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

Office of the City Administrator
Dan Lindheim
Acting City Administrator

(510) 238-3301

October 14, 2008

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 2007

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

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Measure Z Committee

Memorandum

To: Office of the City Administrator
Attn: Dan Lindheim
From: Measure Z Committee

Date: October 14, 2008

Re: **Annual Report of the Measure Z Community Oversight Committee for 2007**

I am pleased to submit to you the Second 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 8 times in 2007, 1/3 again as many times as in 2006, the year of its inception. In early 2007 there was much discussion of meeting frequency and the final consensus was to maintain meeting frequency at monthly, but to cancel the meeting early if there were no items ready for discussion/action.

The Committee's Annual Report for 2006 was presented by Mr. Lee to the Public Safety Committee on April 24, 2007 and the City Council on May 1, 2007.

The Committee began 2007 with a report by Captain Jeff Loman, Criminal Investigations Division (CID), OPD, on Part 1 Crimes (Homicide, Rape, Robbery, Assault, Larceny-Theft, Motor Vehicle Theft) and their Clearance Rates to gain an indication of marijuana related arrests and which of them fell into the category of "Private Adult Use." The Committee met in October with Assistant Chief of Police Howard Jordan and the Special Operations Group commander, Lieutenant Darren Allison. The officers reiterated that the OPD is still enforcing its "lowest priority" policy for medical cannabis and that the Department's main goal was to target illegal use, sales, etc. AC Jordan, when asked if the OPD had conducted any special training for its officers, since Measure Z covered private sales, cultivation and use, replied that they had not. AC Jordan further related that OPD had assigned an officer to the Bay Area's DEA Task Force four months prior and that the officer and the DEA were keenly aware of OPD's position regarding medical marijuana enforcement in Oakland. He said that most DEA operations were focused on methamphetamines, crack, cocaine, heroin, ecstasy and large volumes. When asked how the OPD distinguished "illegal" marijuana from legal medical marijuana, Assistant Chief Jordan spoke about underground/street level sales, dealing in large quantities being transported in and out of Oakland. He provided statistics for January to October 18 of 2007, in which time there had been 425 arrests for sales, 93 arrests for growing large

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quantities of marijuana, and three arrests for transporting. It was noted that officers had warned owners/staff of a local medical marijuana dispensary of a possible robbery, per intelligence gathered by the OPD, and that the gesture was greatly appreciated.

When asked what would happen if the DEA executed a warrant on a dispensary and asked OPD to assist, Assistant Chief Jordan said that officers would be sent in order to preserve the peace and provide notice to officers in the area of the event, but that the OPD officers would not enter the premises, but would instead provide perimeter security, unless someone was hurt inside. He concluded by stating that it would be DEA officers who would affect any arrests. Assistant Chief Jordan commented that the OPD had not been called to assist in the then recent actions by the DEA against a non-licensed producer of cannabis edibles, Tainted, Inc., and informed the Committee that OPD is contacted by the DEA approximately one week prior if OPD assistance is being requested and one day prior if the DEA is only notifying that an event will be carried out. The normal point of contact is the commander of either the Intelligence Division or the Special Operation Group.

Early in 2007 it was noted that, based on the City Attorney's opinion, the City Council's current position was that private sales and use could only be done in someone's home, exactly opposite of Measure Z's intention, which was to get it out of residential neighborhoods. The assigned City Attorney, Ms. Izetta Jackson, suggested that the Committee recommend that the City Council amend their stance. The Committee also had discussion with City Attorney Jackson regarding best practices for fulfilling its advisory role to the City Council, as well as issues surrounding the validity and legality of issuing permits or licenses as noted in Section 5 of the Measure Z text.

The Committee agreed unanimously to send letters to various public representatives, departments and agencies regarding issues related to its mission. It was moved and seconded that a letter be drafted by Mr. Gieringer to urge the Governor of California to sign into law the legislation on industrial hemp that was then moving through Legislature. A letter from the Measure Z Committee recommending Oakland's Congressional and Senate legislators support federal legislation authorizing state and local governments to regulate marijuana lawfully was drafted and sent. It was agreed unanimously to send a letter to the Sheriff, Port of Oakland, and the Alameda County Board of Supervisors asking them to correct their policies on permitting medical cannabis to be brought into the Oakland Airport, as they were in apparent violation of FAA regulation Title 14, Chapter I. Subchapter F, Part 91, Subpart A, Section 91.19 (b). This issue was resolved later in the year by the Sheriff's Deputies abiding by California law regarding Proposition 215 patients. See, attached letters.

