

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville Adopting Regulations To Govern the Issuance Of An Operator's Permit To Cannabis Dispensaries/Retail Outlets

WHEREAS, on March 21, 2017, the City Council adopted the first reading of Ordinance No. 17-003, which establishes the regulatory framework in which the City of Emeryville ("City") will issue an Operator's Permit to cannabis businesses; and

WHEREAS, on April 4, 2017, the City Council adopted the second reading of the Ordinance No. 17-003, which is to become effective September 1, 2017; and

WHEREAS, the section of Ordinance No. 17-003 to be codified as Section 5-28.07(b) of the Emeryville Municipal Code provides that no Dispensary/Retailer Permit, as that term is defined in Ordinance No. 17-003, shall issue until the City Council adopts regulations establishing issuance of such permit;

WHEREAS, the City Council desires to establish those regulations at this time by adopting this resolution; now, therefore, be it

RESOLVED, the City Council for the City of Emeryville hereby adopts the following regulations to govern the issuance of a Dispensary/Retailer Permits as that term is defined in Ordinance No. 17-003. The regulations are as follows:

1. Purpose. The purpose of these regulations is to establish the process by which the City will issue an Operator's Permit for dispensary/retail outlet pursuant to a Request for Qualifications (RFQ). Each RFQ is intended to deem one cannabis business qualified to receive a Dispensary/Retailer Permit. However, the City Council reserves its right to decline to qualify any cannabis business responding to the RFQ or to deem more than one cannabis business responding to the RFQ qualified to obtain a Dispensary/Retailer Permit per Request for Qualification.

2. Issuance of RFQ. The City Manager or her designee may issue Request for Qualifications (RFQ) inviting potential cannabis businesses to submit their qualifications for a Dispensary/Retailer Permit upon prior authorization from the City Council.

3. Form of RFQ. The RFQ issued should include any goals that the City desires to accomplish through the issuing of a Dispensary/Retailer Operator's Permit. The RFQ shall also include the Rating Sheet, attached as Exhibit A, or a rating sheet in a substantially similar form.

4. Rating and Ranking of Applicants.

a. City staff to be designated by the City Manager shall use the Rating Sheet to rate and rank the cannabis businesses based on their written materials submitted in response to the RFQ and any oral presentations

to City staff. The Rating Sheet is intended to provide the minimum criteria that will be utilized to rank the cannabis businesses competing for the qualification. Unless otherwise specified by the City Council prior to the issuance of the RFQ, the multiplication factor for each criterion shall be one.

- b. The City Manager shall forward to the City Council the written submittals submitted from the top three ranked applicants, and any other relevant information, for the City Council's consideration. At the City Manager's discretion, the City Manager may forward additional applicants for the City Council's direction.

5. Council Action. In the City Council's sole discretion, the City Council may make the determination of qualification for a Dispensary/Retailer Permit at either a regular or special meeting, if a determination of qualification is made.

6. Issuance of Operator's Permit. Once the City Council has deemed a cannabis business qualified to obtain a Dispensary/Retailer Permit, the Police Chief has the authority to issue the permit for up to one year from the date that the City Council has deemed the cannabis business qualified, provided the following conditions are satisfied:

- a. The cannabis business obtains a conditional use permit for a dispensary/retailer from the Planning Commission for the site of the proposed dispensary/retail outlet, and all other applicable local permits and licenses; and
- b. The cannabis business provides updated information to the Police Chief to demonstrate that there has been no material changes in their application for a Dispensary/Retailer Permit since deemed qualified by the City Council. In the event that the Police Chief determines that there are material changes in the cannabis business application, the Police Chief shall refer the matter to the City Council for final determination as to whether the Dispensary/Retailer Permit shall issue.

7. The City Council may extend the time period that the cannabis is deemed qualified if selected cannabis business submits an application prior to the one year anniversary of being deemed qualified request such an extension, and the City Council finds there is good cause to extend the time period by which the selected cannabis must obtain the Operator's Permit from the Police Chief.

8. Once the City Council has deemed a cannabis business qualified to receive a Dispensary/Retailer Permit, and the Police Chief has issued such a permit to the cannabis business, the Police Chief is authorized to approve future permit renewals,

modifications or transfers, and to revoke, suspend, or deny permits as provided for in Ordinance No. 17-003, as it exists or may be amended.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, _____, 2017 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY