



201 North Lassen Street
Willows, CA 95988
(530) 934-7041

Willows City Council Regular Meeting

November 13, 2018
Willows City Hall
7:00 p.m.

Agenda

City Council
Kerri Warren, Mayor
Lawrence Mello, Vice Mayor
Gary Hansen, Council Member
Jeff Williams, Council Member
Jim Yoder, Council Member

Interim City Manager
Wayne Peabody

City Clerk
Tara Rustenhoven

1. **CALL TO ORDER-** 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **PUBLIC COMMENT/WRITTEN COMMUNICATIONS**

a. **Public Comments:**

Members of the public wishing to address the Council on any item(s) within the jurisdiction of the city may do so at this time when recognized by the Mayor/Vice Mayor; however, no formal action will be taken unless a majority consensus of the Council directs staff to place the item on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes)

5. **CONSENT AGENDA**

Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Council Member requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:

- a. Approval of general checking, payroll & direct deposit check registers (36350-363401, Z09541-Z09570, 37660-37693.
- b. Approval of minutes of the Regular City Council Meeting held on October 9th, 2018
- c. Approval of minutes of the Regular City Council Meeting held on October 23rd, 2018

Comments from the public are welcome. The Mayor will allow an opportunity for comments related to Public Hearings and each action item on the agenda. Please limit comments to three minutes per topic, and one comment

per person per topic. Once comments conclude, please allow the Council the opportunity to continue its consideration of the item without interruption.

6. ORDINANCES

- a. Consider reading by title only, passing of the second reading, and adopting an ordinance entitled "An Ordinance of the City Council of the City of Willows California Amending the Development Agreement between California Land Investors, LLC and the City of Willows, Chaptered as Section 19.10.05 of the Willows Municipal Code.

7. REGULAR BUSINESS AGENDA/ITEMS REQUIRING COUNCIL ACTION

- a. By Motion, award the agricultural land lease contract to Roy Holzapfel and authorize the Administrative Services Director to negotiate the lease agreement.
- b. By Motion, award the contract for contract grant administration of 17-CDBG-12031 to 3/Core/Community Development Services.
- c. By Motion, approve the number of Dispensary(ies) to be allowed and by Resolution, adopt new fees.
- d. By Motion, temporarily suspend enforcement of WMC 8.20.020

8. COUNCIL/ STAFF REPORTS/COMMENTS

- a. Staff Reports/Comments:
- b. Council Reports/Comments:

9. ADJOURNMENT

This agenda was posted on November 8th, 2018



Tara Rustenhoven, City Clerk

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider



CONSENT AGENDA



Period

10/20/2018 TO 11/7/2018

General Checking 36350 TO 36401

Payroll Direct Deposit 209541 TO 209570

Payroll Checks 37660 TO 37693

APPROVAL DATE 11/13/2018

APPROVED _____

REPORT.: Oct 30 18 Tuesday
 RUN...: Oct 30 18 Time: 09:57
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 10-18 Bank Account.: 1045

