

Thursday, July 2, 2020, 6:30 pm
Teleconference Meeting

AGENDA

Pursuant to the Governor's Executive Order N-29-20, members of the Cannabis Regulatory Commission as well as City staff will participate via phone/video conference and no physical teleconference locations are required.

PUBLIC PARTICIPATION INSTRUCTIONS

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Members:

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Vacant	District 3	Stephanie Floyd-Johnson	Mayor
Debby Goldsberry	District 4	Tiyanna Long	City Auditor
Claudia Mercado	District 5	Greg Minor	City Administrator
Joshua Chase	District 6		

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MEETING AGENDA

- A. Roll Call and Determination of Quorum
- B. Open Forum / Public Comment
- C. Review of the Pending List and Additions to Next Month’s Agenda
 - *Cannabis Regulatory Commission 2019 Annual Report (since February 2020)*
 - *Shared drive regarding cannabis robberies and burglaries (since February 2020)*
- D. Approval of the Draft Minutes from the Regular CRC meeting on June 4, 2020 and the Special CRC meeting on June 11, 2020.
- E. Reports for Discussion and Possible Action
 - 1. Parliamentary Procedures
 - 2. Agencies listed on the City of Oakland cannabis permit inspection card.
 - 3. Updated Assessment of Equity Program
 - 4. Continued Discussion re Impact of Covid-19 on the Cannabis Industry
 - 5. Enforcement re Seshes
 - 6. Continued discussion of recent burglaries of cannabis businesses and recommendations for the City Administration and City Council to support impacted businesses.
- F. Announcements
 - 1. Update on Cannabis Permitting Process
 - 2. Updates to Equity Grant Program
- G. Adjournment

Thursday, June 4, 2020, 6:30 pm
Teleconference Meeting

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MEETING AGENDA

A. Roll Call and Determination of Quorum

Present: Martin, Yi, Goldsberry, Mercado, Chase, Tucker, Floyd, Long, Minor

B. Open Forum / Public Comment

Member Goldsberry asked if it was possible to discuss the string of burglaries against cannabis businesses that took place the prior weekend at this meeting. There was discussion re the noticing of the agenda and to what extent discussion and/or actions could take at this meeting on this topic.

Member Minor read a written public comment re issue of state posting addresses of cannabis businesses online. Then members of the public spoke re the targeted burglaries that took place last weekend, OPD’s lack of response, how to financially support impacted businesses, issues with the loan program,

There was then agreement amongst the members that it was urgent that the CRC discuss this topic. Member Tucker then moved to continue this meeting’s agenda items (E)1, 3, 4, and 5 for next month’s CRC meeting and to hold an emergency meeting tonight on the topic of recent cannabis burglaries at the conclusion of this meeting. There was no second for this motion.

Vice Chair Martin then made a motion to continue this meeting’s agenda items (E)1, 3, 4, and 5 to next month’s CRC meeting and to set a Special Meeting next Thursday regarding the topic of recent burglaries of cannabis businesses. Member Tucker seconded the motion and it passed by consensus.

C. Review of the Pending List and Additions to Next Month’s Agenda

- *Cannabis Regulatory Commission 2019 Annual Report (since February 2020)*
- *Agencies listed on City of Oakland cannabis permit inspection card (since February 2020)*
- *Shared drive regarding cannabis robberies and burglaries (since February 2020)*

Member Minor offered to provide a first draft of the 2019 Annual Report. Member Mercado then moved to have the agencies listed on the City of Oakland inspection card at next month’s meeting. Member Long seconded the motion and it passed by consensus.

D. Approval of the Draft Minutes from the CRC meeting of May 2020.

Chair Yi moved to accept last month's minutes as drafted. Member Goldsberry seconded the motion and it passed with Member Tucker abstaining.

E. Reports for Discussion and Possible Action

1. Parliamentary Procedures
2. Overview of City's Current and Proposed Revolving Loan and Grant Programs for Equity Operators

Members of the public spoke re issues they have had with the revolving loan program, including need for improved communication. Vice Chair Martin made a motion for staff to set up monthly meetings with loan applicants to keep an ongoing feedback loop and for the equity subcommittee to explore the loan program. Chair Yi seconded the motion and it passed by consensus.

