

# Measure Z Committee

Regular Meeting

Thursday, May 19, 2011, 6:00 p.m.

## AGENDA

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		City Administrator
Dhar Mann	District 6		

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

## AGENDA

- A. Roll Call and Determination of Quorum
- B. Open Forum / Public Comment
- C. Review of the Pending List
- D. Approval of the Draft Minutes from the Measure Z Committee meeting of February 24<sup>th</sup>, 2011 (**There are no minutes from the April 21<sup>st</sup> meeting as there was not a quorum**)
- E. Reports for Discussion and Possible Action
  1. A discussion of the City's Smoking Ordinance in how it affects the possibility of having "Smoking Only" locations in the city. (Ordinance Attached)
  2. A discussion of Item 8 on the pending list, a review of OPD's compliance with the Federal Government in regard to Medical Grows, including the possibility of adding the words "adult, non-medicinal" to the discussion.
  3. A review and discussion of the Measure Z Club regulations and fees. (Attached)

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.

4. A report back from staff on the Public Safety Committee Meeting of March 22<sup>nd</sup> during which the Measure Z Oversight Committee's Annual Report was presented.
5. An Oral report and discussion regarding City Administrator Staffing of the Committee and their duties and voting eligibility.

F. Announcements

G. Adjournment

# Measure Z Committee

## Pending List and Proposed

February 24, 2011, 6:00 p.m.

## Items for Discussion

### Pending, No Specific Date

1. Establishment of guidelines for Measure Z clubs to deal with the issue of fees to be paid by licensed Measure Z Clubs. To be submitted to Oakland City Council for review and consideration.
2. Draft a proposed Training Bulletin for OPD for Measure Z (modeled after the Medicinal Cannabis Training Bulletin) for the implementation of the Measure Z lowest law enforcement priority, including protocols for OFD/OPD interaction, re: encountering cultivation operations in the course of their duties (J. Anthony and K. Stephenson) *rev. Aug 08*
3. Monitor, on an ongoing basis, "private, adult" marijuana offense arrests (J. Anthony)
4. A definition of "private" as it relates to cultivation in the law (R. Lee) *rev. Aug 08*
5. Annual Report from the Measure Z Committee to the Oakland City Council (Herndon, Bonett and Baker 1/20/11,)
6. Review of Oakland compliance/ non-compliance policies with the federal policy of the Drug Enforcement Agency (DEA): Is OPD providing local "assistance?" (R. Lee/D. Gieringer 9/20/07)
7. Discussion of "clear violations" of Measure Z (ex. People packaging personal use cannabis in their homes) as part of a dialog with OPD (invite public to share stories) (J. Anthony 12/20/07)
8. Review extent of OPD compliance with federal law regarding medicinal grows.
9. Recommendation to City Council to license cannabis smoking premises in the City of Oakland (D. Gieringer 3/19/09)
10. Report from the District Attorney – conviction statistics for CA Health & Safety Code section 11357 – misdemeanor arrests (L. Bonett 5/21/09)
11. Extended discussion regarding "direction" of Measure Z Committee in 2011 and beyond.
12. Discussion of impact of California Senate Bill 1449. (L. Bonett)
13. Discussion of Oakland Smoking Ordinance; the definition of smoking with the Ordinance and the definition of "weed" as contained in the Ordinance. (Hummel, Gieringer)

### For Tracking Purposes

1. Election of Officers – March 2012

(Rev. January 2011)

Item C  
Measure Z  
MAY 19, 2011

# Measure Z Committee

**DRAFT**  
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.

Item: D  
Measure Z  
May 19, 2011

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).

Item:   D    
Measure Z  
May 19, 2011

**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.*

\_\_\_\_\_  
Staff to the Measure Z Committee

\_\_\_\_\_  
Date Adopted

Item:   D    
Measure Z  
May 19, 2011

Oakland, California, Code of Ordinances >> Title 8 - HEALTH AND SAFETY >> Chapter 8.30 - SMOKING >>

**Chapter 8.30 - SMOKING** Sections:

- 8.30.010 - Title.
- 8.30.020 - Findings and purpose.
- 8.30.030 - Definitions.
- 8.30.040 - Application of chapter to city-owned facilities.
- 8.30.050 - Prohibition of smoking in enclosed places and notices for multi-housing.
- 8.30.055 - Prohibition of smoking in unenclosed places.
- 8.30.060 - Smoking policy requirements.
- 8.30.070 - Power to adopt more restrictive smoking policies.
- 8.30.080 - Smoking optional areas.
- 8.30.090 - Posting of signs.
- 8.30.100 - Enforcement.
- 8.30.110 - Violations and penalties.
- 8.30.120 - Nonretaliation.
- 8.30.130 - Public education.
- 8.30.140 - Governmental agency cooperation.
- 8.30.150 - Other applicable laws.

