

# Measure Z Committee

Meeting Minutes

Thursday, February 24<sup>th</sup>, 2011, 6:00 p.m.

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

## **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
Dhar Mann	District 6		

## MINUTES

### **A. Roll Call and determination of quorum**

*Members Present: J. Baker, TC Everett, D. Gieringer,  
W. Herndon, M. Hummel, R. Lee, K. Stephenson, J. Villatoro, D.  
Mann*

*Members Excused: J. Anthony, L. Bonnet*

*The meeting of February 24th, 2011 was called to order at 6:05 p.m. Member Lee acknowledged the special date of the meeting.*

### **B. Open Forum / Public Comment**

Carlos Jones came to speak about the renaming of Measure Z.

### **C. Review of Pending List**

No Changes were made.

### **D. Approval of Draft Minutes**

*The Minutes of the January, 2011 meeting were approved, by consensus.*

### **E-1 Review of 2009-2010 Annual Report to be delivered to the Public Safety Committee**

Member Baker briefly reviewed the contents of the report including OPD Arrest Reports, The Memorandum in support of Prop 19 and the Council Resolution doing that. Member Lee thanked him for a thorough document. Member Gieringer commented that the report appeared to be an accurate reflection of the work of the group over the past two years.

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Member Gieringer made the motion to approve the report. The motion was seconded by Member Mann and passed by consensus.

Member Lee asked when it would go to the Public Safety Committee. Member Baker stated that first it would go before the Rules Committee for Scheduling and then he would be able to inform the group of the date it would appear before the Public Safety Committee.

**E-2 Discussion of memo from the City Attorney regarding the use of the term Measure Z Clubs and the definition of the word “private.”**

Member Baker stated that the research being done by Member Anthony and he was not yet complete. They were taking the time to thoroughly study California Case Law to determine if there were conflicting meanings of the word private. They hope to prepare a legal brief for the committee to review that captures any relevant decisions.

Member Everett stated that it seems the word private is very clear and did not understand the reason for confusion. Member Lee stated that it really came down to the City Attorney narrowing the definition to being residential as it related to Marijuana use, effectively making this debate a zoning issue. He further stated this is in conflict with the intent of the initiative whose proponents wanted to take marijuana sales out of residential neighborhoods and have sales take place in well regulated businesses in commercial areas.

Member Baker stated that the word private is clearly used in its everyday definition in several places in the original legislation and that the City Attorney narrowed the meaning of the word. He went on to state that narrowing a word’s definition is usually reserved for times when there is ambiguity but in this case there does not appear to be any. That is why he and member Anthony are researching relevant case law and hoping to bring a brief back to the committee. Member Lee pointed out that really this is a political debate, not a legal one.

**E-3 Agenda Building for next Meeting**

1. Member Gieringer asked that the group have an oral discussion of the City’s Smoking Ordinance in how it affects the possibility of having “Smoking Only” locations in the city. He asked that a copy of the ordinance be included in the packet for the next meeting.
2. The group wishes to discuss Item 8 on the pending list and add the words “adult, non-medicinal” to the discussion.
3. Member Lee asked that a review and discussion of the Measure Z Club regulations and fees be discussed (and included in the packet for the next meeting).

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**F. Announcements**

Member Gieringer announced that several bills regarding Marijuana are being introduced to the State Legislature. Senator Leno has introduced a Medicinal Cannabis Employees' Rights Bill to deal with the Supreme Court ruling denying employment rights for Medicinal Marijuana Users. He also introduced a bill to legalize the cultivation of industrial hemp (not just for research) and the bill does not regulate where it can be grown. Assemblyman Amiano will co-sponsor a bill with the District Attorney of Mendocino County that would decriminalize cultivation from a mandatory felony to an optional misdemeanor. There may be more in the final details but it will be on the agenda of the Assembly. There are two bills to regulate Medical Marijuana that have been proposed in the state senate. One other bill by Senator Correa would establish statewide comprehensive licensing system for Medical Marijuana. It intends to fully implement Prop 215. The other bill by Senator Calderon would attempt to regulate Medical Marijuana by the State Board of Equalization; it is narrower than and not as comprehensive as the Correa bill.

It was announced that there were eleven members in the audience this evening.

Victor Servin approached the Committee with a plan he wished to share with them on how to open a dispensary. He provided copies of the report to the committee.

**G. Adjournment**

*There being no further business, and upon the motion duly made, the Measure Z Committee adjourned the meeting at 7:10 p.m.*

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Staff to the Measure Z Committee

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Date Adopted

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