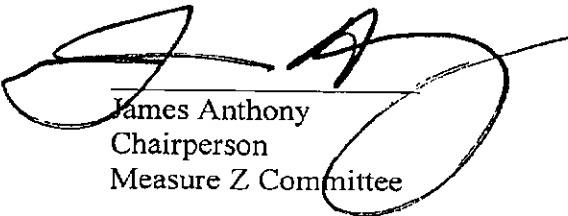
At the end of the year the following items (among others) were on the Pending List:

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- 1) Develop protocol proposals for OPD, re: encountering cultivation operations in the course of their duties (K. Stephenson)
- 2) Discussion of "clear violations" of Measure Z (ed. People packaging personal use cannabis in their homes) as part of a dialog with OPD (invite public to share stories) (J. Anthony)
- 3) Draft a proposed Training Bulletin for OPD for Measure Z (modeled after the Medicinal Cannabis Training Bulletin) (J. Anthony)
- 4) Review of Measure Z Club Guidelines (R. Lee)
- 5) Acquisition of a budget from the Office of the City Administrator, under whose aegis the Measure Z Committee falls

It was also agreed unanimously that official portraits/group photograph be taken of the Committee members, to be scheduled in early 2008.

Respectfully submitted,



James Anthony
Chairperson
Measure Z Committee

Attachments

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Measure Z Committee

2007 Attendance

Representing	Committee Member	18 Jan	15 Feb	15 Mar	19 Apr	17 May	21 Jun	19 Jul	16 Aug	20 Sep	18 Oct	15 Nov	20 Dec
District 1	Dale Gieringer	e	Z	Z	CANCELLED	CANCELLED	Z	CANCELLED	CANCELLED	Z	e	e	Z
District 2	Joseph E. Villatoro	a	Z	e			Z			Z			
District 3	Richard Lee	Z	Z	Z			Z			Z			
District 4	James Anthony	Z	Z	e			Z			Z			
District 5	Svea O'Banion	Z	a	Z			e			e			
District 6	Daniel Siegel	Z	Z	Z			e			e			
District 7	Keith Stephenson	Z	e	Z			e			Z			
At Large	Franklin Rose	Z	Z	Z			Z			e			
Administrator	Niccolo De Luca	e	Z	e			Z			Z			
Auditor	(Kenneth Pratt)	Z	v	v			--			--			
Mayor	Leslie Bonett (6/5/07)	v	v	v			Z			Z			
Auditor	Cathi Bartice (8/1/07)		--	--			--			Z			

KEY	
Z	Present
e	Excused
a	Absent
v	Vacant

NOTES:

Measure Z Committee

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

July 16, 2007

Congresswoman Barbara Lee
1301 Clay Street, Ste. 1000 N
Oakland, CA 94612

Dear Congresswoman Lee:

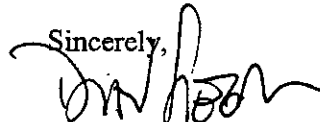
On behalf of Oakland's Measure Z marijuana policy oversight committee, we urge you to support legislation to permit States to legalize the possession, cultivation, and sales of marijuana. The Measure Z committee was established pursuant to Oakland's Marijuana Law Enforcement ordinance, approved by 65% of the voters in 2004, which makes private adult marijuana offenses lowest enforcement priority and calls for licensing, taxing and regulating marijuana under state law.

We are distressed by the fact that recently the Ninth Circuit Court of Appeals ruled that Angel Raich, a terminally ill Oakland woman who uses medical marijuana under California's Proposition 215, has no federal right to use marijuana, even though her life depends on it. This represents a chilling denial of Americans' fundamental right to life, liberty and medical treatment. We urge you to support legislation that would restore Americans' right to use marijuana for relief of pain and suffering.

The continuing failure of federal law to accommodate California's Compassionate Use Act (Prop. 215) and similar laws in 11 other states is promoting confusion and uncertainty about the law, causing needless arrests and disorder, impeding lawful intrastate regulation of commerce, and depriving local governments of potential tax revenues from legal cannabis. The market for medical marijuana in California is estimated to be on the order of \$1 billion per year, while the market for all marijuana is around \$6 billion, representing hundreds of millions in potential tax revenues.

The time is overdue for federal laws against marijuana to be revised. Thirty-five years ago, the Presidential Commission on Marihuana and Drug Abuse recommended that federal laws against private adult use of marijuana be repealed. In 1990, the California Research Advisory Panel issued similar recommendations. In 2004, the voters of Oakland did the same in approving ballot Measure Z. Similar measures were adopted last year by the cities of San Francisco, Santa Barbara, Santa Monica, Santa Cruz, and West Hollywood. Most recently the Mendocino County Board of Supervisors approved a resolution calling for taxing and regulating marijuana in a manner similar to alcohol.

We urge you to support federal legislation authorizing state and local governments to regulate marijuana lawfully.

Sincerely,

Dan Siegel, Chairperson
Measure Z Committee

NOTE: This letter was also sent to:
Senator Feinstein
Senator Boxer
House Speaker Pelosi

Dan Siegel, Chair
James Anthony, Vice Chair
Leslie Bonett
Niccolo De Luca
Dale Gieringer
Richard Lee
Svea O'Banion
Franklin Rose
Keith Stephenson
Joseph E. Villatoro

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