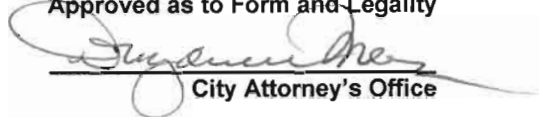


FILED
OFFICE OF THE CITY CLERK
OAKLAND

12 MAY 24 PM 4:03

Approved as to Form and Legality


City Attorney's Office

Oakland City Council

RESOLUTION No. 83888 C.M.S.

RESOLUTION AUTHORIZING THE CITY ATTORNEY, ON BEHALF OF THE CITY OF OAKLAND, TO JOIN IN AN AMICUS (FRIEND OF THE COURT) BRIEF IN THE *PACK V. CITY OF LONG BEACH* (B228781) APPEAL TO THE CALIFORNIA SUPREME COURT TO MAINTAIN A CITY'S ABILITY TO REGULATE MEDICAL CANNABIS DISPENSARIES

WHEREAS, City of Oakland was the first city in the nation to adopt an ordinance permitting medical cannabis dispensaries in 2004 and has successfully regulated medical cannabis dispensaries based on health, safety and public welfare concerns for several years; and

WHEREAS, such ordinance has assisted in providing patients and their caregivers with access to safe and affordable medical cannabis medicine, diminished medical cannabis related crime, and spurred economic growth in Oakland; and

WHEREAS, City of Long Beach, in 2010, passed an ordinance regulating and permitting medical cannabis collectives, which was challenged by Plaintiffs Ryan Pack and Anthony Gayle; and

WHEREAS, the Court of Appeal in the Second Appellate District (B228781) declared that the City of Long Beach medical cannabis regulatory ordinance was preempted by the federal Controlled Substances Act, which makes the possession and sale of any marijuana illegal, and thereby invalid; and

WHEREAS, the City of Long Beach is appealing this ruling to the California Supreme Court; and

WHEREAS, the California Supreme Court's affirmation of this ruling could affect local jurisdiction's authority to regulate medical cannabis dispensaries in California, such as Oakland; and

WHEREAS, Oakland has a substantial interest in the outcome of this litigation for the reasons mentioned above; so be it

RESOLVED: That the City Council authorizes the City Attorney on behalf of the City of Oakland to join in and sign onto an amicus brief asking the California Supreme Court to overturn the decision of the Court of Appeal in the Second Appellate District striking down Long Beach's medical cannabis regulatory ordinance.

974106v1

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 5 2012


PASSED BY THE FOLLOWING VOTE:

BROOKS, ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND ~~PRESIDENT REID~~

AYES- 6
NOES - 0
ABSENT - 0
ABSTENTION - 0

Excused - Reid, Brunner - 2

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California