**8.30.010- Title.**

This chapter shall be known as the smoking pollution control ordinance.

*(Prior code § 4-10.01)*

**8.30.020- Findings and purpose.**

The City Council of the city finds that:

- A. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and
- B. Reliable studies have shown that breathing secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and
- C. Health hazards induced by breathing secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and
- D. Nonsmokers who suffer allergies, respiratory diseases and other ill effects of breathing secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of such adverse reactions; and
- E. Numerous studies have shown that a majority of both nonsmokers and smokers desire to have restrictions on smoking in public places and places of employment; and
- F. Smoking is a documented cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause economic losses to businesses. Accordingly, the City Council finds and declares that the purposes of this chapter are:
  - 1. To protect the public health and welfare by prohibiting smoking in public places except in designated smoking areas, and by regulating smoking in places of employment, and
  - 2. To strike a reasonable balance between the needs of smokers and the need of nonsmokers to breathe smoke-free air, and to recognize that, where these needs conflict, the need to breathe smoke-free air shall have priority.

*(Prior code § 4-10.02)*

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*Item E1*  
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**8.30.030- Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Bar" means an area or a room utilized primarily for the sale of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is incidental to the consumption of such beverages.

"Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes.

"City Manager" means the city of Oakland City Administrator or his or her designee.

"Dining area" means any area available to or customarily used by the general public or employees, that is designed, established, or regularly used for consuming food and drink.

"Employee" means any person who is employed by any employer, as defined in this section, in the consideration for direct or indirect monetary wages or profit and any person who volunteers his or her services for a nonprofit entity.

"Employer" means any person, partnership, corporation, or nonprofit entity which employs the service of one or more persons, and includes the city of Oakland.

"Enclosed" means closed in by a roof and four or more connected walls with appropriate openings for ingress and egress.

"Multi-housing complex" means any housing complex with two or more separate units.

"Multi-housing common area" means any common area of a multi-housing complex accessible to and usable by more than one residence, including but not limited to halls and paths, lobbies, laundry rooms, common cooking areas, outdoor dining areas, play areas, swimming pools, and parking lots.

"Nonprofit entity" means any organization exempt from federal income taxation under Section 501 of the Internal Revenue Code or any organization exempt from State Income Taxation under Section 23708 of the California Revenue and Taxation Code.

"Place of employment" means any enclosed area under the control of any employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, breakrooms and restrooms, conference and classrooms, cafeterias, hallways, employer-owned vehicles used in employment or for business purposes, hotel and motel lobbies, meeting rooms and banquet rooms, and warehouses. A private residence is not a place of employment unless it is used as licensed health care or a licensed child or adult care facility.

"Recreational area" means any outdoor area, owned or operated by the city of Oakland, open to the general public for recreational purposes, regardless of any fee or age requirement, including, but not limited to: parklands, including portions of parks, such as picnic areas, playgrounds, or sports fields; walking paths; gardens; hiking trails; bike paths; horseback riding trails; athletic fields; skateboard parks; and amusement parks. For the purposes of this chapter, "recreational area" does not include outdoor areas of city-owned golf courses.

"Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and tobacco accessories and in which the sale of other products is merely incidental.

"Service area" means any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction, whether or not such service includes the exchange of money, including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops, waiting rooms, and cab stands.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, or other combustible substance.

(Ord. 12837 § 4 (part), 2007; Ord. 12708 §§ 1 (part) and 2, 2005; prior code § 4-10.03)

**8.30.040- Application of chapter to city-owned facilities.**

All facilities owned by the city shall be subject to the provisions of this chapter.

