

# ***Measure Z Committee***

## **Special Meeting Minutes**

**Thursday, February 26, 2009, 6:00 p.m.**

**Hearing Room 2, City Hall, One Frank H. Ogawa Plaza**

### ***Members:***

Dale Gieringer	District 1	Keith Stephenson	District 7
Joseph E. Villatoro	District 2	Vacant	At Large
Richard Lee	District 3	Leslie Bonett	Mayor
James Anthony	District 4	Cathi Bartice	City Auditor
Vacant	District 5	Bill Uber	City Administrator
Vacant	District 6		

## **MINUTES**

### **A. Roll Call and determination of quorum**

*Members Present: J. Anthony, L. Bonett, D. Gieringer, R. Lee, B. Uber, J. Villatoro*

*Members Excused: C. Bartice, K. Stephenson*

*The Special meeting of February 26, 2008 was called to order at 6:04 p.m..*

### **B. Open Forum / Public Comment**

*The following individuals spoke: Mr. R. Raiche, Mr. K. Wendorf, Ms. I. Schieb, Ms. C. Bonaudi, Ms. J. Wagers, Ms. S. Rodriguez*

*Staff was directed to add a discussion item to the March 19, 2009 Agenda on the Coliseum's regulations regarding medical cannabis patients using their medication in designated "Smoking" areas and how law enforcement handles such situations.*

### **C. Review of the Pending List**

*Staff noted that Acting Police Chief Howard Jordan has tentatively scheduled to present Item 1 – "Information on marijuana arrests and citations, including data tables . . .", at the April 16, 2009 meeting; with that change, the Pending List was adopted by consensus.*

### **D. Approval of Draft Minutes**

*The Minutes of the January 15, 2009 meeting were approved on a motion by Mr. Gieringer, second by Mr. Lee, and by consensus.*

**E-1 Continued Discussion on a Proposal for the Establishment of a Fee Schedule for Measure Z Private Cannabis Clubs (PCC) and Guidelines for Private Cultivation Under Measure Z Lowest Law Enforcement Priority Policy**

*Mr. Lee noted he did not submit the revised report noted in the Minutes (Item D) from the January meeting. He recommended that the Clubs be limited to a single size of 100 members, with each Club paying \$10,000 annually. In response to the issue of Residential vs. Commercial he said he would be in favor of putting the Clubs in residential areas. Mr. Gieringer questioned whether Mr. Lee's proposal was serious and Mr. Lee neither confirmed nor denied his seriousness.*

*Mr. Anthony quoted from Resolution 79647 C.M.S. (a.k.a. Low Law Enforcement Reso), in that "Resolved, private adult cannabis offenses do not include the use, sale, distribution, preparation and/or cultivation in settings that are not private, including but not limited to markets, stores, cabarets, establishments selling alcoholic beverages, cafes and restaurants, retail outlets, stores and other commercial establishments; nor do private adult cannabis offenses include use, sale, distribution, preparation and/or cultivation on City owned or leased property whether or not the property is rented or leased by private parties for a private purpose such as a party, meeting or other activity. . .", adding that Council identified what private isn't but not what it is, and that that was what the Committee was up against. Mr. Gieringer stated that perhaps it was time, once again, to push for change from the Council.*

*Mr. Villatoro recommended that the individual Committee members have a direct conversation with the City official who appointed them about their position. Ms. Bonett asked if the Committee members should have a list of talking points. Mr. Villatoro suggested members use the Guidelines for Measure Z Clubs, adopted by the Committee in September 2008, and ask for their feedback – would they be open to revisiting the issue. Mr. Villatoro concluded by saying the Committee needed to work within the City's structure in order to move the Committee's issues ahead.*

*Staff was directed to schedule an item for the March 19, 2009 for each Committee member to report back on their meeting with their appointing authority. Staff was also directed to send out a copy of the Committee's adopted Guidelines for Measure Z Clubs to each Member.*

*Mr. Lee asked that the Committee table the discussion for now and he would bring back a revised report for the March meeting.*

**E-2 Briefing from the Vice Chair on Proposed State Legislation Assembly Bill 390 (Ammiano) to Legalize Cannabis**

*Mr. Gieringer gave an overview of the bill, noting that it was getting a lot of positive*

attention in the media. He asked the audience members to bring AB 390 to the attention of their elected officials and ask them to support the legislation to legalize, tax, and regulate cannabis in California.

Mr. Lee was noted as absent at 7:08 pm. Staff also informed the Committee that they had lost their Quorum. The Committee continued their discussions.

Mr. Lee was noted present at 7:11 pm.

**F. Announcements**

The Chair read the following statement from Ms. Barbara Killey, Assistant to the City Administrator, and the City's Hearing Officer for, among other programs, the Medicinal Cannabis Dispensaries:

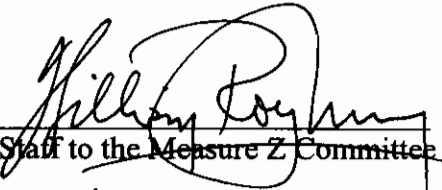
*"As the administrator for Oakland's cannabis dispensary permits, I wanted to notify you that the City has been experiencing a surge of commercial cannabis outlets without permits. We intend to take both administrative action against the property owners and criminal action against the operators. One such administrative action has commenced against an operation at 1736 Telegraph Avenue, and an arrest has been made at the same location."*

The Committee began to address the topic further. Staff noted that as the item was not listed on the Agenda it could not be discussed by the Committee. Staff asked that the Committee therefore adjourn the meeting and, if they desired, speak informally afterward. Chairperson Anthony asked staff to place the topic of "the Lemon Drop bust" on the March 19<sup>th</sup> meeting Agenda and then adjourned the meeting.

Students for Sensible Drug Policy – 1950 Broadway

**G. Adjournment**

There being no further business, and upon the motion duly made, the Measure Z Committee adjourned the meeting at 7:15 p.m.

  
Staff to the Measure Z Committee  
19 March 2009  
Date Adopted