3. Updated Assessment of Equity Program
4. Continued Discussion re Impact of Covid-19 on the Cannabis Industry

Member Goldsberry spoke how she had to lay off works due to Covid-19 and now all staff due to burglaries. Chair Yi spoke re how Covid-19 ended temporary events for cannabis in 2020. Member Floyd-Johnson encouraging including the impact of Covid-19 as part of the equity assessment. Chair Yi made a motion to continue this item to next month's agenda. Member Tucker seconded the motion and it passed by consensus.

5. Enforcement re Seshes

F. Announcements

1. City Council to Consider Governor's Office of Business and Economic Development (GO-Biz) \$6.5 million Grant on Tuesday June 16th
2. Update on Cannabis Permitting Process

G. Adjournment

Thursday, June 11, 2020, 6:30 pm
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MEETING AGENDA

A. Roll Call and Determination of Quorum

Present: Martin, Yi, Goldsberry, Mercado, Chase, Floyd-Johnson, Long, Minor.

Absent: Tucker.

B. Open Forum / Public Comment

A member of the public spoke regarding the need for security at cannabis businesses, disconnect between taxes and lack of police response, and consumers trending towards the unregulated market.

C. Reports for Discussion and Possible Action

1. Recent Burglaries of Cannabis Businesses in Oakland and Recommendations for the City Administration and City Council on How to Support Impacted Businesses

Members of the public spoke regarding the following:

- *The destruction of their business due to multiple break-ins at the end of May;*
- *Need for emergency grant funds to support impacted equity businesses;*
- *Need to review OPD’s response to break-ins at end of May;*
- *Need to remove cannabis operator information from public websites;*
- *Need to help operators obtain conceal and carry permits*
- *Cannabis businesses that were impacted by burglaries prior to May, general and equity alike;*
- *How elderly cannabis patients have lost access to dispensaries they rely on; and*
- *Need to lower cannabis taxes.*

Chair Yi spoke stressed the disparity in cannabis business taxes with the lack of police response to cannabis burglaries in late May. Member Mercado added that cannabis businesses have been victimized since cannabis legalization. Member Goldsberry shared the experience of her dispensary being burglarized multiple times, having to lay off employees as a result, and not receiving a response from OPD in time. Member Chase shared the experience of protecting his dispensary. Member Floyd-Johnson stressed sharing information with City Council and holding OPD accountable. Vice-Chair Martin cautioned against being reactionary and ensuring the CRC’s recommendations are effective. Member Minor clarified that brick and mortar dispensaries are able to operate as delivery-operators under their existing permit, the upcoming Go-Biz grant that will be presented

to the City Council to support equity operators, as well as an upcoming Declaration of Emergency that would allow Oakland operators to seek relief from state regulations.

Member Long made a motion for the City Administrator's Office to compile a list of recommendations to the City Council re actions needed to sustain Oakland cannabis businesses, including:

- 1. Reduced/waived taxes for all businesses that were affected by the recent string of burglaries and property damage;*
- 2. Emergency grant funding for businesses directly affected;*
- 3. Remove operator information from County websites;*
- 4. Waive or reduce permit renewal fees;*
- 5. Assist operators obtain conceal and carry permits; and*
- 6. OPD should create a task force re cannabis with more officers.*

Member Mercado offered a friendly amendment to include all cannabis operators impacted by burglaries since January 2018.

Member Goldsberry made a friendly amendment to remove the recommendation re conceal and carry permits.

Member Long accepted Member Goldsberry's amendment and rejected Member Mercado's amendment. Member Mercado seconded Member Long's Motion but the motion failed as Members Yi, Goldsberry, Chase, and Minor abstained, Vice-Chair Martin voted no, and Members Mercado, Long, and Floyd-Johnson voted in favor.

Member Goldsberry moved for staff to tell the City Council to support an Emergency Declaration re the recent string of burglaries and to prioritize grants over loans via the Go-Biz grant and that they be fast-tracked for equity businesses effected by recent burglaries. Member Floyd-Johnson seconded this motion and it passed by consensus.

