

OAKLAND CITY COUNCIL

**REVISED**  
7/20/04

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to form & Legality

*Barbara Cook*

2004 JUL 23 10:53 AM  
RESOLUTION NO.

78733

C.M.S.

INTRODUCED BY  
COUNCILMEMBER \_\_\_\_\_

**Resolution Submitting to the Voters a Proposed Initiative Ballot Measure – An Ordinance that would require that the City of Oakland (1) Make investigation, citation and arrest for private adult cannabis (marijuana) offenses the City’s lowest law enforcement priority; (2) Advocate through its lobbyist and City officers for changes in state and other laws to (a) allow and authorize taxation and regulation of cannabis (marijuana) for adults and eliminate criminal penalties for private, adult cannabis use, (b) grant local control to cities and counties to license and regulate cannabis businesses and collect appropriate fees and taxes, and (c) end the prosecution arrest, investigation and imprisonment for adult private cannabis offenses; (3) Establish a system to license, tax and regulate cannabis (marijuana) sales if California law is amended to allow and authorize such actions; and (4) Create a committee to oversee the ordinance’s implementation and disbursement of revenue from licensing and taxation of businesses that sell cannabis at the General Municipal Election to be held on Tuesday, November 2, 2004; and directing the City Clerk to fix the date for submission of arguments and to provide for Notice and Publication in accordance with law and requesting the County Board of Supervisors to consolidate Oakland’s Election with the Statewide General Election**

**WHEREAS**, the City Clerk of the City of Oakland has certified to the Oakland City Council that petitions for a proposed initiative ballot measure entitled “Cannabis Regulation – An Ordinance that would require that the City of Oakland (1) Establish a system to License, Tax and Regulate Cannabis (Marijuana) Sales as soon as possible under California Law; (2) Create a committee to oversee the Ordinance’s implementation and disbursement of Revenue from Licensing and Taxation of Businesses that sell Cannabis (3) Adopt law enforcement policies related to Cannabis; and (4) Advocate for changes in laws to support implementation and goals of the Ordinance” has been accompanied by verified signatures of ten (10%) percent of the registered electors of the City; and

**WHEREAS**, the City Council has a ministerial duty pursuant California Elections Code section 9215 to either adopt the initiative without alternation as a City ordinance or submit the initiative to the voters; and

**WHEREAS**, the next municipal election at which this proposed initiative ballot measure can be voted upon will occur on Tuesday, November 2, 2004; and Elections Code Section 10400 et seq. allows for the General Municipal Election to be consolidated with the statewide general election to be held on the same date; now, therefore be it

**WHEREAS**, the City Council does hereby submit to the qualified electors of the City of Oakland the aforesaid proposed initiative ballot measure to be voted upon at the General Municipal Election consolidated with the Statewide General Election to be held on Tuesday, November 2, 2004, now therefore be it

**RESOLVED:** that the proposed initiative ballot measure text shall read as follows:

**Section 1: TITLE**

Oakland Cannabis Regulation and Revenue Ordinance

**Section 2: FINDINGS**

The people of Oakland, California find as follows:

**WHEREAS** it is a goal of the people of Oakland to keep drugs off the streets and away from children, and to eliminate street dealing and violent crime; and

**WHEREAS** each year California spends over \$150 million enforcing cannabis (marijuana) laws, expending valuable law enforcement resources that would be better spent on fighting violent and serious crimes; and

**WHEREAS** medical and governmental studies have consistently found cannabis to be less dangerous than alcohol, tobacco and other drugs; and

**WHEREAS** otherwise law-abiding adults are being arrested or imprisoned for nonviolent cannabis offenses, clogging our courts and jails; and

**WHEREAS** controlling and regulating cannabis so that it is only sold by licensed businesses would undermine the hold of street dealers on our neighborhoods; and

**WHEREAS** in the face of the severe state and local budget crisis, the revenues from taxing and licensing cannabis would help fund vital Oakland city services; and

**WHEREAS** the current laws against cannabis have needlessly harmed patients who need it for medical purposes, and impeded the development of hemp for fiber, oil, and other industrial purposes; and

**WHEREAS** it is the hope of the people of Oakland that there will be state and federal law reform that will eliminate the problems and costs caused by cannabis prohibition;

**THEREFORE** the people of the City of Oakland do hereby enact the following ordinance establishing the cannabis policy of the city.

**Section 3: DEFINITION**

"Cannabis" - Means "marijuana" as currently defined in California Health & Safety Code Section 11018.

**Section 4: PURPOSE**

The purpose of this ordinance is:

- a) To direct the City of Oakland to tax and regulate the sale of cannabis for adult use, so as to keep it off the streets and away from children and to raise revenue for the city, as soon as possible under state law.
- b) To direct the Oakland Police Department to make investigation, citation, and arrest for private adult cannabis offenses the lowest law enforcement priority, effective immediately upon passage of this ordinance.

c) To advocate for changes in state law (and at other levels as necessary) to authorize the taxation and regulation of cannabis and eliminate criminal penalties for private, adult cannabis use.