(Ord. 12837 § 4 (part), 2007; prior code § 4-10.04)

**8.30.050- Prohibition of smoking in enclosed places and notices for multi-housing.**

- A. Smoking shall be prohibited in the following enclosed places:
1. Places of employment;
  2. New and existing multi-housing common areas;
  3. Service areas.
- B. Disclosure of Smoking Policy in New and Existing Multi-Housing:
1. All landlords in multi-housing complexes are required to disclose to prospective tenants whether smoking is permitted in the unit to be rented and, which units are designated smoking units and the smoking policy for the complex.
  2. All sellers of condominium units are required to disclose to prospective buyers respectively whether smoking is permitted in the unit and the smoking policy for the complex.

(Ord. 12837 § 4 (part), 2007; prior code § 4-10.05)

**8.30.055- Prohibition of smoking in unenclosed places.**

Smoking shall be prohibited in the following unenclosed places:

- A. Service areas;
- B. Dining areas;
- C. Recreational areas, except in parking areas used for parking vehicles of persons accessing the recreational area;
- D. Multi-housing common areas, except that the landlord may designate a portion of the outdoor area of the premises as a smoking area as provided in subsection 1 below.
  1. A designated smoking area:
    - a. Must be located at least twenty-five (25) feet from any indoor area where smoking is prohibited;
    - b. Must not include and must be at least twenty-five (25) feet from outdoor areas primarily used by children, including, but not limited to, areas improved or designated for play or swimming;
    - c. Must be no more than twenty-five percent (25%) of the total outdoor area of the premises of the multi-housing complex;
    - d. Must have a clearly marked perimeter;
    - e. Must be identified by conspicuous signs; and
    - f. Must not overlap with any area in which smoking is otherwise prohibited by this chapter or other provisions of this Code, state law, or federal law.

(Ord. 12837 § 4 (part), 2007)

**8.30.060- Smoking policy requirements.**

- A. Smoking shall not be permitted in places of employment and employers shall post "No Smoking" or "Smoke Free" signs in accordance with Section 8.30.090. Employers should promote smoking cessation programs for smoking employees and contact local health organizations for assistance and materials in this effort.
- B. Smoking outside of any enclosed place where smoking is prohibited shall occur at a minimum distance of twenty-five (25) feet from any building entrance, exit, window and air intake vent of the building, except that bars are exempted from the outside smoking requirements of this section, provided the smoke does not enter adjacent areas in which smoking is prohibited by law or by the owner, lessee, or licensee of the adjacent property.
- C. This provision shall not apply to exempted governmental and educational agencies with facilities located in the city.

(Ord. 12837 § 4 (part), 2007; Ord. 12708 § 1 (part), 2005; prior code § 4-10.06)

**8.30.070- Power to adopt more restrictive smoking policies.**

Notwithstanding any other provisions of this chapter, any owner, operator, manager or employer or other person who controls any establishment or place of employment or multi-housing complex regulated by this chapter, may adopt policies relating to smoking which are more restrictive than those provided herein.

(Ord. 12837 § 4 (part), 2007; prior code § 4-10.07)

**8.30.080- Smoking optional areas.**

Item E1-5/19  
Approved  
2011

Notwithstanding any other provision of this chapter, to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

- A. Enclosed areas of private, detached, single family residences, except those used as licensed child care, adult care, or health care facilities;
- B. Unenclosed areas of private, detached, single family residences, except, during their hours of operation, those used as licensed child care, adult care, or health care facilities;
- C. Retail tobacco stores;
- D. By performers during theatrical productions, if smoking is an integral part of the story.

(Ord. 12837 § 4 (part), 2007; prior code § 4-10.08)

#### 8.30.090- Posting of signs.

- A. "No Smoking" or "Smoke Free" signs, with letters of no less than one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is regulated by this chapter, by the owner, operator, manager or other person having control of such building or other place, except that signs are not required inside non-smoking units of multi-housing complexes. For purposes of this chapter, the City Administrator or appropriate designee shall be responsible for the posting of signs in regulated facilities of the city.
- B. Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this chapter.

