Measure Z Committee

Regular Meeting

AGENDA

Thursday, November 17th, 2011, 6:00 p.m.
Council Chambers, City Hall, One Frank H. Ogawa Plaza

Members:

Dale Gieringer	District 1	Keith Stephenson	District 7
Vacant	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 October 20th, 2011.

E. Reports for Discussion and Possible Action

1. A discussion on how Measure Z clubs could assist in the Medical Cannabis Distribution System in Oakland in light of the new Federal crack down on medical dispensaries.
2. A continuation of the discussion of the City's Smoking Ordinance and the City's current enforcement procedures.

F. Announcements

G. Adjournment

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.

Measure Z Committee

Pending List and Proposed Items for Discussion

November 17th, 2011, 6:00 p.m.

Pending, No Specific Date

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

For Tracking Purposes

1. Election of Officers – March 2012

(Rev. 07-21-11)

Item: __C__
Measure Z
September 21st, 2011

Measure Z Committee **Regular Meeting**

Thursday, October 20th, 2011, 6:00 p.m. **Draft Meeting Minutes**

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

Members:

Dale Gieringer	District 1	Keith Stephenson	District 7
Vacant	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
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DRAFT MINUTES

A. Roll Call and Determination of Quorum

Chairperson Lee, Members Herndon, Bonett, Hummel, Gieringer, Anthony, and DeVries were present.

B. Open Forum / Public Comment

There were no speakers during open forum.

C. Review of the Pending List

Member Bonett moved that the committee add an item to the November agenda regarding the federal attacks on Medical Cannabis Dispensaries and what the committee could do or recommend the City do in light of this issue. Chairperson Lee seconded this and noted that Measure Z clubs may be need to fill the void created by the federal action.

D. Approval of the Draft Minutes from the Measure Z Committee meeting of September 15th, 2011.

The minutes were approved by consensus.

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E. Reports for Discussion and Possible Action

1. Review of the supplemental report to the Public Safety Committee

Chairperson Lee noted that the Information Bulletin included in the report has already been adopted by OPD and that the report is a supplemental report regarding two items: The development of an Informational Bulletin, and to take a closer look at the arrests made by OPD.

Joe DeVries gave an overview of the report and a synopsis of how the committee arrived at the development of the bulletin and the concerns with the City Attorney's definition of private. He also explained that the City Attorney's Office is standing behind their Legal Opinion and will be forwarding a side letter to the City Council explaining their position in regard to this request. The City Attorney determined that because they already published a public opinion they would not publish a contradictory one unless there was a change in the law or case law that would support a change.

The committee discussed two of the arrest reported in the sampling of cases and it was noted that because the arrests were the result of surveillance and search warrants, the "low law enforcement priority" may not have been followed since the occurrences took place on private property.

Member Herndon noted that the committee does not have enough information on these calls because in her neighborhood if she sees a lot of problematic drug dealing going on, she would call the police. That would then be a complaint driven call that the police felt a need to respond to. Member Hummel pointed out that therein lies the problem with the City's definition of private—that it encourages sales from homes in neighborhoods as opposed to commercial settings. Chairperson Lee again noted the intent of Measure Z was to take cannabis sales out of neighborhoods.

Member Hummel also noted that undercover police activities may not be complaint driven; Member Bonnet suggested that the violence in Oakland should be a much higher priority than marijuana sales. Joe DeVries explained that generally the city responds to calls to the drug hotline when planning operations. When they respond to such a call there may be other drugs or illegal activity involved. If measure Z were fully implemented, the marijuana sales would be far less likely to be occurring in these homes.

Chairperson Lee asked if we need to continue discussion on the arrests past this evening. Member Gieringer noted that Lt. Poirier said he would come back and discuss these but was involved in an operation this evening and could not attend. Joe DeVries also stated that Lt. Poirier was willing to come back and speak to the committee. He also noted that bringing up concerns at the Public Safety as public speakers would be helpful.

Member Bonett asked some clarifying questions about the format of the report such as Joe DeVries listed title and the section about sustainable opportunities. Joe DeVries clarified that the report form is following a standard format required by the city.

The report was accepted by the committee.

2. A continuation of the discussion of the City's Smoking Ordinance and the City's current enforcement procedures.

This item was continued to the November Meeting.

3. An update regarding Committee Members terms of office, reappointment, and process regarding vacancies.

Joe DeVries noted that he had not received letters and resumes from most committee members asking to be reappointed and would like to collect those so that he can submit the requests as a group to the Mayor's Office.

F. Announcements

Chairperson Lee noted that there is another HEMPCON Convention next month in San Jose.

G. Adjournment

The meeting adjourned at 6:50pm.