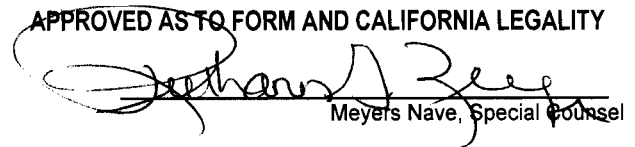


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 AUG 10 AM 10:52

APPROVED AS TO FORM AND CALIFORNIA LEGALITY


Stephen A. Zee
Meyers Nave, Special Counsel

OAKLAND CITY COUNCIL
ORDINANCE No. 13087 -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, amending Title 5 of the Oakland Municipal Code, Entitled Business Licenses and Regulations, To Add Chapter 5.80, Pertaining to Medical Cannabis Dispensaries, permitting 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 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 Establish 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 Office determines that additional staffing is needed to administer and regulate permitted medical cannabis dispensaries, to include Tax Enforcement Officer II, Tax Auditor II, Special Combination Code Enforcement Inspectors, City Attorney, Police Officers, and related administrative support and such resources total a minimum of \$60,000 on an annual basis, therefore the City intends to charge an annual permit fee of \$60,000 for Medical Cannabis Dispensaries to cover the costs of this program; and

WHEREAS, the City Council finds and determines that establishing a medical cannabis Dispensary permit and Cultivation of Medical Cannabis permit application fees of \$5,000 and an annual regulatory fee of \$60,000 for permitted Medical Cannabis Dispensaries are necessary to reimburse the City for the costs of performing the various municipal and regulatory functions associated with 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 application fee of \$5,000 and an annual regulatory fee of \$60,000 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, JUL 26 2011, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIGHAN, NADEL, SCHAAF, DE LA FUENTE, BROOKS, KAPLAN AND PRESIDENT REID .. 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: La Tonda Simmons

La Tonda 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 Application Fee	400.00	Application	5,000.00	Application	1150.00%
2 Dispensary with four (4) or more qualified patients or caregivers		Non-refundable annual regulatory fee	60,000.00	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%