

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

Resolution No. _____

Resolution of the Board of Supervisors to:

Adopt a Resolution to amend Articles I.E, IX and XVII and add Article XXI to the Monterey County Master Fee Resolution to internally reallocate fees received associated with processing Commercial Cannabis Permits.

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 Permit to conduct commercial cannabis activities, including cultivation, manufacturing, distribution, testing, and dispensaries in accordance with state and County law;

WHEREAS, On September 27, 2016, the Monterey County Board of Supervisors established new fees for Commercial Cannabis Permits;

WHEREAS, Section 1.40.010 of Chapter 1.40 of the Monterey County Code provides that all fees, penalties, refunds, reimbursements, and changes of any kind collected by the County may be specified in the Monterey County Fee Resolution;

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 internally reallocate disbursements for fees received associated with processing the Commercial Cannabis Permits as created by Chapter 7.90. Per the proposed amendments to the Monterey County Fee Resolution, the Commercial Cannabis Permit fee would be based on actual time spent by the CAO Cannabis Program, Resource Management Agency (RMA) – Building and Planning, Health Department – Environmental Health Bureau, and Office of the County Counsel in processing applications for these permits and would require an upfront deposit.

NOW, THEREFORE, BE IT RESOLVED, that the Monterey County Board of Supervisors does hereby find:

- a. The forgoing recitals are true and correct.

- b. Article I.E (Health Department), Article IX (RMA-Building and Planning), and Article XVII (Office of the County Counsel) of the Monterey County Master Fee Resolution are hereby amended as shown in Exhibits 1, 2, and 3 attached hereto and incorporated herein by reference.
- c. These amendments do not change the other fees set forth in Articles I.E, IX, XVII which remain in full force and effect.
- d. Article XXI (County Administrative Office – Cannabis Program) is hereby added to the Monterey County Master Fee Resolution as shown in Exhibit 4 attached hereto and incorporated herein by reference.
- e. Said amendments to the Articles I.E, IX, and XVII, and the addition of Article XXI shall take effect no sooner than 30 days following final action on the adoption of this Resolution.

PASSED AND ADOPTED on this 23rd day of July 2019, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:
 NOES:
 ABSENT:

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 resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book ____ for the meeting on July 23, 2019.

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

By: _____

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:

[Description]	[Amount]	[Unit]
Commercial Cannabis Permit – initial permit	\$2,050.00	Deposit
Commercial Cannabis Permit – renewal	\$ 138.00	Deposit

EXHIBIT 2 (Resource Management Agency)

**AMENDMENT TO ARTICLE IX
RMA-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:

[Description]	[Amount]	[Unit]
Commercial Cannabis Permit – initial permit	\$1,000.00	Deposit
Commercial Cannabis Permit – renewal	\$ 230.00	Deposit

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:

[Description]	[Amount]	[Unit]
Commercial Cannabis Permit – initial permit	\$ 424.00	Deposit
Commercial Cannabis Permit – renewal	\$ 160.00	Deposit

EXHIBIT 4 (CAO)

ARTICLE XXI
CAO CANNABIS PROGRAM FEE

Section 1 of Article XXI is adding the following fees:

[Description]	[Amount]	[Unit]
Commercial Cannabis Permit – initial permit	\$1,000.00	Deposit
Commercial Cannabis Permit – renewal	\$ 500.00	Deposit