**Section 5: REGULATION**

The City of Oakland shall establish a system to license, tax and regulate cannabis for adult use as soon as possible under California law. At that time, the City Council shall promulgate regulations that include, but are not limited to, the following provisions consistent with California law:

- a) The sale and distribution to minors will be strictly prohibited;
- b) The city shall establish a licensing system for cannabis businesses, with regulations to assure good business practices, compliance with health and safety standards, access for persons with disabilities, and nuisance abatement;
- c) Minors shall not be permitted in areas where cannabis is sold, nor shall minors be employed by licensed cannabis businesses;
- d) No business licensed to sell cannabis will be located within 600 feet of a school;
- e) Cannabis businesses shall be required to pay taxes and licensing fees;
- f) The public advertising of cannabis through television, radio or billboards will be prohibited; and
- g) Onsite consumption shall be licensed so as to keep cannabis off the streets and away from children, subject to reasonable air quality standards.

**Section 6: LOWEST LAW ENFORCEMENT PRIORITY**

- a) The Oakland Police Department shall make investigation, citation, and arrest for private adult cannabis offenses Oakland's lowest law enforcement priority.
- b) This "lowest law enforcement priority" policy shall *not* apply to distribution of cannabis to minors, distribution or consumption of cannabis on streets or other public places, or motor vehicle violations.

**Section 7: COMMUNITY OVERSIGHT COMMITTEE**

A Community Oversight Committee shall be appointed to oversee the implementation of the Oakland Cannabis Regulation and Revenue Ordinance. The Committee will be composed of:  
1 community member appointed by each member of the Oakland City Council,  
1 community member appointed by the Mayor of Oakland,  
1 representative of the Oakland City Auditor,  
1 representative of the Oakland City Manager.

Responsibilities of the Committee shall include:

- a) Ensure timely implementation of this ordinance
- b) Oversee the implementation of the Lowest Law Enforcement Priority policy;
- c) Make recommendations to the Oakland City Council regarding appropriate regulations, in accordance with Section 5 above;
- d) Oversee the disbursement of revenues generated through the sale of cannabis by licensed cannabis businesses to ensure that funds go to vital city services such as schools, libraries and youth programs; and
- e) Report annually to the Council on implementation of this ordinance.

## **Section 8: ADVOCACY FOR LEGISLATIVE REFORM**

The City of Oakland shall advocate, through its lobbyist and other city officers, for changes to state law (and laws at other levels of government as necessary) to support the goals and implementation of this ordinance. Legislative changes to be advocated include:

- a) Allow for taxation and regulation of cannabis for adults;
- b) Grant local control to cities and counties to license and regulate cannabis businesses, and collect appropriate fees and/or taxes; and
- c) End the prosecution, arrest, investigation and imprisonment for adult, private cannabis offenses.

## **Section 9: SEVERABILITY**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

and be it,

***FURTHER RESOLVED:*** that the City Council of the City of Oakland does hereby request that the Board of Supervisors of Alameda County order the consolidation of the General Municipal Election of November 2, 2004, with the statewide general election of November 2, 2004 consistent with the provisions of state law; and,

***FURTHER RESOLVED:*** that in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed initiative and said date shall be published in accordance with state laws; and be it

***FURTHER RESOLVED:*** that each ballot used at said municipal election shall have printed therein, in addition to any other matter required by law the following:

**PROPOSED VOTER INITIATIVE - ORDINANCE**

**MEASURE \_\_\_\_\_**

Measure _____. Shall the ordinance requiring the City of Oakland (1) to make law enforcement related to private adult cannabis (marijuana) use, distribution, sale, cultivation and possession, the City's lowest law enforcement priority; (2) to lobby to legalize, tax and regulate cannabis for adult private use, distribution, sale, cultivation and possession; (3) to license, tax and regulate cannabis sales if California law is amended to allow such actions; and (4) to create a committee to oversee the ordinance's implementation, be adopted?	Yes	
	No	

**FURTHER RESOLVED**, that the City Clerk and City Administrator are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the November 2, 2004, General Municipal Election and the City Council hereby authorizes and appropriates all money necessary for the City Administrator and City Clerk to prepare for and conduct the November 2, 2004 General Municipal Election consistent with law.

**IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_ JUL 20 2004 \_\_\_\_\_, 2004**

**PASSED BY THE FOLLOWING VOTE:**

AYES: - BROOKS, BRUNNER, ~~CHANG~~, NADEL, QUAN, ~~REID~~, WAN  
 AND PRESIDENT DE LA FUENTE - 6

NOES: - REID, CHANG - 2

ABSENT: - 0

ABSTENTION: - 0

ATTEST:



CEDA FLOYD, City Clerk and Clerk of the City Council of the City of Oakland, California