

File No. 140081

Committee Item No. 1

Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date March 6, 2014

Board of Supervisors Meeting

Date 3/25/14

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Alisa Miller Date February 28, 2014

Completed by: Alisa Miller Date March 13, 2014

1 [Administrative Code - Dissolving Community Oversight Committee Regarding Enforcement of
2 Marijuana Offenses]

3 **Ordinance amending the Administrative Code, by deleting Section 12X.6, to dissolve**
4 **the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.**

5 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.
7 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
8 **Board amendment additions** are in double-underlined Arial font.
9 **Board amendment deletions** are in ~~strikethrough Arial font~~.
10 **Asterisks (* * * *)** indicate the omission of unchanged Code
11 subsections or parts of tables.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Findings.

14 (a) Ordinance No. 296-06 adopted Administrative Code Section 12X.6 to establish
15 the Community Oversight Committee regarding enforcement of marijuana offenses. The
16 ordinance charged the Committee with the responsibility for monitoring and reporting to the
17 Board of Supervisors regarding the City's implementation of Administrative Code Chapter
18 12X, Policy Making Marijuana Offenses the Lowest Law Enforcement Priority, and
19 recommending policy changes to further the purposes of that Chapter.

20 (b) Rule 2.21 of the Board of Supervisors' Rules of Order requires the Clerk of the
21 Board to determine and identify each year every subordinate body that has not met at least
22 once every four months, and to ask the City Attorney to prepare legislation repealing the
23 ordinance or resolution that created the body.

24 (c) The Clerk of the Board has determined that the Community Oversight
25 Committee regarding enforcement of marijuana offenses has not met in more than four
months.

1 Section 2. The Administrative Code is hereby amended by deleting Section 12X.6, to
2 read as follows:

3 ~~SEC. 12X.6. COMMUNITY OVERSIGHT.~~

4 ~~(a) An advisory Community Oversight Committee shall monitor the implementation of~~
5 ~~section 12X of the Administrative Code. The Community Oversight Committee shall consist of seven~~
6 ~~voting members appointed by the Board of Supervisors. Members shall serve at the pleasure of the~~
7 ~~Board of Supervisors, for a term of two years. The Board shall appoint one member with each of the~~
8 ~~following qualifications or backgrounds:~~

9 ~~—(1) One medical cannabis patient;~~

10 ~~—(2) One member of the public defender's office;~~

11 ~~—(3) One representative of a medical cannabis dispensary operating in San Francisco;~~

12 ~~—(4) One civil liberties advocate;~~

13 ~~—(5) One harm reduction practitioner;~~

14 ~~—(6) One representative of a drug policy reform organization; and~~

15 ~~—(7) One representative from any of the following categories: juvenile justice advocate,~~
16 ~~advocate for homeless persons, resident of public housing, or representative of an organization~~
17 ~~providing services to or advocating on behalf of residents of public housing in San Francisco.~~

18 ~~(b) The Police Department, the Department of Public Health and the District Attorney are~~
19 ~~encouraged to send one representative as a non-voting liaison to the advisory committee.~~

20 ~~(c) At the initial meeting of the advisory committee, and annually thereafter, the committee~~
21 ~~shall select a chairperson, and any other officers deemed necessary by the committee. Consistent with~~
22 ~~the requirements of state and local law, the committee shall establish rules for its own organization. All~~
23 ~~meetings shall be open to the public, except as provided by law.~~

24 ~~(d) The Community Oversight Committee shall.~~

1 —~~(1) Monitor the implementation of this Ordinance by gathering information, with the~~
2 ~~cooperation of the San Francisco Police Department and other law enforcement agencies.~~

3 —~~(2) Receive statements from individuals who believe they were subjected to law~~
4 ~~enforcement activity contrary to the lowest law enforcement priority policy.~~

5 —~~(3) Design a supplemental report form for San Francisco law enforcement officers to use~~
6 ~~to report all adult marijuana arrests, citation, and property seizures, and all instances of officers~~
7 ~~assisting in federal arrests, citations, and property seizures for any marijuana offenses by adults within~~
8 ~~the City and County of San Francisco. The Community Oversight Committee shall design the~~
9 ~~supplemental report with the goal of allowing the Committee to ascertain whether San Francisco law~~
10 ~~enforcement officers followed the lowest law enforcement priority policy.~~

11 —~~(4) Request additional information from any San Francisco Law Enforcement Officer who~~
12 ~~engaged in law enforcement activity relating to one or more marijuana offenses under circumstances~~
13 ~~that appear to violate the lowest law enforcement priority policy. An officer's decision not to provide~~
14 ~~additional information shall not be grounds for discipline.~~

15 —~~(5) Submit written reports semi-annually to the San Francisco Board of Supervisors on the~~
16 ~~implementation of this Ordinance. The Community Oversight Committee shall submit the first report no~~
17 ~~later than nine months after the effective date of this ordinance. The report shall include but not~~
18 ~~necessarily be limited to: the number of arrests, citations, property seizures, and prosecutions of adults~~
19 ~~for marijuana offenses in the City and County of San Francisco; the breakdown of marijuana arrests~~
20 ~~and citations of adults by race, age, specific charge, and classification as infraction, misdemeanor, or~~
21 ~~felony; any instances of law enforcement activity that the Committee believes violated the lowest law~~
22 ~~enforcement priority policy; and the estimated time and money spent by the City and County on law~~
23 ~~enforcement and punishment of adults for marijuana offenses. The report shall comply with all state~~
24 ~~and local confidentiality laws.~~

1 ~~(6) Within one year of the effective date of this Ordinance, make recommendations to the~~
2 ~~Police Department and Police Commission regarding regulations for implementing this Ordinance.~~

3 ~~(7) Recommend to the Board of Supervisors policy changes that would further the purposes~~
4 ~~of this Chapter.~~

5
6 Section 3. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor's veto of the ordinance.

10
11 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
15 additions, and Board amendment deletions in accordance with the "Note" that appears under
16 the official title of the ordinance.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: 

21 JON GIVNER
22 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Dissolving Community Oversight Committee Regarding Enforcement of Marijuana Offenses]

Ordinance amending the Administrative Code, by deleting Section 12X.6, to dissolve the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

Existing Law

In 2006, the City established the Community Oversight Committee regarding enforcement of marijuana offenses. The ordinance charged the Committee with the responsibility for monitoring and reporting to the Board of Supervisors regarding the City's implementation of Administrative Code Chapter 12X, Policy Making Marijuana Offenses the Lowest Law Enforcement Priority, and recommending policy changes to further the purposes of that Chapter. The Clerk of the Board has determined that the Committee has not met in the last two years.

Amendments to Current Law

This ordinance would dissolve the Community Oversight Committee regarding enforcement of marijuana offenses.

Background Information

Rule 2.21 of the Board of Supervisors' Rules of Order requires the Clerk of the Board to determine and identify each year every subordinate body that has not met at least once every four months, and to ask the City Attorney to prepare legislation repealing the ordinance or resolution that created the body.

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee: Rules Committee
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee: _____
- 4. Request for letter beginning "Supervisor _____ inquires"
- 5. City Attorney request.
- 6. Call File No. _____ from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. _____
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on _____

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Clerk of the Board

Subject:

Administrative Code - Dissolving the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

The text is listed below or attached:

Ordinance amending the Administrative Code by deleting Section 12X.6 to dissolve the Community Oversight Committee regarding enforcement of marijuana offenses.

Signature: *A. J. Casullo*

For Clerk's Use Only:

