



MEETING OF THE MEDICAL CANNABIS COMMISSION

City Hall
2180 Milvia Street
Redwood Room (Sixth Floor)

Thursday, May 5, 2016
2:00 PM

APPROVED ACTION MINUTES

I. Call to Order – 2:07

A. Roll Call and Ex Parte Communications Disclosures

Commissioners present: Cooper, Carlisle, Ferguson-Riffe, Lampach (arrived 2:10), Pappas, Rice, Tims.

Ex Parte Communications: None

Absent: Jones.

Staff present: Secretary Elizabeth Greene

B. Changes to Order of Agenda

Chair Pappas suggested moving the general public comment to after the subcommittee report. Chair Pappas also suggested moving Item B to the end of the agenda. Commission voted to approve this change to the agenda 6-0-0-2. (Ayes: Cooper, Carlisle, Ferguson-Riffe, Pappas, Rice, Tims. Noes: None. Abstain: none. Absent: Lampach, Jones.)

III. Approval of April 7, 2016 Action Minutes

Motion/second to approve the minutes (Cooper/Pappas. The motion carried 6-0-0-2. (Ayes: Cooper, Carlisle, Ferguson-Riffe, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Lampach, Jones.)

(Lampach arrived at 2:10)

IV. Planning Staff Report

Secretary Greene made the following announcements:

- There are no excused absences.
- With the open seat, the number of appointed members of the MCC is 8. The quorum for action is 5 votes.
- Update on dispensary application process: The Council will meet on Tuesday, May 10th to discuss the fourth dispensary (Item 28). Applicants will be given 3 minutes to speak.
- Six information items, including the letter to the Mayor regarding his appointment to the MCC, articles from the East Bay Express, a flyer regarding an energy public workshop, and information from the Bureau of Medical Marijuana Regulation (BMMR) stakeholder meeting.
- One late item: E-mail from Chair Pappas to Rick Auerbach of WEBAIC.

V. Chairperson's Report

Chair Pappas reviewed local news, including the news that the federal government dropped the lawsuit against Harborside Dispensary, and that Oakland approved eight more dispensaries. He thanked cultivators and dispensary applicants for attending the MCC meetings.

VI. Subcommittee Reports

Chair Pappas gave the report. The subcommittee wants to meet with West Berkeley Artisans and Industrial Companies (WEBAIC) regarding expanding cultivation beyond the M district and perhaps tour west Berkeley. Commissioner Rice suggested that there are three cultivation tracks that could be worked on simultaneously: 1) putting BMC cultivation changes before Council; 2) expanding cultivation beyond the M District; and 3) finalizing a selection process for cultivation businesses.

II. Public Comment

None.

VII. Discussion and Action Items

A. Discuss action taken at March 15th, 2016 Council meeting regarding BMC changes regarding cultivation and vote on possible action (continued from April 7, 2016 meeting).

Public Comment: One public comment, asking whether the BMC ordinance could be revised to expand cultivation beyond the M District. Staff explained that the language limiting cultivation to the M District is in the Zoning Ordinance, so the Planning Commission must make a recommendation to Council before the Council can change it.

Discussion: The MCC still does not know what state regulations are concerning the Council. It might take years for the MMSRA regulations to be finalized. Commissioner Cooper volunteered to draft a letter to the Council asking them to take action on the proposed ordinance. It was also suggested that all MCC commissioners talk to their councilmembers to determine what the concerns are.

Motion/second for Commissioner Cooper to draft a letter to the Council prior to the next MCC meeting. The letter would be reviewed by Commissioners Tims, Pappas and Carlisle (Rice/Tims). The motion carried 7-0-0-1. (Ayes: Cooper, Carlisle, Ferguson-Riffe, Lampach, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Jones.)

Commissioner Rice suggested that the MCC send a representative to the Council's Agenda subcommittee to advocate for the ordinance to be placed on a Council agenda. Staff is not sure when the subcommittee meets.

Motion/second for up to two MCC members to an Agenda subcommittee meeting to make the case for ordinance to be placed on Council agenda. At least one of the MCC members should be Commissioners Cooper or Lampach (Rice/Carlisle). The motion carried 7-0-0-1. (Ayes: Cooper, Carlisle, Ferguson-Riffe, Lampach, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Jones.)

C. Discuss AB 2516 regarding Cottage Industry cultivation.

Public Comment: One public comment, giving an update of AB 2516's status, and Oakland's action regarding cottage industries. He also explained that 50% - 80% of all medical cannabis is acquired from mom and pop growers, and that this has to be addressed in order to prevent large, non-local growers from taking over the industry.

Discussion followed regarding the growing limits proposed in AB2516 for "specialty cottage" grows. Staff was asked to provide information comparing residential collectives to cottage industries.

D. Vote on MCC representatives for May 10, 2016 Council meeting (Dispensary selection process) and May 18, 2016 Planning Commission meeting (Expansion of cultivation beyond the M District).

Public Comment: None.

Discussion: Chair Pappas volunteered to go to the Council meeting, and Commissioner Rice was recommended to attend the Planning Commission meeting.

Motion/second for Chair Pappas to represent the MCC at the 5-10-16 Council meeting and for Commissioners Rice and Lampach to represent the MCC at the 5-18-16 Planning Commission meeting (Lampach/Cooper). The motion carried 7-0-0-1. (Ayes: Cooper, Carlisle, Ferguson-Riffe, Lampach, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Jones.)

B. Work Program: Discuss and vote on draft work plan.

Public Comment: Two public comments, suggesting that the impact of legalization and equity access be included in the work program.

The following issues were discussed:

- Keeping the work program focused on medical cannabis issues;
- Developing ordinance language for nurseries;
- The need for ordinance language for delivery services;
- The need to include "Implementation of state law" as a work program item; and
- The need to include the annotated bibliography on the list.

Staff recommended that the list be limited to those items that can reasonably be expected to be completed, and that only items that will produce a product be included on the list.

Motion/second to continue the Work program to the June meeting (Tims/Ferguson-Riffe). The motion carried 7-0-0-1. (Ayes: Cooper, Carlisle, Ferguson-Riffe, Lampach, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Jones.)

X. Adjournment

Motion to adjourn at 4:05.

One late item was distributed at the meeting:

- a. Pappas: E-mail to Rick Auerbach of WEBAIC including the MCC rationale for expanding cultivation beyond the M District and possible meeting to discuss the issue.

Commissioners in attendance: 7
Members of the public in attendance: Approximately 12
Public speakers: 4
Length of meeting: 1 hour, 58 minutes

APPROVED: _____
Elizabeth Greene
Medical Cannabis Commission Secretary