

Measure Z Committee

Regular Meeting

Thursday, June 16th, 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	Joe DeVries	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 May 19th, 2011.
- E. Reports for Discussion and Possible Action
 - 1. A continuation of the discussion of the City's Smoking Ordinance and whether there are conflicting regulations currently in place.
 - 2. Draft of a 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.
 - 3. A definition of "private" as it relates to cultivation in the law
 - 4. A review and discussion of revised Measure Z Club regulations and fees.

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.

F. Announcements

G. Adjournment

Measure Z Committee

Pending List and Proposed

June 16, 2011, 6:00 p.m.

Items for Discussion

Pending, No Specific Date

1. Establishment of guidelines for Measure Z club's to deal with the issue of fees to be paid by licensed Measure Z Clubs. (R. Lee / K. Stephenson) *rev. Aug 08*
2. Monitor, on an ongoing basis, "private, adult" marijuana offense arrests. (J. Anthony)
3. Annual Report from the Measure Z Committee to the Oakland City Council (last report, March 2011)
4. Review of Oakland compliance / non-compliance policies with the Drug Enforcement Agency (DEA) (R. Lee/D. Gieringer 9/20/07)
5. 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)
6. Review extent of OPD compliance with federal law regarding cannabis grows.
7. Licensed cannabis smoking premises in the City of Oakland (D. Gieringer 3/19/09)
8. Report from the District Attorney – conviction vs. arrest statistics for CA Health & Safety Code section 11357 – misdemeanor arrests (L. Bonett 5/21/09)
9. Extended discussion regarding "direction" of Measure Z Committee in 2011 and beyond.

For Tracking Purposes

1. Election of Officers – March 2012

(Rev. 06-16-11)

Item: C

Measure Z
June 16th. 2011

Measure Z Committee

DRAFT
Meeting Minutes

Thursday, May 19th, 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	Joe DeVries	City Administrator
Dhar Mann	District 6		

MINUTES

A. Roll Call and determination of quorum

Members Present: D. Gieringer, J. Villatoro, R. Lee, J. Anthony, M. Hummel, TC Everett,

Members Excused: L. Bonnet

The meeting of May 19th, 2011 was called to order at 6:10 p.m. Chairperson Lee noted there was a quorum.

B. Open Forum / Public Comment

There were no public speakers.

C. Review of Pending List

Member Villatoro asked if Item 8 should be removed from the pending list since it was on the agenda for tonight's meeting. The committee agreed to remove it.

Also removed at Member Geiringer's suggestion was item 12 since it was in support of a senate bill that no longer exists.

Member Hummel suggested adding to the agenda the committee's preferences on the new City Attorney but there was not support for this from the committee.

Member Villatoro asked if Items 9 and 13 could be combined since they both pertain to smoking and the smoking ordinance which is on the agenda for the evening.

Sanjiv Handa addressed the committee about concerns he has about the transitioning of the committee duties to new city staff members. He stated that two people should have

access to the files at all times so that if the staff to the committee changes there won't be a lose in continuity. He sited the email distribution list as an example of data lost in the transfer. Chairperson Lee asked that the audience either add their email address to a sign in sheet passed around the room or communicate with Joe DeVries via email to be added to a new list.

D. Approval of Draft Minutes

The Minutes of the February 24th, 2011 meeting were approved by consensus.

E-1 A discussion of the City's Smoking Ordinance in how it affects the possibility of having "Smoking Only" locations in the city.

Member Geiringer led this discussion with an overview of language in the City's Smoking and what impact the ordinance has on having well regulated private clubs where people can smoke cannabis which had been a goal of the Measure Z proponents.

He noted that the **definitions** section of the ordinance lists tobacco, weed, and any combustible substance effectively for bidding even candles and incense from being burned inside public places such as bars, restaurants, and clubs. He went on to note that the **findings** section of the ordinance refers specifically to the negative health impacts of only tobacco. In summary, there are several areas of this ordinance that need cleaning up and he asked the committee to consider addressing this issue.

