

Measure Z Committee

Adopted (Corrected) Minutes

Thursday, June 17, 2010, 6:00 p.m.

City 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		

DRAFT MINUTES

A. Roll Call and determination of quorum

Members Present: Gieringer, Villatoro, Hummel, Mann, Everett, Bonett, Herndon, Baker and Chairperson Lee

Members Excused: Anthony, Stephenson

The June 17, 2010 meeting of the Measure Z Committee was called to order at 6:14 p.m., by Chairperson Lee.

B. Open Forum / Public Comment

There were three speakers:

Jack Perrious, Executive Director of Power and Truth, Inc. Thanked Oakland City Council and OPD for humanistic implementation of Measure Z. Thanked the Committee for its existence and expressed hope that Committee would continue doing its exemplary work. Modeling Measure Z policies re zoning and age limits after alcohol would be a good approach. The Committee may want to consider a provision for club membership that includes a “guest of members” status to preclude skewing of actual club membership.

Eric Keller, during last Measure Z Committee, the City Attorney discussed medicinal permits. Wondered if Oakland City Council Meeting is involved in the upcoming dispensary licensing process.

[Chairperson Lee informed Mr. Keller that the Measure Z Committee is not involved with the medicinal marijuana licensing process.]

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Jeff Jones, Patient ID Center, Co-Proponent with the Control, Tax Cannabis Campaign. Regarding adult legalization in coming years, and opportunity for cultivation home permits; advocate exploring opportunities for news stories involved with home inspection of patient gardens, set-up some process with the City of Oakland to educate residents on electrical code compliance and potential fire hazards. The Committee may set up process whereby “third-party” could conduct inspections – real issue is increased public safety.

C. Review of the Pending List:

There were no changes to the pending list.

D. Approval of Draft Minutes, Measure Z Committee Meeting of May 20, 2010.

Member Gieringer requested the next meeting include an Agenda Item regarding number of Committee Meetings per year, preferable odd-numbered months only. The Minutes of May 20, 2010, were approved by consensus.

E. Reports for Discussion and Possible Action:

1. Final Document: Measure Z Club Cannabis Fees

After preliminary discussion by Committee Members, the consensus is the Measure Z Club Cannabis Fee Guideline document should go back to the Sub-Committee for review and completion. Chairperson Lee, Member Everett and Member Hummel will work on the document.

There was one speaker on this Item:

Bruce Frank: Suggested fee system based on building occupancy levels or square footage of building rather than number of club members.

Motion: Motion by Chairperson Lee to send document to Sub-Committee for review and completion. Second by Member Gieringer.

Action: Motion approved by consensus.

2. Measure Z Club Permit Payment Protocol.

At the request of the Chairperson, this Item was tabled for an upcoming Measure Z Committee.

3. Discussion: Definition of the word “private” re the Measure Z Initiative.

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(At the request of the Oakland City Attorney, Item E-3 was re-scheduled to the next Measure Z Committee Meeting.)

Member Gieringer proffered an analysis of the language within the Measure Z Initiative, to wit: In review of the attached City Attorney memorandum, (December 13, 2005) there appears to be a gap or loop-hole. The opinion contains the following statement:

“In the impartial legal analysis, the City Attorney stated that private cannabis offenses are not defined in the statute and that the term “presumably refers to marijuana use, cultivation, sale possession, distribution that occurs in a private place, such as an adult’s home. Nothing in the ballot initiative itself or in the ballot materials or City Attorney’s impartial legal analysis would alert the voters that the intent of the measure was to apply the lowest law enforcement priority policy to commercial settings, such as cafes and restaurants or liquor or other retail establishments...”

Member Gieringer suggests there is a space between a “private place” i.e., a private home and a “commercial setting” such as a café or restaurant – i.e., a “private place” not in a private home, that is, a “private club.” A “private club” is not a “commercial club” where the latter is open to the general public, the former is not.

4. Cultivation Permit Regulation: Draft of Model Ordinance

There were five speakers on this Item:

Bruce Franks: Regarding cultivation, the amounts of medicines required may increase if commercial grows are allowed and there are limits placed on personal growers.

Christine Wagner: Requested an update on the draft commercial model ordinance.

Jeff Jones: Urged Committee to consider partnership with City of Oakland to develop protocol for electrical code inspection that is self supporting, perhaps performed by a neutral third party to ensure public safety concerns regarding potential fire hazards are addressed.

Jack Ellis: Suggests permitting clubs to grow for themselves based on membership totals. Such an approach would create a safe place for small growers to produce.

Alex Campbell: There are hundreds is not thousands of growers in Oakland, California and the City should get on board and tax the potential revenue stream.

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Chairperson Lee informed Committee that Item was placed on Agenda to generate discussion and possible lend assistance to the medicinal marijuana community given there is enormous experience in the Measure Z community in crafting legislation regarding commercial growth.

Member Everett asked that given the impending 2010 Initiative, how will the City, State or any other entity decide how much an individual may grow?

Chairperson Lee responded that Tax Cannabis 2010 Initiative provides that personal growth is limited to 25 square feet per parcel or residence (5 feet by 5 feet), for personal consumption only. All sales and commercial cultivation is licensed and permitted by local authorities; cities and counties. Sales are prohibited unless licensed by local authorities.

Member Hummel stated the “small growers,” the folks who sustained Measure Z’s efforts over the years, fear being pushed out of the business altogether with the licensing of large commercial grown. There should be a way for small growers to cultivate up to 1,000 square feet and allow for large commercial growers.

Chairperson Lee asked for volunteers to work on the commercial grow issue. Members Everett and Hummel volunteered. The first sub-committee meeting will occur on June 30, 2010, 6:30 p.m., Oaksterdam University, 1915 Broadway, Oakland.

F. Announcements.

Member Mann announced the availability of assistance with electrical code inspections conducted a private company that employs structural engineers and architects. There is a one-hour free visit. For additional information contact I-Grow.

Chairperson Lee announced a planned birthday party for Jeff Jones on Saturday, June 19th and a fundraiser for the 2010 Initiative, 7:00 p.m., Oaksterdam University, Student Union, 1915 Broadway, Oakland.

G. Adjournment. *There being no further business, and upon the motion duly made, the Measure Z Committee adjourned at 7:20 p.m.*

Staff to the Measure Z Committee

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