CITY OF COALINGA

CANNABIS REGULATORY FEE STUDY

AUGUST 2021

PREPARED FOR:

CITY OF COALINGA

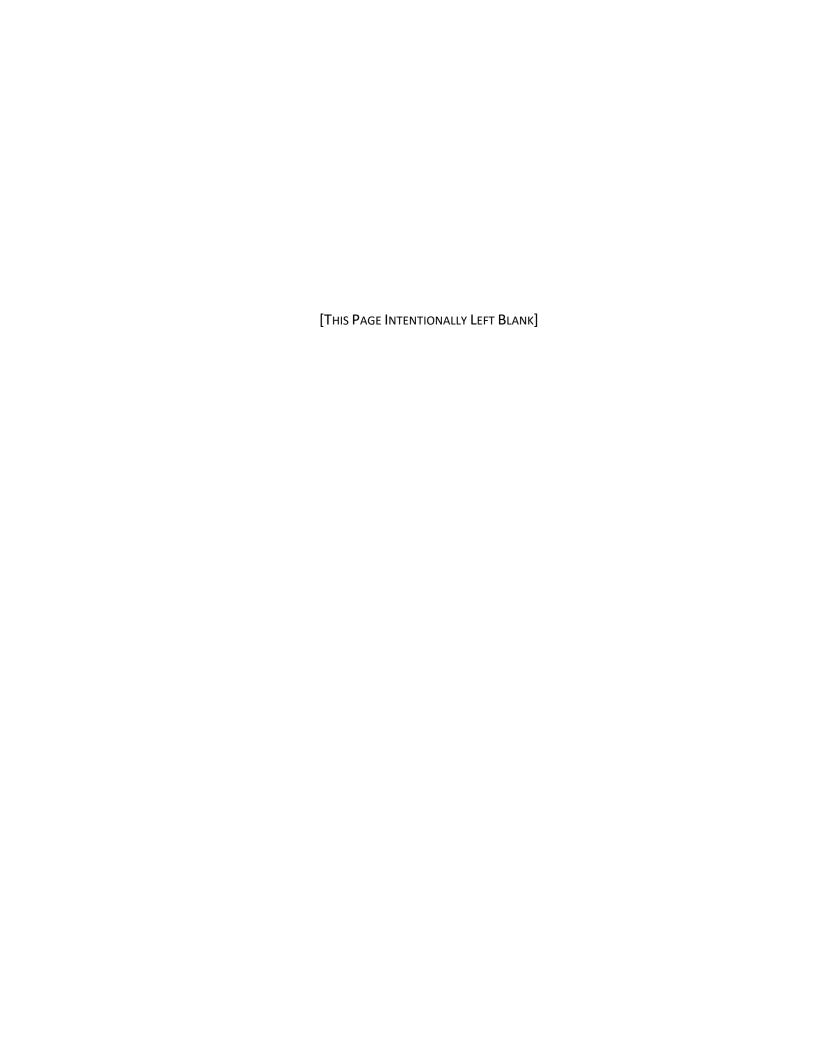
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CITY OF COALINGA

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ACKNOWLEDGMENTS

This Cannabis Regulatory Fee Study was prepared by SCI Consulting Group ("SCI") as consultants for the City of Coalinga ("City"). The work was performed under the general direction from the staff with the City: Sean Brewer, Assistant City Manager, Darren Blevins, Chief of Police, and Jasmine Bains, Financial Services Director

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
Introduction	1
LEGAL FRAMEWORK	1
METHODOLOGY AND APPROACH	2
Summary of General Findings	3
Summary of Recommendations	4
COMMERCIAL CANNABIS REGULATORY APPLICATION REVIEW FEES	5
COMMERCIAL CANNABIS REGULATORY PERMIT APPLICATION FEES	5
Pre-Application Meeting Fee	5
REGULATORY PERMIT APPLICATION	6
COMMERCIAL CANNABIS REGULATORY ANNUAL REGULATION AND INSPECTION FEES	7
Annual Commercial Cannabis Regulatory Permit [All License Types]	7
Annual Commercial Cannabis Regulatory Permit Cultivation	8
Annual Permit Renewal	9
OTHER FEES	10
REVIEW AND UPDATE OF FEES	13
Appendix A – Survey of Cannaris Regulatory Fees of Other Turisdictions	14

