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OAKLAND CANNABIS BUYERS' COOPERATIVE  
11 and JEFFREY JONES

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION  
16

17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 v.  
20 OAKLAND CANNABIS BUYERS'  
COOPERATIVE and JEFFREY JONES,  
21 Defendants.

22  
23 AND RELATED ACTIONS.  
24  
25  
26  
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No. C 98-0088 CRB

**DECLARATION OF ANNETTE P.  
CARNEGIE IN SUPPORT OF  
DEFENDANTS' MOTION TO  
DISSOLVE OR TO MODIFY  
PRELIMINARY INJUNCTION  
ORDER**

(Fed. R. Civ. P. 60(b), Local Rule 7-11)

Date: July 7, 2000  
Time: 10:00 a.m.  
Hon. Charles R. Breyer

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I, ANNETTE P. CARNEGIE, declare as follows:

1. I am a member of the law firm of Morrison & Foerster LLP and am admitted to practice before this Court. I am one of the counsel of record for defendants OAKLAND CANNABIS BUYERS' COOPERATIVE and JEFFREY JONES.

2. Attached hereto as Exhibit A are true and correct copies of Oakland City Council Resolution 74618, declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland, and the renewals thereof, of which this Court is requested to take judicial notice pursuant to Federal Rule of Evidence 201.

3. Attached hereto as Exhibit B is a true and correct copy of the Ninth Circuit's order filed February 29, 2000 denying the Government's Petition for Rehearing and Petition for Rehearing En Banc, of which this Court is requested to take judicial notice pursuant to Federal Rule of Evidence 201.

4. Attached hereto as Exhibit C is a true and correct copy of the Ninth Circuit's May 10, 2000, order in No. 99-15838 of which this Court is requested to take judicial notice pursuant to Federal Rule of Evidence 201.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 30th day of May, 2000, at San Francisco, California.

  
Annette P. Carnegie

**EXHIBIT A** /

# OAKLAND CITY COUNCIL

RESOLUTION No. 75713 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



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## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

**WHEREAS**, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

**WHEREAS**, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

**WHEREAS**, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

**WHEREAS**, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

**WHEREAS**, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

**WHEREAS**, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

**WHEREAS**, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

In Council, Oakland, California, MAY 16 2000, 1999


**PASSED BY THE FOLLOWING VOTE:**

AYES- Brunner, Chang, Miley, Nadel, Reid, Russo, Spees, and  
President De La Fuente - 8

NOES- None

ABSENT- None

ABSTENTION- None

Attest:   
CEDA FLOYD  
City Clerk And Clerk Of The Council Of The  
City Of Oakland, California

# OAKLAND CITY COUNCIL

RESOLUTION No. 75613 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



---

## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further



**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

In Council, Oakland, California, APR 11 2000, 1999

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on APR 11 2000.*

**CEDA FLOYD**

*City Clerk and Clerk of the Council*

Per *Onetha Middleton* Deputy

# OAKLAND CITY COUNCIL

RESOLUTION No. 75590 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on MAR 28 2000.*

**CEDA FLOYD**

*City Clerk and Clerk of the Council*

Per *Onetha Middleton* Deputy

# OAKLAND CITY COUNCIL

RESOLUTION No. 75565 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



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## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

**WHEREAS**, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

**WHEREAS**, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

**WHEREAS**, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

**WHEREAS**, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

**WHEREAS**, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

**WHEREAS**, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

**WHEREAS**, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on*           MAR 14 2000          .

CEDA FLOYD

*City Clerk and Clerk of the Council*

Per           Onetha Middleton           Deputy

OAKLAND CITY COUNCIL

RESOLUTION No. 75519 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



**RESOLUTION RENEWING THE CITY COUNCIL'S  
DECLARATION OF A LOCAL PUBLIC HEALTH  
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE  
ACCESS TO MEDICAL CANNABIS IN THE CITY OF  
OAKLAND**

**WHEREAS**, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

**WHEREAS**, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

**WHEREAS**, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

**WHEREAS**, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

**WHEREAS**, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

**WHEREAS**, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

**WHEREAS**, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and



**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED:** that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED:** that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further


**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I certify that the foregoing is a full, true and correct copy  
of a Resolution passed by the City Council of  
the City of Oakland, California on*

*February 29, 2000*

*Ceda Floyd  
City Clerk and Clerk of the Council*

Per  Deputy

# OAKLAND CITY COUNCIL

RESOLUTION No. 75520 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on*     FEB 15 2000    .

**CEDA FLOYD**  
*City Clerk and Clerk of the Council*

Per     Onetha Middleton     Deputy

# OAKLAND CITY COUNCIL

RESOLUTION No. 75491 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



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## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on*     -- FEB - 1 2000    .

**CEDA FLOYD**  
*City Clerk and Clerk of the Council*


Per     Onetha Middleton     Deputy



# OAKLAND CITY COUNCIL

RESOLUTION No. 75477 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



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**RESOLUTION RENEWING THE CITY COUNCIL'S  
DECLARATION OF A LOCAL PUBLIC HEALTH  
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE  
ACCESS TO MEDICAL CANNABIS IN THE CITY OF  
OAKLAND**

**WHEREAS**, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

**WHEREAS**, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

**WHEREAS**, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

**WHEREAS**, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

**WHEREAS**, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

**WHEREAS**, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

**WHEREAS**, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on JAN 18 2000.*

**CEDA FLOYD**

*City Clerk and Clerk of the Council*

Per *Onetha Middleton* Deputy

# OAKLAND CITY COUNCIL

RESOLUTION No. 75442 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on JAN - 4 2000.*

**CEDA FLOYD**

*City Clerk and Clerk of the Council*

Per *Onetha Middleton* Deputy

# OAKLAND CITY COUNCIL

RESOLUTION No. 75413 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



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## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

**WHEREAS**, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

**WHEREAS**, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

**WHEREAS**, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

**WHEREAS**, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

**WHEREAS**, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

**WHEREAS**, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

**WHEREAS**, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further



**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on* DEC 14 1999.

**CEDA FLOYD**

*City Clerk and Clerk of the Council*

Per *Onetha Middleton* Deputy

OAKLAND CITY COUNCIL

RESOLUTION No. 75365 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



**RESOLUTION RENEWING THE CITY COUNCIL'S  
DECLARATION OF A LOCAL PUBLIC HEALTH  
EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE  
ACCESS TO MEDICAL CANNABIS IN THE CITY OF  
OAKLAND**

**WHEREAS**, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

**WHEREAS**, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

**WHEREAS**, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

**WHEREAS**, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

**WHEREAS**, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

**WHEREAS**, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

**WHEREAS**, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on NOV 30 1999.*

CEDA FLOYD

*City Clerk and Clerk of the Council*

Per *Onetha Middleton* Deputy

# OAKLAND CITY COUNCIL

RESOLUTION No. 75338 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



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## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

**WHEREAS**, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

**WHEREAS**, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

**WHEREAS**, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

**WHEREAS**, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

**WHEREAS**, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

**WHEREAS**, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

**WHEREAS**, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

In Council, Oakland, California, NOV 16 1999, 1999

**PASSED BY THE FOLLOWING VOTE:**

AYES- Brunner, Chang, Miley, Nadel, Reid, Russo, Spees, and  
President De La Fuente

NOES-

ABSENT-

ABSTENTION-

Attest: \_\_\_\_\_  
CEDA FLOYD  
City Clerk And Clerk Of The Council Of The  
City Of Oakland, California

# OAKLAND CITY COUNCIL

RESOLUTION No. 75317 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



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## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

WHEREAS, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

WHEREAS, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and



**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

**NOW THEREFORE**, be it

**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED**: that the City Council finds that the thousands of seriously ill persons who obtained medical cannabis from the Oakland Cannabis Buyers' Cooperative will endure great pain and suffering and in some cases may die as a result of the closure of the cooperative and other entities that supplied medical cannabis; and be it further

**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on* NOV 02 1999.

CEDA FLOYD

*City Clerk and Clerk of the Council*

Per Onetha Middleton Deputy

# OAKLAND CITY COUNCIL

RESOLUTION No. 75286 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



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## RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND

**WHEREAS**, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

**WHEREAS**, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

**WHEREAS**, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

**WHEREAS**, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

**WHEREAS**, the City Council finds that the Oakland Cannabis Buyers' Cooperative has provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain medical cannabis in furtherance of a course of medical treatment; and

**WHEREAS**, the Oakland City Council passed Resolution 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyers Cooperative and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana shall be a low priority for the City of Oakland; and

