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CITY OF OAKLAND

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September 27, 2016

PUBLIC SAFETY COMMITTEE
Oakland City Council
City Hall, Second Floor
Oakland, California

Re: Item 3 -September 27, 2016 PUBLIC SAFETY COMMITTEE Agenda, Entitled Ordinances Amending Oakland Municipal Code Chapters 5.80 and 5.81, Medical Cannabis Dispensary Permits, and 5.81, Medical Cannabis Cultivation Facility Permits to Refine the Equity Permit Program

Dear Chairperson Brooks and Members of the Public Safety Committee:

As you know, it is our policy and practice to inform you when we receive requests for legal services from the City Administration or Councilmembers that give us insufficient time to provide advice and draft or review legislation and/or reports. Consistent with this policy and practice, we write to advise you that we had insufficient time to complete necessary legal review and draft ordinance amendments that Councilmembers Brooks, Gallo and Reid proposed in a letter dated September 7, 2016. We note that the agenda materials also include a memorandum from the chairperson of the Cannabis Regulatory Commission recommending amendments to the Cannabis Ordinance. The agenda materials in the 10-day agenda packet do not include legislation.

We recommend that the Public Safety Committee pass a motion forwarding one or more alternative recommendations for ordinance amendments to the full City Council. The Council then can pass a motion that provides clarity regarding the ordinance amendments that it requests that the City Administrator and City Attorney prepare and bring back to the Council for its consideration and action.

Background

The 10-day agenda packet for the September 27, 2016 Public Safety Committee does not contain an ordinance amending the Medical Cannabis Ordinance. It includes a letter identifying proposed amendments to the Medical Cannabis Ordinance. We informed CMs Brooks, Gallo and Reid that we could assist with drafting and provide legal advice regarding the proposed amendments by the 10-day agenda deadline for the Public Safety Committee's first meeting in October. CM Brooks responded that the ordinance was already scheduled for the September 27th Public Safety Committee meeting. We again advised that there was insufficient time to complete the drafting and legal research and advice by the 10-day agenda deadline for the September 27th meeting.

The 10-day agenda also includes the Cannabis Regulatory Commission's letter proposing amendments to the Cannabis Ordinance.

Very truly yours,

BARBARA J. PARKER
City Attorney

cc: City Administrator Sabrina Landreth
Assistant City Administrator Christine Daniel

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