TABLE OF FIGURES

FIGURE 1 - SUMMARY OF PROPOSED FEES	4
FIGURE 2 - PRE-APPLICATION MEETING FEE	5
FIGURE 3 - REGULATORY PERMIT APPLICATION FEE	6
Figure 4 – Annual Commercial Cannabis Business Permit [All License Types]	7
FIGURE 4A — ANNUAL COMMERCIAL CANNABIS BUSINESS PERMIT [CULTIVATION]	8
FIGURE 5 – ANNUAL RENEWAL PERMIT FEE	10

Introduction

The purpose of this Cannabis Regulatory Fee Study ("Fee Study") is to re-evaluate and update the City's existing cannabis fee structure and to establish the legal and policy basis for imposing regulatory fees ("fees") for permitting and annual regulation of commercial cannabis businesses in the City. The fees will be used to reimburse the City departments for reasonable direct and indirect costs and contracted services attributable to reviewing and acting upon the applications and verifying and enforcing cannabis business compliance with the City's Municipal Code.

LEGAL FRAMEWORK

In order to impose such fees, this Fee Study will present findings in order to meet the substantive requirements of Proposition 26, which are as follows:

- 1. Demonstrate that the levy, charge, or other exaction is not a tax; and
- 2. The amount is not more than necessary to cover the reasonable cost of the governmental activity; and
- 3. The manner in which those costs are allocated to a payor bears a fair or reasonable relationship to the payor's burden on, or benefits received from, the governmental activity.

Additionally, recent case law has provided further clarification of these substantive requirements, which are as follows:

- Costs need not be "finely calibrated to the precise benefit each individual fee payor might derive."¹
- The payor's burden or benefit from the program is not measured on an individual basis. Rather, it is measured collectively, considering all fee payors.²

¹ Griffith v. City of Santa Cruz (2012)

² Griffith v. City of Santa Cruz (2012); Newhall City Water District v. Castaic Lake Water Agency (2016)

- Demonstrating that the amount collected is no more than is necessary to cover the reasonable costs of the program is satisfied by estimating the approximate cost of the activity and demonstrating that this cost is equal to or greater than the fee revenue to be received.³
- Reasonable costs associated with the creation of the regulatory program may be recovered by the regulatory fee.⁴

METHODOLOGY AND APPROACH

To determine the City's cannabis regulatory fees consistent with these substantive requirements, the cost of permitting and regulating cannabis operations by various City Departments is determined. These costs are then allocated to the payor in a way that demonstrates that the costs bear a fair or reasonable relationship to the payor's burden on or benefits from the program.

The City went through a deliberative process to establish a reasonable expenditure plan to use in setting the fees. An interdepartmental working group representing staff from the City, the Police Department, the Financial Services Department, and the Fire Department worked together to develop and review the proposed fees.

For each of the regulatory fees established by the Fee Study, the City evaluated and identified specific City tasks and activities associated with permitting and enforcement of the regulations. Each City department then determined the specific hours and personnel needed by their department to complete their tasks and activities. The estimated labor hours for each activity were then multiplied by each relevant department's current hourly labor rate for each position completing the task. The hourly labor rates include various salary and benefits, departmental support, supervision, and other administration overhead and similar indirect costs.

The type of costs included in the fees includes labor costs, contracted services, supplies, inter-department charges, and other incidental costs; for example: background checks and follow-up research and analysis on findings, zoning and distance checks, site visits, applicant correspondence, etc. Detailed supporting analysis tables served as the mechanism to determine specific fee rates and estimated hours, as summarized in this Fee Study. These time estimates and levels of effort were then reviewed and evaluated by other City staff and SCI for

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³ Griffith v. City of Santa Cruz (2012)

⁴ League of California Cities Propositions 26 and 218 Implementation Guide, May 2017, pp. 70-71

their reasonableness.

The time estimate remains constant for each application review phase or annual regulation and inspection activity, and the fees are based on each department's hourly rates as of the date of this fee study.

SUMMARY OF GENERAL FINDINGS

The following general findings from the Fee Study are presented:

- 1. The City's proposed cannabis regulatory fees are not taxes, but regulatory fees in that the fees are proposed to recover costs associated with the Article 15.04.610.270, which created the regulatory framework to permit and regulate commercial cannabis businesses in the City.
- 2. The City went through a deliberative process to establish reasonable costs for permitting and annual enforcement of the City's regulations.
- 3. The fee amounts determined by this Fee Study do not exceed the reasonable cost of permitting and enforcement of the new regulations.
- 4. The fees bear a fair or reasonable relationship to the payor's burden on or benefits from the regulatory program.