Member Mercado then moved for emergency relief for companies impacted by Covid-19 and earlier burglaries. Member Long made a friendly amendment to remove the inclusion of businesses impacted by earlier burglaries. Member Mercado rejected this amendment and there was no second for this motion.

Member Floyd-Johnson made her own motion for staff to prepare a report to the City Council informing them regarding the string of burglaries in late May/early June and include 1) a statement of impact; 2) the failure of OPD to protect cannabis businesses and inform them of trends; and 3) recommendations from the public at tonight's meeting.

Vice-Chair Martin then made a substitute motion for staff to include an impact report of the burglaries in late May/early June in the CRC's 2019 annual report. Member Floyd-Johnson seconded this motion and withdrew her own motion and Vice-Chair Martin's motion passed by consensus.

Member Goldsberry then made another motion for staff to prepare a report for the next CRC meeting re actions and opportunities re reduced fees and taxes, grants for impacted cannabis businesses, how businesses can get early notice re crime trends, and how the City can support businesses at the state level. There was no second for this motion. Member Goldsberry then suggested continuing this discussion at next month's CRC meeting.

D. Announcements

Chair Yi made an announcement re the Oakland Indeed Alliance for small grants for businesses.

E. Adjournment



Cannabis Regulatory Commission

TO: Cannabis Regulatory Commission **FROM:** Greg Minor
Assistant to the City
Administrator

SUBJECT: July Agenda Items **DATE:** June 29, 2020

ITEM E (1) Continued Discussion re Parliamentary Procedures

This item was initially discussed at the May 2020 CRC meeting and continued to the June 4th CRC meeting. This item was continued again at the June 4th CRC meeting to the next regularly scheduled CRC meeting.

Unresolved issues include confirming the process for discussing agenda items. One best practice consists of starting each item with a brief presentation by staff or the proponent of the item, followed by public speakers, and then discussion amongst board members, with no circling to public comment at that point. The commission can recommend that staff work with the city attorney's office to codify these and any other procedural recommendations in the CRC's bylaws and that staff present any updates to the bylaws to the CRC for adoption.

ITEM E (2) Agencies Listed on the City of Oakland Cannabis Permit Inspection Card

The CRC added this item to the CRC's pending list in February 2020. The item was moved by Member Goldsberry and seconded by Member-Floyd Johnson.

Representatives from the Bureaus of Building and Fire Prevention will be available to provide an overview of their permitting processes and answer related questions.

ITEM E (3) Updated Assessment of Equity Program

Over the last several months a subcommittee of CRC members consisting of Vice-Chair Martin, Member Floyd-Johnson, and former Vice-Chair Knox have met with staff to discuss the framework and approach for an updated assessment of the equity program enacted in 2017. With the help of a program analyst funded through the BCC grant, the hope is to gather the necessary data and compose the assessment over the remainder of 2020. Please find a draft outline of the updated assessment for the CRC's review and discussion.

This item was initially scheduled for the May 7th CRC meeting where it was continued to the June 4th CRC meeting where it was continued again to the next regularly scheduled CRC meeting.

ITEM E (4) Continued Discussion re Impact of Covid-19 on the Cannabis Industry

This item was initially discussed at the May 2020 CRC meeting and continued to the June 4th CRC. This item was continued again at the June 4th CRC meeting for the next regularly scheduled CRC meeting.

ITEM E (5) Enforcement re Seshes

This item was initially scheduled for the June 4th CRC at the request of Member Chase where it was continued to the next regularly scheduled CRC meeting.

ITEM E (6) Continued Discussion re Recent Burglaries of Cannabis Businesses and Recommendations for the City Administration and City Council to Support Impacted Burglaries

This item was initially discussed at the Special CRC meeting on June 11th.

Subsequently, on June 16th the Oakland City Council declared a local emergency in response to serious disastrous economic and other impacts of destructive armed robberies and covid-19 and related shutdowns on local businesses. The declaration requests that the City Administrator consider implementing interim amendments to the City's business operation and land use ordinances and regulations within his jurisdiction. Accordingly, staff is currently working with the City Attorney's Office on a City Administrator Order

to extend permits for businesses impacted by recent burglaries to provide them with additional time to re-start their business operations before submitting any permit fees.

ITEM F (4) Update on Cannabis Permitting Process

Below please find updated cannabis permitting statistics for the CRC’s review, including additional categories as well as application and permit trend graphs.

Figure 1: Application Totals

APPLICATIONS	TOTALS	PENDING
Total Complete & Incomplete Applications	1472	111
Total Complete Applications	1472	
Complete General Applications	602	
Equity Applications based on residency	745	
Equity Applications based on conviction	125	
Incubators	387	
Interested in Incubating	21	
Complete Application with property	1042	
Complete Application without property (Equity)	361	
Complete Applicants without property (General)	67	

Figure 2: Permit Applications by Category

COMPLETED APPLICATIONS BY BUSINESS TYPE	GENERAL	INCUBATOR*	INTERESTED IN INCUBATING*	EQUITY
Delivery	143	64	4	231
Cultivator (Indoor)	147	96	12	134
Cultivator (Outdoor)	5	4	0	38
Distributor	141	101	3	213
Mfg. Volatile	60	50	0	45
Mfg. Non-Volatile	98	62	2	159
Transporter	5	4	0	40
Lab Testing	3	3	0	10
GRAND TOTALS	602	384	21	870
		*These numbers are part of the General Total		

Figure 3: Operators Locally Authorized for Provisional or Annual State License by Category

LOCALLY AUTHORIZED FOR STATE *ANNUAL/PROVISIONAL LICENSES*	GENERAL	INCUBATOR	EQUITY	
Delivery	24	42	113	
Cultivator	3	69	42	
Distributor	6	70	88	
Mfg. Volatile	5	29	6	
Mfg. Non-Volatile	20	70	81	
Transporter	0	1	5	
Lab Testing	0	2	2	
Retailers	3	1	3	
TOTALS:	61	284	340	685
*These figures represent those who have actually applied with the state for their provisional/annual license. There are additional applicants who are locally authorized, but who have not yet applied with the state.				

Figure 4: New Permits Issued to Cannabis Operators Since Spring of 2017 by Category

	GENERAL NOT INCUBATING	INCUBATOR	EQUITY	TOTAL
<i>NEW ANNUAL PERMITS BY BUSINESS TYPE</i>				
Dispensary		1	2	
Delivery	46	13	67	126
Cultivator (Indoor)	1	3	4	8
Cultivator (Outdoor)	0	0	0	0
Distributor	9	17	32	58
Mfg. Volatile	0	1	0	1
Mfg. Non-Volatile	2	6	22	30
Transporter	1	0	4	5
Lab Testing	0	0	0	0
SUB TOTALS	59	40	129	228
GRAND TOTALS	59	41	131	231

Figure 5: Withdrawn Applications

WITHDRAWN APPLICATIONS	GENERAL	INCUBATOR	EQUITY	TOTALS
Delivery	9	15	26	50
Cultivator (Indoor)	3	12	32	47
Cultivator (Outdoor)	14	11	10	35
Distributor	2	21	30	53
Mfg. Volatile	2	11	17	30
Mfg. Non-Volatile	4	8	17	29
Transporter	3	1	12	15
Lab Testing		2	3	5
TOTALS	37	81	147	265

Figure 6: Revoked Local Authorization

REVOKED LOCAL AUTHORIZATION	GENERAL	INCUBATOR	EQUITY	TOTALS
Delivery	1	6	6	13
Cultivator (Indoor)	1	9	2	12
Cultivator (Outdoor)				0
Distributor	1	5	4	10
Mfg. Volatile		3		3
Mfg. Non-Volatile		3	1	4
Transporter		1		1
Lab Testing				0
TOTALS	3	27	13	43

