MEETING OF THE
CANNABIS COMMISSION

2180 Milvia Street
Redwood Room (6th Floor)

Thursday, April 4, 2019
2:00 PM

AGENDA

I. Call to Order
   A. Roll Call and Ex Parte Communication Disclosures
   B. Changes to Order of Agenda

II. Public Comment

III. Approval of Minutes
   A. March 7, 2019 Draft Action Minutes

IV. Planning Staff Report

V. Chairperson’s Report

VI. Subcommittee Report

VII. Discussion and Action Items
   A. Review and discuss studies related to youth use of cannabis. One attachment:
      1. Staff memo regarding cannabis studies (with attachments)
   B. Update on ordinance changes and equity proposal
   C. Discuss and vote on revisions to mission statement and BMC Section 12.26.110. Two
      attachments:
      1. Existing mission statement
      2. BMC Section 12.26.110
   D. Work Program: Discuss items to be included on draft work plan. One attachment:
      1. 2016-2017 Final Work Plan
   E. Ideas for next meeting.

VIII. Information Items (In compliance with the Brown Act, no action may be taken on these
      items; however, they may be discussed and placed on a subsequent agenda for action):
   A. Abridged Commissioners’ Manual

IX. Correspondence
   A. Communications: None
   B. Late Communications: None.

X. Adjournment
Communications to Berkeley boards, commissions, or committees are public records, and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, do not include that information in your communication – you may deliver communications via U.S. Postal Service, or in person, to the Commission Secretary. Please contact the Commission Secretary for further information.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Department of Planning and Development, Zoning Counter, at the Permit Service Center, 1947 Center Street, 3rd Floor, Berkeley, and at the Reference Desk, of the Main Library, 2090 Kittredge Street, Berkeley, California, during regular business hours. Please contact the Commission Secretary for further information.

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.
MEETING OF THE
CANNABIS COMMISSION

City Hall
2180 Milvia Street
Redwood Room (Sixth Floor)

Thursday, March 7, 2019
2:00 PM

DRAFT ACTION MINUTES

I. Call to Order – 2:02 pm

A. Roll Call and Ex Parte Communication Disclosures
Commissioners present: Cooper, Rice, Brewster, and Cable

Absent: None

Staff Present: Secretary Elizabeth Greene, Mark Sproat, and Claire Kostohryz.

Ex Parte Communications: None

B. Changes to Order of Agenda
None

II. Public Comment
One comment: Will the March 12th Council meeting be discussed at this meeting?

III. Approval of Minutes
Motion/second to approve the January 10, 2019 minutes (Cooper/Rice). The motion carried 4-0-0-0 (Ayes: Cooper, Rice, Cable, Brewster. Noes: None. Abstain: None. Absent: None.)

IV. Planning Staff Report
Vice Chair Cooper wrote a letter to council requesting appointments to fill the vacancies. Staff mentioned the late items.

V. Chairperson’s Report
The Chair and other commissioners commended Charley Pappas for his 8 years on the commission.

VI. Subcommittee Report
No report.

VII. Discussion and Action Items

A. Discuss and vote on representative at upcoming Council and Community Health Commission meetings.
Motion/second to elect Michael Cooper to monitor the Community Health Commission meetings. (Brewster/Rice). The motion carried 4-0-0-0 (Ayes:
Chair Brewster will attend the City Council meeting on March 12th.

Public Comment: None.

B. **Discuss, draft and vote on Council communication restating Commission recommendations for cannabis ordinance to be considered by Council at March 12th meeting.**

The Commission would like to discuss cannabis special events at the Council meeting and about the ordinance because this will be their last time to do so.

Public Comment: Six comments. Several comments addressed the importance of more than three cannabis special events so that they can be educational, community oriented, and focused on responsible consumption. People proposed the idea of indoor events, held in lounges, using similar language to SF interior cannabis lounges. There is also an expressed fear from the CHC that the events are essentially duplicating the tobacco industry’s strategy to encourage use of an additive product.

The Commission decide to include language about the security and neighborhood compatibility requirements, consumption at retailers, delivery requirements, buffers, and the cap on dispensaries in their communication to Council.

C. **Discuss cooperatives/collectives and vote on sending a letter to Council urging changes to State law.**

Public Comment: One comment. Former Commissioner Pappas recommended discontinuing this discussion, as continuation of Collectives is up to the State.

Motion/second to drop this item from future agendas (Brewster/Cooper). The motion carried 3-1-0-0 (Ayes: Cooper, Rice, Brewster. Noes: Cable. Abstain: None. Absent: None.)

D. **Work Program: Discuss items to be included on draft work plan.**

Public Comment: Two comments. Comments related to the need to develop an equity program, what that program should include, and expansion of cultivation beyond the M District.

Commissioners discussed the need to update and clarify the mission statement and to address concerns about cannabis abuse at Berkeley High School, and whether to expand the definition of equity businesses.

E. **Ideas for next meeting**
The Commission did not discuss this item.

X. **Adjournment**

Adjourned at 4:05 P.M.
Five late items were distributed at the meeting.
Commissioners in attendance: 4 of 4
Members of the public in attendance: 6
Public comments: 10
Length of meeting: Two hours and 3 minutes

APPROVED: __________________________________________________
Elizabeth Greene
Cannabis Commission Secretary
MEMORANDUM

To: Cannabis Commission

From: Mark Sproat, Senior Environmental Health Specialist

Date: 03/26/2019

Subject: Youth Use Studies

At the Cannabis Commission meeting on March 7, 2019, the Commission asked staff if data regarding youth use rates post-legalization were known. Staff commented that they had seen an article indicating decreases in youth use rates since legalization and the Commission asked staff to share that.

The article was from the Cannifornian (Bay Area News Group) dated 08/21/18. In the opinion of staff, the article seems unbiased and offers comment on the findings from Smart Approaches to Marijuana and Citizens Against Legalizing Marijuana, anti-legalization groups, as well as NORML, a pro-legalization group.

The article reports on:

- The findings of the 16th bi-annual California Healthy Kids Survey (California Department of Education) indicating use youth rates in California falling significantly.

- Data published by the International Journal of Mental Health and Addiction and the journal Prevention Science about Colorado, indicating youth use rates are flat since 2014.

- The most recent National Survey on Drug Use and Health, showing decreases in youth use rates in "the three other states" (Washington, Oregon, and Massachusetts?) and Washington DC, but a slight increase in Alaska.

Links to these studies that can be accessed by following this link to the article: http://www.thecannifornian.com/cannabis-news/statewide-survey-shows-fewer-california-teens-using-marijuana-since-legalization-laws-kicked/.
Staff searched for any more recent studies regarding youth use rates as well. Staff found an article from Politifact published 3/25/19 answering the question: “Did marijuana use in Colorado spike after legalization?” They rate it as “half-true” – use continues to increase for adults in all age groups, but youth use continue to fall – “the one age group that bucked the pattern.” See Attachment 2 for the article.

The article provides links to several monitoring reports and studies including the bi-annual Healthy Kids Colorado survey and the Colorado Behavioral Risk Factor Surveillance System, conducted by the Colorado Department of Public Health and Environment and can be accessed by following this link: https://www.politifact.com/truth-o-meter/statements/2019/mar/25/john-hickenlooper/did-spike-marijuana-use-colorado-after-legal/.

A study from Canada was also published recently that, similar to the US studies, also relied on student questionnaires. It conversely indicated a gradual increase in cannabis use among youth “following the start of discourse” around cannabis legalization, mainly among female and non-white students. The study is attached (Attachment 3) and can be accessed at: https://bmjopen.bmj.com/content/bmjopen/9/3/e026515.full.pdf.

Finally, the 2018 City of Berkeley Health Status Report contains information specific to cannabis use by students in the Berkeley Unified School District (BUSD). This information comes from the California Health Kids Survey, and indicates that in 2016 the percentage of BHS students who have smoked cannabis in the past 30 days is over 15% for 9th graders and over 30% for 11th graders. These percentages are either the same or lower than the 2014 survey results. The figure which calls out the survey results is attached (Attachment 4); the full study can be accessed at: https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Public_Health_Reports.aspx.

