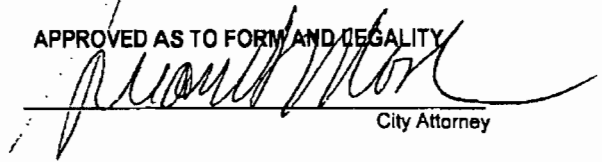


ORIGINAL

APPROVED AS TO FORM AND LEGALITY



City Attorney

FILED
INTRODUCED BY _____
CLERK OF THE CITY COUNCIL
OAKLAND

2009 JUN 11 PM 4:15

OAKLAND CITY COUNCIL

ORDINANCE NO. 12958 C.M.S.

**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" IN ORDER TO
STAGGER THE APPOINTMENT TERMS OF MEMBERS TO ODD AND
EVEN YEARS**

WHEREAS, on November 2, 2004, the voters of the City of Oakland enacted the Oakland Cannabis Regulation and Revenue Ordinance, a voter initiative commonly referred to as Measure Z; and

WHEREAS, Measure Z became effective on December 7, 2004; and

WHEREAS, Measure Z makes the investigation, citation and arrest for private adult cannabis (marijuana) offenses (e.g. use distribution, sale, cultivation and possession of cannabis for medical and non-medical purposes) the City of Oakland's lowest law enforcement priority; and

WHEREAS, Measure Z also created an eleven member, advisory Community Oversight Committee, appointed to two year terms commencing with the first day of August 2005, to oversee the ordinance's implementation and provided that the committee shall include one community member appointed by each City Councilmember, one community member appointed by the Mayor, one representative appointed by the Oakland City Auditor and one representative appointed by the City Administrator; and

WHEREAS, staggering the appointment term of member, whereby odd numbered Council Districts, Mayor, and City Administrator appointments shall be made in odd numbered years and even numbered City Council Districts, the At Large and City Auditor appointments shall be made in even years; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. 12694 C.M.S. is hereby amended to read as follows: additions are indicated by underscoring and deletions are indicated by ~~strike through type~~; portions of the original ordinance not cited or not shown in underscoring or ~~strike through type~~ are not changed and remain in full force and effect.

Ordinance Section 1. It shall be the function and duty of the Community Oversight Committee to oversee implementation of the Lowest Law Enforcement Priority Policy and ensure timely implementation of Measure Z by:

- a. advising the Council of concerns, issues regarding the lowest law enforcement policy for private adult cannabis offenses;
- b. making recommendations to the Council regarding the policy implementation; and
- c. reporting annually to the Council on the implementation of Measure Z.

Ordinance Section 2.

a. The Committee shall consist of eleven (11) members. The Mayor shall appoint one community member. Each Councilmember shall appoint one community member. The Committee also shall include one representative of the City Administrator and one representative of the City Auditor. Members must reside in the City of Oakland at time of their appointment and for the duration of their term and should have the appropriate skills and expertise to carry out the duties of the Committee.

b. Six members shall constitute a quorum.

c. The members shall be appointed to terms of two years, said term to commence upon the first day of August ~~2009~~ in odd numbered years for members appointed by Councilmembers in Districts 1, 3, 5, 7, and the representatives from the Mayor and City Administrator, beginning in 2009; and in even numbered years for members appointed by Councilmembers in Districts 2, 4, 6, At Large, and the representative from the City Auditor, beginning in 2010, except that an appointment to fill a vacancy shall be for the unexpired term only. Members may be reappointed to subsequent terms.

d. For the year beginning the first day of August 2009 only, members appointed by Councilmembers in Districts 2, 4, 6, At Large, and the representative from the City Auditor shall be appointed to a one (1) year term, providing they do not vacate their position or are not reappointed by their appointing authority.

Ordinance Section 3.

a. A vacancy on the Community Oversight Committee will exist whenever a member dies, resigns, ceases to reside in Oakland or is removed.

b. Committee members shall serve at the pleasure of their appointing authority.

Ordinance Section 4. The members shall elect a chairperson and a vice chairperson, who shall serve for a one year term. The Community Oversight Committee shall meet at City Hall, and at an established date and time suitable for its purpose. Such meetings shall be designated regular meetings. All meetings shall be held in accordance with the state and municipal open meeting laws (Brown Act and Sunshine Ordinance).

Ordinance Section 5. The Community Oversight Committee, in consultation with the City Administrator, shall establish rules and procedures for the conduct of its business by a majority vote of the members present. Voting shall be required for the adoption of any motion or resolution. The Community Oversight Committee may make reports, and recommendations either to the City Administrator or the City Council, as appropriate. An annual report will be presented in writing to the City Council. Recommendations from the Community Oversight Committee shall be carefully and fully considered by the City Administrator before they are presented to the Council. However, if the City Administrator rejects the Committee's recommendation(s), the Committee may submit recommendations to the Council for consideration, as appropriate.

Ordinance Section 6. The City Administrator, or a designee, may provide the Community Oversight Committee with staff assistance and a representative of the City Attorney's Office shall attend the committee meetings as appropriate.

Ordinance Section 7. The Community Oversight Committee may not create any Standing Committees for the purpose of delegating any of the Committee's decision-making or duties, but may form ad hoc committees as needed.

SECTION 2. SEVERABILITY: If any article, section, subsection, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE: This ordinance shall become effective immediately upon final adoption of it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 21 2009, 20

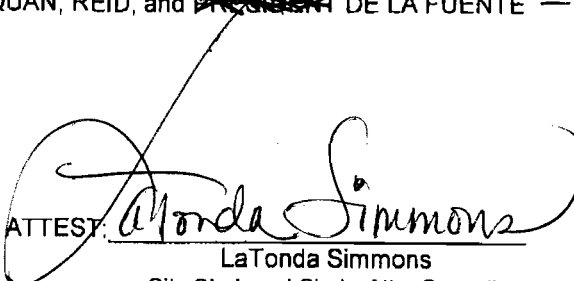
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and ~~PROBERT~~ DE LA FUENTE — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date: JUL 7 2009

DATE OF ATTESTATION: 7/22/09