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2009 JUN 11 PM 4:12

CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator  
Dan Lindheim  
Acting City Administrator

(510) 238-3301

June 23, 2009

Public Safety Committee  
Oakland City Council  
Oakland, California

RE: **Annual Report of the Measure Z (a voter initiative entitled "Oakland Cannabis Regulation and Revenue Ordinance") Community Oversight Committee for 2008**

Dear Chairperson Reid and Members of the Committee:

On November 2, 2004 the Oakland electorate passed ballot Measure Z, a voter initiative entitled "Oakland Cannabis Regulation and Revenue Ordinance". Measure Z became effective on December 7, 2004. In February 2006, a quorum of Committee members had been appointed and the first meeting of the Measure Z Community Oversight Committee took place on February 16, 2006.

In accordance with Ordinance No. 12694 C.M.S., Section 1 (c), the Annual Report of the Measure Z Committee is forwarded for Council's review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Lindheim", written over a horizontal line.

Dan Lindheim  
Acting City Administrator

Prepared by: William Roy Uber  
Assistant to the City Administrator,  
Measure Z Committee member, and  
staff assigned to the Measure Z Committee

Item: \_\_\_\_\_  
Public Safety Comte.  
June 23, 2009

# *Measure Z Committee*

**One Frank H. Ogawa Plaza  
Oakland, CA 94612**

June 23, 2009

Public Safety Committee  
Oakland City Council  
Oakland, California

*James Anthony, Chair*  
*Dale Gieringer, Vice Chair*  
*Cathi Bartice*  
*Leslie Bonett*  
*Richard Lee*  
*Keith Stephenson*  
*Bill Uber*  
*Joseph E. Villatoro*

Chairperson Reid and Members of the Committee:

I am pleased to submit to you the Third Annual Report of the Measure Z Community Oversight Committee. The responsibility of the Committee, under City Council Ordinance No. 12694 C.M.S is to “advise the City Council of concerns and issues regarding the lowest law enforcement [priority] policy for private adult cannabis offenses, make recommendations to the City Council regarding policy implementation, and report annually to the City Council on the implementation of Measure Z.”

The Committee met 7 times in 2008, once less than in 2007. The District 5 seat has been vacant since August 2007 and the District 6 seat has been vacant since August 2008. Mr. Bill Uber replaced Mr. Niccolo DeLuca as the City Administrator representative in March 2008, and the At Large representative, Mr. Frank Rose, resigned his seat in December 2008.

The Committee’s Annual Report for 2007 was forwarded to the City Administrator on October 14, 2008, who then presented it to the Public Safety Committee the same day.

The Committee began 2008 with its “Sub-committee Report on Guidelines for Measure Z Clubs/Private Sales,” by Committee Member Richard Lee, a guide for the regulation and taxation of Measure Z clubs. In March, the Committee created an ad hoc sub-committee composed of Committee Members Mr. Lee, Ms. Bonett, and Ms. Bartice to further develop the Guidelines. The final draft included Committee Member Mr. Villatoro as co-author and addressed the following issues: public nuisance, membership limits, sales per visit limit, onsite consumption, zoning, food service within clubs, alcohol and drug policy, sales tax, Oakland business taxes, and taxes at the state and federal level. The Committee approved a motion to forward it to the City Administrator with a recommendation to forward the report to the Public Safety Committee for review.

In April, the Committee met with Assistant Chief of Police Howard Jordan and Lieutenant Darren Allison to discuss an OPD report on marijuana arrests in Oakland between January 1, 2003 and December 31, 2007. After AC Jordan gave an overview and perspective on the numbers, the Committee made suggestions and asked additional questions. When asked if the City’s lowest priority policy helped OPD focus on violent crimes, AC Jordan answered affirmatively. He added that OPD is currently updating officer Training Bulletin III-W, concerning medical cannabis. It was later resolved that Committee Member Mr. Uber would work with OPD staff to draft a Measure Z Training Bulletin for OPD and the Committee would have the opportunity to review the draft.

Item: \_\_\_\_\_  
Public Safety Comte.  
June 23, 2009

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The Committee voted unanimously to send a letter to Representative Barbara Lee, urging her to support federal legislation authorizing state and local governments to regulate marijuana lawfully. Shortly after, Rep. Lee co-sponsored the Act to Remove Federal Penalties for the Personal Use of Marijuana by Responsible Adults (HR 5843).