Attachments:


Statewide survey shows fewer California teens are using marijuana since legalization laws kicked in

By Brooke Edwards Staggs, The Cannifornian

Posted on Aug 22, 2018

Marijuana use among California students dropped over the past couple years, even as laws legalizing the drug for adults 21 and older started to kick in, according to the latest state-commissioned California Healthy Kids Survey.

One possible reason is that students told surveyors marijuana is harder to get now than it was a few years ago.

Legalization advocates are calling the results early evidence that regulating marijuana protects kids better than banning it — a pattern that has so far played out in other states.

“These initial reports confirm that legalizing and regulating cannabis doesn’t increase youth marijuana use, but rather it has the opposite effect,” said Ellen Komp, deputy director of the California chapter of the advocacy group NORML.

Despite such claims and the initial poll results of reported cannabis use, some researchers remain worried about how students perceive the potential harm of marijuana, with students ranking it far less dangerous than binge drinking and tobacco.

Both researchers and legalization opponents also say better data might come in the next survey, which will cover the first year and a half of legal marijuana sales in California.

Statewide survey shows fewer California teens are using marijuana since legalization law... Page 2 of 5

“The reality is the majority of the data presented in this study were collected at a time when recreational marijuana use was not legal,” said Kevin Sabet, president of Smart Approaches to Marijuana, which fights legalization efforts around the country. Sabet noted that retail sales became legal in select California communities only during 2018.

The California Healthy Kids Survey is commissioned by state health officials every two years to gauge student needs. It gets data through self-reported information from 45,264 students in seventh, ninth and eleventh grade. The survey released this week covers the 2015-2016 and 2016-2017 school years.

Californians in November 2016 passed Proposition 64, which let adults possess up to an ounce of marijuana and to grow up to six plants at home for personal use. Though legal recreational marijuana sales didn’t start until Jan. 1, 2018, personal rights granted by Prop. 64 took effect immediately, creating a nearly eight-month overlap with the period covered in the latest student survey.

Marijuana remains the second most likely mild-altering substance students will try, behind alcohol. But the survey says junior high and high school use of both substances continues to fall at what researchers termed “striking” rates.

Seventh graders who reported using marijuana within the past 30 days dropped from 5 percent in the 2013-15 survey to 2.3 percent in the 2015-2017 survey. The number of ninth graders who reported so-called “current” use dropped from 13.4 percent to 9.5 percent, while the current use rates for eleventh graders fell from 20.1 percent to 16.7 percent.

The number of students who reported using marijuana at least once also dropped from the previous survey by 3 to 6 percentage points.

The survey also found that students who do consume marijuana are using it less frequently than in previous years. The number of eleventh graders, for example, who said they used marijuana 20 or more days in the past month fell from 5.3 to 3.9 percent.

Statewide survey shows fewer California teens are using marijuana since legalization law...

The California findings are consistent with studies from other states that have legalized recreational cannabis.

In Colorado, the numbers of teens using cannabis at least once and regularly have essentially held flat since legal marijuana sales started in that state in 2014, according to a study published in May in the International Journal of Mental Health and Addiction and a second study published last month in the journal Prevention Science. And other than a slight increase in Alaska, the most recent National Survey on Drug Use and Health showed declines in teen marijuana use for the three other states (plus Washington, D.C.) where cannabis was legalized by June 2016.

But Sabet said there isn’t reliable baseline data on the rate of youth marijuana use in those states prior to legalization, insisting survey methods have evolved. So he’ll be watching the “more robust data sets” expected to come out over the next few years.

Since teen marijuana use in California remains higher than the national average, Scott Chipman with Citizens Against Legalizing Marijuana says he hopes to see more state-sponsored messaging aimed at discouraging teen use.

State Superintendent of Public Instruction Tom Torlakson agreed there’s more work to be done, saying the state must “be diligent” in its efforts to “prevent, or at least limit, marijuana use” for teens in the wake of Prop. 64.

Tags: Don’t Miss, Research, Teens

SPONSORED LINKS

Statewide survey shows fewer California teens are using marijuana since legalization law...
Did marijuana use in Colorado spike after legalization?

*By Louis Jacobson on Monday, March 25th, 2019 at 2:47 p.m.*

After legalizing marijuana in Colorado, "we haven’t seen a spike in consumption."

— John Hickenlooper on Wednesday, March 20th, 2019 in None

Former Democratic Colorado Governor John Hickenlooper talks with AmeriCorps members prior to a roundtable campaign stop in Manchester, N.H., on March 22, 2019. (AP)

Former Colorado Gov. John Hickenlooper, a Democratic candidate for president, got some laughs during a CNN town hall when he discussed the experience of overseeing the legalization of recreational marijuana in his state.

Marijuana officially became legal in Colorado in December 2012, but legal adult sales did not begin until Jan. 1, 2014. At that point, it took the better part of a year for localities around the state to fully come online and get businesses licensed.

Hickenlooper, who initially opposed legal weed, grew to accept it. During the town hall, a participant asked him for his reflections on this evolution. Here’s what Hickenlooper said:

"As my mother would say, you couldn't control what things would come in your path, what bad things life might throw at you. And in the end, we were very concerned about this. And I was opposed to it originally. No other government had ever legalized marijuana. Even Amsterdam just decriminalized it. We were worried about teenage consumption going up, when kids' brains are rapidly growing, what it could do. We were worried about the risks of, you know, more people driving while high. And partly, it's no fun to be in conflict with the federal government.

"But I believe that states are the laboratories of democracy, as Justice Brandeis said so famously, and that we would give it our best shot. And I have to say, at this point, most of our fears haven't come true. We haven't seen a spike in consumption. A significant increase among senior citizens, but I leave that to your own imagination."

The mention of seniors getting baked sparked laughter in the audience, but we wondered whether Hickenlooper was correct that after legalizing marijuana in Colorado, "we haven't seen a spike in consumption."

We found there hasn’t been a spike, per se. However, marijuana use by adults has gone up consistently for a decade, before and after legalization.

**Relevant studies**

Experts told us that the most comprehensive source for data on marijuana use is the National Survey on Drug Use and Health, an annual survey put together by the federal Substance Abuse and Mental Health Services Administration. We found two relevant measurements, each broken down by state, each of which showed similar patterns for Colorado.

Here’s the data for reported marijuana use in the past month, broken down by a variety of age groups in Colorado:

Marijuana use in the past month in Colorado by age group

Source: Substance Abuse and Mental Health Services Administration/National Survey on Drug Use and Health

POLITIFACT

And here’s the data for reported marijuana use in the past year, again broken down by age groups:

Marijuana use in the past year in Colorado by age group

![Graph showing marijuana use by age group in Colorado from 2008-2017.](image)

**Source:** Substance Abuse and Mental Health Services Administration/National Survey on Drug Use and Health

**POLITIFACT**

Each of the blue lines shows the trend for an adult group — 18 and older, 26 and older, or 18 to 25.

All of these blue lines show the same general pattern: The usage rates rose, slowly and steadily, between 2008-2009 and 2016-2017.

Hickenlooper has a point that usage rates didn't "spike." However, it's easy to hear his comment and assume that reported use of marijuana flatlined or even declined. And that's not the case.

For the 30-day rates — the more common metric that policymakers use, experts say — the increase in adult marijuana use ranged between a one-third jump and a doubling over eight years, depending on the age range.

Other data backs this up. A state government report from 2018 summarized data from the Colorado Behavioral Risk Factor Surveillance System, a statewide telephone survey conducted by the Colorado Department of Public Health and Environment. This study's data on marijuana use goes back to 2014.

The past-month figures for adults rose from 13.6 percent in 2014 to 15.5 percent in 2017, a jump the report called "a significant increase." The responses for daily or near-daily use grew from 6 percent in 2014 to 7.6 percent in 2017, which it also deemed "a significant increase."

The patterns in Colorado did not surprise Jonathan P. Caulkins, a public policy professor at Carnegie-Mellon University and the former co-director of RAND's Drug Policy Research Center. An upward trend is to be expected.

Between 1992 to 2017, Caulkins said, the nationwide number of past-year users more than doubled, and past-month use tripled. The number of days of use went up several fold, and the number of daily or near-daily users increased tenfold, from 0.9 million to 9 million, he said.