**WHEREAS**, in furtherance of the City's goal of ensuring a safe and affordable supply of medical grade marijuana and cannabis products for seriously ill Oakland residents whose physicians have recommended or approved medical cannabis use in the treatment of their illnesses, the Oakland City Council, pursuant to Ordinance No. 12076, established a City of Oakland marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the City's agent to administer the program; and

**WHEREAS**, in January 1998, the United States of America filed an action asking the federal district court to enjoin the Oakland Cannabis Buyers' Cooperative and five other entities from providing medical cannabis to seriously ill persons who are authorized by Proposition 215 to use medical cannabis to alleviate their pain and suffering; and

**WHEREAS**, on May 19, 1998 the federal district court issued a preliminary injunction ordering the Oakland Cannabis Buyers' Cooperative to cease engaging in the manufacture and distribution of marijuana, on the ground that such activities likely violate federal drug laws; and

**WHEREAS**, on October 13, 1998 the federal district court authorized the U.S. Marshal to enforce the aforesaid preliminary injunction by entering the cooperative's premises located at 1755 Broadway in Oakland, evicting any and all tenants and padlocking the doors to such premises; and

**WHEREAS**, on October 19, 1998, the Oakland Cannabis Buyers' Cooperative voluntarily ceased its operations at 1755 Broadway; and

**WHEREAS**, the Oakland Cannabis Buyers' Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS; and

**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers; and

**WHEREAS**, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland;

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**RESOLVED**: that the City Council of the City of Oakland finds that a public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it further

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**RESOLVED:** that the City Council of the City of Oakland urges the federal government to desist from any and all actions that pose obstacles to access to cannabis for Oakland residents whose physicians have determined that their health will benefit from the use of marijuana and recommended or approved medical cannabis use for such residents; and be it further

**RESOLVED:** that the City Council urges the Alameda County Board of Supervisors to declare a public health emergency with respect to access to medical cannabis; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States, William Jefferson Clinton, urging federal policy-makers to dismiss the current lawsuits against California's cannabis buyers' clubs and cooperatives; and be it further

**RESOLVED:** that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on OCT 19 1999.

CEDA FLOYD

City Clerk and Clerk of the Council

Per

Anetha Middleton

Deputy

*[Handwritten signature]*

OAKLAND CITY COUNCIL

RESOLUTION NO. 74618 C.M.S.

RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT

**RESOLUTION DECLARING A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE, AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF OAKLAND**

WHEREAS, on November 5, 1996, the voters of California, 5, the  
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land

*EX A*

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when no other medications have been effective; and 1e  
eriosis

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residents are suffering from life-threatening or serious illnesses whose painful symptoms are  
alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable  
supply of medical grade marijuana and cannabis products; and

WHEREAS, the City Council finds that the Oakland Cannabis Buyers' Cooperative has  
provided a well-organized, safe and responsible opportunity for seriously ill persons to obtain  
medical cannabis in furtherance of a course of medical treatment; and

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City of Oakland that the investigation and arrest of certain individuals involved with the medical  
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marijuana distribution program and designated the Oakland Cannabis Buyers' Cooperative as the  
City's agent to administer the program; and

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**WHEREAS**, the closure of the Oakland Cannabis Buyers' Cooperative impairs public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

**WHEREAS**, the City Council finds that the closure of the Oakland Cannabis Buyers' Cooperative will cause pain and suffering to seriously ill Oakland residents who are unable to cultivate medical strains of cannabis for their personal use and therefore either no longer have access to medical cannabis to alleviate their pain and suffering or purchase contaminated cannabis from street narcotic peddlers;

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**RESOLVED:** that copies of this resolution shall be forwarded to Governor Pete Wilson, Attorney General Daniel Lungren and all representatives of the City of Oakland in the State Legislature, urging them to comply with the will of the voters as articulated in Proposition 215 by implementing a plan to provide for safe and affordable distribution of marijuana to all patients in medical need of marijuana.

*I certify that the foregoing is a full, true and correct copy  
of a Resolution passed by the City Council of the City of  
Oakland, California on*

**OCT 27 1998**

**CEDA FLOYD**  
City Clerk and Clerk of the Council

Per Onetha Middleton Deputy



**EXHIBIT B**

**NOT FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

**FILED**

MAY 1 0 2000

**CATHY A. CATTERSON**  
CLERK, U.S. COURT OF APPEALS

**UNITED STATES OF AMERICA,**  
  
**Plaintiff-Appellee,**  
  
v.  
  
