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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND



CITY HALL • ONE FRANCISCO STREET • SUITE 1000 • OAKLAND, CALIFORNIA 94612

Office of the City Clerk
Ceda Floyd
City Clerk and Clerk of the Council

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July 20, 2004

President De La Fuente and
Members of the City Council
City Hall
Oakland, CA 94612

President De La Fuente and
Members of the City Council:

SUBJECT: A report from the City Clerk on the Results of the Signature Verification of the Oakland Cannabis Initiative Petition and a resolution submitting to the voters a proposed initiative ballot measure entitled Cannabis Regulation – 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

Attached please find the Certificate of the City Clerk certifying the results of signature examination of the **Oakland Cannabis Initiative Petition**. Also attached is a copy of the Registrar of Voters Certificate, which provides the specific procedures used and the results of the examination.

In order for the proposed measure to be submitted to the voters had to contain the signatures of at least 10% (**18,748**) of the registered voters (**187,483**) of the City as of February 17, 2004 as reported to the Secretary of State by the Registrar of Voters.

As prescribed by Elections Code Section 9115, the Alameda County Registrar of Voters conducted a random sample examination of the signatures. This examination revealed that **23,009** signatures were valid. Thus, the petition is hereby found to be **Sufficient**.

Elections Code Section 9215 provides that when an initiative petition is found to be signed by **10%** of the registered voters of the City, that the legislative body shall

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submit the ordinance without alteration to the voters at the next regular municipal election. The next regular municipal election will be held on **Tuesday, November 2, 2004**.

Attached for your consideration is a resolution submitting the proposed initiative ballot measure to the voters of the City at the General Municipal Election to be held on Tuesday, November 2, 2004. The deadline for the City of Oakland to place a proposed measure on the ballot is **Friday, August 6, 2004**.

Below is a timetable based upon the City Council taking action at tonight's meeting, that indicates the deadlines for submission of the City Attorney's Legal Analysis, the City Auditor's Financial Analysis and the Arguments and Rebuttals on the proposed ballot measure:

Deadline for City to submit proposed measure to the November 2, 2004 Election Ballot / Publication of Notice Calling for Arguments and Rebuttals
Friday, August 6, 2004 (5:00 PM)

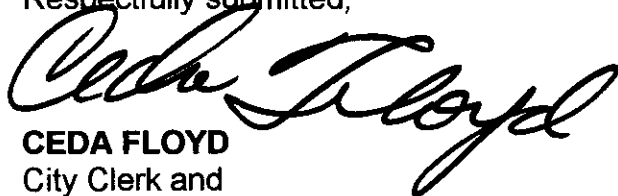
Deadline for Receipt of City Attorney Analysis, City Auditor's Analysis / Submission of Arguments for and against the Proposed Ballot Measure
Friday, August 13, 2004 (5:00 PM)

Deadline for Submission of Rebuttal Arguments for and against the Proposed Ballot Measure
Friday, August 20, 2004 (5:00 PM)

The public has ten (10) days to inspect Election Materials submitted for printing in the Sample Ballot/Voter Pamphlet
Monday, August 23 – Wednesday, September 1, 2004

If you have any questions or need more information, please call Marjo Keller, Deputy City Clerk at 238-6408.

Respectfully submitted,



CEDA FLOYD
City Clerk and
Clerk of the Council

cc: Deborah Edgerly, City Administrator
Barbara Parker, Chief Assistant City Attorney
Mark Morodomi, Deputy City Attorney

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CERTIFICATE OF THE CITY CLERK

Oakland Cannabis Regulation and Revenue Ordinance

Initiative Ballot Measure

I, CEDA FLOYD, City Clerk of the City of Oakland, County of Alameda, State of California do hereby certify that:

On June 29, 2004, this office received from the Alameda County Registrar of Voters a "Registrar of Voters Certificate to Petition" providing the results of the examination of signatures affixed to the Oakland Cannabis Regulation and Revenue Ordinance Petition; and,

that said petition contained 32,047 unverified signatures; and

Elections Code Section 9215 provides that in order for the petition to be found sufficient, the petition must have been signed by ten percent of the qualified registered voters, (**18,748** of **187,483**), of the City of Oakland as of the last report of registration to the Secretary of State by the Registrar of Voters in effect at the time the Notice of Intention was published; and,

The Registrar of Voters caused the petition to be examined pursuant to Elections Code Section 9115 using the approved random sample verification formula provided by the Secretary of State; and

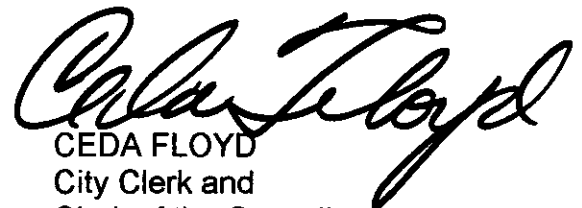
As a result of said examination of signatures or 3% of the signatures filed, it was determined that the projected number of valid signatures was 123% of the signatures needed to qualify the petition for submission to the voters or 23,009 signatures; therefore

The petition is hereby found to be sufficient

I hereby certify that the results of the above noted petition are true and correct to the best of my knowledge and belief.

In witness whereof, I hereby set my hand and affix the official seal of the City of Oakland, this 29th day of June, 2004.

SEAL OF THE CITY OF OAKLAND


CEDA FLOYD
City Clerk and
Clerk of the Council

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REGISTRAR OF VOTERS CERTIFICATE TO PETITION

I, Bradley J. Clark, Registrar of Voters for the County of Alameda, State of California, hereby certify:

That Initiative Measure Petition Oakland Cannabis Initiative
Was filed in this office on 6-21-04.

This said petition consists of 93 sections;

That each section contains signatures purporting to be the signatures of qualified electors of this County;

That attached to said petition, at the time it was filed, were affidavits of the persons who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That each affiant stated his or her own qualifications, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief each signature to that section was the genuine signature of the person whose name it purports to be;

That after the petition was received, I verified the required number of signatures by examining the records of registration in this County, current and in effect at the respective purported dates of such signing to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

- 1. Number of signatures filed by proponent: 32,047
- 2. Number of signatures verified: 961
 - a. Number of signatures found SUFFICIENT: 690
 - b. Number of signatures found NOT SUFFICIENT: 271
 - c. NOT SUFFICIENT (DUPLICATE VOTERS): 0

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 28th day of June, 2004.

BRADLEY J. CLARK
Registrar of Voters

BY: Hioneda Castillo
Deputy Registrar

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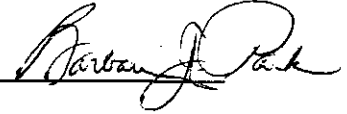
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RESOLUTION NO. _____ C.M.S.

2004 JUL -8 PM 5: 17

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

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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

MEASURE _____

Measure _____. Shall the City of Oakland be required to (1) make law enforcement related to private adult cannabis (marijuana) use, distribution, sale, cultivation and possession the City's lowest law enforcement priority; (2) lobby to legalize cannabis for adult private use and allow cannabis taxation; (3) license, tax and regulate cannabis sales if California law is amended to allow such actions; (4) create a committee to oversee the ordinance's implementation and disbursement of licensing and tax revenue?	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, _____, 2004

PASSED BY THE FOLLOWING VOTE:

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

NOES: -

ABSENT: -

ABSTENTION: -

ATTEST:

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

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