Oh, and about those toking seniors? Their numbers have gone up, as Hickenlooper said, according to Colorado data — from 3 percent in 2014 to 5.6 percent. Younger age groups showed increases between 2014 and 2017 as well. But use by seniors wouldn’t have been large enough to drive the trends. One likely reason for the rise among seniors: Every year sees more and more Baby Boomers turning 65, and they are used to using marijuana from their younger years.
Youth usage hasn’t risen

The one age group that bucked the pattern — and an important one from a policy perspective — is teenagers. They’re marked with the red line in the charts above.

Strikingly, the use of marijuana by teens has, at most, stayed much the same, and perhaps even dropped a little.

Experts cautioned that for teen use, the sample sizes of the SAMHSA study we used above are not very large. Other studies with larger sample sizes bear out the general pattern, however.

Colorado has been tracking 30-day marijuana use among high-school students every two years since 2013 in its Healthy Kids Colorado survey. In 2013, 19.7 percent of respondents said they’d used marijuana in the past 30 days. That number rose slightly in 2015 to 21.2 percent, but then fell back to a new low in 2017, at 19.4 percent.

So, if Hickenlooper had specified youth usage, he would have had a stronger argument. In fact, Hickenlooper’s own state government issued a news release in July 2018 that summed up the results this way: "Marijuana use in Colorado rises for adults, stays the same for kids."

And when we reached out to Hickenlooper’s campaign, they confirmed that he had meant to refer to usage by youths.

"He did mean to specify youth," said Lauren Hitt, a spokesman for Hickenlooper. "He tells that story a lot."

For instance, he said in February 2017 on NBC's Meet the Press that "we didn't see a spike in teenage use" after legalization.

He also said in July 2018, "Preventing young people from using marijuana is a statewide priority. While youth use hasn’t gone up, we are working hard to
educate Colorado parents and their children about the health and legal risks of underage marijuana use."

We should mention one notable caveat to all the studies cited above.

"These surveys are all based on self-reporting, and people are probably more likely to admit to using cannabis when it is legal compared to when it is illegal," said Mason Tvert, the former director of communications for the Marijuana Policy Project who is now with Vicente Sederberg, a marijuana-focused law firm. This could account for some of the increase over time, he said.

**Our ruling**

Hickenlooper said that after legalizing marijuana in Colorado, "we haven't seen a spike in consumption."

He has a point that legalization didn’t produce a rapid, sudden increase in marijuana use. But that doesn’t mean there wasn’t a continued increase. In Colorado, reported marijuana use climbed, slowly and steadily, for adults between 2008 and 2017. The one exception was teenagers, for whom usage rates largely remained steady.

We rate the statement Half True.
Prelegalisation patterns and trends of cannabis use among Canadian youth: results from the COMPASS prospective cohort study

Alexandra M E Zuckermann, Katelyn Battista, Margaret de Groh, Ying Jiang, Scott T Leatherdale

ABSTRACT

Objective Canada federally legalised recreational cannabis use among adults in October 2018. The impact this will have on Canadian youth is cause for concern. The current study examined changes in youth cannabis use over the time prior to legalisation to explore the impact of the beginning federal discourse around legalisation during the 2016/2017 school year.

Design COMPass, a prospective cohort study based on annual self-administered questionnaires.

Setting Ontario and Alberta during the first 6 years of the COMPASS study (2012/2013 to 2017/2018).


Primary and secondary outcome measures Lifetime cannabis use, past-year cannabis use, weekly cannabis use, ease of access to cannabis and age at first cannabis use.

Results Cannabis never-use decreased between Y5 and Y6. Changes in age at first cannabis use mirrored this trend, with male students consistently starting younger. Cannabis access rates increased from Y4, mainly led by female students. Lifetime and past-year use rates were lowest in Y4 then increased in Y5 and Y6 due to a rise in the occasional use more common among female students, who reported use increases first. Non-white students were more likely use cannabis, with black and Aboriginal students the only two groups consistently reporting more weekly than occasional use, though with opposing trajectories. Overall, Aboriginal students had the highest odds of reporting lifetime, past-year and weekly use among the demographic groups examined.

Conclusion After a steady decrease in patterns of cannabis among youth over several years, it appears that there has been a gradual increase in cannabis use among youth following the start of discourse around cannabis legalisation, with some populations of youth being at greater risk.

INTRODUCTION

In 2018, Canada was the second country to federally legalise recreational cannabis use, and the first to do so with the primary emphasis on public health and education. Following almost 80 years of complete prohibition, individual use of medicinal cannabis was legalised in Canada in 2001, although with the requirement for special approval of a medical exemption by Health Canada, which formed a significant access barrier for most. Concurrently, the Canadian government formed a Cannabis Legalization Task Force, which delivered its final report in December 2016. The resulting Cannabis Act (Bill C-45) was introduced to Parliament in April 2017 and passed in June the following year. It came into force in October 2018.

Evidence on the effects of medical or recreational legalisation of cannabis on youth, for whom it remains illegal given age restrictions, is mixed. Some studies have shown that more permissive cannabis laws increase rates...
of cannabis use among adolescents, whereas others have reported that they do not. There is evidence that legalisation can lead to gradual increases in use, more high-frequency use, a drop in the average age at first use and increased use of more potent forms of cannabis. As Canadian youth already use cannabis at a higher rate than Canadian adults or youth globally, any increase in use prevalence or frequency due to legalisation is cause for concern.

COMPASS, a large prospective cohort study of youth in Canada (2012–2021), serves as a research platform for evaluating the consequences of policy change on youth health behaviours. With data reaching back to the 2012/2013 school year, evidence from COMPASS will be used by researchers and decision makers to evaluate the impact of cannabis legalisation on Canadian youth. This study relied on the first 6 years of COMPASS data to characterise the changes in youth cannabis use over time in terms of lifetime and past-year use, use frequency, age at first use and ease of access to cannabis, to provide insight into prelegalisation cannabis use among Canadian youth.

METHODOLOGY

Study design

COMPASS, a prospective cohort study, annually collects hierarchical data from grade 9 to 12 students and the schools they attend. This report uses student data from COMPASS years 1 to 6 (2012/2013 to 2017/2018) collected in Ontario and Alberta. The COMPASS student questionnaire is an anonymous, self-administered questionnaire completed by students during class time, with items based on national guidelines or surveillance tools as previously described. Students could decline to participate at any time. Response rates range from 76% to 80% (Year 1: 79.0%, Year 2: 79.2%, Year 3: 78.7%, Year 4: 79.9%, Year 5: 76.0%, Year 6: 78.7%). The primary reason for non-response was absenteeism or scheduled spare on the data collection date. Parental permission rates are >99%. A full description of COMPASS study methods and data collection tools is also available online (www.compass.uwaterloo.ca).

COMPASS data presented in this report are from 24,173 students (43 schools) in Year 1 (Y1 2012/2013), 45,298 students (89 schools) in Year 2 (Y2 2013/2014), 42,355 students (87 schools) in Year 3 (Y3 2014/2015), 40,436 students (81 schools) in Year 4 (Y4 2015/2016), 37,060 students (88 schools) in Year 5 (Y5 2016/2017) and 34,897 students (69 schools) in Year 6 (Y6 2017/2018). Schools that dropped out of the COMPASS study reported cannabis ever-use rates of 51.9%, whereas schools that remained reported rates of 50.1%. Students with missing values for demographic or cannabis use measures were excluded from this study. The start of formal federal discourse around cannabis legalisation occurred in March 2016, near the end of the Y4 data collection cycle.

MEASUREMENTS

Sample characteristics

Students provided demographic information on grade, sex/gender and race/ethnicity, as well as answering three questions on past-year cannabis use frequency, age at first use and ease of access to cannabis consistent with national surveillance measures on cannabis use and as previously described.