Member Everett raised the fact that she is aware of evening venues that currently do allow smoking in well ventilated rooms inside. Other committee members agreed that they too were aware of venues in Oakland where smoking is currently allowed.

Member Anthony stated that the revision to the regulations regarding Cannabis dispensaries that was passed by the City Council last July left the discretion up to the City Administrator as to whether a club can have consumption on site.

Members Geiringer and Everett both agreed to follow up and Chairperson Lee asked that Joe DeVries do the same in determining how the current ordinances are being applied.

Before moving to the next item, Member Villatoro asked that the committee revisit some clean-up needed on the pending list regarding items 2, 4, and 5.

- Item 2: The Committee wants a discussion on a training bulletin placed on the June agenda
- Item 4: Definition of Private; Member Anthony agreed to send a memo he had developed in 2006 to committee member Everett for review and they can agendize a discussion for June

- *Item 5: Annual Report; remove incorrect names of responsible parties and dates to reflect next year's report.*

E-2 A discussion of Item 8 on the pending list, a review of OPDs compliance with the Federal Government in regard to Medical Marijuana grows, including the possibility of adding the words “adult, non-medical” to the discussion.

Member Everett raised this issue and the discussion focused on two relevant points:

1. *That the purpose is to determine how and to what level OPD coordinates with the DEA regarding Marijuana cultivation. For example are they assisting with perimeter control at a bust the DEA is executing or are they sharing information with the DEA to help lead to arrests.*
2. *Whether the words “adult, non-medical” should be added to broaden the subject matter but it was decided to simply remove the word “medical” thereby causing the same effect.*

With that language change, the item was placed back onto the pending list.

E-3 A review and discussion of the Measure Z Club regulations and fees.

Chairperson Lee acknowledged that he had recommended bringing this issue back to the committee but was hesitant to push it since currently there are Measure Z type activities taking place that OPD has largely ignored but he also wanted to ensure that the committee was moving forward with reasonable regulations/fee structures.

Member Villatoro pointed out that any regulations developed by the committee wouldn't be implemented until Marijuana is legal under state law and therefore are worth developing to be ready in the future when and if state legalization takes place. He also asked if the subcommittee should be reconstituted since the issue had been addressed when James Anthony was Chair.

Short of that, Chairperson Lee agreed to bring back revised regulations for the committee to consider in June.

E-4 A report back from staff on the Public Safety Committee Meeting of March 22nd during which the Measure Z Oversight Committee's Annual Report was presented.

Joe DeVries summarized the written report back from the delivery of the annual report to the Public Safety Committee. That committee raised concerns about the number of marijuana arrests that had been made in the past two years and wanted further analysis by OPD. They also were concerned that the OPD Training Manual had not been

developed. They directed Joe DeVries and Lt. Mike Porier to bring back a training bulletin at the June 14th meeting.

The Measure Z Committee placed a discussion of an OPD Training Bulletin on the agenda for the June meeting.

E-5 A discussion regarding the status of the City Admin Rep.

Joe DeVries discussed the research he had gathered regarding whether a City Administrator's staff to the committee could also serve as a voting member. After reviewing the enabling legislation, the City Attorney's Office said the decision is really up to the discretion of the City Administrator as to whether to appoint their staff member as a voting member, a non-voting member (which could help with making a quorum, or simply as staff.

Chairperson Lee made a motion to request that the City Administrator appoint Joe DeVries as a voting member. The motion passed unanimously.

In regard to the need to have active members, the committee directed Joe DeVries to first send a letter to absent members, and next to contact their appointing City Leader (City Council, Mayor, Auditor) to attempt to secure appointees who attend on a regular basis.

F. Announcements

G. Adjournment

There being no further business, and upon the motion duly made, the Measure Z Committee adjourned the meeting at 7:30 p.m.

Staff to the Measure Z Committee

Date Adopted

Item: D
Measure Z
June 16, 2011