(Ord. 12837 § 4 (part), 2007; prior code § 4-10.09)

#### 8.30.100- Enforcement.

- A. Enforcement of this chapter shall be implemented by the City Administrator, or his or her designee.
- B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the City Administrator or his or her designees.
- C. Any owner, manager, operator or employee of any establishment regulated by this chapter shall have the right to inform persons violating this chapter of the appropriate provisions thereof.
- D. Notwithstanding any other provision of this chapter, a private citizen may bring legal action to enforce this chapter.

(Ord. 12837 § 4 (part), 2007; prior code § 4-10.10)

#### 8.30.110- Violations and penalties.

- A. It is unlawful for any persons to smoke in any area where smoking is prohibited by the provisions of this chapter.
- B. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:
  1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
  2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of this chapter within one year;
  3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of this chapter within one year.

(Prior code § 4-10.11)

#### 8.30.120- Nonretaliation.

No person shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter.

No person shall intimidate, harass, or otherwise retaliate against any person who seeks to attain compliance with this chapter. Moreover, no person shall intentionally or recklessly expose another person to secondhand smoke in response to that person's effort to achieve compliance with this chapter.

(Ord. 12837 § 4 (part), 2007; prior code § 4-10.12)

#### 8.30.130- Public education.

The City Administrator shall engage in a continuing program to explain and clarify the purposes of this chapter to citizens affected by it, and to guide owners, operators, and managers in their compliance with it.

May 19  
Item E) ~~April 21, 2011~~

*(Ord. 12837 § 4 (part), 2007; prior code § 4-10.13)*

**8.30.140- Governmental agency cooperation.**

The City Administrator shall annually request other governmental and educational agencies having facilities within the city to establish local operating procedures in cooperation and compliance with this chapter. The City Administrator shall urge federal, state, county, and special school district agencies to enforce their existing no smoking regulations and to comply voluntarily with this chapter.

*(Ord. 12837 § 4 (part), 2007; prior code § 4-10.14)*

**8.30.150- Other applicable laws.**

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

*(Prior code § 4-10.15)*

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## Measure Z

### Oakland licensed Measure Z club Cannabis Fees Oversight Committee.

#### Sub-committee report on guidelines for licensed Measure Z club fees:

By Richard Lee, T.C. Everett and Joseph Villatoro

#### History

The Oakland Cannabis Regulation and Revenue Ordinance became law in November 2004, when 65% of Oakland voters passed the Measure Z Ordinance, making private sales and private cultivation of cannabis Oakland law enforcement's lowest priority and mandated that Oakland establish cannabis tax, fee and licensing regulations, to be implemented in the event cannabis becomes legal. The goal of the ordinance is to regulate cannabis sales and to generate tax revenue for Oakland, thereby allowing Oakland's law enforcement personnel to prioritize and commit their resources in a more efficient and effective manner.

Therefore the Measure Z Committee proposes the following guidelines for private Measure Z clubs that are currently operating or will operate in the future.

#### Measure Z Clubs

It is the opinion of this committee that modeling cannabis sales, assessing fees and licensing requirements in a similar fashion as alcohol and/or Medical Cannabis Dispensaries (MCD) is the most effective manner in which to regulate cannabis sales under Measure Z. For the purpose of this report, "clubs" refers to cannabis "point of sale" locations.

For the purpose of assessing fees for the sale of cannabis, the following has been developed for Measure Z regulation..

1. Measure Z Club membership fees *shall* be determined by the number of members each club served during the previous calendar year.
2. Membership fees for each year shall be determined from the club membership monthly totals from the previous year.
3. Measure Z Club fees will be paid quarterly (January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> & October 1<sup>st</sup>) for the previous year. Previous year fees will be based on the monthly average of the number of active members for that year.
4. First year fees for all Measure Z Clubs *shall* be due on first, second, third and fourth quarters of the second calendar year that the club is licensed to conduct business in Oakland and quarterly for each year thereafter.
5. Measure Z clubs will pay \$50 per member, per year. EXAMPLE: A Measure Z club with 100 active members will have a \$5,000 annual permit fee and a club with 200 active members would have a \$10,000 annual permit fee.