Cannabis lifetime/past-year use and use frequency

Students were asked, 'In the last 12 months, how often did you use marijuana or cannabis?' and responded with 1 of 9 options: 'I have never used marijuana', 'I have used marijuana but not in the last 12 months', 'Less than once a month', 'Once a month', '2 or 3 times a month', 'Once a week', '2 or 3 times a week', '4 to 6 times a week' and 'Every day'. Individuals were classified as lifetime users if they indicated any marijuana use and past-year users if they indicated use of 'at least once a month' or more frequent. Among past-year users, students were classified as weekly users if they indicated use of 'once a week' or more often and as occasional users if they indicated less frequent use.

Age at first cannabis use and ease of access to cannabis

Students were asked, 'How old were you when you first used marijuana or cannabis?' and responded with 1 of 13 options: 'I have never used marijuana', 'I do not know', '8 years or younger', one option for each age from 9 to 17 and '18 years or older'. Age of first use was measured on the subsample of grade 12 students who had indicated past marijuana use. Students who answered, 'I do not know' to the age of initiation question were excluded from the analyses. Students also responded to the question 'Do you think it would be difficult or easy for you to get marijuana if you wanted some?' with 'Difficult', 'Easy' or 'I do not know'.

School median income and urbanicity

School data were extracted from Statistics Canada 2016 census data. School median income was determined using the median income for the forward sortation area (first three letters of postal code). Urbanicity was measured based on total population and population density for the population centre in which the school resides.

Patient and public involvement

Students were not involved in study design, research question design or recruitment and conduct of the study, beyond self-administration of the student questionnaire. Some items were based on previously validated measures which may have involved students or patients in their design. School-specific results were annually provided in terms of overall health measures to each participating school in the form of a school feedback report, which school administrators were encouraged to disseminate to staff, students, and parents or guardians.
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<tr>
<td>13</td>
<td>911 (13.2)</td>
</tr>
<tr>
<td>14</td>
<td>1895 (26.9)</td>
</tr>
<tr>
<td>15</td>
<td>1646 (23.8)</td>
</tr>
<tr>
<td>16</td>
<td>1078 (15.6)</td>
</tr>
<tr>
<td>17</td>
<td>334 (4.8)</td>
</tr>
<tr>
<td>18 or older</td>
<td>44 (0.6)</td>
</tr>
<tr>
<td>Don’t know</td>
<td>197 (2.9)</td>
</tr>
<tr>
<td>Ease of access to cannabis</td>
<td></td>
</tr>
<tr>
<td>Difficult</td>
<td>2861 (13.0)</td>
</tr>
<tr>
<td>Easy</td>
<td>11664 (53.2)</td>
</tr>
<tr>
<td>Don’t know</td>
<td>7406 (33.8)</td>
</tr>
</tbody>
</table>
Figure 1  Rates of lifetime and past-year cannabis use among youth participating in the COMPASS study (Ontario and Alberta, Canada). Total proportion of COMPASS students reporting lifetime and past-year cannabis use (A) in total and (B) by gender each school year from Y1 (2012/2013) to Y6 (2017/2018). (C, D) Total proportion of COMPASS students grouped by race/ethnicity reporting (C) lifetime and (D) past-year cannabis use. Y1, 2012/2013; Y2, 2013/2014; Y3, 2014/2015; Y4, 2015/2016; Y5, 2016/2017; Y6, 2017/2018.

Statistical analyses
Statistical analyses were conducted in SAS V.9.4. Generalised estimating equations (GEE) with alternating logistic regression were used to estimate the relationship between lifetime, past year and weekly marijuana use and ease of access outcomes and COMPASS study year, gender and race/ethnicity. Among grade 12 students only, a linear mixed model was used to examine the relationship between age of initiation and COMPASS study year, gender and race/ethnicity. All models were adjusted for grade, school median income, urbanicity and clustering by school. The PROC GENMOD procedure was used to fit GEE models with an exchangeable logOR. The PROC MIXED procedure was used to fit the linear mixed model with random intercept.

RESULTS
The proportion of cannabis never-users increased from Y1 to Y4 but then decreased in Y5 and Y6 (table 1). Annual changes in age at first cannabis use mirrored this trend, with the number of students starting at 12 or younger first increasing to 14.7% in Y4 and then decreasing to 11.9% in Y6. In both cases, the level of change observed between Y4 and Y6 exceeded that between Y1 and Y4. The proportion of students who thought cannabis difficult to access changed most rapidly, halving from 13.8% in Y3 to 7.4% in Y4 and then further decreasing to 6.5% in Y6.

Lifetime and past-year use
Rates of lifetime and past-year cannabis use were highest among male and Aboriginal students, and lowest among Asian students (figure 1). Both rates reached their lowest points in Y4 at 28.8% and 24.1%, respectively, but have been increasing since, with the changes appearing to be accelerating. Lifetime use similarly increased in Y5 and Y6. Interestingly, both lifetime and past-year use by male students remained steady between Y4 and Y5, rising sharply in Y6, whereas use rates among female students rose in both Y5 and Y6. Changes in lifetime and past-year use among students grouped by race/ethnicity were mixed, though Y4 marked a turning point for most youth. In Y5, lifetime use rates among black and Hispanic students decreased, whereas increasing among white, Asian and Aboriginal students. These trends were similar for past-year use, though past-year rates were markedly lower than lifetime use only for Aboriginal students.

Age at first use and ease of access
The average age at first cannabis use reported by grade 12 students was highest in Y6 (figure 2). Male students consistently started using cannabis at younger ages.
than females, though averages for both increased in Y5 and Y6. Among black students, average age at first use dropped from 14.3 to 12.8 years between Y1 and Y3, then steadily recovered to reach 13.8 years in Y6, surpassing Aboriginal students (13.7 years), whose average remained low. White, Hispanic and Asian students reported their youngest average age in Y4, with values on the rise since.

After decreasing from Y1 to Y3, the proportion of students who thought cannabis easy to access increased from Y4 to Y6, with a sharp rise among female students in Y4 and Y5, and a subsequent rise among male students in Y6. The lowest, though steadily rising, rates of easy access were recorded among Asian students, the highest among black and Aboriginal students. This was the case until Y6, when rates among Hispanic and white students, which started increasing in Y4 after 3 years of decline, peaked at the highest values observed over the 6 years studied.

**Frequency of use**
Between 9.5% and 10.1% of students reported weekly use (figure 3). Both weekly and occasional use have been increasing since reaching their lowest point in Y4, the latter rising especially fast. Rates of occasional use among male students, generally lower than among female students, rose 1.4-fold faster between Y5 and Y6. Of note, rates of occasional use were 2.4-fold higher than weekly use rates among females, compared with an average 1.2-fold difference for males.

Rates of occasional use rates varied less between different racial or ethnic groups than rates of weekly use. Over time, occasional use rates fluctuated between Y1 and Y4 for most groups, then subsequently rose in Y5 for Aboriginal, white and Hispanic students and in Y6 for black and Asian students. Only black and Aboriginal students reported more weekly than occasional use for all years, though with mirroring trajectories. Rates of weekly use among black students increased from Y1 to Y4, then decreased in Y6, whereas those among Aboriginal students dropped from 27.2% in Y1 to 21.8% in Y5 and then rose sharply to 25% in Y6.