Figure 7: Graph of Cannabis Permit Applications Received Since 2017

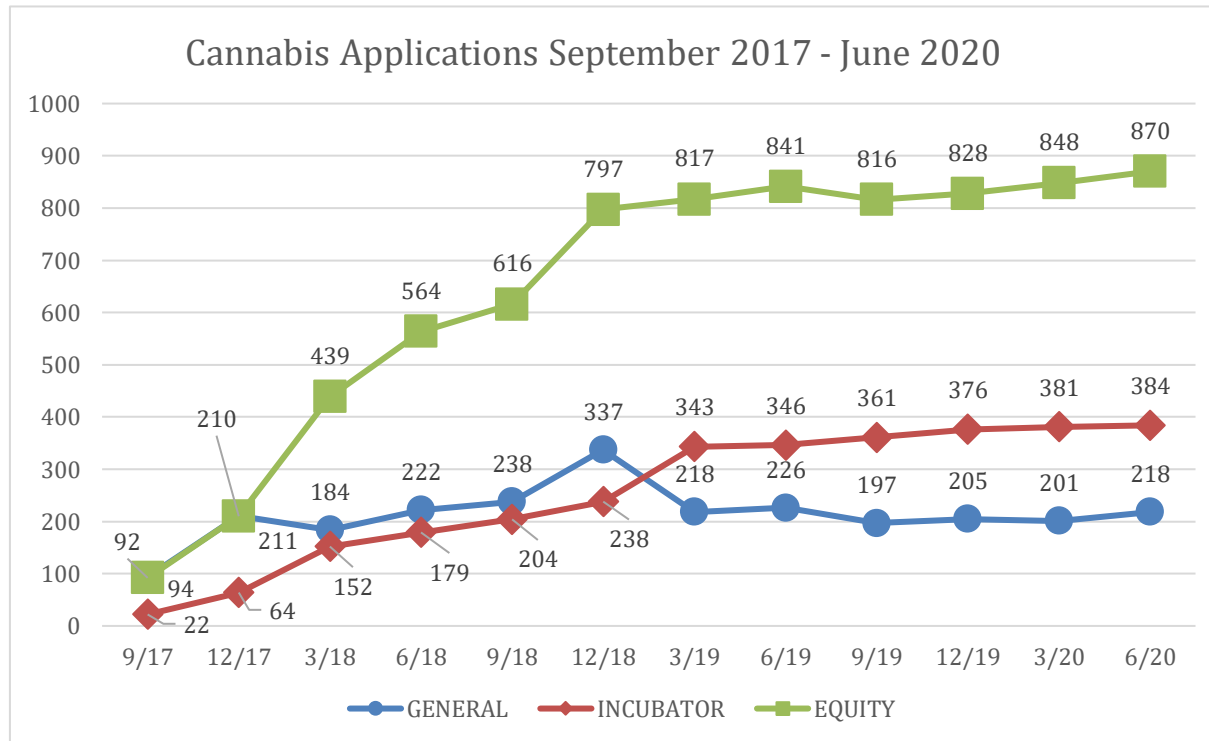
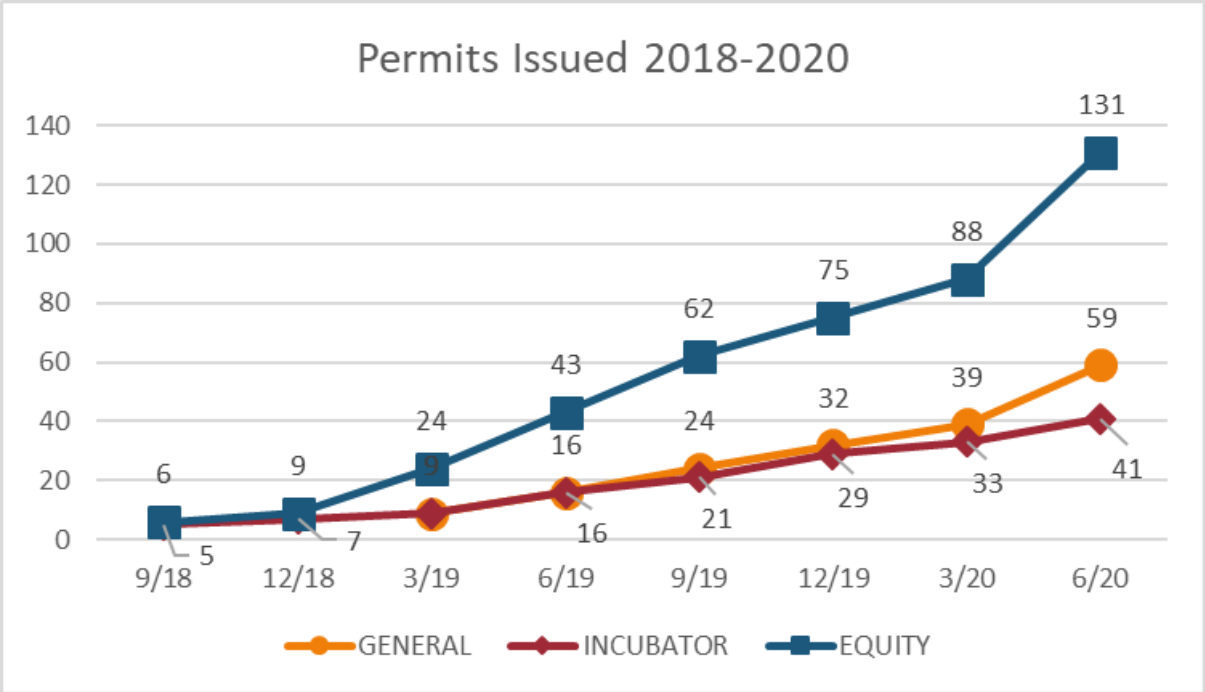


