

Cannabis Regulatory Commission (former Measure Z) Regular Meeting

Thursday, November 21st, 2013, 6:00 p.m.

Meeting Minutes

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

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	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

A. Roll Call and Determination of Quorum

Members Present: Gieringer, Martinez, Anthony, Hummel, Hendrix, Sassaman, Parker, Bonett, Reiman, and DeVries.

Members Absent: None

B. Open Forum / Public Comment

William Taggart spoke to the Commission referencing a letter he is submitting to the committee (attached) in which he suggests the current policies regarding the implementation of Measure Z are in need of rewriting as Oakland has lost its status as a leader in the Medical Cannabis industry due to unintended consequences of implementation.

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

Member Parker noted the vote on the bylaws needs a fifteen day notice and since the agenda was sent out fifteen days prior to the meeting, item E1 should be moved to January.

Chairperson Bonett brought a packet of information from different campaigns around cannabis to give to other members as she feels the commission should be reaching out to these other states/campaigns to discuss tactics and procedures and how they work.

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.

Vice Chair Hummel asked that the Commission receive a Report from the Cultivation Regulation Research Committee next month.

D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meetings of October 17th, 2013

No Minutes were available for approval.

E. Reports for Discussion and Possible Action

1. Annual Report to the City Council

Member Parker noted that very little had changed since the last draft although she would like to clarify the official names of the committees that were created. Chairperson Bonett reminded the Commission that she does not support the term “Measure Z Club” and therefore didn’t want to see that term used in the name of the committee. After some discussion of the use of the phrase Measure Z Club, it was decided to leave it as the “Measure Z Club” Outreach Committee. The other committee is called the Cultivation Regulation Research Committee.

There was also discussion of the attachments and it was agreed upon to include the data from OPD including that which highlights the racial disparity in adult cannabis arrests citywide. Member Martinez suggested the Commission make a recommendation to the Council that they take an action to remedy the racial disparity issue. Member Gieringer noted that he didn’t think the City Council was in a position to do this. Member Parker noted she wanted to include some form of recommendation here but could not determine what that recommendation would be. Member Martinez suggested an open ended recommendation to take action to address the disparity without referring to any specific action.

Tyson Nagler approached the podium and suggested that a specific recommendation would be more likely to cause an action than a general recommendation. Although members agreed, there was concern that throwing in a recommendation that hasn’t been fully vetted would not be well heard by the council. Member Reiman went on to recommend the Commission really examine this issue with new data from 2012 (That the Commission has not received) to make a more formal recommendation.

Joe DeVries made a motion that the annual report committee be allowed to make the discussed changes and bring the draft back for approval in January at which point the new demographic data could be considered.

2. Updated demographic information from OPD regarding Cannabis related arrests(2012)

Sgt. Shavies spoke on behalf of the Department on this item. Joe DeVries summarized prior reports from OPD and the specific demographic data the commission was interested in—namely the geographic, age, and race information about arrestees that the commission received the year before. He noted the high concentration of arrests along the International Blvd. Corridor and of people of color. Sgt. Shavies explained that the department had a flood and therefore new demographic data was not available but in his experience, arrests he observes are made very infrequently. In fact, to him it’s legal for all intents and purposes for enforcement purposes. However, when they conduct undercover “buy/bust” operations in which they look for harder drugs, if the seller does not have harder drugs to sell on the street but does have marijuana, they will get arrested as part of the operation. He went on to note the District Attorney won’t charge marijuana cases anyway.

He did comment that when the smell is coming from a car, and it prompts a probable cause search, often times the search leads to an arrest for another offense.

Member Reiman asked what he would recommend to avoid the “complaint driven” arrests in neighborhoods where people are complaining and the complaint leads to the discovery of marijuana use. He would recommend the full legalization of marijuana to remedy this problem. However, he cited a recent incident in which his unit received a call about 10-15 gang members were hanging outside smoking marijuana. His team had to respond and when they did they found three illegal guns which was a positive outcome that would not have occurred if OPD did not respond.