**Regressions analyses**
Inflection points were observed in the trend curves for all five cannabis use indicators over the six COMPASS study years shown here, though at different times (table 2). For instance, compared with Y1, students had significantly lower odds of reporting past-year cannabis use from Y2 to Y4, but significantly higher odds in Y6. Similar patterns were observed for lifetime use, weekly use, age at first use and ease of access, with odds of easy access continually increasing starting in Y4. Meanwhile, demographic differences remained mostly consistent across all indicators of cannabis use. Male students were more likely than female students to report any use, easy access or a lower age at first use. Compared with white students, Aboriginal students had the highest odds of reporting lifetime growth.
Figure 3  Rates of weekly and occasional cannabis use among youth participating in the COMPASS study (Ontario and Alberta, Canada). Total proportion of COMPASS students reporting weekly (one to six times a week or daily) and occasional (two to three times a month or less) cannabis use (A) in total and (B) by gender each school year from Y1 (2012/2013) to Y6 (2017/2018). (C, D) Total proportion of COMPASS students grouped by race/ethnicity reporting (C) weekly and (D) occasional cannabis use. Y1, 2012/2013; Y2, 2013/2014; Y3, 2014/2015; Y4, 2015/2016; Y5, 2016/2017; Y6, 2017/2018.

| Table 2 | Regression analyses† of the relationship between COMPASS year, student gender, student race or ethnicity and five cannabis use outcomes |
|-----------------|---------------------------------|-------------------------------------------------|---------------------------------|---------------------------------|---------------------------------|
| OR (95% CI) | Lifetime use | Past-year use | Weekly use | Ease of access | Age at first use |
| Year* | | | | | |
| 2012/2013 (ref) | | | | | |
| 2013/2014 | 0.92 (0.87 to 0.97)* | 0.92 (0.87 to 0.98)* | 0.94 (0.87 to 1.02) | 0.98 (0.93 to 1.03) | 1.00 (0.90 to 1.11) |
| 2014/2015 | 0.92 (0.87 to 0.97)* | 0.94 (0.88 to 0.99)* | 0.94 (0.86 to 1.02) | 0.97 (0.91 to 1.03) | 0.87 (0.79 to 0.97)* |
| 2015/2016 | 0.88 (0.84 to 0.92)* | 0.92 (0.87 to 0.97)* | 0.91 (0.84 to 0.98)* | 1.15 (1.06 to 1.22)* | 0.87 (0.79 to 0.97)* |
| 2016/2017 | 0.89 (0.83 to 0.94)* | 0.94 (0.89 to 1.00) | 0.90 (0.82 to 0.97)* | 1.16 (1.10 to 1.23)* | 0.95 (0.85 to 1.06) |
| 2017/2018 | 1.04 (0.97 to 1.10) | 1.11 (1.04 to 1.18)* | 0.96 (0.88 to 1.04) | 1.34 (1.26 to 1.43)* | 1.21 (1.08 to 1.35)* |

Gender |

<table>
<thead>
<tr>
<th>OR (95% CI)</th>
<th>Lifetime use</th>
<th>Past-year use</th>
<th>Weekly use</th>
<th>Ease of access</th>
<th>Age at first use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female (ref)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>1.14 (1.10 to 1.18)*</td>
<td>1.16 (1.12 to 1.20)*</td>
<td>1.80 (1.70 to 1.90)*</td>
<td>1.23 (1.19 to 1.28)*</td>
<td>0.63 (0.59 to 0.66)*</td>
</tr>
</tbody>
</table>

Race/ethnicity |

<table>
<thead>
<tr>
<th>OR (95% CI)</th>
<th>Lifetime use</th>
<th>Past-year use</th>
<th>Weekly use</th>
<th>Ease of access</th>
<th>Age at first use</th>
</tr>
</thead>
<tbody>
<tr>
<td>White (ref)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>1.50 (1.31 to 1.72)*</td>
<td>1.57 (1.35 to 1.82)*</td>
<td>2.77 (2.30 to 3.34)*</td>
<td>1.11 (1.01 to 1.22)*</td>
<td>0.21 (0.19 to 0.24)*</td>
</tr>
<tr>
<td>Asian</td>
<td>0.45 (0.39 to 0.52)*</td>
<td>0.47 (0.41 to 0.55)*</td>
<td>0.66 (0.56 to 0.79)*</td>
<td>0.39 (0.34 to 0.44)*</td>
<td>0.62 (0.53 to 0.72)*</td>
</tr>
<tr>
<td>Aboriginal</td>
<td>2.66 (2.38 to 2.97)*</td>
<td>2.24 (2.02 to 2.48)*</td>
<td>3.04 (2.71 to 3.42)*</td>
<td>1.10 (0.99 to 1.22)</td>
<td>0.30 (0.26 to 0.35)*</td>
</tr>
<tr>
<td>Hispanic</td>
<td>1.18 (1.09 to 1.27)*</td>
<td>1.11 (1.01 to 1.21)*</td>
<td>1.34 (1.16 to 1.56)*</td>
<td>1.00 (0.93 to 1.07)</td>
<td>0.63 (0.53 to 0.74)*</td>
</tr>
</tbody>
</table>

*Indicates significance at p<0.05
†Models were adjusted for grade, school median income, school urbanicity and school-level clustering.
(OR 2.66), past-year (OR 2.24) and weekly use (OR 3.04). Asian students had lower odds of reporting easy access or any category of use, whereas white students were more likely to start using cannabis later than any other group.

DISCUSSION
Cannabis use has been highly prevalent among COMPASS youth since 2012/2013, as it is among their peers across Canada.4 5 27 28 Our data generally suggest that, following a steady decrease over several years, there has been a gradual increase in youth cannabis use since the beginning of the federal discourse around legalisation. During this time, public perception of cannabis use shifted to include a type of 'sensible' use, which is intermittent and socially acceptable.29-35 For youth, these more accommodating social norms and pro-cannabis messaging are associated with increased cannabis use.36-50 Here, most of the increase we observed was due to an upswing of occasional, or sensible, use. When placed in the context of growing access after 2014/2015 and the slow rise in average age at first use, these data may represent the emergence of a large group of casual cannabis users who start later and use infrequently. Future, postlegalisation evaluations must therefore explore the impact on various patterns of use.

We may characterise our results further by relying on the normalisation theory framework, which posits that the interplay between six factors—access, trying and usage rates, attitudes, cultural accommodation and governmental response—can normalise drug use.39 40 Other factors have recently been suggested, for example, seeing drugs as a means of achieving normal goals, such as cannabis use by athletes to enhance performance.41-43 Indicators for the normalisation of cannabis use have been prevalent in Canada for some time.34 44-46 Subsequent to reduced restriction of medical cannabis in 2014, rates of students who thought cannabis easy to access significantly increased in 2015/2016 (Y4) and rose in tandem with further deregulation.4 1 The increased availability of cannabis is likely to have normalised and facilitated access for youth, who most commonly obtain drugs through their social network.40 47 Perceived access drives use48 and we identified that rates of cannabis use in our sample increased the following year (2016/2017). This is true especially among female students, for whom the effects of normalisation may be greater as their cannabis use has historically been more stigmatised than that of their male peers.49 Female students are also more likely to use alternative cannabis products, which were then becoming more accessible.50 51 As normalisation and access to diverse cannabis products is liable to increase in Canada after legalisation,49 52 special attention should be paid to subsequent impacts on female youth.

The evidence presented here demonstrates that the focus on demographic differences among youth who use cannabis is warranted. For instance, lifetime and past-year use rates were particularly high among Aboriginal students, who also reported the most weekly use. This is in line with existing evidence reporting similar results for both American and Canadian Aboriginal youth, who are more likely to start younger and use cannabis more regularly than white adolescents, especially if male.52-57 Following a steady decrease over several years, weekly use by Aboriginal youth increased significantly in 2017/2018 (Y6). This is a concerning development that may warrant close future monitoring, and interventions to mitigate the effects of cannabis legalisation for these adolescents are likely to be needed.

The evidence also suggests that studies on the impact of cannabis legalisation on Canadian youth should consider data from several years prior to the passage of the Cannabis Act. Relying on 2017/2018 as a solitary baseline is liable to miss key developments in the years before, and therefore likely to underestimate subsequent effect, for example, the increase in youth lifetime and past-year use. In 2016/2017, Health Canada funded the expansion of COMPASS to include high school students in Québec, British Columbia, and Nunavut, increasing the relevance of its future investigations of youth cannabis use. As cannabis legalisation is likely to disproportionately affect youth, these data will be essential to understand and mitigate its impact.

Limitations
The COMPASS study has several strengths, including prospective design, validated measures and large sample size.5 However, recall and social desirability biases may influence data from self-report questionnaires, leading to under-reporting of cannabis use, especially among subpopulations (eg, females) where use is more stigmatised.49 High school students who use cannabis at a high frequency are more likely to drop out,58 also resulting in underestimations, especially of weekly use rates. As the schools studied were from a convenience sample, results are not generalisable. However, use of a passive-consent protocol resulted in high participation rates and reduced selection bias within schools, and the large sample size suggests that conclusions drawn will apply to a substantial proportion of Canadian high school students.

