

3. An update on efforts at Statewide Legalization in 2016 (Reiman)

Two initiatives have been filed thus far which is relatively cheap to do and neither is the initiative being considered by the large collation of advocates working together on the issue of full legalization. The first is a Craft cannabis initiative dealing with boutique operations and the second is in regard to medical cannabis and prevents local governments from hindering access.

The larger effort led by “Reform CA” is involved in a statewide research effort to determine what voters are comfortable with in different parts of the state. Topics they are researching include licensing requirements, addressing past criminal records for people incarcerated for cannabis offenses, etc.

4. An update on significant statewide legislation regarding Cannabis and E-Cigarettes: Links to the language of each specific bill are below.

The Commission discussed the below referenced bills but took no specific action.

Comprehensive Regulation

AB 34: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_34&sess=CUR&house=B&author=bonta_%3Cbonta%3E

AB 266: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_266&sess=CUR&house=B&author=cooley_%3Ccooley%3E

SB 643: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_643&sess=CUR&house=B&author=mcguire_%3Cmcguire%3E

Environment/Cultivation

AB 243: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_243&sess=CUR&house=B&author=wood_%3Cwood%3E

SB 165: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_165&sess=CUR&house=B&author=monning_%3Cmonning%3E

Patient Protection

AB 258: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_258&sess=CUR&house=B&author=levine_%3Clevine%3E

E-Cigarettes

SB 140: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_140&sess=CUR&house=B&author=leno_%3Cleno%3E

F. Announcements

There were 11 members of the public at the meeting.

G. Adjournment

The Meeting adjourned at 7:45.



CITY OF OAKLAND

MEMORANDUM

TO: CANNABIS REGULATORY COMMITTEE **FROM:** Kirk Coleman

SUBJECT: Citations and Arrests for Marijuana Offenses - **DATE:** June 12, 2015
2014

BACKGROUND

The Oakland Cannabis Regulation and Revenue Ordinance (Measure Z), passed with a 65 percent “Yes” vote on November 2, 2004 and became law on December 7, 2004. In short, Measure Z stated that the City of Oakland would make law enforcement related to the private adult cannabis (marijuana) use, distribution, sale, cultivation and possession, the City’s lowest law enforcement priority.

Measure Z did not change California or Federal law, both of which prohibit non-medical cannabis use. The Oakland Police Department (OPD) maintains the right to continue law enforcement activities related to private adult cannabis offenses. Additionally, Measure Z does not apply to minors, and thus Measure Z in no way mandates OPD to treat cannabis offenses committed by minors (possession, distribution or consumption) as a lower priority offense.

In 2005, the Office of the City Attorney (OCA) defined private adult cannabis offenses that are covered by the lowest priority for law enforcement as those that occur on private property and in a setting that is not in public. “Private” does not include commercial settings such as cafes, markets, retail outlets, cabarets or on City owned or leased property. The City Council amended the ordinance to include this definition of “private.”

2014 MARIJUANA CITATIONS AND ARRESTS

In 2014, OPD cited 373 persons for possession of less than one ounce of marijuana under Section 11357(b) H&S (California Health and Safety Code). This is a 31 percent increase over 2013 citations (**See Table 1 below**). Approximately 40 percent of the incidents involved vehicle stops for traffic violations where marijuana was observed or found after the stop. A majority of the remaining incidents involved stops where persons were observed with marijuana in a public place.

Table 1: 2014 11357(b) H&S Citations by Sex and Race

Race	Male	Female	Total	%
African American	257	29	286	77%
Asian	5	1	6	2%
Hispanic	52	5	57	15%
White	13	3	16	4%
Other	8	0	8	2%
Total	335	38	373	100%

In 2014, 15 individuals were cited for possession of more than one ounce of marijuana under Section 11357(c) H&S. In a majority of these incidents for possession of marijuana, the marijuana was discovered after a vehicle enforcement stop or during a pedestrian contact in a public place.

In 2014, the Oakland Police Department’s Homicide Section investigated 80 deaths that were classified as homicides per Federal Bureau of Investigation (FBI) Uniform Crime Report (UCR) guidelines. The motives in three of these murders involved attempts to steal marijuana.

In 2014, OPD made nine arrests for marijuana cultivation (Section 11358 H&S). A majority of these arrests were made during investigations of other criminal offenses.

Arrests for the sale of marijuana increased 32 percent from 180 in 2013 to 238 in 2014. Arrests involving the sale and transportation of marijuana increased by 71 percent from 55 in 2013 to 94 in 2014. Police beats 30X, 34X and 4X had the highest number of arrests at 31, 31 and 21, respectively. Tables 2 through 4 below provide an overview of marijuana arrests by sex, race, and police beat.