The Committee voted unanimously to receive "A Report Clarifying the Advisory/Advocacy Nature of the Measure Z Community Oversight Committee," by Mr. Uber, which found the Committee to be an advisory body, whose scope does not include participating in direct lobbying and advocacy actions, but that only makes recommendations to the City Council via the City Administrator regarding policy implementation of the Oakland Cannabis Regulation and Revenue Ordinance (a.k.a. Measure Z).

The Committee voted unanimously to send the draft ordinance amending Ordinance No. 12694 C.M.S., "Ordinance Establishing the Procedures of the Community Oversight Committee Created by Measure Z, Entitled 'Oakland Cannabis Regulation and Revenue Ordinance' (Measure Z) and Providing the Terms and Responsibilities of the Committee Members," to the City Administrator for forwarding to the City Council with the proposals: (a) amend the definition of "quorum," (b) add a "Non-Active Member" category, (c) amend member 2-year terms to stagger appointment dates to odd/even years, and (d) amend the function and duties of the Committee to include advocating and lobbying elected officials on cannabis-related issues.

At the end of the year the following items (among others) were on the Pending List:

- 1) Draft a proposed Training Bulletin for OPD for Measure Z for the implementation (modeled after the Medical Cannabis Training Bulletin) of the Measure Z lowest law enforcement priority, including protocols for OPD/OFD interaction, re: encountering cultivation operations in the course of their duties
- 2) Discussion of "clear violations" of Measure Z (ex. People packaging personal use cannabis in their homes) as part of a dialog with OPD (invite the public to share stories)
- 3) Develop guidelines for future enforcement
- 4) Establishment of guidelines for Measure Z club's to deal with the issue of fees to be paid by licensed Measure Z clubs

To date the Committee remains frustrated in its attempts to recommend policies to implement the will of the voters in passing Measure Z by 65%—none of the Committee's recommendations have even been heard, let alone acted on, by the City Council.

Respectfully submitted,

\_\_\_\_\_  
James Anthony  
Chairperson, Measure Z Committee

Item: \_\_\_\_\_  
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June 23, 2009

# Measure Z Committee

## 2008 Attendance

Representing	Committee Member	17 Jan	21 Feb	20 Mar	17 Apr	15 May	19 Jun	17 Jul	21 Aug	18 Sep	16 Oct	23 Oct	20 Nov	18 Dec
District 1	Dale Gieringer	<b>Cancelled</b>	Z	Z	Z	Z	<b>Cancelled</b>	e	Z	<b>Cancelled</b>	<b>Cancelled – Due to Special Meeting of the City Council</b>	Z	<b>Cancelled</b>	<b>Cancelled</b>
District 2	Joseph E. Villatoro		Z	Z	Z	Z		Z	Z					
District 3	Richard Lee		Z	Z	Z	Z		Z	Z					
District 4	James Anthony		Z	e	Z	Z		Z	Z					
District 5			v	v	v	v		v	v					
District 6	(Daniel Siegel)		e	e	a	a		a	v					
District 7	Keith Stephenson		Z	Z	Z	e		Z	e					
At Large	Franklin Rose		Z	Z	e	Z		e	Z					
Administrator	(Niccolo De Luca)		V	-	-	-		-	-					
Administrator	W. Uber (Mar 2008)		-	Z	Z	Z		Z	Z					
Auditor	Cathi Bartice		e	Z	a	Z		Z	e					
Mayor	Leslie Bonett (6/5/07)		Z	Z	Z	Z		e	Z					

KEY	
Z	Present
e	Excused
a	Absent
v	Vacant

**NOTES:**

- The District 5 seat has been vacant since August 2007.
- William Uber replaced Mr. De Luca as the City Administrator’s representative on the Committee in March 2008.
- As of August 1, 2008, the District 6 seat is considered vacant (the 1-year “hold-over” status ended).
- A special meeting of the City Council (Revisions to FY 2008-09 Budget) on October 16<sup>th</sup> caused the cancellation of the Regular Meeting of the Measure Z Committee for that date. A Special Meeting of the Measure Z Committee was scheduled for October 23<sup>rd</sup>.