

RESOLUTION NO. 2016-40
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
ESTABLISHING FEES FOR THE MEDICAL CANNABIS DISPENSARY PROGRAM

SECTION I: FINDINGS

- I. WHEREAS, on May 3, 2016, the Marin County Board of Supervisors held a public meeting to consider proposed fees to implement the Medical Cannabis Dispensary Program. The County has evaluated its services, the costs reasonably borne, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services.
- II. WHEREAS, the Marin County Board of Supervisors wishes to comply with both the letter and spirit of Article XIIIIB of the California Constitution and limit the growth of taxes. The County desires to establish a policy of recovering a reasonable portion of the costs reasonably borne of providing special services of a voluntary and/or limited nature, such that a significant amount of general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services.
- III. WHEREAS, the Marin County Board of Supervisors intends to develop a schedule of fees for services provided in the administration of the County's Medical Cannabis Dispensary program, including review of Dispensary Applications, License fees, and monitoring fees based on the County's budgeted and projected costs reasonably borne, and to offset those costs by the collection of reasonable fees.
- IV. WHEREAS, pursuant to Government Code Section 54985 *et seq.*, the Board of Supervisors has determined that the fees specified herein are equal to or less than the estimated cost to provide the indicated service, and that all requirements of California Government Code Sections 66014, 66016, and 66017 and other applicable laws are hereby found to have been complied with.
- V. WHEREAS, the Marin County Board of Supervisors hereby determines that the proposed fees do not meet the requirements for a "project" pursuant to Sections 15378(a) and 15378(b)(2) of the California Environmental Quality Act Guidelines and the action is statutorily exempt under Public Resources Code Section 21080(b)(8) as the establishment and modification of charges by a public agency to meet operating expenses.

SECTION II: ACTION

NOW, HEREBY BE IT RESOLVED, that the Marin County Board of Supervisors hereby adopts "Exhibit A" to this resolution, entitled "Marin County Medical Cannabis Program Fees (Effective July 2, 2016)."

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 3rd day of May, 2016, by the following vote:

AYES: SUPERVISORS Judy Arnold, Katie Rice, Damon Connolly, Kate Sears,
Steve Kinsey

NOES: NONE

ABSENT: NONE

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK

EXHIBIT "A"
RESOLUTION NO. 2016-40
MARIN COUNTY MEDICAL CANNABIS PROGRAM FEES

Effective July 2, 2016

1.	Dispensary License Application Review Fee	\$6,000
2.	Appeal Fee to Board of Supervisors	\$1,200
3.	Annual License Monitoring Deposit	\$12,000

NOTES:

- a. Fees #1 and #2 shall be paid in full at the time of application submittal or appeal to the County. These fees are minimum "flat" fees necessary to offset the average amount of time estimated by the County for reviewing and processing Dispensary License applications and applicant-initiated appeals. The County reserves the right to require payment of additional fees, to be used as a deposit, should the actual cost of providing the review exceed the amount of the application fees. The amount of the additional deposit will be based on a good faith estimate of the anticipated costs for the duration of the Application processing and/or appeal. Should actual costs exceed the amount of the fee, the applicant will be billed for additional costs. Work on processing the application will be suspended until the additional deposit has been received.
- b. Dispensary applications that are rejected or withdrawn prior to a determination of completeness will receive a refund of the Application Review Fee, less administrative expenses (\$1,200) and expenses incurred by the County in conducting the completeness review. Applications that are rejected or withdrawn at any time after a completeness determination will not be eligible for a refund of fees.
- c. Fee #2 is the fee to be paid by an applicant who wishes to appeal the decision by the County Administrator to issue or deny a Dispensary Application. Pursuant to Ordinance 3639, only Dispensary Applicants may appeal decisions regarding whether to issue or deny a Dispensary Application.
- d. Fee #3 is an annual license monitoring deposit that is paid by a Dispensary Licensee to offset the costs that are borne by the County to monitor and enforce the terms of the Dispensary License. The deposit will also be drawn for costs incurred by the County to investigate and respond to complaints. Unused portions of the deposit will either be credited toward the required deposit for the following year, or refunded upon the expiration or termination of the Dispensary License.
- e. The Planning Division's \$130 hourly rate includes both direct and indirect overhead. The hourly rate will be based on the published rate in the Planning Division's fee schedule, as amended annually by the Board of Supervisors. Services provided by other County departments are charged based on the employee's actual hourly rate plus the benefit rate.
- f. The charge for returned checks is \$35 (including a \$10 Central Collections fee).
- g. At the time credit card payments are accepted, a credit card convenience fee will be applied to all credit card transactions. This is not a Marin County fee and is retained by the Service Bureau.