SUMMARY OF RECOMMENDATIONS

Based on the findings presented in the Fee Study, it is recommended that the City consider adopting the fees shown in Figure 1.

FIGURE 1 - SUMMARY OF PROPOSED FEES

City of Coalinga		Fe			
	City			SCI	
Fee Description		Annu	Unit		
Pre-Application	\$	525	\$	-	per application
Regulatory Permit Application	\$	2,744	\$	-	per application
Annual Commercial Cannabis Regulatory Permit (All Types)	\$	8,576	\$	16,142	per permit 2
Annual Commercial Cannabis Regulatory Permit - Cultivation (additional fee per 20,000 canopy sq.ft. increment) [indoor/outdoor]	\$	329	\$	1,703	per permit 3
Annual Regulatory Permit Renewal	\$	406	\$	-	per application
Employee Permit - Background and Livescan	\$	606	\$	-	per employee
Employee Permit Renewal	\$	43	\$	-	per employee
Employee Badge Replacement	\$	29	\$	-	per employee
Employee Transfer	\$	29	\$	-	per employee
Ink Fingerprint Rolling	\$	44	\$	-	per owner
Livescan Rolling	\$	55	\$	-	per owner
Livescan Processing Renewal	\$	29	\$	-	per owner

Notes:

Proposed fees are rounded to the nearest dollar.

² Cannabis Businesses will be charged annually a flat rate of \$8,576 per permit.
Each additional permit for the same business at the same premise, as defined in the
Coalinga Municipal Code, Adopted Section 9-5.126, shall be charged 50% of the applicable fee.

³ Cannabis Businesses with a business license for cultivation [indoor/outdoor] will be charged an additional \$329 for each 20,000 incremental canopy square footage.

This section determines the costs and associated fees to review applications and permit commercial cannabis businesses in the City.

The codes for staff representing City Administration are as follows:

ACM=Assistant City Manager	A=Accountant
AS=Assistant Secretary	AC=Account Clerk III
PC=Police Chief	FC=Fire Chief
PO=Police Officer	FCA=Fire Captain
PT=Police Tech III	S=Secretary
FSD=Financial Services Director	DC=Division Chief
FSS=Financial Services Supervisor	C=Consultant

COMMERCIAL CANNABIS REGULATORY PERMIT APPLICATION FEES

The following fees will be collected at different phases of the application process:

- Pre-Application Meeting
- Regulatory Permit Application

PRE-APPLICATION MEETING FEE

The proposed Pre-Application Meeting Fee is \$525 and is due upon the day and time of the initial meeting with City staff. The application fee recovers the cost to perform comprehensive review of the application process and documents.

FIGURE 2 - PRE-APPLICATION MEETING FEE

		City A						
	Public	Works	Po	olice De	pt.	Total Labor		
General Tasks/Activities	ACM	AS	PC	РО	PT III	Hours	Cost	
Fully Burdened Hourly Rate	\$126	\$58	\$115	\$73	\$58			
Pre-Application Meeting	2.00	0.50	2.00	0.00	0.25	4.75	\$525	
Total	2.00	0.50	2.00	0.00	0.25	4.75	\$525	

Proposed Fee:

REGULATORY PERMIT APPLICATION

The Regulatory Permit Application review process includes a more intensive and detailed review of the application. The fee also recovers the cost to prepare for and attend City Council hearings. The proposed fee for the Regulatory Permit Application is \$2,744 per application and is due upon submittal of the application to the City.

