

# *Cannabis Regulatory Commission (former Measure Z)*

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Thursday, April 18<sup>th</sup>, 2013, 6:00 p.m.  
Council Chambers, City Hall, One Frank H. Ogawa Plaza

## Meeting Minutes

### **Members:**

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

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

## AGENDA

### A. Roll Call and Determination of Quorum

*Members Martinez, Hendrix, Sassaman, Parker, DeVries, Vice Chair Hummel and Chairperson Bonett, were present. Members Gieringer arrived later and Member Anthony had an excused absence.*

*Chairperson Bonett asked the newest member, Jacob Sassaman, to introduce himself. He explained that he had moved to California and particularly to Oakland three years ago due to the environment around cannabis reform and that he had held three jobs in the past three years in the industry, all of which were taken away by the federal government's crackdown on cannabis. He feels strongly about doing whatever he can to assist the City and state in standing up to the federal attacks as they are taking away a lot of jobs through their enforcement activity.*

### B. Open Forum / Public Comment

*There were no public speakers.*

### C. Review of the Pending List

*Joe DeVries noted that the Report from OPD would be coming in May.*

### D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meetings of February 21<sup>st</sup>, and March 21<sup>st</sup>, 2013.

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.

*The February Minutes were approved after some minor changes. In particular Chairperson Bonett wanted to note that this was the meeting where Charles Mintz resigned.*

E. Reports for Discussion and Possible Action

1. Review of current CA Legislation regarding Cannabis (SB 439 and AB 473 attached)

*Member Gieringer gave a summary of the AB 473 (attached) and noted that there have already been changes made since the Commission's agenda packet was published highlighting that the legislation is being changed everyday. He gave an update on some of the different groups that are pushing for legislation and that they had upcoming lobby days in Sacramento. He would like the Commission to be able to encourage the City's lobbyist to support the legislation.*

*Member Sassaman asked Member Gieringer to elaborate on the inclusion of the Alcohol Beverage Control Board as the regulatory arm used in this legislation. Member Gieringer stated that the legislature saw ABC as the most experienced agency at regulating outlets of this nature across California and that other agencies didn't want the responsibility anyway. He also felt the mood in Sacramento was that including ABC as the regulatory agency would smooth the legislations' passage.*

*Chairperson Bonett asked if the Commission could have direct contact with the City's lobbyist. Joe DeVries explained that the lobbyist generally interacts with the City Council and receives its direction from weekly meetings with the City's Rules Committee. He felt that it was not the role of the Commission to contact the city's lobbyist; it is the role of the city council, which the Commission advises. There was lengthy discussion/clarification about how the Rules Committee directs the City lobbyist and what role the Commission could play in that effort. Member Gieringer suggested showing up at Open Forum to the Rules Committee, a tactic that Joe DeVries stated was not a very effective one.*

*Regardless of the Commission's role with the lobbyist, Member Gieringer, proposed a motion to recommend the City support the bill.*

*Member Sassaman raised serious apprehension about supporting a bill that left the ABC in charge of cannabis regulation based on the experiences of dispensaries in Colorado and the fact that the ABC does not have any experience with cannabis. Member Gieringer said the legislature was going in this direction and there was no other politically viable alternative. He stated the biggest concern for the legislature was start-up costs and with the ABC there would be few of those. He said the Department of Consumer Affairs did not want the responsibility, and if the bill got to the Appropriations Committee without this issue worked out, it could delay the legislation further. He also stated that as a consumer he thinks the ABC does a good job as he can get alcohol practically anywhere. Joe DeVries was concerned about how vague the bill is and the fact that his experience with ABC from a municipal perspective was not great—he found them not to be as responsive as the City would like in dealing with problem liquor outlets. Member Gieringer stated the bill's sponsors were trying to pass a "clean" bill and handle the details later. Member Bonett stated she trusted the bill's sponsor so felt that the Commission should support the bill to get things moving.*

*Chairperson Bonett made a motion to send a resolution to the City Council supporting the bill. Member Parker seconded the motion. The motion passed with one abstention.*

