



CITY COUNCIL

**Darryl Moore**  
Councilmember District 2

CONSENT CALENDAR  
June 11, 2013

To: Honorable Mayor and Members of the City Council  
From: Councilmember Darryl Moore, District 2  
Subject: Protecting Berkeley’s Medical Cannabis Dispensaries

RECOMMENDATION

Authorize and direct the City Manager and City Attorney to take all necessary and appropriate actions to timely join in or initiate and file a lawsuit opposing the complaint seeking forfeiture of 2366 San Pablo Avenue, Berkeley, the site of Berkeley Patients Group, filed on May 2, 2013, in the United States District Court for the Northern District of California.

BACKGROUND

Since 1999, BPG has served as a national model of the not-for-profit, services-based medical cannabis dispensary. They have contributed significantly to our local community, providing good jobs and paying millions of dollars in taxes, as well as actively supporting dozens of Berkeley community organizations. They have improved the lives and assisted the end-of-life transitions of thousands of patients.

On May 3rd, 2013 the United States Attorney served Berkeley Patients Group (BPG) with a forfeiture complaint for their site at 2366 San Pablo Ave., setting a dangerous precedent for the United States Attorney to use this as a tool to harass entities who conduct legitimate business under state law. It is important for the City of Berkeley to intervene in this action so as to protect businesses that are operating in compliance with state and local law and because the City of Berkeley has a significant and direct interest in the property in question.

It is recommended that the City of Berkeley take all necessary and appropriate actions to timely join in or initiate and file a lawsuit opposing the complaint seeking forfeiture of 2366 San Pablo Avenue, Berkeley, the site of Berkeley Patients Group.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CONTACT PERSON

Councilmember Darryl Moore, District 2 981-7120