FIGURE 3 - REGULATORY PERMIT APPLICATION FEE

		C						
	Public Works		Police Dept.			Fire Dept.	Tota	l Labor
General Tasks/Activities	ACM	AS	РС	РО	PT III	DC	Hours	Cost
Fully Burdened Hourly Rate	\$126	\$58	\$115	\$73	\$58	\$100	'	
Regulatory Permit Review	6.00	1.00	12.00	1.00	0.25	1.00	21.25	\$2,377
City Council Hearing - Preparation	0.25	0.25	1.00	0.00	0.50	0.00	2.00	\$190
City Council Hearing - Attendance	0.50	0.00	1.00	0.00	0.00	0.00	1.50	\$178
Total	6.75	1.25	14.00	1.00	0.75	1.00	24.75	\$2,744

ANNUAL COMMERCIAL CANNABIS REGULATORY PERMIT [ALL LICENSE TYPES]

Figure 4 shows the determination of the fee for full cost recovery for the annual regulation and inspection fee of all license types. Inspections will be performed quarterly and includes an annual financial audit. As shown, the proposed fee is \$8,576 annually per permit (City Staff conducting inspections; \$16,142 retaining services from Cannabis Consultant).

FIGURE 4 – ANNUAL COMMERCIAL CANNABIS REGULATORY PERMIT [ALL LICENSE TYPES]

CITY STAFF ONLY

	City Administration										
	Public	Works	Polic	e Dept.		Finan	ce Dep	t.	Fire Dept.	Total	Labor
General Tasks/Activities	ACM	AS	PC	РО	FSD	FSS	Α	AC	DC	Hours	Cost
Fully Burdened Hourly Rate	\$126	\$58	\$115	\$73	\$111	\$63	\$77	\$57	\$100		
Preparation	2.00	2.00	2.00	4.00	0.00	0.00	0.00	0.00	0.00	10.00	\$ 888
Facility Inspection (on-site)	0.00	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00	10.00	\$ 727
Facility Inspection (video monitoring)	0.00	0.00	0.00	40.00	0.00	0.00	0.00	0.00	0.00	40.00	\$ 2,906
Accounting Services	0.00	0.00	0.00	0.00	4.00	4.00	5.00	16.00	0.00	29.00	\$ 1,986
Oversight and Reporting	2.00	1.00	3.00	4.00	4.00	4.00	0.00	4.00	2.00	24.00	\$ 2,069
Total	4.00	3.00	5.00	58.00	8.00	8.00	5.00	20.00	2.00	113.00	\$ 8,576

FIGURE 5 – ANNUAL COMMERCIAL CANNABIS REGULATORY PERMIT [ALL LICENSE TYPES]

CITY STAFF & CANNABIS CONSULTANT

			City A		Outside Service							
	Public Works		Police Dept.	Finance Dept. Fire I				Fire Dept.	Cannabis	Total Labor		
General Tasks/Activities	ACM	AS	PC	FSD	FSS	Α	AC	DC	Consultant	Hours	Cost	
Fully Burdened Hourly Rate	\$126	\$58	\$115	\$111	\$63	\$77	\$57	\$100	\$190			
Preparation	2.00	2.00	2.00	0.00	0.00	0.00	0.00	0.00	4.00	10.00	\$ 1,357	
Facility Inspection (on-site)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.00	14.00	\$ 2,660	
Facility Inspection (video monitoring)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00	40.00	\$ 7,600	
Accounting Services	0.00	0.00	0.00	4.00	4.00	5.00	16.00	0.00	0.00	29.00	\$ 1,986	
Oversight and Reporting	2.00	1.00	3.00	4.00	4.00	0.00	4.00	2.00	4.00	24.00	\$ 2,539	
Total	4.00	3.00	5.00	8.00	8.00	5.00	20.00	2.00	62.00	117.00	\$ 16,142	

ANNUAL COMMERCIAL CANNABIS REGULATORY PERMIT -- CULTIVATION [ADDITIONAL FEE PER 20,000 CANOPY SQ. FT. INCREMENT - INDOOR/OUTDOOR]

In addition to the fee above, the proposed Annual Commercial Cannabis Regulatory Permit fee for a cultivation license for each additional 20,000 sq. ft. increment, indoor and/or outdoor is \$329 (\$1,703 with Cannabis Consultant).

