

# ***Measure Z Committee***

## **Meeting Minutes**

**Thursday, January 15, 2009, 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	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: C. Bartice, L. Bonett, D. Gieringer, R. Lee, K. Stephenson, B. Uber, J. Villatoro*

*Members Excused: J. Anthony*

*The meeting of January 15, 2009 was called to order at 6:02 p.m..*

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

*The following individuals spoke: R. Raiche, L. Lindsey, C. Bonaudi, and M. Norris*

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

*With the following changes, the Pending List was approved by consensus:*

- *Items 1 (Information on marijuana arrests and citations) and 10 (Data tables / Matrix of marijuana offenses and arrests and other crime trends from the OPD) to be combined into a single Pending List item.*
- *Item 11 (Request the Hemp Industries Association (HIA) provide a speaker for a future meeting was deleted from the Pending List.*
- *It was noted that it was time for the "Annual Report from the Measure Z Committee to the Oakland City Council" (Item 9) to be prepared and scheduled.*

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

*The Minutes of the October 23, 2008 meeting were approved by consensus, on a motion from Mr. Villatoro, second by Mr. Lee.*

**E-1 Discussion on a Revised 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**

*Fee Schedule - Mr. Lee provided a review of his revisions to the report since it was presented at the October 23, 2008 Special Meeting of the Measure Z Committee. Mr. Uber noted that the numbers listed did not comport with what was discussed previously and some of the written numbers did not match the numeric figures, as noted in Item D, the draft Minutes from the October 23, 2008 meeting. The Committee added the word "annual" in front of "permit fees." Mr. Lee replied that, upon further reflection, the revised numbers would be more realistic with the fees proposed:*

*The annual permit fees for Measure Z clubs will be the same as Oakland medical marijuana dispensaries. The fees will be based on the number of members in a club.*

- 1. Private Cannabis Club (PCC) with one (1) to one hundred (100) active registered adult members \$5,000*
- 2. PCC with one hundred and one (101) to two hundred (200) active registered adult members \$10,000*
- 3. PCC with two hundred and one (201) to four hundred (400) active registered adult members \$15,000*
- 4. PCC with four hundred and one (401) to six hundred (600) active registered adult members \$30,000*

*Mr. Gieringer recommended a cost of \$100 per member. Mr. Lee noted that a "membership" fee was different from a "permit" fee. Mr. Lee was to come back with language to cover guest / visitor passes / one-time visit memberships. The changes were adopted by the Committee and the item was continued to a future meeting.*

*Private Cultivation - Mr. Gieringer went through the particulars of the "Guidelines for Private Cultivation Under Measure Z Lowest Law Enforcement Priority Policy" section. He questioned, in section 2, "Limit size of gardens / proper zoning", what might constitute an "appropriately zoned" area, but otherwise thought the garden size / lamp wattages were reasonable. Mr. Gieringer stated section 3, "Odor abatement", had no enforcement "teeth". Under section 4, "Oakland city fees", Mr. Gieringer thought the fees might be okay for commercial enterprises, but for personal use gardens, he believes it's the growers' own business and would be unenforceable. Mr. Lee feels it would be up to the Committee to convince people paying the fee was appropriate, with the "dated tax stamps (stickers)" as proof in case police are, for some reason, summoned to a property where cannabis is being grown. Mr. Gieringer didn't think it could be done, stating that at some size-point, one could grow for personal use for free. Ms. Bartice opined that the discussion felt like people would be "paying for police protection" to grow for personal use. Mr. Lee said people may prefer a feeling of protection when growing cannabis for personal use.*

*Mr. Villatoro said he understood the Committee's role was to define "private garden" and that the Committee should stick to personal growing and not get into commercial cultivation. He also thought the cost of \$1,000 per year was too high. Mr. Gieringer and*

Mr. Lee said the Committee needed to look at all aspects of cultivation and to look at “commercial” as supplying the private clubs and to those who cannot grow their own for whatever reasons. Mr. Villatoro asked for the City Attorney’s opinion. Ms. Mosk stated that the City’s Measure Z Ordinance (12694 C.M.S.) – she also noted SB 420 – only speaks to “private”. Therefore anything else would be outside the Committee’s purview, including commercial cultivation. Mr. Gieringer re-stated that there should not be a fee for small garden, comparing them to people who home-brewed beer and wine; and that the Committee needed to establish a personal use floor. Mr. Lee said he could re-write section 4 and asked for suggestions. Ms. Bartice recommended a small annual fee of \$100/year. Mr. Lee suggested no fee below 1000 watts for indoor cultivation. Mr. Villatoro noted that now the Committee needs to define “garden”. Mr. Gieringer then asked about gardens larger than 100 sq. ft. and above 2,000 watts – suggesting \$500 per light. The Committee then continued the item to a future meeting.

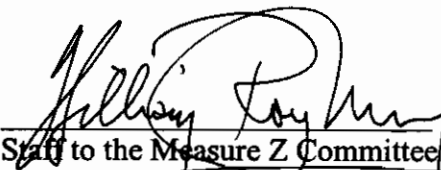
The following individuals spoke on this item: A. Soto, C. Binodi, J. Giandinoto, M. Norris.

**F. Announcements**

Mr. Lee Noted there would be a social hour at the Bulldog after the meeting.

**G. Adjournment**

There being no further business, and upon the motion duly made, the Measure Z Committee adjourned the meeting at 7:29 p.m.

  
Staff to the Measure Z Committee  
26 February 2009  
Date Adopted