Figure 8: Graph of Cannabis Permits Issued Since 2017



UPDATED ASSESSMENT OF CANNABIS EQUITY PROGRAM OUTLINE

Last Updated May 1, 2020

1. INTRODUCTION

- A. Purpose of Updated Assessment: to evaluate the success of the City of Oakland's equity program thus far and make recommendations for the City of Oakland on how to support equity operators and the industry overall going forward.
- B. Clarify time-period of analysis, spring 2017-present

2. BACKGROUND ON EQUITY PROGRAM

- A. Goal of equity program
 - i. Promoting equitable ownership and employment opportunities in the cannabis industry can decrease disparities in life outcomes for marginalized communities of color and address disproportionate impacts of the war on drugs in those communities.
- B. Description of its Components and Timeline:
 - i. Equity applicants exempt from city application and permitting fees; eligible for free technical assistance and no-interest loans. During the Initial Permitting phase half of all permits must go to equity applicants and general applicants that incubate receive permitting priority over other general applicants.
 - ii. 2017 - Equity program adopted by City Council in March. Non-dispensary permit applications made available in May. Technical Assistance Program launched in late summer. Dispensary permit applications made available in fall.
 - iii. 2018 - Eight new dispensary operators selected in February. Loan program launched November 1st.
 - iv. 2019 - Tax reduction and rebate program adopted in December.
 - v. 2020 - City receives \$1.65 million grant In April from BCC to support equity events, operator grant program, shared kitchen, and workforce development.

3. ANALYSIS OF CITY OF OAKLAND'S EQUITY PROGRAM

- A. Quantitative Data from Equity and General Applicants broken down by business type
 - i. Permitting Status
 - ii. Operating Status
 - 1. Yes/No; If yes, for how long
 - 2. State Regulatory Status/utilizing METRC
 - iii. Success Status
 - 1. Gross revenue, profit,
 - 2. Employee Information (number of employees, salary range, has staff grown or reduced in last year)
 - 3. Security issues (number of robberies/burglaries)
 - 4. Future Outlook
 - iv. Demographics of biz owners and employees
- B. Qualitative Data
 - i. Interviews with equity operators

4. ANALYSIS OF CANNABIS INDUSTRY OVERALL

- A. Across CA
 - i. Quantitative Data
 - ii. Permitting Status
 - iii. Operating Status

1. Yes/No; If yes, for how long
 2. State Regulatory Status/utilizing METRC
 - iv. Success Status
 - v. Qualitative Data
 1. Interviews with operators/regulators in other jurisdictions
 - B. In other states that have legalized recreational use
 - C. In other states that have legalized recreational use & an equity program
- 5. TRENDS/LESSONS LEARNED FROM ANALOGOUS INDUSTRIES**
- A. Alcohol
 - B. Agriculture
 - C. Manufacturing (automation)
 - D. Amazon/On Demand Delivery
- 6. MOVING FORWARD**
- A. Conclusions
 - B. Recommendations

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