

RESOLUTION NO. 2020-58

AN URGENCY MEASURE OF THE CITY COUNCIL OF THE CITY OF POMONA AUTHORIZING THE INTERIM IMPLEMENTATION OF FEES PERTAINING TO THE COMMERCIAL CANNABIS PERMIT PROGRAM FOR A PERIOD OF THIRTY DAYS

WHEREAS, Section 66017 (b) of the Government Code authorizes a local agency to adopt an urgency measure as an interim authorization for a fee or charge, or an increase in fee or charge, to protect the public health, welfare, and safety.

WHEREAS, the interim authorization requires a four-fifths vote of the City Council of the City of Pomona;

WHEREAS, the interim authorization shall have no force or effect 30 days after its adoption;

WHEREAS, after notice and public hearing pursuant to Section 54986 or 66016 of the Government Code, the City Council may extend the interim authority for an additional 30 days, not more than two times, each requiring a four-fifths vote of the City Council;

WHEREAS, after conducting a duly noticed public hearing on March 2, 2020, the City Council adopted various fees related to Commercial Cannabis Permit Program and, by at least four-fifths vote, adopted an interim authorization to implement the aforementioned fees effective immediately for a period of 30 days;

WHEREAS, the interim authorization expired on April 2, 2020 and was not extended;

WHEREAS, the City of Pomona is concerned about the impact of illegal commercial cannabis activity on public health, welfare, and safety;

WHEREAS, the prevalence of illegal commercial cannabis activity in the City of Pomona poses a threat to public health, as statistics show an increased number of illnesses and deaths reported that are related to unregulated and untested cannabis vaping cartridges sold on the illegal market;

WHEREAS, the prevalence of illegal commercial cannabis activity in the City of Pomona poses a threat to the general welfare, as such activities are not legally permitted or zoned, nor have benefitted from a business license or other necessary permits;

WHEREAS, the prevalence of illegal commercial cannabis activity in the City of Pomona poses a threat to public safety, as such activities require routine and extensive law enforcement measures, straining available resources, and as such activities may locate in buildings or on properties that are in violation of Building and Safety and Zoning codes which pose imminent threats to safety;

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

SECTION 1. The City Council, exercising independent judgment, finds that the project will not have an adverse impact on the environment pursuant to Article 5, 15060(c)(2) and 15060(c)(3) which exempts activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378.

SECTION 2. The City Council hereby makes and adopts as findings the facts and conclusions set forth above in the recitals of this Resolution, and finds and determines that the prevalence of illegal commercial cannabis activity in the City of Pomona is a threat to public health, welfare, and safety, and the interim authority to implement fees related to the Commercial Cannabis Permit Program immediately would improve public health, welfare, and safety;

SECTION 3. The City Council hereby determines that as shown in Exhibit “A” to this Resolution, the City shall charge the following fees related to the Commercial Cannabis Permit Program:

No.	Proposed Fee	Fee Amount
1	Phase 1 & 2 CCPP Applications	\$5,329.63
2	Phase 3 & 4 CCPP Applications	\$6,699.44
3	CCPP Permit Issuance	\$1,816.51
4	CCPP Permit Renewals	\$4,016.52
5	CCPP Permit Renewal Late Fee	\$1,004.13
6	CCPP Permit Amendment (Change of Ownership)	\$1,277.92
7	CCPP Permit Amendment (Change of Name)	\$75.74

SECTION 4. The City Council, per Government Code Section 66017(b), authorizes the fees contained in Exhibit “A” to be effective on the date of adoption of this Resolution, for a period of 30 days, which may be further extended for two additional 30-day periods, subject to noticing and public hearing.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF ____, 2020

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Sonia Carvahlo, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF POMONA)

I, ROSALIA A. BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was considered at a regular meeting of the City Council of the City of Pomona held on the 6th day of April, 2020, and adopted on the _____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rosalia A. Butler, City Clerk