PAGE: 001
 ID #: PY-DP
 CTL.: WIL

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
036350	10/30/18	AB000	STEVE ABOLD	200.00	.00	200.00	B81025	PUB. WKS. TOOL PARKS/PUB.
036351	10/30/18	ACM00	ACME RIGGING & SUPPLY COM	377.44	.00	377.44	297805	#16 SWEEPER REPAIR
036352	10/30/18	ATT01	A.T. & T.	1009.39	.00	1009.39	B81025	TELEPHONE EXP.9/19-10/18/
036353	10/30/18	BAR05	BARNARD PIPELINE INC	23.10	.00	23.10	B81025	REFUND BUSINESS LICENSE O
036354	10/30/18	COM16	COMCAST CABLE	145.93	.00	145.93	B81030	ADMIN INTERNET 10/29-11/2
036355	10/30/18	COM20	COMP INC	50.00	.00	50.00	B81025	DRUG TEST
036356	10/30/18	COR02	CORBIN WILLITS SYSTEMS	407.87	.00	407.87	B810151	CONT.SERV. FINANCENOV 201
036357	10/30/18	COR10	CORNING LUMBER CO., INC.	50.22	.00	50.22	231687	TREATMENT PLANT REPAIR
036358	10/30/18	GLE21	GLENN CO. SHERIFFS DEPT.	114629.16	.00	114629.16	102218-06	CONTRACTUAL LAW ENFORCEME
036359	10/30/18	GLE53	GLENN GROUNDWATER AUTHORIT	4124.00	.00	4124.00	018GGA11	GGA MEMBER FUNDING QTR 2
036360	10/30/18	GRA01	GrandFlow, Inc.	503.42	.00	503.42	145393	FORM W-2/1099
036361	10/30/18	INT01	INTERSTATE SALES	509.44	.00	509.44	19198	CUSTOM SIGN
036362	10/30/18	LAM01	LAMBERT INSURANCE AGENCY	94.00	.00	94.00	B81030	INSURANCE2017 FORD F250
036363	10/30/18	LAN03	LANNIE'S SEPTIC TANK SERV	135.06	.00	135.06	B81025	SEPT/OCT PORTABLE TOILETS
036364	10/30/18	MAT01	MATSON & ISOM TECHNOLOGY	70.73	.00	70.73	23495IN	CISCO SMARTNET
036365	10/30/18	MEN02	MENDES SUPPLY COMPANY	50.77	.00	50.77	R03104100	TOWELS/LINERS
036366	10/30/18	MUR02	MURCAL	184.57	.00	184.57	59082	#11 LEAF TRUCK REPAIR
036367	10/30/18	NOR18	NORTHERN CALIF. GLOVES	172.14	.00	172.14	509459	GLOVES
036368	10/30/18	NOR43	ACCESS	82.53	.00	82.53	2791031	SHREDDING SERVICES
036369	10/30/18	OFF05	OFFICE DEPOT, INC.	79.13	.00	79.13	368704001	OFFICE SUPPLIES
036370	10/30/18	PEA00	WAYNE PEARODY	200.00	.00	200.00	B81025	TECHNOLOGY ALLOWANCE NOV
036371	10/30/18	PGE01	PG & E	11494.26	.00	11494.26	B81025	P.G. & E. 9/13-10/14/18
036372	10/30/18	RAY03	RAY MORGAN COMPANY	63.28	.00	63.28	2267383	PROF. SERVICES GENERAL OF
036373	10/30/18	RUS03	TARA RUSTENHOVEN	369.65	.00	369.65	B81025	MILEAGE REIMBURSEMENT
				381.28	.00	381.28	B81030	HOTEL REIMBUSEMENT
			Check Total.....:	750.93	.00	750.93		
036374	10/30/18	SAC08	SACRAMENTO VALLEY MIRROR	168.30	.00	168.30	15638	LEGAL ADS-LAND INV/CAR SA
036375	10/30/18	SAI02	TIMOTHY L. SAILSBERY	200.00	.00	200.00	B81025	VEHICLE ALLOW. FINANCENOV
036376	10/30/18	SEE00	SEEGERT CONSTRUCTION	22.30	.00	22.30	B81030	BUSINESS LICENSE OVERPMT
036377	10/30/18	STO01	STONY CREEK UNIFIED SCHOO	100.00	.00	100.00	B81025	RENT EC LIBRARY NOV 2018
036378	10/30/18	SUN07	SUN LIFE FINANCIAL	2539.52	.00	2539.52	B81025	GAP COVERAGE 10/1-10/31/1
036379	10/30/18	THO01	THOMPSON GAS LLC	33.50	.00	33.50	B81025	REFUND BUSINESS LICENSE O
036380	10/30/18	THO04	THOMSON REUTERS/BARCLAYS	145.75	.00	145.75	839119347	PUBLIC SAFETY SUBSCRIPTIO
036381	10/30/18	VAL14	VALLEY TRUCK & TRACTOR CO	26.08	.00	26.08	849745	#31 JD MOWER REPAIR
036382	10/30/18	WAL07	WAL-MART COMMUNITY	154.72	.00	154.72	B81025	OCTOBER STMT PER ATTACHED
036383	10/30/18	WIL17	WILLDAN	535.07	.00	535.07	2-19986	PLAN CHECK SERVICE THROUG
			Cash Account Total.....:	139332.61	.00	139332.61		
			Total Disbursements.....:	139332.61	.00	139332.61		
			Cash Account Total.....:	.00	.00	.00		

REPORT: Nov 05 18 Monday
 RUN: Nov 05 18 Time: 13:24
 Run By: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 11-18 Bank Account.: 1045

