



## Monterey County Board of Supervisors

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066  
[www.co.monterey.ca.us](http://www.co.monterey.ca.us)

### Board Order

A motion was made by Supervisor Chris Lopez, seconded by Supervisor John M. Phillips, as amended, to:

- a. Receive a report on the findings of the Cannabis Business Permit fee study; and
- b. **Adopt Resolution No.: 21-132** amending I.E (Heath Department), IX (Housing and Community Development), XVII (Office of the County Counsel), and XXI (County Administrative Office – Cannabis Program) of the Monterey County Master Fee Resolution to update the fees for processing the Commercial Cannabis Permit.

PASSED AND ADOPTED on this 11<sup>th</sup> day of May 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting May 11, 2021.

Dated: May 13, 2021  
File ID: 21-385  
Agenda Item No.: 14

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Julian Lorenzana, Deputy

*Before the Board of Supervisors in and for the  
County of Monterey, State of California*

**Resolution No. 21-132**

A Resolution of the Monterey County Board of Supervisors to:  
Amend Articles I.E (Heath Department), IX (Housing and )  
Community Development), XVII (Office of the County )  
Counsel), and XXI (County Administrative Office – )  
Cannabis Program) of the Monterey County Master Fee )  
Resolution to update the fees for processing the Commercial )  
Cannabis Permit..... )

**WHEREAS**, on July 19, 2016, the Monterey County Board of Supervisors adopted an ordinance adding Chapter 7.90 to the Monterey County Code;

**WHEREAS**, Chapter 7.90 requires commercial cannabis businesses to obtain an annual Commercial Cannabis Business Permit to conduct commercial cannabis activities, including cultivation, manufacturing, distribution, testing, and dispensaries in accordance with state and County law;

**WHEREAS**, Cannabis Program staff have received a substantial volume of requests to modify existing permits or registration forms to justify the implementation of a new modification fee as calculated by the fee study;

**WHEREAS**, Cannabis Program staff have received a substantial volume of requests for information to justify the implementation of a new research fee similar to those charged by County departments for such requests;

**WHEREAS**, previous amendments to Articles I.E, IX, XVII, and XXI became effective August 22, 2019;

**WHEREAS**, Section 1.40.010 of the Monterey County Code provides that all fees, penalties, refunds, reimbursements and charges of any kind by the County may be specified in the Monterey County Fee Resolution;

**WHEREAS**, this action to adjust these fees and other charges to meet operational expenses is statutorily exempt from environmental review [Pub. Res. Code § 21080(b)(8)];

**WHEREAS**, any and all adjustments to fees for services reflect no more than the actual and reasonable cost of the service or benefit received by the payor and burdened on the County;

**WHEREAS**, by definition, these user fees are not a “tax” and are exempt from voter approval pursuant to Article XIIC, section 1(e)(3) of the California Constitution (charges imposed for the reasonable regulatory costs to a local government for issuing licenses and permits); and

**WHEREAS**, the purpose of this action is to establish a standard fee to reduce the staff time required to process and issue Commercial Cannabis Business Permits and internally reallocate disbursements to departments.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors of the County of Monterey does hereby adopt a resolution to:

- I. Find that the foregoing recitals are true and correct.
- II. Articles I.E (Heath Department), IX (Housing and Community Development), XVII (Office of the County Counsel), and XXI (County Administrative Office – Cannabis Program) of the Monterey County Master Fee Resolution are hereby amended, as set forth in the attached Exhibits 1, 2, 3, and 4, incorporated herein by reference.
- III. These amendments do not change the other fees set forth in Articles I.E, IX, XVII, which remain in full force and effect.
- IV. Said amendments to the Articles I.E, IX, XVII, and XXI shall take effect no sooner than 30 days following final action on the adoption of this Resolution.

**PASSED AND ADOPTED** on this 11<sup>th</sup> day of May 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)


I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting May 11, 2021.

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**EXHIBIT 1 (Environmental Health Bureau)**

AMENDMENT TO ARTICLE I.E  
HEALTH DEPARTMENT FEES

Subdivision C (Miscellaneous Permits and Fees) of Section 5 of Article I.E is amended to revise the following fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>UNIT</u>
Cannabis Business Permit - Initial	\$1,274	Each
Cannabis Business Permit - Renewal	\$637	Each

**EXHIBIT 2 (Housing and Community Development)**

AMENDMENT TO ARTICLE IX  
HCD-PLANNING DEPARTMENT FEES

Subdivision A (Various fees pursuant to Government Code Section 65104 for planning services provided by the Department) of Section 2 of Article IX is amended to revise the following fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>UNIT</u>
Cannabis Business Permit - Initial	\$185	Each
Cannabis Business Permit - Renewal	\$92.50	Each

**EXHIBIT 3 (Office of the County Counsel)**

AMENDMENT TO ARTICLE XVII  
COUNTY COUNSEL FEES

Subdivision D (Fees for Miscellaneous Services) of Section 1 of Article XVII is amended to revise the following fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>UNIT</u>
Cannabis Business Permit - Initial	\$365	Each
Cannabis Business Permit - Renewal	\$182.50	Each

**Exhibit 4 (CAO)**

AMENDMENT TO ARTICLE XXI  
CAO-CANNABIS PROGRAM FEE

Section 1 of Article XXI is amended to revise the following fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>UNIT</u>
Cannabis Business Permit - Initial	\$3,086	Each
Cannabis Business Permit - Renewal	\$1,543	Each
Permit/Registration Form Modification Fee	\$1,070	Each
Research Fee (1 hour minimum)	\$74	Hour