CONCLUSIONS
Our data suggest that there has been a gradual rise in youth cannabis use due to the federal discourse around cannabis legalisation prior to actual changes in law. This negative trend appears amplified among some subpopulations of youth. Future research examining the impact of cannabis legalisation should consider the ramifications of these preimplementation changes when drawing conclusion about its overall effect on Canadian youth.
design of the work, revised the manuscript, approved the version to be published and agreed to be accountable for all aspects of the work. SL is the principal investigator of the COMPASS study, designed the work, reviewed the manuscript, approved the version to be published and agreed to be accountable for all aspects of the work.

Funding
The COMPASS study was supported by a bridge grant from the Canadian Institutes of Health Research (CIHR) Institute of Nutrition, Metabolism and Diabetes through the "Obesity—Interventions to Prevent or Treat" priority funding awards (OPP-110788; grant awarded to SL) and an operating grant from the CIHR Institute of Population and Public Health (IPPH; MOP-114873; grant awarded to SL). SL is a Chair in Applied Public Health funded by the Public Health Agency of Canada (PHAC) in partnership with CIHR. AMEE is funded by PHAC through a Natural Sciences and Engineering Research Council of Canada (Nserc) Visiting Fellowship in Government Laboratories.

Competing interests
None declared.

Patient consent for publication
Not required.

Ethics approval
The COMPASS study was approved by the University of Waterloo Office of Research Ethics (IRb file 17284) and appropriate school boards.

Provenance and peer review
Not commissioned; externally peer reviewed.

Data sharing statement
COMPASS data are available for researchers upon successful completion and approval of the COMPASS data usage application (https://www.uwaterloo.ca/compass-system/information-researchers). Technical details of COMPASS study methods are available online (https://www.uwaterloo.ca/compass-system/publications#technical).

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Breathmobile

The Breathmobile, a project of the Prescott-Joseph Center for Community Excellence (PJCCE), is partnering with Berkeley Unified School District and the City of Berkeley Public Health Division to bring asthma care to BUSD students. This free mobile asthma clinic provides diagnosis, education, and treatment for children with asthma. For the first year of this partnership, two BUSD elementary schools (Malcolm X and Rosa Parks) and one preschool (King Child Development Center) were selected based on the high asthma prevalence at these sites. In its fourth year (2016–2017) of partnership, the Breathmobile has expanded services to include all three BUSD preschools. PJCCE and school staff work closely with the City of Berkeley Public Health Division to identify students with asthma who could benefit from this community resource. The partnership is an example of community agencies working together to address health inequities and the achievement gap. Improving childhood asthma management improves health and improves educational success.

Alcohol, Tobacco and Marijuana Use in Berkeley’s Youth

Among children, use of alcohol, tobacco, and other drugs such as marijuana typically begins in middle and high school. Information in this section comes from statewide anonymous surveys of students about their experiences with substance use.

The initiation of substance use early in life contributes to higher levels of use and abuse later in life. Early onset is also associated with a host of negative health, social, and behavioral outcomes. These include physical and mental health problems, violent and aggressive behavior, and adjustment problems in the workplace and family.

![Graph showing alcohol, tobacco, and marijuana use in Berkeley's Youth](image_url)
Cannabis Commission Mission Statement
2018

Mission:
To ensure that cannabis provision in Berkeley is conducted in a safe and orderly manner to protect the welfare of Qualified Patients and the community. The commission shall consist of nine members. At least one commissioner shall be a member of a medical cannabis dispensary, one shall be a member of a collective that is not a dispensary, and one shall be a cultivator who is not primarily associated with a single dispensary and provides medical cannabis to more than one dispensary.

The purpose of this Section is to ensure that cannabis provision in Berkeley is conducted in a safe and orderly manner to protect the welfare of Qualified Patients and the community.

A. A cannabis commission is established. The commission shall consist of nine members. Appointments to the commission shall be made, and vacancies on the commission shall be filled, by council members, in accordance with the provisions of Sections 2.04.030 through 2.04.130. At least one commissioner shall be a member of a medical cannabis dispensary, one shall be a member of a collective that is not a dispensary, and one shall be a cultivator who is not primarily associated with a single dispensary and provides cannabis to more than one dispensary.

B. The commission shall recommend to the City operational and safety standards for Cannabis Collectives and Dispensaries, and shall consult with any individual, organization, affiliation, collective, cooperative or other entity which seeks to open a new Cannabis Collective or dispensary in Berkeley or to relocate an existing Cannabis Collective or dispensary. The commission shall advise the City as to whether the proposed Cannabis Collective or dispensary has a strategy for compliance with the published safety and operational standards before the new Cannabis Collective or dispensary commences lawful operation.

C. The commission will monitor the compliance of Cannabis Collectives and dispensaries in Berkeley for the purpose of correcting any violations of the safety and operational standards. Cannabis Collectives or dispensaries found to be in willful or ongoing violation of the standards shall be deemed in violation of this Chapter and referred to the City for appropriate action. (Ord. 7545-NS § 1, 2017; Ord. 7161-NS § 3, 2010; Ord. 7068-NS § 3 (part), 12/08/08)
TO: Medical Cannabis Commission

FROM: Elizabeth Greene, Secretary

SUBJECT: Final 2016-2017 Work Program

DATE: July 21, 2016

In accordance with Chapter V.A of the City of Berkeley Commissioners’ Manual, the Commission voted 4-0-0-4 at the June 2, 2016 meeting to adopt the following work plan:

1. Cultivation regulations
   a. Develop a selection process, as needed, for cultivation businesses
   b. Advocate for passage of BMC Chapter 12.25 and related changes to the medical cannabis ordinances in the BMC
   c. Advocate for expanding the areas where cultivation is permitted
   d. Consider equity access in any selection process

   Products:
   • Draft a selection process for Council consideration (if deemed necessary)
   • Develop information for Planning Commission and Council as necessary.

   Timing: Short term (selection process and BMC Chapter 12.25, July 2016 – October 2016) and On-going (expansion beyond the M District, June 2016 – June 2017)

2. Delivery services
   a. Research how delivery services are regulated in other cities
   b. Discuss options with City Attorney
   c. Develop ordinance to forward to Council
   d. Consider equity access in any selection process

   Product:
   • Draft recommendations to staff for incorporation into an ordinance (12.27)
   • Forward proposed ordinance to Council for consideration

   Timing: Moderate (July 2016 – January 2017)

3. Cottage cultivation industry
   a. Research how the State will regulate these businesses
   b. Discuss options with City Attorney and staff
   c. If necessary, draft ordinance to forward to Council
   d. Consider equity access in any selection process

   Product:
   • Draft recommendations to staff for incorporation into an ordinance (12.25)
   • Forward ordinance to Council for consideration

   Timing: Long range (October 2016 – April 2017)
4. **Consider ways to support patients in Federal housing**
   
   a. Research how whether other states have raised this issue with the Federal government
   
   b. Determine the best way to communicate about this issue with the federal government

   **Product:**
   
   - Letter to federal representative?

   **Timing:** Long range (May 2017 – July 2017)
The material in this guide is available in alternative formats upon request. Alternative formats include audio-format, braille, large print, electronic text, etc. Please contact the Disability Services Specialist and allow 7-10 days for production of the material in an alternative format.

Phone: 1-510-981-6418  |  TTY: 1-510-981-6347
This Quick Reference Guide has been created for commissioners and board members. It is an easy, quick way to review common points of interest about commissioner service. More in-depth guidance, and the City’s official guidelines and regulations related to commissions, may be found in the **Commissioners’ Manual**, which outlines key concepts and rules related to the terms, requirements, work and purview of commissioners throughout their time on a commission or board. **Commissioners are encouraged to familiarize themselves with the Manual, as it contains comprehensive procedural and regulatory information that is critical to commissioners’ work.**

You may find the Commissioners’ Manual by contacting the City Clerk Department at 510-981-6900 or emailing commission@cityofberkeley.info, or by visiting the Boards and Commissions page on the City’s website at [https://www.cityofberkeley.info/commissions/](https://www.cityofberkeley.info/commissions/).
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For comprehensive information, refer to the Commissioners’ Manual
INTRODUCTION

For comprehensive information related to the purposes and organization of the board and commission system, and how their work is established, please refer to the Commissioners’ Manual.

