

RESOLUTION NO. 2019-159

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, ESTABLISHING PROCESS INTEGRITY STANDARDS APPLICABLE TO COMMERCIAL CANNABIS PERMIT APPLICANTS AND THEIR REPRESENTATIVES LOBBYING OR WORKING ON THEIR BEHALF IN ACCORDANCE WITH SECTION 68-42 OF THE COMMERCIAL CANNABIS BUSINESSES CHAPTER OF THE POMONA CITY CODE

WHEREAS, on February 4, 2008, the City Council adopted Ordinance No. 4096 to prohibit the establishment and operation of medical marijuana dispensaries citywide and on January 11, 2016 City Council adopted Ordinance No. 4215, amending the Pomona Zoning Ordinance to prohibit marijuana cultivation citywide;

WHEREAS, on February 22, 2016 City Council adopted Ordinance No. 4217, amending Chapter 34 of the Pomona City Code to add Article IX relating to the prohibition of marijuana deliveries citywide;

WHEREAS, on November 8, 2016, California voters approved Proposition 64, titled the “Adult Use of Marijuana Act” (the “AUMA”) and enacted a state statutory scheme legalizing, controlling, and regulating the cultivation, processing, manufacturing, distribution, testing, and sale of nonmedical (“adult-use” or “recreational”) cannabis, including cannabis products, for use by adults twenty-one (21) years of age and older;

WHEREAS, the following percentages of the populations for the respective jurisdictions voted affirmatively to pass AUMA: 57.40 percent statewide; 59.5 percent in Los Angeles County; and 57 percent in City of Pomona;

WHEREAS, on June 27, 2017, Governor Brown signed Senate Bill 94, the “Medicinal and Adult-Use Cannabis Regulation and Safety Act” (“SB 94” or the “MAUCRSA”). SB 94 creates one state regulatory structure for medical and adult-use cannabis use and commercial cannabis activities, reconciling AUMA, with Proposition 215 and MCRSA. SB 94 continues to provide that a state license will not be approved for a business to engage in Commercial Cannabis Activity if the business activity violates any local ordinance or regulation;

WHEREAS, in preparation for the implementation of MAUCRSA, in November 2017, the three State licensing authorities charged with licensing and regulating commercial cannabis activities in California, the Bureau of Cannabis Control (“BCC”), the California Department of Food and Agriculture (“CDFA”), and the California Department of Public Health (“CDPH”), commenced releasing emergency regulations, outlining the standards and licensing procedures for both medicinal and adult-use commercial cannabis, and began issuing licenses for such activities on January 1, 2018;

WHEREAS, on November 6, 2017, City Council passed Ordinance 4241, to explicitly prohibit Commercial Cannabis Activity citywide, and Ordinance 4242, which establishes a permitting scheme for the indoor personal cultivation of cannabis for adult-use, and generally prohibits smoking of cannabis in public places;

WHEREAS, on August 6, 2018, the City Council voted to place a cannabis business tax on the ballot for the November 6, 2018 general municipal election, which measure was approved by the voters, imposing tax at a rate of up to \$10.00 per canopy square feet for cultivation and up to 6% of gross receipts for all other cannabis businesses;

WHEREAS, having banned commercial cannabis citywide so as to monitor continuous developments with state law and how neighboring cities would regulate cannabis, the City Council has developed an approach to regulating cannabis businesses within the City which will increase the likelihood of high quality and successful businesses and minimize potential adverse secondary impacts;

WHEREAS, the City Council finds and declares that this Ordinance constitutes a valid exercise of police power in accordance with Article XI, Section 7 of the California Constitution, is consistent with the language and intent of the AUMA, MAUCRSA, and related laws regulations, and policies issued by the state, consistent with the General Plan, and furthers the health, safety, and general welfare of the residents of the City of Pomona;

WHEREAS, on April 1, 2019, the City Council adopted Ordinance No. 4257 adding Chapter 68 to the Pomona City Code (PCC) to regulate commercial cannabis businesses within the City; and

WHEREAS, the new commercial cannabis provisions require the City Council to establish Process Integrity Standards applicable to commercial cannabis permit applicants and persons working on behalf of such applicants;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. The Pomona City Council hereby adopts the Process Integrity Standards set forth in Exhibit A to this Resolution and incorporated herein.

SECTION 2. The City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

APPROVED AND ADOPTED THIS 7th DAY OF OCTOBER 2019.

ATTEST:

CITY OF POMONA

Rosalia Butler

Tim Sandoval

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the City Council of the City of Pomona held on the 4th day of February 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 7th day of OCTOBER 2019.

Rosalia A. Butler, MMC, City Clerk

EXHIBIT “A”

PROCESS INTEGRITY STANDARDS FOR COMMERCIAL CANNABIS PERMIT APPLICANTS

Definitions

“Applicant” shall include any individual or entity applying for a Commercial Cannabis Permit, and including any officer, director, partner, consultant, public relations, governmental affairs or other duly authorized “representative” applying on behalf of an individual or entity or making representations on behalf of an individual or entity.

“Commercial Cannabis Permit” means the regulatory permit issued by the City to a commercial cannabis business, which is required before any Commercial Cannabis activity may be conducted in the City.

“Coverage Date” shall mean the period of time occurring between the adoption of this Resolution and the date of submittal of an application. Upon the anniversary date of the adoption of this Resolution, the Coverage Date shall mean the twelve (12) months immediately preceding the date of an application for Commercial Cannabis Permit.”

All other definitions shall be those set forth in Section 68-5 of the Pomona City Code.

Standards

1. No Ex-Parte Contacts: An applicant and/or its representatives shall not attempt to contact or initiate contact, in person, by phone or by electronic means, with the Mayor or any City Council Member during the Coverage Date.
2. No Gifts: An applicant and its representatives shall not directly or through any agent or intermediary make, or arrange for the making of, any gift to the Mayor, City Council Member or staff person, during the Coverage Date and for twelve (12) months after a Commercial Cannabis Permit is awarded. Gift shall have the meaning it is defined to have in the California Political Reform Act.
3. No Campaign Contributions: An applicant and its representatives shall not make a campaign contribution or loan of more than two hundred fifty dollars (\$250.00) to the Mayor or any City Council Member during the Coverage Date and for twelve (12) months after a Commercial Cannabis Permit is awarded.

Penalties

Failure to abide by these Process Integrity Standards may result in disqualification from an existing cannabis permit review process or revocation of a permit if it is later determined that the applicant or any person associated with the application or any third party lobbying on their behalf has violated these standards.