*Member Gieringer asked how the Commission would convey this message to the council. Joe DeVries stated he would email Council President Kernighan about the vote.*

*Member Parker asked about other legislation regarding cannabis. Member Gieringer cited a bill that was very anti-cannabis that created a zero tolerance law regarding cannabis and driving that is not even medically sound. He felt it would likely die in committee. He also cited two hemp bills but wasn't sure if the Commission was interested in that subject matter.*

2. CRC's Biennial Report presentation to the Public Safety Committee and City Council follow-up items: Meeting with Council Member Gallo, Resolution regarding Federal Action

*Joe DeVries checked his notes as there was some confusion as to who would set up follow-up meetings with City Council Members. He noted it was his fault for not drafting the minutes to guide the members as to who should meet with whom. He agreed to remind members of their agreed upon follow-up before the next meeting. Chairperson Bonett agreed to take the lead in setting up a meeting with CM Gallo and Member Parker agreed to follow-up with CM Schaaf regarding the resolution condemning the federal crackdown on dispensaries.*

3. Measure Z Public Education Campaign

*Chairperson Bonett gave a brief overview of how this issue came up—the concentration of cannabis related offenses in certain areas of town where people may not be familiar with the law. Member Parker noted that any work on a public education campaign would require money and she wondered what latitude the Commission had to fundraise from outside sources to fund such an effort. Joe DeVries stated he did not see where the Commission would have a role raising such funds.*

*He felt that seeking funding from Measure Z Clubs was an option but the City was not going to fund such an effort. Member Sassaman noted that the Measure Z clubs, while supportive, are feeling somewhat estranged from the Commission as the Commission has not done a lot to provide clear guidance to these clubs in regard to navigating the City.*

*Member Parker thought an ad hoc committee would be a good idea in this case as they could discuss these issues, reach out to some of the clubs, and report back to the full Commission. Member Parker is interested in serving on such a committee and Members Hendrix, and Sassaman also agreed to work on this ad hoc committee.*

*Joe DeVries asked Member Sassaman for some clarification about clubs feeling estranged. Member Sassaman explained that the clubs would like some guidance and when they attended some meetings of the Commission, they were disappointed that the Commission was stuck on the “private” issue for so long and that they would like some protection. The group discussed the City's current actions (letters sent by the City Administrator), and their reaction to those letters.*

*Member Sassaman noted that these clubs are very keen on their privacy and they would like to pay their fair share in taxes if there were a mechanism to allow that to happen. He would talk with some of them about whether they would be willing to attend a Commission meeting. He noted that they may not totally understand the role of the Commission. Joe DeVries said it was analogous to*

*the original growth of Oaksterdam in spite of federal law but noted that in that circumstance there was at least a state law allowing for the medical use of cannabis whereas the state currently does not have such a law (if proposition 19 had passed the conversation would be quite different).*

*There was a lengthy discussion about the City Administrator sending letters to clubs where there had been complaints and Joe DeVries said he would ask the City Administrator to update him about how many letters had been sent out in the past two years and whether OPD had also sent letters to any businesses. The conversation closed out with an acknowledgement that there have been no reported arrests stemming from enforcement action against Measure Z Clubs.*

#### 4. Modification of Commission By-laws.

*Chairperson Bonett placed this item on the agenda because the by-laws need to be modified so that they accurately reflect the name of the Commission. She would like a draft provided in Word format to be modified.*

#### 5. Update on Business Cards.

*Joe DeVries explained that he received approval to have the cards made but that the funding may need to wait until the new fiscal year (July 1<sup>st</sup>). Member Martinez asked if the cards could be made sooner if the commissioners decided to pay for them out of their own pockets. Joe DeVries said that they would and handed out the order forms to each member which they filled out and returned.*

#### 6. Update on Website.

*The website is now up-to-date but some of the links to enabling legislation need to be fixed. He expects the website to stay up-to-date from here forward. Chairperson Bonett had other details she wanted to see modified and Joe DeVries agreed to connect her with the intern in his office to discuss these issues in greater detail.*

F. Announcements

G. Adjournment

*The meeting adjourned at 7:43pm.*