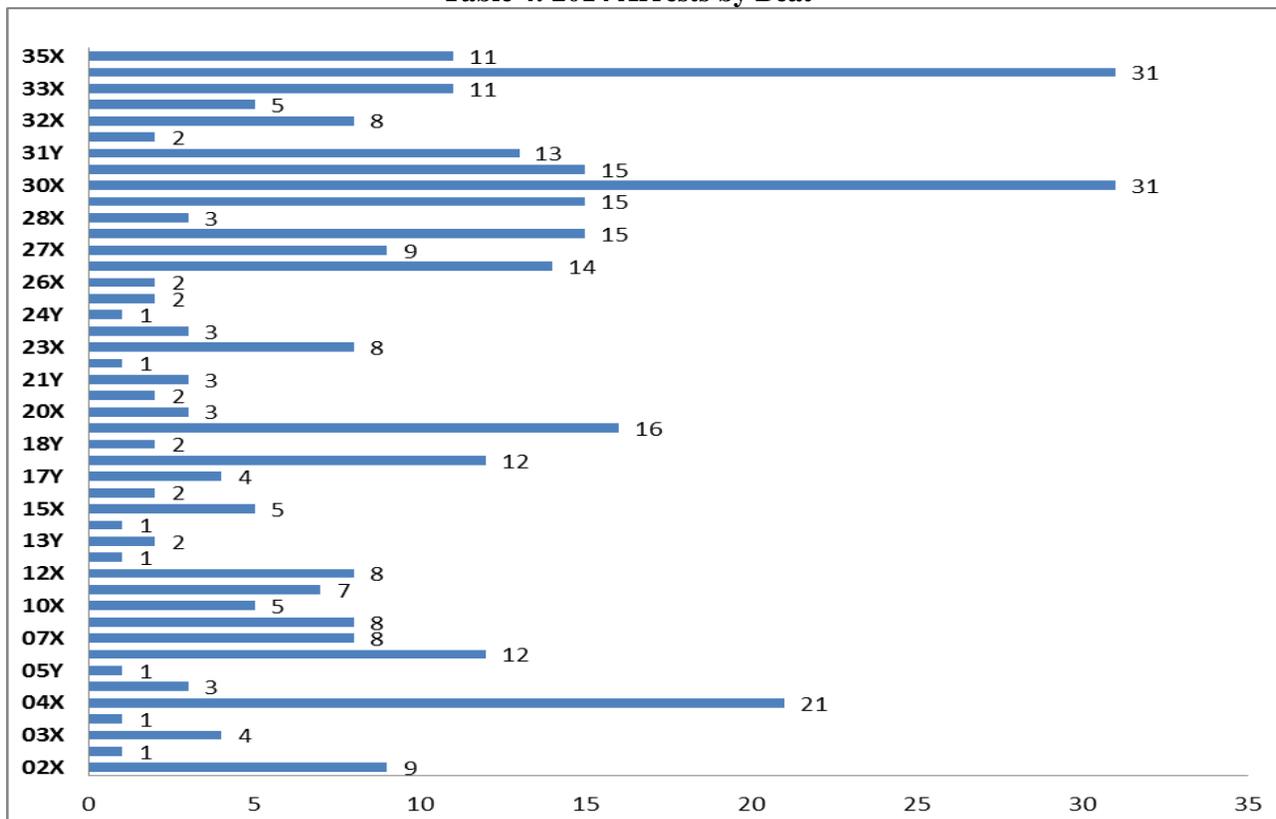
Table 2: 2005 – 2014 Criminal Marijuana Arrests by Calendar Year

Statute	2005	2006	2007	2008	2009
Cultivation-11358 H&S	4	9	13	29	37
Possession for Sales-11359 H&S	377	311	508	618	571
Sales/Transportation-11360(A) H&S	201	111	115	164	128
Statute	2010	2011	2012	2013	2014
Cultivation-11358 H&S	58	8	24	1	9
Possession for Sales-11359 H&S	517	275	192	180	238
Sales/Transportation-11360(A) H&S	136	29	33	55	94

Table 3: 2014 Arrests by Sex and Race

Statute	African American		Asian		Hispanic		White		Other		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
11358 H&S	2	0	1	0	5	0	1	0	0	0	9
11359 H&S	160	7	5	2	40	3	10	3	8	0	238
11360(A) H&S	68	2	2	0	13	1	5	2	1	0	94
Total	230	9	8	2	58	4	16	5	9	0	341

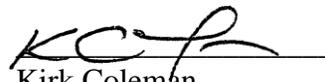
Table 4: 2014 Arrests by Beat



City of Oakland Overall Crime Statistics

In 2014, the City of Oakland experienced an overall 6 percent decrease in crimes classified as Part One Crimes by the FBI.¹ There was an 11 percent reduction in murders, a 5 percent reduction in aggravated assaults, a 32 percent reduction in robberies, and a 27 percent reduction in burglaries.

¹ Part One Crimes are murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft

A handwritten signature in black ink, appearing to read 'Kirk Coleman', written over a horizontal line.

Kirk Coleman
Captain of Police

A handwritten signature in blue ink, appearing to read 'Tam Dinh', written over a horizontal line.

Tam Dinh
Sergeant of Police