PAGE: 001
 ID #: PY-DP
 CTL.: WIL

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information----- Description
036384	11/05/18	COD00	CODE PUBLISHING COMPANY	277.50	.00	277.50	61613	MUNICIPAL CODE UPDATE
036385	11/05/18	COM16	COMCAST CABLE	150.93	.00	150.93	B81105	FD INTERNET 10/19-11/18/1
036386	11/05/18	CUR01	L.N. CURTIS & SONS	803.30	.00	803.30	436792	TURBOJET NOZZLE
036387	11/05/18	EWI00	EWING IRRIG. PRODUCTS, INC	122.85	.00	122.85	6423929	DIAPHRAM ASSEMBLY
036388	11/05/18	FGL00	FGL ENVIRONMENTAL	210.00	.00	210.00	878582A	INORGANIC ANALYSIS
036389	11/05/18	GLE21	GLENN CO. SHERIFFS DEPT.	114629.16	.00	114629.16	102218-07	CONTRACTUAL LAW ENFORCEME
036390	11/05/18	HUN02	ROBERT W HUNT	1777.50	.00	1777.50	18-11	GENERAL LEGAL SERVICES TH
036391	11/05/18	I-500	I-5 RENTALS	3416.75	.00	3416.75	11796	EQUIPMENT RENTAL
036392	11/05/18	MEN02	MENDES SUPPLY COMPANY	42.26 24.61	.00 .00	42.26 24.61	R03104001 R03112800	LINERS TISSUE
			Check Total.....:	66.87	.00	66.87		
036393	11/05/18	O'R01	O'REILLY AUTO PARTS	17.27	.00	17.27	226917	FUEL CAP
036394	11/05/18	SAF03	SAFETY TIRE SERVICE	25.00 104.27	.00 .00	25.00 104.27	36212 36360	FLAT REPAIR TRENCHER REPAIR
			Check Total.....:	129.27	.00	129.27		
036395	11/05/18	SEV00	INFRAMARK, LLC	54219.41	.00	54219.41	35284	WILLOWS OPERATION NOV 201
036396	11/05/18	TRU00	TRUE BLUE PROPANE	77.49	.00	77.49	03873	PROPANE FILL
036397	11/05/18	USB02	US BANK	192.62	.00	192.62	369752027	EQUIP. LEASE 10/20-11/20/
036398	11/05/18	VAL01	VALLEY ROCK PRODUCTS	374.08	.00	374.08	1126286	BASE ROCK
036399	11/05/18	VER02	VERIZON WIRELESS	190.38	.00	190.38	981729281	TELEPHONE EXP 9/27-10/26/
036400	11/05/18	WIL00	WILLOWS AUTOMOTIVE	22.50 22.50 22.50 22.50 22.50 22.50	.00 .00 .00 .00 .00 .00	22.50 22.50 22.50 22.50 22.50 22.50	13468 13469 13490 13509 13510 13511	SMOG #20 FLATBED SMOG #5 UT SMOG FORD RANGER SMOG #4 FLATBED SMOG #8 FLATBED SMOG #2 PICK-UP
			Check Total.....:	135.00	.00	135.00		
036401	11/05/18	WILHQ	WILLOWS AUTO PARTS	564.94	.00	564.94	B81105	OCTOBER STMT PER ATTACHED
			Cash Account Total.....:	177355.32	.00	177355.32		
			Total Disbursements.....:	177355.32	.00	177355.32		
			Cash Account Total.....:	.00	.00	.00		



SUMMARY MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD October 9, 2018

Meeting audio is available at the City of Willows website. This is not a live feature. Audio recordings are posted the succeeding business day following the scheduled City Council Meeting.

Please visit www.cityofwillows.org for free PodBean recordings.

Mayor Warren called the meeting to order at 7:00 p.m.

The meeting opened with the Pledge of Allegiance led by Vice Mayor Mello.

Roll Call:

Council Members Present: Council Members Williams, Yoder and Hansen and Vice Mayor Mello and Mayor Warren.