Member Hummel asked about the difference between an officer approaching someone with an open container of alcohol versus a lit “joint.” Sgt. Shavies noted that officers can tell a person to dump out the alcoholic drink but are required to confiscate marijuana to be turned in to be destroyed so they can’t just say “put that out” but in the course of their duty, often do just tell people to put it out. He went on to note if someone is walking down the street smoking they are not likely to get stopped; it’s when there are other complaints or crimes involved that there is an interaction with the police. He personally has never pulled anyone over just because he suspected they were smoking marijuana.

Member Gieringer asked if in fact it was more difficult to get data now that many offenses are infractions. Sgt. Shavies acknowledged that it is much harder to capture that data since there is no arrest however, there should always be a field report if a citation is issued.

Member Hummel asked if there were recommendations the Commission could make that would help OPD. Sgt. Shavies noted that education, not just of the department but of the community, would be helpful. If the Commission were to help with that public education, he would find it helpful. Member Hendrix asked how the Sgt. would see the Commission going about that effort. Sgt. Shavies didn’t think the department would help distribute info regarding cannabis even though they hand out cards about other issues like texting and walking.

Member Hummel asked about officers distributing info about other important issues and Joe DeVries noted that the Neighborhood Services Division does a lot of outreach and the City generally tries to avoid officers having to do this type of education because they are so short staffed.

Member Reiman asked if the Commission developed a fact sheet, would officers hand it out when they cite people (for smoking in public, for example). Member Parker noted that the Commission wants to develop such a card but funding is a concern.

Marilyn Hollinquest, a member of the public, spoke about a card the ACLU hands out about knowing your rights at protests and she suggested a similar card be handed out at Measure Z Clubs. Chairperson Bonett liked the idea as did Sgt. Shavies. He noted that the people being cited are not necessarily the ones going to Measure Z Clubs.

Member Gieringer asked how many Measure Z Clubs have come to his attention and he said none. He went on to note that in his condo, people smoke marijuana and OPD does not respond.

3. Retail cannabis sales in Oakland; an update from the ad hoc Measure Z Club outreach committee

Member Sassaman attempted to speak with someone at the Sunnyside café but was only able to leave a card. He and Member Hummel had also gone to a larger club that had received a letter from the city and had a preliminary conversation in which the problem with the definition of “Private” came up at this particular club. This club had received a visit from the City’s Zoning Department but, upon further review, its dual zoning in a residential area led the zoning official to cease any enforcement action.

This led to another discussion about revisiting the definition of “Private” which had been on the pending list but no longer is. Joe DeVries agreed to add it back to the pending list. He went on to note that this is a significant policy issue—the fact that a zoning official ceased their action based on a mixed use zoning in an area. Several members expressed their interest in still addressing the issue of private and asked that some mention of this be mentioned in the annual report and Member Sassaman agreed to provide some language to Member Parker for the report.

4. Recommendation to the City Council to modify the City’s smoking ordinance and license cannabis smoking facilities.

Member Reiman asked that this item be moved to the next meeting since the item requires a lot of discussion and the meeting time was running short. Chairperson Bonett noted this has been on the agenda on and off for a couple years and a written proposal needs to be presented. Member Reiman and Gieringer agreed to bring a written proposal forward to the next meeting.

5. Adopting of modified By-laws (Based on Name Change of Commission)

This item was tabled until the next meeting as well.

6. Discussion of Interim Chairperson

Chairperson Bonett placed this item on the agenda because she is ending her tenure at the end of the year (next month) and therefore wanted to ensure a smooth transition; noting elections are not typically held until March.

Member Sassaman made a motion to elect Matt Hummel as the Chair and Member Parker noted that she wasn’t sure the commission should be electing a Chair until the regular election, but instead should elect an interim vice-chair were member Hummel unable to attend a meeting (as acting chair since he is currently the vice-chair. Member Martinez suggested the election of an interim chair is important so that someone can preside over the January meeting.

Ultimately two separate motions were made to elect Member Hummel as interim Chair and Member Parker as Interim Vice Chair and both motions passed by consensus.

Joe DeVries took this moment to thank Chairperson Bonett for her service as the chair and for her dedication to progressive politics in Oakland. This comment was met with resounding applause!

F. Announcements

Vice Chair Parker noted that there were eleven members in the audience.

G. Adjournment

The meeting adjourned at 8:14.