FIGURE 6 – ANNUAL COMMERCIAL CANNABIS REGULATORY PERMIT [CULTIVATION]
[ADDITIONAL FEE PER 20,000 CANOPY SQ. FT. INCREMENT – INDOOR/OUTDOOR]

CITY STAFF ONLY

	City Adm	inistrat					
	Public Works Police Dep			Total Labor			
General Tasks/Activities	ACM	PC PO		Hours	ours Cos		
Fully Burdened Hourly Rate	\$126	\$115	\$73	`			
Preparation	0.00	0.00	0.50	0.50	\$	36	
Facility Inspection (on-site)	0.00	0.00	1.00	1.00	\$	73	
Facility Inspection (video monitoring)	0.00	0.00	0.00	0.00	\$	-	
Accounting Services	0.00	0.00	0.00	0.00	\$	-	
Oversight and Reporting	1.00	0.50	0.50	2.00	\$	220	
Total	1.00	0.50	2.00	3.50	\$	329	

FIGURE 7A – ANNUAL COMMERCIAL CANNABIS REGULATORY PERMIT [CULTIVATION] [ADDITIONAL FEE PER 20,000 CANOPY SQ. FT. INCREMENT – INDOOR/OUTDOOR] CITY STAFF & CANNABIS CONSULTANT

	City Adn	ninistration	Outside Service			
	Public Works	Police Dept.	Cannabis	Total	or	
General Tasks/Activities	ACM PC		Consultant	Hours	С	ost
Fully Burdened Hourly Rate	\$126	\$115	\$190			
Preparation	0.00	0.00	2.00	2.00	\$	380
Facility Inspection (on-site)	0.00	0.00	4.00	4.00	\$	760
Facility Inspection (video monitoring)	0.00	0.00	0.00	0.00	\$	-
Accounting Services	0.00	0.00	0.00	0.00	\$	-
Oversight and Reporting	1.00	0.50	2.00	3.50	\$	563
Total	1.00	0.50	8.00	9.50	\$	1,703

ANNUAL REGULATORY PERMIT RENEWAL

The Annual Regulatory Permit Renewal fee recovers the cost of processing and reviewing Annual Cannabis Permit Renewal applications and issuance of the business permit. The proposed fee for the Annual Regulatory Permit Renewal is \$406 per application.

FIGURE 5 - ANNUAL REGULATORY PERMIT RENEWAL FEE

<u>-</u>	Cit Adminis Police	tration	Total Labor			
General Tasks/Activities	PC	PT	Hours	Cost		
Fully Burdened Hourly Rate	\$115	\$58				
Permit Renewal	1.00	5.00	6.00	\$	406	
Total	1.00	5.00	6.00	\$	406	

In addition to the fees outlined in this Fee Study, there are other fees that permit holders will be required to pay. The tables below are defined as "other fees."

Employee Permit – Background and Livescan

	City	Administ	ration							
General Tasks/Activities Fully Burdened Hourly Rate	Police Dept.			Total Labor			Other	Expense		
	PC	PO	PT	Hours	C	ost	Fingerprinting Fees		Tota	ıl Cost
	\$115	\$73	\$58							
Background Check	0.00	5.50	1.50	7.00	\$	487	\$	-	\$	-
OOJ Livescan Process*	0.25	0.00	0.50	0.75	\$	58	\$	32	\$	32
Employee Livescan	0.00	0.00	0.50	0.50	\$	29	\$	-	\$	-
Total Total	0.25	5.50	2.50	8.25	\$	574	\$	32	\$	606

^{*}FBI and DOJ Livescan Fingerprinting Fee is \$49, total cost = \$623

Employee Permit Renewal

	City Admi	inistration			
	Police	Dept.	Total Labor		
General Tasks/Activities	PC	PT	Hours	Cost	
Fully Burdened Hourly Rate	\$115	\$58			
Employee Permit Renewal	0.25	0.25	0.50	\$ 43	
Total	0.25	0.25	0.50	\$ 43	

Employee Badge Replacement

-	City Administration Police Dept.	Total	Labo	r
General Tasks/Activities	PT	Hours	С	ost
Fully Burdened Hourly Rate	\$58	,		
Employee Badge Replacement	0.50	0.50	\$	29
Total	0.50	0.50	\$	29

Employee Transfer

	City Administration Police Dept.	Total	Labo	r
General Tasks/Activities	PT	Hours	C	ost
Fully Burdened Hourly Rate	\$58			
Employee Transfer	0.50	0.50	\$	29
Total	0.50	0.50	\$	29

Ink Fingerprint Rolling

	City Administration						
	Police Dept.	Total I	Labor	Other I	Expense		
				Finger	printing		
General Tasks/Activities	PT	Hours	Cost	F	ее	Tota	l Cost
Fully Burdened Hourly Rate	\$58						
Ink Fingerprint Rolling Process	0.50	0.50	\$ 29	\$	15	\$	44
Total	0.50	0.50	\$ 29	\$	15	\$	44

