

**ALTERNATE
MASTER FEE
SCHEDULE
AMENDMENT**

REVISED

APPROVED AS TO FORM AND CALIFORNIA LEGALITY

DRAFT

Meyers Nave, Special Counsel

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2011 JUL 14 PM 6:36

ORDINANCE No. _____ C.M.S.

AN ORDINANCE AMENDING THE MASTER FEE SCHEDULE (ORDINANCE NUMBER 13024 C.M.S., AS AMENDED) TO ESTABLISH A MEDICAL CANNABIS DISPENSARY PERMIT APPLICATION FEE AND AN ANNUAL REGULATORY FEE FOR PERMITTED MEDICAL CANNABIS DISPENSARIES

WHEREAS, on February 17, 2004, the City of Oakland adopted Ordinance No. 12585 C.M.S., amending Title 5 of the Oakland Municipal Code, Entitled Business Licenses and Regulations, To Add Chapter 5.80, Pertaining to Medical Cannabis Dispensaries, penmitting the distribution of medical cannabis to authorized patients through four licensed dispensaries; and

WHEREAS, on November 9, 2010 the City of Oakland adopted Ordinance No. 13049 C.M.S., amending Chapter 5.80 of the Oakland Municipal Code pertaining to Medical Cannabis Dispensary Permits, increasing the number of licensed dispensaries in the City from four to eight; and

WHEREAS, the fee modifications and additions proposed herein, attached as Exhibit A, have been justified and are identified in a report to the Council, entitled "An Ordinance Amending The Master Fee Schedule (Ordinance Number 13024 C.M.S., As Amended) To Estabsh A Medical Cannabis Dispensary Permit Application Fee And An Annual Regulatory Fee For Permitted Medical Dispensaries; and

WHEREAS, it is the City Council's intention to ensure that the city has the capacity and resources to permit, regulate and monitor Medical Cannabis Dispensaries permitted under the above referenced ordinance; and

WHEREAS, the City Administrator's Office has determined that additional staffing is needed to administer and regulate permitted medical cannabis dispensaries, to include a Tax Auditor II, Special Combination Code Enforcement Inspectors, City Attorney, Police Officers, and related administrative support and such resources for a portion of Fiscal Year 2011-2012 total a minimum of \$133,554 per permit, to be paid in quarterly installments, therefore the City intends to charge an annual permit fee of \$133,554 per permit for Medical Cannabis Dispensaries to cover the costs of this program, to be collected in quarterly installments; and

WHEREAS, the City Administrator's Office has determined that additional staffing is needed to administer and regulate permitted medical cannabis dispensaries, to include a Tax Auditor II, Special Combination Code Enforcement Inspectors, City Attorney, Police Officers, and related administrative support and such resources total a minimum of \$ 169,600 on an annual basis, to be paid in quarterly installments; the City intends to charge an annual permit fee of \$169,600 for Medical Cannabis Dispensaries to cover the costs of this program for Fiscal Year 2012-2013 and each subsequent year thereafter; and

WHEREAS, the City Council finds and determines that establishing a medical cannabis Dispensary Permit RFP application fee of \$5,482 and an annual application Renewal Fee of \$1,988 for permitted Medical Cannabis Dispensaries are necessary to reimburse the City for the costs of performing the various municipal and regulatory functions associated applications for permits pursuant to Chapter 5.80; and

WHEREAS, a Public Hearing was held on July 19, 2011 to review the proposed fees; and now therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The Master Fee Schedule as set forth in Ordinance Number 13024 C.M.S., as amended, is hereby amended to modify and establish a Medical Cannabis Dispensary Permit RFP application fee of \$5,482, annual renewal application fee of \$1,988, a Fiscal year 2011-2012 Permit Fee of \$133,554, and an annual regulatory fee, every year thereafter, of \$169,600 for permitted medical cannabis dispensaries

SECTION 2. All revenues generated through the adoption of these fees will continue to be deposited in General Purpose Fund (1010), Org (02111), Account (42411), Project (A252610)

SECTION 3. This ordinance shall be effective immediately upon final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption by the Council of the City of Oakland.

SECTION 4. The Master Fee Schedule is hereby amended to read as shown on Exhibit A; additions are indicated by underscoring and deletions are indicated by strike-through-type; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed:

This ordinance shall be effective upon approval by the Council of the City of Oakland.

In Council, Oakland, California, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES-BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND

PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

Latonda Simmons
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA



City of Oakland
Master Fee Schedule
Effective On City Council Adoption

CITY ADMINISTRATOR

FEE DESCRIPTION	CURRENT FEE (FY 2010-11)		PROPOSED FEE (FY 2010-11)		% CHANGE
	FEE	UNIT	FEE	UNIT	
SPECIAL ACTIVITIES					
F. MEDICAL CANNABIS DISPENSARY PERMITS					
1 RFP Application Fee		NEW	RFP Application	\$5,482	New
2 Application Fee	400.00		Application	\$1,988.00	Application 397.00%
3 FY 2011-2012 (Only) - Dispensary Permit Fee (New Permits)	New		Non-refundable FY 2011-2012 regulatory fee	\$133,554.00	Non-refundable FY 2011-2012 regulatory fee
2 Dispensary with four (4) or more qualified patients or caregivers			Non-refundable annual regulatory fee	\$169,600.00	Non-refundable annual regulatory fee
2 Dispensary with four (4) to five hundred (500) qualified patients or caregivers	10,000.00		Non-refundable annual regulatory fee	10,000.00	Non-refundable- annual- regulatory fee 0.00%
3 Dispensary with five hundred and one (501) to one thousand (1000) qualified patients or caregivers	20,000.00		Non-refundable annual regulatory fee	20,000.00	Non-refundable- annual- regulatory fee 0.00%
4 Dispensary with one thousand and one (1001) to one thousand five hundred (1500) qualified patients or caregivers	25,000.00		Non-refundable annual regulatory fee	25,000.00	Non-refundable- annual- regulatory fee 0.00%
5 Dispensary with one thousand five hundred and one (1501) or greater qualified patients or caregivers	30,000.00		Non-refundable annual regulatory fee	30,000.00	Non-refundable- annual- regulatory fee 0.00%