

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE AGREEMENT WITH ICF INCORPORATED LLC TO REVIEW AND UPDATE THE COMMERCIAL CANNABIS PERMIT PROGRAM

WHEREAS, in 2015 the state enacted a comprehensive regulatory framework (AB 243, AB 266, SB 643) for the licensing and enforcement of cultivation, manufacturing, retail sale, transportation, storage, delivery and testing of medicinal cannabis in California. The legislation was collectively known as the Medical Cannabis Regulation and Safety Act (MCRSA); and,

WHEREAS, on November 8, 2016, the voters of the state adopted Proposition 64, the Adult Use of Marijuana Act (AUMA), which legalized adult cannabis use, possession and cultivation for non-medicinal purposes and created a regulatory framework for nonmedicinal cannabis businesses; and,

WHEREAS, the intent of MCRSA and AUMA was to establish a comprehensive regulatory system for cultivation, production and sale of cannabis and cannabis products, thereby weakening the illicit market for cannabis; and,

WHEREAS, on June 15, 2017 the state legislature enacted Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) which consolidated provisions of MCRSA into the regulatory framework of the AUMA, thereby creating a unified regulatory scheme for medicinal and adult use cannabis; and, WHEREAS, per MAUCRSA, on January 1, 2018 the state began issuing licenses for businesses to engage in cultivation, manufacturing, testing, distribution and retail sale of cannabis and cannabis products; and,

WHEREAS, MAUCRSA specifically authorizes local jurisdictions to adopt and enforce local ordinances to regulate cannabis businesses licensed pursuant to state law, including local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second-hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed pursuant to MAUCRSA; and,

WHEREAS, the City Council of the City of Hayward adopted Ordinance 17-13 and Ordinance 17-15 at their October 30th, 2017 meeting; and,

WHEREAS, said ordinance added Article 14 to Chapter 6 of the Hayward Municipal Code and Article 36 to Chapter 10, which details the regulatory framework for issuance of commercial cannabis business permits and establishes land use regulations for specific cannabis activities; and,

WHEREAS, this additional review will require approximately \$70,000 in consultant services to facilitate an update to the regulatory and land use ordinances; and

WHEREAS, the cost to amend the agreement with ICF Incorporated LLC to review and update the Commercial Cannabis Permit Program will be covered with funds within the approved Development Services FY2020 Operating Budget.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager to negotiate and execute an Amendment to the Agreement with ICF Incorporated LLC, to revise the Scope of Services to include review and update of the commercial cannabis permit program, including amendments to the regulatory and zoning ordinances, and increase the Compensation to an amount not to exceed \$320,838.00, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

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City Attorney of the City of Hayward