

CITY OF FAIRFIELD

RESOLUTION NO. 2021-68

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD MODIFYING THE
APPLICATION PROCEDURES AND GUIDELINES FOR THE CITY COUNCIL'S
CONSIDERATION OF COMMERCIAL CANNABIS BUSINESS PERMIT APPLICATIONS
AND THE ISSUANCE OF PERMITS**

WHEREAS, on June 16, 2020, the City Council of the City of Fairfield adopted Ordinance No. 2020-07, adding Chapter 10E (Commercial Cannabis Business) to the Fairfield Municipal Code (FMC) to permit commercial cannabis businesses within the City and establish a regulatory program requiring all commercial cannabis uses to obtain a commercial cannabis business permit issued by the City prior to commencing operation; and

WHEREAS, as required by FMC Sections 10E.8 and 10E.9, on July 7, 2020, the City Council of the City of Fairfield approved Resolution No. 2020-136, establishing the procedures to govern the application process by which decisions shall be made regarding the issuance of commercial cannabis business permits in a document known as "Application Procedures & Guidelines for a Commercial Cannabis Business Permit" (the "Application Procedures"); and

WHEREAS, during the application period conducted from September 8, 2020 to October 23, 2020, the City received fourteen applications for retail permits and one application for a manufacturing permit; and

WHEREAS, since the close of the application period on October 23, 2020, the City has conducted the application review process as set forth in the adopted Application Procedures; and

WHEREAS, the Application Procedures provided that the top five applicants in each permit category with an aggregate score of at least 80% after Phase III would advance to the public comment period in Phase IV and to consideration by the City Council in Phase V; and

WHEREAS, during Phase V of the review process, the City discovered that its consultant had made scoring errors in Phase II, and that those errors affected the scores awarded to and the rankings of the fourteen retail applicants; and

WHEREAS, pursuant to FMC Section 10E.8(c) the City may initiate, modify, postpone, or cancel any request for applications or the entire program under FMC Chapter 10 at its sole discretion; and

WHEREAS, due to the scoring errors and to ensure a fair process for all applicants, the City Council desires to modify the Application Procedures to remove the scores from consideration and to

allow all fourteen retail permit applicants to be considered by the City Council at the same time and on the same terms.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:

Section 1. The “Application Procedures & Guidelines for a Commercial Cannabis Business Permit” adopted by the City Council in Resolution No. 2020-136 are hereby modified as follows:

- A. Phase III is modified to provide that all applicants in each permit category will advance to Phase IV and Phase V of the selection process.
- B. Phase V is modified in its entirety to adopt the following new procedures:
 - a. The City Council shall conduct separate public hearings for the retail and manufacturing permit categories.
 - b. During the public hearing, each of the applicants will be allowed fifteen minutes to summarize the contents of their application in a presentation to the City Council. The City Council may ask questions of each applicant immediately following their presentation.
 - c. Public testimony will be received by the City Council after all presentations have been given.
 - d. Each applicant will be provided a two-minute rebuttal period following the public testimony.
 - e. The City Council will consider the applicant presentations, the materials presented by staff, the public testimony, and any other evidence in the record to make its determinations on the award of permits; *provided, however, that the City Council shall not consider the scores previously awarded during Phases II or III of the application review process or the comments in the Phase II score sheets.*
 - f. After the close of the public hearing, the City Council will make preliminary determinations regarding the award of a permit or permits. The preliminary determinations will be finalized upon adoption of a resolution with written findings at a subsequent meeting. The resolution of approval will contain the City Council’s decision on whether to award a permit and the conditions of approval, if applicable.
 - g. The City Council may award as many permits as allowed by the Fairfield Municipal Code or by City Council resolution. The City Council reserves the right to award a lesser number of permits, including no permits.

Section 2. The modified procedures as described in this Resolution shall govern the City's process for considering and making decisions on the fourteen retail applications and one manufacturing application received during the September 8, 2020 to October 23, 2020 application period, unless superseded by a subsequent resolution of the City Council.

PASSED AND ADOPTED this 6th day of April, 2021, by the following vote:

AYES: COUNCILMEMBERS: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

MAYOR

ATTEST:

CITY CLERK