

Measure Z Committee

Meeting Minutes

Thursday, March 19, 2009, 6:00 p.m.

Council Chambers, 3rd Floor, 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, C. Bartice, L. Bonett, D. Gieringer, R. Lee, K. Stephenson, B. Uber, J. Villatoro

The meeting of March 19, 2009 was called to order at 6:07 p.m..

B. Open Forum / Public Comment

The following individuals spoke: Mr. J. Franz and Mr. M. Adams

C. Review of the Pending List

The Committee changed the word "compliance" to "cooperation" in Item 10 on the Pending List. The item now reads "Review of Oakland cooperation / non-cooperation policies with the Drug Enforcement Agency (DEA)". The Annual Report (Item 9) was tentatively scheduled for the April meeting, and the Training Bulletin (Item 4) was tentatively scheduled for the May 21st meeting. A new item was added to the Pending List: "Review of environmental impacts of indoor / outdoor growing and possible regulations".

Ms. Bonett recommended that staff place in the minutes a "head count" of audience members at meetings. Mr. Uber said that was not a standard part of meeting minutes and he did not plan to count attendees.

Vice Chair Gieringer directed that "it be recorded that there are 21 people in the audience." Staff duly recorded the information.

D. Approval of Draft Minutes

The Minutes of the February 26, 2009 meeting were approved, as amended (Item E-1, deleted a duplicate "Continued Discussion" in the title), on a motion by Mr. Villatoro, second by Ms. Bonett, and by consensus.

E-1 Discussion on Oakland-Alameda Coliseum Regulations Regarding Medical Cannabis Patients Taking their Medications in Designated Smoking Areas and How Law Enforcement Handles Such Situations

Mr. Uber gave a brief review of the report. "Mr. R. Raich, who brought this issue to the Committee, spoke and handed out part of a deposition transcript (attached) from US District Court case no. C06-05915 MJJ, with certain passages underlined, which refuted contentions of Oakland Police Department personnel as stated in the report, and indicated that officers do arrest persons smoking marijuana in the smoking sections." Mr. Uber noted that nothing in the handout indicated a medicinal cannabis patient (which does not fall under the purview of Measure Z) had been arrested. Mr. Uber added that the Smoking Sections of the Coliseum could not in any way be considered as "private".

Mr. Gieringer remarked that he has been remiss in not providing information he had on a patient being arrested and that he would produce it for the next meeting. The report was received, but continued to the next meeting.

The following individual spoke: Ms. J. Hopper.

E-2 Discussion on Measure Z Committee Member Oral Reports on Meeting with Their Appointing Authority, re: Club Guidelines and General Measure Z Related Topics

Mr. Anthony was unable to get together with Councilmember Quan. He noted that when he was appointed her major concern was to protect the permitted and regulated medical cannabis dispensaries and that the Measure Z Committee should not do anything to draw the attention of the federal authorities; and given the change in federal enforcement priorities of Attorney General Holder, with respect to state law, he would continue to attempt his attempts to contact Ms. Quan on her position.

Mr. Gieringer was unable to schedule time with Council President Brunner, but he did talk to one of her aides a couple of times. The aide stated Ms. Brunner was aware of the medical cannabis taxation proposal, but the aide had no additional information from the Councilmember on any other Measure Z related issues.

Mr. Villatoro was able to speak by telephone with Councilmember Kernighan. She spoke in favor of ballot proposal to increase the tax rate on medical cannabis. She also noted her general support for the work of the Measure Z Committee.

Mr. Stephenson was noted as present at 6:44 p.m.

Mr. Lee spoke with Councilmember Nadel and gave her a brief history of the Clubs. Mr. Lee said Ms. Nadel seemed to understand the issues and said it takes courage to move these discussions forward.

Ms. Bartice stated the City Auditor's Office declined to give feedback on her personal thoughts (regarding private, adult cannabis use, cultivation and sales).

Mr. Uber stated that he had a conversation with the City Administrator. Mr. Lindheim said his personal views didn't matter. However, he saw Mr. Uber's role as maintaining a cautionary / conservative stance on items being considered by the Measure Z Committee and left it to Mr. Uber's judgment on how he did that.

Ms. Bonett said she sent a letter to the liaison in the Mayor's Office, but she had not received a reply as of the meeting.

Mr. Stephenson contacted Mr. Reid's office via e-mail. He had not heard back from Mr. Reid or his staff as of the meeting.