Council Members Absent: None

Staff Present: Sheriff Warren, Administrative Services Director Tim Sailsbery, Community Services Director Steve Soeth, Interim City Manager Wayne Peabody, City Clerk Tara Rustenhoven

Public Comment/ Written Communications: Joyce Welsh Kasander, 611 W. Wood Street, Willows, Wanted to say Thank you for hiring full time Recreation Coordinator Sarah Hoffman. Also made a comment on all of the run down hotels, houses and also the Tower Theater here in town. She also wanted to say she appreciated what the City of Willows does for our city.

- a. Approval of general checking and payroll check (36265-36297, 37613-37619).
- b. Approval of minutes of the Regular City Council Meeting held on September 25, 2018

Action:

Motion: Hansen/Second: Yoder

Moved to approve the Consent Agenda as presented above and the following item(s).

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT:

ABSTAIN:

Regular Business:

- a. By motion, approve the Request for Proposal for Community Development Block Grant.

Interim City Manager Peabody gave a brief explanation of the process for the Community Development Block Grant.

Council Member Hansen mad a comment that he thinks this is needed and is the right thing to do.

Council Member Williams wanted verification that the Proposal amount is not to exceed \$100,000.00 and the length of the contract period is three years.

Council Member Yoder, Vice Mayor Mello and Mayor Warren all agree on the proposal.

Action:

Motion: Hansen/Second: Yoder

Moved to approve the Request for Proposal for Community Development Block Grant CDBG Consultant Services and direct staff to proceed accordingly.

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT:

ABSTAIN:

b. By Consensus, give direction to the Waste Management Subcommittee and staff.

Interim City Manager Peabody went over the different options to be taken. The first option would be a joint effort with the City of Orland and the County of Glenn in a joint request for proposal and the second option being to renegotiate with Waste Management for an extension.

Council member Williams spoke on behalf of the sub-committee. He attended the Waste Management meeting regarding this matter.

County of Glenn, Public Works Director Mohammad Qureshi (Dr. Q) informed Council were they are in the process for the new transfer station. He explained that there needs to be at least five separate contracts in order for the new transfer station to work and there are also no fees available at this time.

Discussion on this matter was made between Dr. Q and Council.

City Council Members Hansen and Yoder commended on Waste Management.

Orland City Manager Peter Carr shared that the City of Orland is also undecided on which direction they will be taking.

Vice Mayor Mello wanted to point out that the US has a list of the top 10 waste management and that two of the ten, Waste Management and Recology are both here attending our meeting.

Vice President of Waste Management, Alex Oseguera and Dan Shay with Recology both told members of the council why they thought the City of Willows should use their company.

Vice Mayor Mello wanted to commend Waste Management and that he's heard nothing but good things.

Council Member Hansen thanked Waste Management and Recology for being here.

Discussion between Council members and staff on the options we have on the Waste Management Agreement.

Council/Staff Reports/Comments:

a. Staff Reports/Comments:

-Interim City Manager Peabody announced that soccer has started down at the Willows Intermediate School and to please drive safely.

-Announced that the leaf pick up will start soon.

-Hansen gave kudos to Chief Peabody for all his hard work with all the fires going on around the county the last few weeks.

-Williams also gave kudos to Chief Peabody.

-Vice Mayor Mello also commented that it takes a lot dedication, attention, time, and energy from staff to get the City is where it is today, as far as the Basin Street Project.

b. City Council Reports/Comments:

- Sheriff Warren went over the Traffic Collisions Report.
- Announced that Undersheriff James will be retiring in October 26th and they will be recruiting a new second in command. Also, Deputy Blair will be retiring in December. They will be hiring four new detectives.
- They have also been approved by the Board of Supervisors to apply for a grant that will provide two School Resource Officers in the schools.

Mello asked for verification on the percentage of public intoxication in Willows.

Hansen commented on the report and gave thanks to Sheriff Warren.

Williams wanted to know if we are contracted with the State to house inmates and what the capacity of the jail was.

Council Member Williams:

- Sept 26th attended candidate's night at the Elks Lodge.

- October 9th attended the Waste Management meeting.

Vice Mayor Mello:

- Announced that Willows High School will be having a blood drive Tuesday from 8am-12pm at the Gym.

Mayor Warren:

- Wanted to thank Wayne for on volunteering on being a judge for the Willows Homecoming parade.
- Attended the LAFCO meeting
- Gave kudos to Wayne on the Basin Street Project.

Adjournment:

The Meeting was adjourned at 8:05 p.m.

Dated: October 10, 2018


Tara Rustenhoven, City Clerk



SUMMARY MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD October 23, 2018

Meeting audio is available at the City of Willows website. This is not a live feature. Audio recordings are posted the succeeding business day following the scheduled City Council Meeting.

Please visit www.cityofwillows.org for free PodBean recordings.

Vice Mayor Mello called the meeting to order at 7:00 p.m.

The meeting opened with the Pledge of Allegiance led by Barbara LaDoucer.

Roll Call:

Council Members Present: Council Members Williams, and Hansen and Vice Mayor Mello.

Council Members Absent: Council Member Yoder and Mayor Warren

Staff Present: Administrative Services Director Tim Sailsbery, City Attorney Robert Hunt, Planning Commissioner John Wanger, Principal Planner Karen Mantele, Interim City Manager Wayne Peabody, City Clerk Tara Rustenhoven

CEREMONIAL MATTERS (Proclamations, Recognitions, Awards)

Vice Mayor Mello presented a Proclamation to Barbara LaDoucer in honor of Veterans Day.

Public Comment/ Written Communications: No public comments or written communications.

Scheduled Public and/or staff presentations:

- a. Mardy Thomas (Glenn County Principal Planner) Glenn County Active Transportation plan

Mardy Thomas with Glenn County Principal Planner gave a brief presentation on pedestrian transportation and bicycling.

Council Member Williams had a chance to review the maps and agrees that it's a good plan.

Council member Hansen asked for a timeline of the project.

Alta Planning Consultant responded it could take until the end of the year to get a draft prepared and up to two years to get the funding.

Consent Agenda:

- a. Approval of general checking, payroll & direct deposit check registers (36298-36349, Z09485-Z09540, 37620-37659).
- b. Appropriation Request-Additional County Library Funding.
- c. Appropriation Request-Additional Supplemental Law Enforcement Services Funding and Reduce General Fund Appropriation.

d. Approve the cancellation of the December 25th, 2018 City Council Meeting.

Action:

Motion: Williams/ Second: Hansen

Moved to approve the Consent Agenda items a, b, c and d as presented above.

The motion passed unanimously 3/0 carried by the following voice vote:

AYES: Hansen, Williams, Vice-Mayor Mello

NOES:

ABSENT: Yoder and Mayor Warren

ABSTAIN:

Fourth District Supervisor/Board of Supervisor Keith Corum commented on item 7b.

City Attorney Robert Hunt suggested to Vice Mayor Mello that because there were comments on Item 7b, that it needed to be removed from the Consent Agenda and added as an item on the agenda separately, and another vote shall be taken.

Action:

Motion: Williams/ Second: Hansen

Moved to approve the Consent Agenda items a, c and d as presented above.

The motion passed unanimously 3/0 carried by the following voice vote:

AYES: Hansen, Williams, Vice-Mayor Mello

NOES:

ABSENT: Yoder and Mayor Warren

ABSTAIN:

Action:

Motion: Hansen/ Second: Williams

Moved to approve the Consent Agenda item b as presented above.

The motion passed unanimously 3/0 carried by the following voice vote:

AYES: Hansen, Williams, Vice-Mayor Mello

NOES:

ABSENT: Yoder and Mayor Warren

ABSTAIN:

Public Hearing:

a. Conduct a public hearing and upon conclusion, it is recommended that the Council read by title only and pass first reading of ordinance entitled "An Ordinance of the City Council of the City of Willows California Amending the Development Agreement between California Land Investors, LLC and the City of Willows, Chaptered as Section.

Interim City Manager Peabody discussed the Amendment to the Development Agreement

between the City of Willows and the California Land Investors and that this a second amendment.

Public Hearing opened at 7:16

No public comment was made.

Public Hearing closes at 7:17

Hansen thinks this is the right thing to do and wanted to congratulate the City of Willows and gave kudos the staff.

Williams wanted clarification that the additions will be paid by the developer. He also gave Kudos to Interim City Manager Peabody for all his hard work and is happy that this is moving forward.

Vice Mayor Mello concurred with both Councilmembers Hansen and Williams.

Action:

Motion: Hansen/Second: Williams

Moved that the ordinance be read by title only.

The motion passed unanimously 3/0 carried by the following roll call vote:

AYES: Hansen, Williams, Vice-Mayor Mello

NOES:

ABSENT: Yoder and Mayor Warren

ABSTAIN:

Action:

Motion: Hansen/Second: Williams

Moved to pass first reading that the ordinance entitled An Ordinance of the City Council of the City of Willows California Amending the Development Agreement between California Land Investors, LLC and the City of Willows, Chaptered as Section 19.10.05 of the Willows Municipal Code.

The motion passed unanimously 3/0 carried by the following roll call vote:

AYES: Hansen, Williams, Vice-Mayor Mello

NOES:

ABSENT: Yoder and Mayor Warren

ABSTAIN:

City Attorney Robert Hunt asked that Council Member Hansen amend his motion to reflect the correct dollar amount on the amended agreement.

Regular Business:

a. Approve by motion, the purchase of a new John Deere 1600 Turbo Series III Commercial Wide Area Mower in the Amount of \$58,664.93 from Valley Truck and Tractor.

Sailsbery explained the conclusion of the process of purchasing the mower. By utilizing Sourcewell, they were able to get a quote from Valley Truck and Tractor. The funds will be coming from General Fund 301.

Hansen confirmed that the funds are approved in our budget and the mower is a much needed piece of equipment.

Williams made a comment on a citizen reaching out to him about the cost of the mower. He also agrees the mower is much needed and will eliminate labor that is involved in all the property we manage.

Vice Mayor Mello did some research on the new mower and discovered that this new mower will cut the grass in half the time as our current mower. He also agrees that this is a good and practical tool and will be great for Public Works.

Action:

Motion: Williams/Second: Hansen

Moved to approve by motion the purchase of a new John Deere 1600 Turbo Series III Commercial Wide Area Mower in the amount of \$58,664.93 from Valley Truck and Tractor.

The motion passed unanimously 3/0 carried by the following voice vote:

AYES: Hansen, Williams, Vice-Mayor Mello

NOES:

ABSENT: Yoder, Mayor Warren

ABSTAIN:

a. Approve by motion, the City of Willows Statement of Investment Policy as submitted.

Sailsbery stated that this is an annual renewal and there are no changes to the investment policy this year.

Action:

Motion: Williams/Second: Hansen

Moved to approve by motion the City of Willows Statement of Investment Policy as submitted.

The motion passed unanimously 3/0 carried by the following voice vote:

AYES: Hansen, Williams, Vice-Mayor Mello

NOES:

ABSENT: Yoder and Mayor Warren

ABSTAIN:

b. Adopt the attached resolution awarding the construction contract to Knife River

Construction and the Construction Management and Inspection contract to 4-Leaf, Inc. for the South Willows Commercial and Industrial Center Project (EDA Project 07-01-07275).

Interim City Manager wanted to jump in and say that it has been an honor and privilege to bring this item before Council. This item has taken a lot of staff time. We've had a great partnership with Basin Street and other entities. It's been a long and grueling and we've had an outstanding team. Thank you to everybody that has done this for the City of Willows.

City Engineer John Wanger wanted to say it's been a pleasure watching this project. He gave a quick recap on the start of this project back in 2015. This project took an enormous amount of meeting minutes, with weekly meetings for almost three years. It has been quit the process and happy to say that the EDA authorize us to go out to bid in June and bids were open at the end of July. The engineers estimate was a little over \$3.7, the low bid came in at \$4.8 million. Wanted to point out there is a minor correction in the Staff report, second paragraph under SITUATION(or BACKGROUND) it states that the opening bid ranged from \$4,840,203.50 and it should state \$4,840,103.50. We were able to get the additional funding through EDA and Basin Street. Wagner was very pleased to announce that we officially got authorization from EDA to award this project.

Wanger wanted to point out that unfortunately Knife River had made \$75,000 dollar mistake in favor to the City. They were notified and to their credit they were willing to stand by the corrected amount stated above. With that we are recommending we award this project for construction to Knife River for that dollar amount.

The requirement from EDA was for us to go out and competitively receive proposals on the construction management and inspection services. We got one proposal from a firm by the name of 4Leaf, Inc. They are a reputable firm, and have met all of the requirements, and we are also recommending that council authorize the City Manager to sign an agreement for providing construction management and inspection services.

Wanger wanted to recognize Marc Nemanic from 3Core for his hard efforts as being a key role in getting the additional funding for this project.