Livescan Rolling Process

	City Administration PD	Total	Lab	or	Other E	Expenses		
General Tasks/Activities	PT	Hours	C	ost	•	printing ee	Tota	l Cost
Fully Burdened Hourly Rate	\$58							
Livescan Rolling Process	0.50	0.50	\$	29	\$	26	\$	55
Total	0.50	0.50	\$	29	\$	26	\$	55

Livescan Processing Renewal

-	City Administration Police Dept.	Total	Labo	r
General Tasks/Activities	PT	Hours	C	ost
Fully Burdened Hourly Rate	\$58			
Live Scan Processing Renewal	0.50	0.50	\$	29
Total	0.50	0.50	\$	29

Additional other fees fall into these categories:

- Fees that apply in relation to cannabis operations as they would to any other permitted business operation or land-use entitlement in the City; and
- Fees that may be developed in relation to cannabis operations, but which are outside the scope of this Fee Study.
- In the event the state develops additional sub-license types, City staff may apply the nearest applicable fee based on a similar use determination.

Permit holders will be informed of additional fees in the usual course of applications and communications with the involved City departments.

GENERALLY APPLICABLE FEES

Existing fees that apply to cannabis operations include, for example, business license fees and building permit application fees. These fees generally apply to cannabis operations the same as they would to any other permitted business in City. Another example is the Conditional Use Permit Fee or Appeals Fee payable by any applicant other than an applicant for a cannabis operator permit. For example, if a third party (e.g., any person other than a permit applicant) appeals a decision in relation the cannabis operator permit processes described identified above, that appellant will pay a nominal appeal fee. This amount is consistent with the fee that is generally applied for third-party appeals in planning processes brought by anyone other than the applicant.

This Fee Study has been prepared in the context of an emerging industry and regulatory framework for legalized cannabis in the State of California. It may be appropriate for the City to review and update the fees identified in this Fee Study:

- When the program under Article 15.04.610.270 has been implemented for a period of time sufficient for the City to have had an opportunity to review the actual costs incurred in processing applications and monitoring permits and to have achieved some efficiencies in processing applications and undertaking monitoring and compliance;
- If Article 15.04.610.270 is substantially amended such that the time and/or processes involved are substantially changed.

The figure below is a comparison of the cannabis permit and annual regulatory fees of City jurisdictions and other jurisdictions throughout California. The survey provides general information and is not intended to provide "apples-to-apples" comparisons. The survey illustrates that the City's proposed fees are reasonable in the context of the fees that have been charged in other jurisdictions.

Survey of Regulatory Fees of Comparable Jurisdictions

	Application Permit Fee	ee Annual Program Fee				
Jurisdiction		Retail	Cultivation	Distribution	Manufacturing	Inspections per year
City of Alameda	\$12,900	\$7,400	NA	\$4,400	\$8,500	1
City of Coalinga	\$3,269	\$8,576	\$8,576	\$8,576	\$8,576	4
City of Culver City	\$7,879+	\$27,771	\$27,771	\$27,771	\$27,771	NA
City of Hayward	\$5,000	\$15,000	\$15,000	\$15,000	\$15,000	1
City of Long Beach	\$3,552	\$2,946	\$2,946	\$2,946	\$2,946	NA
City of Merced	\$7,500	\$21,800	\$19,000	\$13,000	\$34,000	2-6
City of Oakland	NA	\$15,151	\$11,301	\$11,301	\$11,301	NA
City of Palm Springs	\$5,053	\$4,328	\$4,328	\$4,328	\$4,328	NA
City of Sacramento	NA	\$23,610	\$28,910	\$19,000	\$17,660	NA
City of San Bernardino	\$8,241	\$8,000	\$8,000	\$8,000	\$8,000	1
City of San Carlos	\$7,800	NA	\$11,400	\$5,500	\$19,800	2
City of San Jose	\$6,059	\$147,645	\$147,645	\$147,645	\$147,645	NA
City of S. San Francisco	\$7,528	\$15,274	\$15,274	\$15,274	\$15,274	NA
City of Vallejo	\$1,300	\$8,300	\$8,300	\$8,300	\$8,300	1

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