March 20, 2010

Item E-3  
Mar 19, 2011

6. Quarterly fee payment will be made to the O.C.R.R.O. administrative staff. The Administrative staff will collect fees, keep records of fee payments and transfer all payments to the appropriate City collections office.
7. Fee payment will be made payable to the City of Oakland.
8. Measure Z club proprietors are responsible for completing and filing the designated city of Oakland form for identifying previous year membership totals and for the fees due for the previous year. Forms *shall* be due not later than January 31 of each year.
9. A 10% late fee *shall* be applied to all form fee amounts when they are completed and filed after the January 31 due date and may be included to be paid in the normal course of the fee payment(s) schedule.
10. Failure to complete and file a membership/fee form by April 1 *shall* result in suspension of the Measure Z club's operating license.
11. Club business license suspension can only be rescinded and the operating license reinstated after the membership/fee form is completed, filed and after a 25% penalty of the fees due is paid in full at the time of reinstatement.
12. If after the second quarter of the calendar year, by May 1, a club fails to complete and submit the membership/fee form, the city *shall* deem that the club's license is revoked. All prior year fees *shall* then be assessed at a 100% club membership assessment and all taxes shall be assessed and due.
13. An active member is a cardholding member who has visited the club during the previous quarter.
14. Measure Z Clubs *shall* be required to issue membership identification cards to all active members, following the same requirement(s) as do the MCD identification cards, to their members and are required to maintain and to quarterly submit a list of active and non-active members for each year for fee calculating purposes.
15. At a minimum, membership identification *shall* include member's name, photo and club member identification number.
16. Membership identifications *shall* be issued only after member applicant's identification has been verified by reviewing member applicant's California Driver License, California Identification Card or another form of photo identification that has been issued by a recognized agency authorized to issue identifications in California.
17. Club member identification numbers *shall* be unique to that individual and *shall* be assigned by a state or local municipality. The assigning entity *shall* determine the most efficient method of assigning identification numbers to clubs; for tracking of numbers assigned to each club AND for insuring that club member identification numbers are only assigned to a single individual.
18. All Oakland Measure Z clubs *shall* maintain a reserve account with and be maintained and administered by the city of Oakland at a 150% club membership capacity fee amount. This account *shall* be utilized whenever a club terminates business within the city of Oakland and previous years' fees and/or city taxes are

March 20, 2010

Item E.3 May 19,  
2011

due. Previous year fees and taxes *shall* be allocated from the reserve account, payable to the city of Oakland; to pay **ALL** due or past due club fees and/or taxes. The remaining amount(s) *shall* then be distributed to the proprietor, owner, legal entity or legally designated person(s) of the closed Measure Z club.

19. All fees (100%) collected will be allocated for *non-administrative* purposes; (50%) to the Oakland Police Department to increase the number of active P.O.S.T. certified police officers and (50%) to the Oakland Public Schools for educational or after school programs.
20. Any changes to the percentage of Measure Z fee allocations *shall* only occur upon a 2/3 majority vote of the Oakland City Council.

March 20, 2010.

Item E-3  
May 19, 2011

**Report to Measure Z Oversight Committee on the City Council Public Safety  
Committee Meeting March 22, 2011**

Joe DeVries delivered the Measure Z Oversight Committee's 2008-2009 Annual Report to the City Council Public Safety Committee at their March 22, 2011 meeting. He introduced himself as the new staff person assigned to the committee and although he is knowledgeable regarding Measure Z, he was just familiarizing himself with the current work of the Oversight Committee.

The Council members asked for input from both Rich Lee and Lieutenant Mike Poirier. Specifically they had the following concerns:

- The numbers provided by OPD showed an increase in cannabis related arrests and there was concern this represented a deviation from the lowest law enforcement priority.
- A training bulletin had not been created yet for OPD Sworn Personnel

Lt. Poirier stated that the number of arrests listed usually were not private and that there were other crimes associated with the arrest. In regard to the training bulletin, he said that a subcommittee of the Measure Z Oversight Committee was assigned to work on the training bulletin with him but that they had yet to create one.

Rich Lee commented that part of the delay in developing a bulletin was the questions surrounding the definition of private. Conflicting opinion between the Oversight Committee and the City Attorney's Office left some uncertainty as to what should be included in the bulletin.

Committee Chairperson Kernighan asked that Joe DeVries, as part of his new assignment, work with OPD and the subcommittee to get a training bulletin produced by June and suggested that the issues surrounding the definition of private be further explored. She scheduled the issue to come back to the committee in June.