

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ICF INCORPORATED FOR COMMERCIAL CANNABIS PROGRAM APPLICATION REVIEW SERVICES IN AN AMOUNT NOT TO EXCEED \$180,838, IN A FORM APPROVED BY THE CITY ATTORNEY

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 non-medicinal 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 at their October 30th, 2017 meeting; and,

ATTACHMENT II

WHEREAS, said ordinance added Article 14 to Chapter 6 of the Hayward Municipal Code which details the regulatory framework for issuance of commercial cannabis business permits and imposes specific minimum performance standards on those businesses.

WHEREAS, the City Council directed the City Manager to call for applications from any parties interested in obtaining a commercial cannabis permit at their December 5th, 2017 meeting; and,

WHEREAS, the first application period began on December 8th, 2017 and concluded on January 12th, 2018 with the City receiving 77 applications in total; and,

WHEREAS, SEC. 6-14.12(a) of the Hayward Municipal Code charges the City Manager with establishing procedures for accepting and evaluating applications submitted pursuant to said article and that such evaluation process shall include a method for scoring and ranking each application; and,

WHEREAS, the City engaged with ICF to develop the application process and to conduct the evaluation, scoring and ranking of applications;

WHEREAS, the City issued an Request for Proposal for Commercial Cannabis Permit application evaluation services in which ICF was selected by staff to be one of two firms completing this project; and,

WHEREAS, ICF is specially trained, experienced, and competent to perform the special services which will be required for this project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

NOW, THEREFORE, BE IT RESOLVED, the City Council authorizes the City Manager to negotiate and execute an agreement with ICF for Commercial Cannabis Program application review services in an amount not to exceed \$180,838, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

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:

City Attorney of the City of Hayward