Commission Purview: Every commission is created by enabling legislation, which may take the form of an ordinance or resolution. When appointed, Commissioners are provided a copy of the enabling legislation pertinent to their commission or board. This enabling legislation defines the role, scope, and responsibilities of the commission.

SERVING ON A COMMISSION

Membership and Appointments: In order to be appointed to serve on a commission, commissioners must abide by certain requirements, such as residency requirements, and not be employees of the City of Berkeley. Appointments are generally made by a Councilmember appointing someone pursuant to the Fair Representation Ordinance.

Oath of Office: Before commissioners can participate as voting members of their commissions, they must take the Oath of Office as required by law, at the City Clerk Department or through their commission secretaries. Failure to take the Oath of Office within 30 days of the appointment date is cause for automatic termination.

Terms of Office: Most commissions have both “term minimums” and “term maximums.”

Vacancies: Vacancies are filled via the commission appointment or reappointment process.


Attendance Requirements: It is important to note that all commissions are subject to certain attendance regulations. Failure to comply with attendance rules can result in automatic termination.

Commissioners must attend all meetings in order to avoid being marked absent. A commissioner is “absent” unless he or she 1) has been granted an excused absence because the meeting conflicts with a religious or cultural holiday (see below); or 2) The commissioner has obtained an approved leave of absence from their appointing councilmember or commission. Commissioners should inform the secretary as far in advance as possible if they cannot attend a meeting.
A commissioner must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

**Absences, Leaves of Absence, and Terminations:** There are various kinds of absences; below is information about them, and how they may lead to automatic termination.

**Leaves of Absence:** Leaves of Absence (LOA) may be granted to the commissioner by the appointing councilmember for a specific meeting, or a period not to exceed three months. Written notice of the LOA must be filed by the Councilmember with the City Clerk prior to the actual absence. Leaves of Absence may not be granted retroactively. Commissioners interested in seeking a Leave of Absence should contact their appointing Councilmember with their request in advance of the absence, and should consult the Commissioners’ Manual to review specific exceptions and rules related to Leaves of Absence.

**Automatic Terminations:** The following are reasons why commissioners are automatically terminated:

- Absence from three consecutive meetings. Note that Commissions that meet on a reduced schedule may have different attendance rules.
- Absence from 50% or more of all regular meetings in a six-month period. Note that newly appointed commissioners must attend more than half of all regular meetings held during the reporting period since being appointed in order to avoid termination.
- The non-filing of required Conflict of Interest Disclosure statements.
- Failure to take the Oath of Office within 30 days of the appointment date.
- Non-residency.
- Failure to meet any eligibility requirements of the ordinance, resolution, or other law establishing the commission or regulating its membership.

**Resignations:** Commissioners wishing to resign must submit a written resignation directly to the City Clerk and to the appointing Councilmember or the Council, as appropriate. Either an electronic or a hard copy resignation will be accepted. Resignations are effective the day the notice is received by the City Clerk unless a future date is indicated.

**Accommodations for Commissioners with Disabilities:** Commissioners who have a disability have a right to reasonable accommodations necessary for them to participate in City meetings and programs. The Americans with Disabilities Act (ADA) and other laws mandate that the City provide programmatic access and effective communication for people with disabilities to be able to participate in the City’s programs, services, and activities including public meetings. For more information, contact the City’s Disability Compliance Program at 6418.
Stipend: To remove economic hardship barriers, the City Council authorizes payment in lieu of certain expenses to commissioners of all Council-appointed boards, commissions, committees, task forces, and joint subcommittees who meet certain household income criteria. Eligibility criteria and payment information may be found in the Commissioners’ Manual. Commissioners submit periodic eligibility paperwork directly to the Commission Secretary.

Conflict of Interest and Form 700: Members of Berkeley’s commissions provide advice to the City Council, study various matters and, in the case of certain commissions, function in a quasi-judicial capacity. All members of commissions should be aware of the need to avoid any instances of conflict of interest. Conflict of interest standards are generally applicable to all commissions, with specific requirements sometimes applicable to particular boards and commissions. Conflict of Interest is reviewed in the Commissioners’ Manual in depth. Some important points related to Conflict of Interest include:

- Commissioners are prohibited from making contracts in which they are financially interested.
- Commissioners are prohibited from participating in any decisions if it is reasonably foreseeable that the decision will have a financial effect on interests of the commissioner or his or her family, separate from the effect of the decision on the public in general.
- Commissioners must disclose the conflict and then remove themselves (recusal) from proceedings if there is a Conflict of Interest.

Most, commissioners are required to file a Form 700 Statement of Economic Interests in which they disclose specified financial interests. Failure to file the Form 700 within 30 days of appointment will result in termination from the commission. Form 700s are required upon appointment, annually, and when leaving a commission.

Commission Organization and Officers: All commissions have a chair and vice-chair as its officers. Officers are elected by a majority of the members of the commission. The terms, training requirements, and duties of these offices are described in the Commissioners’ Manual.

Use of the City Logo and Business Card Policy: The City of Berkeley does not provide business cards for members of appointed boards and commissions. Commissioners are prohibited from using the city logo, branding, or collateral to create their own business cards.
COORDINATION AND COMMUNICATION WITH COUNCIL, STAFF, AND OTHERS

Coordination and Communication with City Council: The role of a commission is to advise the City Council. The City Council is responsible for accepting, rejecting, or modifying commission recommendations. The Council relies on the various commissions to increase the variety of viewpoints and talents brought to bear on City problems. By concentrating on specific areas, commissioners use their expertise and conduct detailed analyses that the Council itself may not have the time to pursue. It is expected that commissions will adopt positions of advocacy within their specific purview. However, the City Council’s role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public good. The Council must weigh the effect of any given recommendation, not only on the particular area of interest but on all other City goals and programs.

A commission transmits its findings, responses to referrals, and other recommendations to the Council through the Council agenda, or by transmitting a letter of communication.

There are many factors related to an item being placed on an agenda or in transmitting a letter to the Council. The commission secretary facilitates the process of communicating with the Council; consult the Commissioners’ Manual for more information about this topic.

Coordination and Communication with Staff: The commission secretary, a City employee designated to assist the commission in its functions, performs administrative duties and ensures that the commission is apprised of laws and processes affecting proposed recommendations.

The commission secretary is also a representative of the City Manager, and therefore advises the commission of staff’s recommendations. In this sense, the secretary is an active participant with the commission, although without a vote, rather than merely a passive transmitter of information. The secretary assists the commission but is not an employee of the commission. At all times, the secretary is directly responsible to the department director and City Manager.

In coordinating with staff, commissioners must:

- Ensure all contacts from the commission to any member of the staff, including those to a higher-level employee (e.g. the City Manager), are transmitted through the secretary. Conversely, all contacts from staff to the commission go through the secretary.
- Keep all contacts with staff members clearly in the framework of the commission assignment.
- Not ask for individual reports, favors, or special considerations.
• Direct complaints from the public directly to the secretary, who will respond on behalf of the City.
• Realize that the assigned secretary reports directly to a supervisor and may not be able to carry out every request that the commission may have.

Further information related to the secretary’s role with the commission is provided in the Commissioners’ Manual.

**Commission Relationship with City Manager:** The City Manager has a direct interest in the work of all commissions as they often advise the City Council on issues that will affect the use of staff time and City resources.

**IMPORTANT REMINDER:** When considering the appropriateness of communicating publically as a commissioner, remember these simple guidelines:

• The City Council speaks for the City
• Commissions speak to the Council
• Commissioners speak as private individuals

Any time a commissioner uses their commission title or references their membership on a city commission when speaking publically, they must state the following:

“I am speaking in an individual capacity and not representing the [Commission Name] or the City of Berkeley.”

**PUBLIC MEETINGS AND AGENDAS**

**The Brown Act:** The Brown Act is the state’s open meetings act. It is intended to ensure that the public has adequate notice of what actions its elected and appointed local decision makers may take and that those decisions and the deliberations leading to them occur in public.

The Brown Act applies to the meetings of legislative bodies such as commissions.

