

CITY OF FAIRFIELD

RESOLUTION NO. 2021-80

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD SUPPLEMENTING
THE PROCEDURES AND GUIDELINES FOR THE CITY COUNCIL'S CONSIDERATION
OF COMMERCIAL CANNABIS BUSINESS PERMIT APPLICATIONS AND THE
ISSUANCE OF RETAILER PERMITS (FULL RANK)**

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 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, on July 7, 2020, the City Council approved Resolution No. 2020-136, adopting the "Application Procedures & Guidelines for a Commercial Cannabis Business Permit" (the "Initial Application Procedures"); and

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

WHEREAS, the Initial 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 Retailer applicants; and

WHEREAS, to ensure a fair process for all applicants, the City Council approved Resolution No. 2021-68 on April 6, 2021, adopting modified procedures for the City Council's consideration of commercial cannabis applications and the issuance of permits ("Modified Application Procedures"); and

WHEREAS, on April 6, 2021, the City Council further directed staff to return with additional criteria to guide the City Council's evaluation of applications and process for making permit decisions.

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

Section 1. The Modified Application Procedures adopted by the City Council in Resolution No. 2021-68 are hereby supplemented to add the following additional procedures during Phase V of the review process for the Retailer permits:

A. The City Council shall consider the following criteria in reviewing and evaluating the applications for the Retailer permits:

1. BUSINESS PLAN

- a. Demonstrates qualifications to run a successful cannabis retail operation.
- b. Demonstrates financial capitalization to open the store.
- c. Demonstrates understanding of the costs involved with construction, operations, maintenance, and satisfying regulatory requirements.
- d. Identifies how their operations plan serves customers, maintains safety, and manages delivery services, if provided.
- e. Identifies when the store will be open and operating if awarded a permit.
- f. Demonstrates a knowledge and understanding of the Fairfield community.

2. LABOR AND LOCAL ENTERPRISE PLAN

- a. Describes the labor relations plan, including compensation and benefits.
- b. Details staffing plan for number of employees, titles/positions, and responsibilities.
- c. Describes the extent to which the business is locally owned and/or managed.

3. NEIGHBORHOOD COMPATIBILITY PLAN

- a. Demonstrates how the proposed location fits within the surrounding neighborhood and community and avoids creating nuisance.
- b. Describes how complaints or other issues, such as traffic, nuisance, odor, etc. are proactively managed, mitigated, and rectified.

4. SAFETY PLAN

- a. Demonstrates how the retail store and workplace will be safe and free from hazards.
- b. Demonstrates that the retail store will implement any applicable fire suppression systems, personnel training procedures, or other equipment, systems, or procedures relevant to operating a safe enterprise.

5. SECURITY PLAN

- a. Demonstrates an ability to comply with State and local requirements related to inventory control, cash handling, and premises security.
- b.

6. LOCATION

- a. Details the location of the retail operation, including a site plan overview.
- b. Demonstrates how the selected location meets City standards.
- c. Identifies why the proposed location is preferable from a business operations perspective.

7. COMMUNITY RELATIONS PLAN

- a. Identifies the community relations plan and describes how the plan provides outreach and educational programs for youth organizations and/or to educational institutions in the community regarding cannabis risks and resources to address addiction and addiction prevention.

- B. Following the close of the public hearing for the Retailer application, and prior to the City Council's preliminary determination regarding the award of permits, each City Councilmember will rank the applications using the criteria in subsection A above. Such rankings shall be disclosed during a public meeting, and each applicant shall be assigned a score corresponding to the rank assigned by each Councilmember, as illustrated below:

Applicant Rank	1	2	3	4	...	12	13	14
Score	14	13	12	11	...	3	2	1

- C. An applicant's final score will equal the sum of the seven scores it receives as a result of each Councilmember's ranking. Staff will compile and announce each applicant's final score. The City Council may make a preliminary determination to award retail cannabis business permits to the applications receiving the highest final scores up to the maximum number of permits that the Council is authorized to issue. The City Council reserves the right to award a lesser number of permits, including no permits. The Council also reserves the right to award a retail cannabis business permit to the next highest scoring applicant if a higher scoring applicant preliminarily awarded a permit refuses to accept the final permit issued by the Council.

Section 2. The procedures as described in this Resolution, together with the procedures set forth in Chapter 10E of the Fairfield Municipal Code and Resolution No. 2021-68, shall govern the City's process for considering and making decisions on the fourteen Retailer applications 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 20th 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