

CITY OF BERKELEY
MEDICAL CANNABIS COMMISSION
PLANNING DEPARTMENT
C/O ELIZABETH GREENE, COMMISSION SECRETARY
2120 MILVIA STREET, 2ND FLOOR, BERKELEY, CA 94704
510/981-7484 EGREENE@CITYOFBERKELEY.INFO
UNDER AUTHORITY OF BERKELEY MUNICIPAL CODE 12.26.110

BYLAWS

AS APPROVED BY THE COMMISSION ON OCTOBER 6, 2011

ARTICLE I
AUTHORITY AND NAME

The name of this Commission is the City of Berkeley Medical Cannabis Commission. This Commission is specifically authorized by Berkeley Municipal Code 12.26.110, as amended by its authorizing legislation, the Patients Access to Medical Cannabis Act of 2008 (aka Measure JJ) passed by 62.71% of the voters of Berkeley on November 4, 2008 and as amended by Measure T, passed by 64.3% of the voters of Berkeley on November 2, 2010.

ARTICLE II
PURPOSES

The purposes of this Commission are:

- 1) To ensure that medical cannabis provision in Berkeley is conducted in a safe and orderly manner to protect the welfare of qualified medical cannabis patients and the community; and
- 2) To publish annually operational and safety standards for Berkeley's medical cannabis dispensaries; and
- 3) To oversee the operation of medical cannabis dispensaries and ensure their compliance with the published standards; and
- 4) To consult with any individual, organization, affiliation, collective, cooperative or other entity that seeks to open a new medical cannabis dispensary in Berkeley or to relocate an existing medical cannabis dispensary; and
- 5) To fulfill all its purposes as found in, and to facilitate and implement, its authorizing legislation.

ARTICLE III
MEMBERSHIP

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 BMC 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 medical cannabis to more than one dispensary.

Commissioners should consult the Commissioner's Manual to answer questions regarding absences, vacancies and removal from the Commission.

ARTICLE IV
OFFICERS

The members shall elect from amongst themselves a chairperson and a vice-chairperson, who shall serve one-year terms as officers and shall hold office until their successors are elected or until their terms as members of the commission expire. No commissioner shall serve as chairperson for more than two consecutive terms. The annual election of commission officers should be during the month of February.

ARTICLE V
STAFF

The City Manager, or designee, may provide this Commission with staff assistance as provided to all other city boards, commissions, and committees.

ARTICLE VI
MEETINGS

This Commission shall meet up to ten times a year at a regularly scheduled date and time. Additional meetings may be held with approval of the City Council.

ARTICLE VII
RULES AND PROCEDURES

This Commission shall set its own rules and procedures, including the adoption or amendment of these bylaws, by a majority vote of not less than the minimum constituting a quorum. Voting shall be required for the adoption of any motion or resolution. A majority vote of not less than the minimum constituting a quorum shall be required for the passage of any motion, resolution, or certification.

Commissioners should be mindful to avoid actual conflicts of interest, as well as the appearance of bias in decisions. Commissioners should consult the Commissioner's Manual for general information and contact either the Commission Secretary or the City Clerk/City Attorney's office with specific questions.

This Commission shall, in so far as practicable, conduct its business in accordance with Robert's Rules of Order as provided by O. Garfield Jones, except as modified by these bylaws and in compliance with the Brown Act.

ARTICLE VIII
PUBLIC PARTICIPATION

This Commission welcomes and invites public participation at its meetings. Time will be provided for public comment at meetings on agenda items and other matters.

ARTICLE IX
COMMITTEES

This Commission may form ad hoc committees from among its members as needed to examine, study, and review matters and issues, and to present their analyses, proposals, findings, and recommendations to this Commission for its consideration and action.

This Commission shall not delegate to any committee any of its decision-making powers or its duties.