Any contact between a quorum of the legislative body, either directly or through intermediaries, to hear, discuss, deliberate, or take action “on any matter within the subject matter jurisdiction” of the City or commission is a meeting. All meetings must be conducted in compliance with the Brown Act. Meetings also include retreats, forums, workshops, and similar types of events. The definition of a meeting extends to contact in person, by telephonic or other electronic medium, or through intermediaries. With a few narrow exceptions not applicable to most commissions, all meetings of legislative bodies must be open to the public.
Types of Meetings: Meeting types include:

- **Regular meetings**—meetings that occur at dates, times, and places set by formal action of the commission at the beginning of the year.
- **Special meetings**—meetings called to hear a specific item or items. These meetings are not “standing” meetings with set dates, times, and places.
- **Subcommittee meetings**—meetings with less than a quorum of the parent committee, designated by the commission for a specific task and a limited duration. These subcommittees are advisory to their parent commission, not to Council, and are tasked with studying specific issues. Note that ad hoc subcommittees have different agenda requirements than other kinds of meetings.
- **Public hearings**—meetings that are held when required by law. Not all commissions hold public hearings.
- **Concurrent meetings of commissions**—meetings held by two or more commissions or subcommittees to discuss an issue that falls under their purview.

Each type of meeting has its own requirements related to how the meeting is noticed (how many hours prior to the meeting the agenda is published, and where it is published). More information related to how the Brown Act treats these meetings is available in the Commissioners’ Manual. The Manual also explains what gatherings are not considered meetings under the Brown Act.

**Brown Act Violations and Danger Areas:** Below are some of the “danger areas” related to the Brown Act.

- **Serial Meetings:** One type of illegal meeting is a “serial meeting.” A serial meeting is one in which a quorum of a legislative body communicates with each other, directly or indirectly, through whatever medium, to develop collective concurrence. There are many types of serial meetings, all of which are prohibited.
- **Retreats, Forums, Workshops:** Retreats, forums, study sessions, workshops, and similar are considered meetings. Any such activity, where a quorum of the commission is present and discussing commission business, is a meeting. It must meet all the requirements for notice, public participation, location, and accessibility.
- **Lobbying:** Serial lobbying by members of the public of all commission members is not prohibited as long as they are not acting as intermediaries between members of the legislative body.

**Placing Items on a Commission Agenda:** Any commissioner may submit items to appear on their respective commission’s agenda. Commissions should adopt procedures and guidelines in their bylaws for submitting items to the commission agenda.

For comprehensive information, refer to the Commissioners’ Manual 9
COMMISSION PROCEDURES

Following proper procedures will ensure the validity and integrity of commission actions. It is essential that commissioners remember that the standards of conduct and transparency are higher for public legislative bodies. Procedures ensure clear and efficient conduct of commission business and facilitate a productive public process.

Polling, Quorum, and Voting: The Commissioners’ Manual reviews proper procedures for polling to ensure there is a quorum for a meeting. A quorum is the minimum number of commissioners who must be present for the valid transaction of business. Voting refers to the number of affirmative votes needed to pass a motion.

Rules and Procedures of Commission Meetings: Procedures for meetings are established via meeting rules. Parliamentary procedures for chairs and commissioners, the precedence of motions, and voting procedures are available in informational materials provided by the City Clerk Department. Parliamentary rules derive from Robert’s Rules of Order.

Order and Decorum: The ways in which the public may address the commission at meetings, and the conduct of public at these meetings, is addressed in the Commissioners’ Manual.

Commissioners must adhere to these standards of conduct:

- While the commission is in session, the commissioners should not interrupt the proceedings or any commissioner or member of the public who has the floor.
- The chair or the vice-chair may participate in the debate, subject only to such limitations of debate as are imposed on all commissioners. The chair should not be deprived of any of the rights and privileges enjoyed by a commissioner by reason of his or her acting as the presiding officer.
- Every commissioner desiring to speak should address the chair and, upon recognition by the chair, should confine himself or herself to the question under debate.
- A commissioner, once recognized, should not be interrupted when speaking unless it is to call him or her to order or for a point of personal privilege. If a commissioner, while speaking, is called to order, he or she should cease speaking until the question of order can be determined, and, if in order, he or she should be permitted to proceed.
COMMISSION REPORTS TO COUNCIL

The City Council values the recommendations that commissions make, and commissions should follow guidelines to create high-quality reports. The agenda process and the Council’s agenda schedule are important to consider when creating a report.

To transmit findings to the Council, **action of the full commission is required.** Commissions should prepare the text of their reports or letters with the approval of the full commission. Basic steps for communicating to the Council include:

- An item is placed before the commission by Council referral, staff, or a commissioner.
- The commission agendizes the topic.
- The commission discusses the agendized item and votes to send its recommendation or findings to Council.
- The commission drafts a report, approving the text by motion and vote, and sends it to the secretary (it may take several commission meetings to fully discuss an item and agree on findings). Final editing may be assigned to specific commissioners.
- The secretary enters the report into the Council agenda review process within three weeks from receiving the final text of the report from the commission.

There are procedural aspects related to providing the Council with high-quality reports, such as going through a comprehensive review process, evaluating financial implications, using the correct format, and clearly stating the implications of the recommendation. Reports should include:

- A clear recommendation on what action the commission is asking Council to take.
- A realistic evaluation of the financial implications of the recommendation and, if possible, potential funding sources.
- The reasons for the recommendation and the facts that support them.
- The resolution or ordinance in proper format, if needed.
INFORMATION FOR CHAIRS AND VICE-CHAIRS

The chair, who is elected by the majority of the commission for a one year term, presides at commission meetings and ensures the work of the commission is accomplished.

The election of the chair and vice-chair is usually in February; check the commission’s specific enabling legislation for exceptions. The term for both chair and vice-chair is one year. Elections must be placed on the commission agenda, as described in the Commissioners’ Manual. Regulations for officer elections include:

- Nominations for chair and vice-chair require a motion (with second).
- A commissioner may nominate himself or herself.
- Any member of the commission, regardless of length of tenure on the commission may be elected chair or vice-chair.
- There is no automatic succession from vice-chair to chair.
- Motions to nominate must be voted on in the public forum, and no secret ballots are allowed.
- A roll call vote is recommended for votes on commission officers, and is required if any commissioner requests a roll call vote.
- The results of the vote must be publicly announced and the vote recorded in the minutes.
- A commissioner may not be elected chair if he or she will not be able to finish the term due to the two-year limitation.

A commissioner shall not serve as chair for more than two consecutive years; there are no term limits for the vice-chair.

The vice-chair assumes the duties of the chair in his or her absence.

Some of the major duties for the chair include:

- Presiding over meetings effectively by exerting sufficient control of the meeting to eliminate irrelevant, repetitious, or otherwise unproductive discussion. At the same time, the chair must ensure that all viewpoints are heard and are considered in a fair and impartial manner.
- Controlling the debate among commissioners so everyone has a chance to speak.
- Participating in debate.
- Making motions, and seconding motions.
- Presiding over public hearings.
- Ensuring commission bylaws, if any, and procedures are followed. The chair cannot make rules related to the conduct of meetings; only the full commission may do so.
- Appointing commissioners to temporary subcommittees subject to the approval of the full commission.
• Approving the agenda prior to distribution. This is limited to the structure and order of the agenda and does not grant the chair the authority to remove an item submitted by commissioners or staff if submitted by the established deadline.

• Signing correspondence on behalf of the commission.

• Representing the commission before the City Council. Other commissioners may be the representative with the formal approval of the commission by motion and vote.

• Responding to inquiries from the media to clarify actions taken by the commission, but not editorializing, offering personal opinions, or speculating about future actions when speaking in such capacity.

• Approving commission reports to Council. The chair cannot modify content that was approved by the full commission.

• Calling special meetings when necessary.

Per the City Council, chairs and vice-chairs are required to participate in mandatory annual training. A video training provided by the City Clerk Department satisfies this requirement. The video features training on commission procedures and legal requirements. This training video must be viewed and the Affirmation of Completion must be filed with the City Clerk no later than 60 calendar days from the date of election as chair or vice-chair. Failure to comply with these requirements will result in the immediate forfeiture of the position of chair or vice-chair. While not mandatory for commissioners other than the chair and vice-chair, completion of this training is encouraged for all commissioners.