The following individual spoke: Mr. R. LaChance.

Mr. Gieringer recommended that the Committee place an item on the Pending List regarding anti-smoking ordinances and state law and whether ventilated spaces can be made compliant to allow licensed cannabis smoking premises in Oakland. Mr. Gieringer and Mr. Anthony volunteered to work on the issue.

The following individuals spoke: Mr. A. Sotos, Ms. C. Bonaudi

E-3 Update from the Chair on Recent Actions at the "Lemon Drop," 1736 Telegraph Avenue

Mr. Anthony stated he did not know any more than what was relayed in the article. Mr. Lee noted that it was referred to as a "medical cannabis dispensary gone bad and not a Measure Z Club. He also noted that the current owner was not the same person and the original owner of the space.

F. Announcements

1. Pro-Con “Open Forum” articles, “Is it time to Legalize Marijuana?” San Francisco Chronicle, March 3, 2009

Mr. Uber noted the Pro-Con article was just an FYI for Committee members.

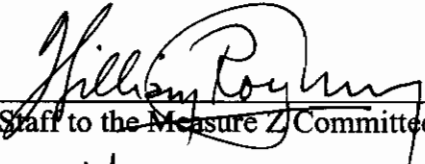
Mr. Gieringer noted that AB 390 was scheduled for a hearing before the Assembly Public Safety Committee on March 31, 2009 and he distributed a CalNORML handout on the hearing.

Mr. Lee mentioned a 420 fundraiser for Councilmember At-Large Kaplan taking place on April 20, 2009 at the Oaksterdam University Student Union (handout)

Mr. Anthony announced that tax and revenue measures to revise Measure OO, change the hotel tax, increase the medical cannabis tax, and setting a special election for July 21, 2009 would be going to the City Council soon.


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
21 May 2009
Date Adopted

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

, et al.,)
Plaintiffs,)
vs.)
CITY OF OAKLAND, et al.,)
Defendants.)

No. C06-05915 MJJ

DEPOSITION OF SERGEANT RANDELL WINGATE
OAKLAND, CALIFORNIA
FRIDAY, JULY 13, 2007

RAMONA REINHARDT
CERTIFIED SHORTHAND REPORTER NO. 2677
428 NORTH STREET
OAKLAND, CALIFORNIA 94609
(510) 652-4337

**CERTIFIED
COPY**

1 out. Standard lineup.

2 Q. What's the next thing you remember after the
3 lineup?

4 A. I would have to assume I just went on and started
5 working. I don't remember anything significant.

6 Q. Okay. One of your duties and responsibilities as
7 an undercover officer is to point out if someone is engaged in
8 illegal activity and then an arrest team comes in and arrests
9 that person; is that correct?

10 A. Yes.

11 Q. Okay. Do you recall doing that at any time on the
12 date of the incident other than, excluding 675 Hegenberger
13 Road?

14 A. I'm sure I did. I don't recall any specific event.

15 Q. Do you recall any specific event that happened with
16 any other civilian that led to his or her arrest that day, with
17 the exception of whatever it is that you recall about your
18 interaction with Jack Zolowicz and Nathan Zolowicz?

19 A. That was a long question, sir, but I think I
20 understand.

21 The only -- again, nothing really stands out. The
22 one thing that we did is at half time they'll put us in the
23 tunnels, the smoking sections, and we'll point out people
24 smoking marijuana. And that's -- it's like shooting fish in a
25 barrel at the Raider game. So I remember -- I know we went and

DEPOSITION OF SERGEANT RANDELL WINGATE

Q. Okay. And at some point did you go to the vicinity
7 of 675 Hegenberger Road?

8 A. Yes.

9 Q. And why did you do that?

10 A. I was going there because I could see the
11 fireworks. They were coming from that area.

12 Q. And where were you when you made those
13 observations?

14 A. I was in the Coliseum parking lot, on the Coliseum
15 side. There's a creek that runs through there. I was on the
16 Coliseum side. And I don't know the numbering of the lots, if
17 it's A lot, D lot or K lot, but I was on the, what we refer to
18 as the Oakland east side of the Coliseum.

19 Q. Is that one of the lots that's bordered by
20 Hegenberger or 73rd Avenue? I don't know where.

21 A. It's not bordered by, but it's on the side of.

22 Q. The side of?

23 A. Yes.

24 Q. Okay. And were you with Officers Espinoza and
25 Knight at that time?