**OAKLAND CANNABIS BUYERS'**  
**COOPERATIVE; JEFFREY JONES;**  
  
**Defendants-Appellants**  
  
and  
  
**REBECCA NIKKEL,**  
  
**Defendant-Intervenors**  
**Appellants**  
  
and  
  
**EDWARD NEIL BRUNDRIDGE; IMA**  
**CARTER; LUCIA Y. VIER,**  
  
**Defendant-Intervenors**

No. 99-15838

D.C. No. CV-98-00088-CRB

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MARIN ALLIANCE FOR MEDICAL  
MARIJUANA; LYNETTE SHAW

Defendants-Appellants

and

REBECCA NIKKEL,

Defendant-Intervenor-  
Appellant

and

EDWARD NEIL BRUNDRIDGE; IMA  
CARTER; LUCIA Y. VIER,

Defendant-Intervenors.

No. 99-15844

D.C. No. CV-98-00088-CRB

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

UKIAH CANNABIS BUYER'S CLUB;  
CHERRIE LOVETT; MARVIN  
LEHRMAN; MILDRED LEHRMAN,

Defendants,

and

EDWARD NEIL BRUNDRIDGE; IMA  
CARTER; REBECCA NIKKEL

Defendant-Intervenors,

and

LUCIA Y. VIER,

Defendant-Intervenors.

No. 99-15879

D.C. No. CV-98-00088-CRB

MEMORANDA<sup>1</sup>

Appeal from the United States District Court  
for the Northern District of California  
Charles R. Breyer, District Judge, Presiding

Submitted May 2, 2000<sup>2</sup>  
San Francisco, California

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<sup>1</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by 9th Cir. R. 36-3.

<sup>2</sup> The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34 (a)(2).

Before: SCHROEDER, REINHARDT, and SILVERMAN, Circuit Judges.

This is an appeal from the district court's order dismissing appellant-intervener's counterclaims seeking injunctive and declaratory relief.

The underlying action was brought by the United States to enjoin Cannabis clubs from distributing marijuana as violations of the Controlled Substance Act, 21 U.S.C. § 841. In an earlier appeal, we reversed a district court denial of injunctive relief and remanded. See, United States v. Oakland Cannabis Buyer's Cooperative, 190 F.3d 1109 (9th Cir. 1999). Although the substantive claim of violation of Fifth Amendment rights that underlies plaintiffs' claim in this appeal differs from the defense of medical necessity upon which we ruled in the earlier appeal, the injunctive remedy involved in both appeals is similar. The district court entered its order of dismissal underlying this appeal before we decided the earlier appeal. Accordingly, we vacate the district court's order and remand for consideration in light of our prior opinion. See id. at 1114-1115.

VACATED AND REMANDED.

FROM : Robert A. Raich

MAY 12 '00 12:07

PMS SF

PHONE NO. : 510 338 060

415 983 1200 TOLL 915103300600

May. 12 2000 02:04PM P6  
P.06/06

**FILED**

MAY 1 0 2000

**REINHARDT, Circuit Judge, specially concurring:**

**CATHY A. CATTERSON**  
CLERK, U.S. COURT OF APPEALS

I concur in the court's order. I would suggest, however, that on remand the district judge consider whether the constitutional claim should be resolved on summary judgment, rather than on a motion to dismiss, given the Supreme Court's emphasis on examining, in substantive due process cases, a claimed right's basis in "our Nation's history, legal traditions, and practices." See Washington v. Glucksberg, 521 U.S. 702, 710 (1997).

**EXHIBIT C**

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FEB 29 2000

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

OAKLAND CANNABIS BUYERS'  
COOPERATIVE; JEFFREY JONES,

Defendants-Appellants.

Nos. 98-16950

98-17044

98-17137

D.C. No. C 98-00088-CRB  
(Northern California)

ORDER

Before: SCHROEDER, REINHARDT, and SILVERMAN, Circuit Judges.

The panel as constituted above has voted to deny the Petition for Rehearing and to deny the Petition for Rehearing En Banc.

The full court was advised of the petition for rehearing en banc and no judge of the court has requested a vote on the petition for rehearing en banc. Fed. R. App. P. 35.

The petition for rehearing and the petition for rehearing en banc are denied.