Hansen wanted to thank the City of Willows Team, partners, 3Core and Basin Street. He also gave kudos to Interim City Manager Wayne Peabody for his leadership and outstanding work.

Williams wanted the audience to know who caught the \$75,000 error on the bid from Knife River.

Wagner responded that he had found the error and explained how he came across it. And wanted to give Kudos to Knife River for sticking by it.

Williams also wanted to add he thought it was a little shocking to only get the one bid but he is confident in 4Leaf, Inc's. abilities.

Wagner wanted to add that they sent out 5 invitations, one being 4Leaf, Inc., and were also required to advertise it publically.

Vice Mayor Mello wanted to add he thinks that we are one step closer.

Action:

Motion: Hansen/Second: Williams

Moved the resolution entitled Resolution of the City Council of the City of Willows, State of California, authorizing the City Manager to sign a contract with Knife River Construction, Inc. for Construction of the South Willows commercial and industrial center project (EDA Project 07-01-07275), authorizing the City Manager to sign a professional service agreement with 4-Leaf, Inc. for providing construction management and inspection services for the project, and approve an overall budget for the project.

The motion passed unanimously 3/0 carried by the following voice vote:

AYES: Hansen, Williams, Vice-Mayor Mello

NOES:

ABSENT: Yoder and Mayor Warren

ABSTAIN:

Council/Staff Reports/Comments:

a. Staff Reports/Comments:

- Interim Chief commented that we are as happy as can be!

b. City Council Reports/Comments:

Council Member Williams:

- October 18th Williams and Hansen attended that Regional Transportation Commission meeting.
- Mentioned the new bus shelter sponsored by the Willow Rotary Club will be installed by October 27th
- Passed a Resolution on the overall work program for the Glenn County Transportation.
- Announced that Holly Myers had the Vintage Flea Market on October 20th. She said it went very well and there was a lot of foot traffic in the downtown area.
- Announced the re-opening of Papa's Doughnuts being back and open for business.

Council Vice Mayor Mello:

- Wanted to say that he hoped Mayor Warren was having a great time in Washington D.C.

Council Member Hansen:

- Commented on the Glenn County Transportation, the CalTrans Branch Chief Susan, is getting the word out for the Freight Industry Focus Group.
- October 23rd attended the Task Force meeting along with Chief Peabody.

Entered into closed session at 7:50 p.m.

Vice Mayor Mello stated that there was no reportable action in closed session.

Adjournment:

Adjournment from closed session at 8:45 p.m.

Dated: October 24, 2018


Tara Rustenhoven, City Clerk



ORDINANCES

AGENDA ITEM

TO: Honorable Mayor Warren and Members of the City Council

FROM: Wayne Peabody, Interim City Manager

SUBJECT: Second Amendment to Development Agreement between
City of Willows and California Land Investors LLC

RECOMMENDATION:

Consider reading by title only, passing of the second reading, and adoption of an ordinance entitled "An Ordinance of the City Council of the City of Willows California Amending the Development Agreement Between California Land Investors, LLC and the City of Willows, Chaptered as Section 19.10.05 of the Willows Municipal Code

SITUATION (or BACKGROUND):

In spring, 2016 City Council took action to enter into a development agreement with California Land Investors LLC ("Developer"). Since that time, with the funding of the grant being delayed, the City and the Developer wish to make adjustments to the funding requirements for certain of parts of their respected obligations.

The changes that are requested were presented in the October 23rd, 2018 City Council meeting.

FINACIAL CONSIDERATIONS:

Modifications to the Developer contribution amount

NOTIFICATION:

California Land Investors LLC

ALTERNATE ACTIONS:

- 1: Request additional information from Staff
- 2: Reject Staff recommendation and/or direct item to returned.

November 13, 2018

RECOMMENDATION:

Consider reading by title only, passing of the second reading, and adoption of an ordinance entitled "An Ordinance of the City Council of the City of Willows California Amending the Development Agreement Between California Land Investors, LLC and the City of Willows, Chaptered as Section 19.10.05 of the Willows Municipal Code

Respectfully Submitted

Wayne Peabody
Interim City Manager

ATTACHMENT:

- 1: Ordinance 19.10.05
- 2: Second Amendment to Development Agreement between City of Willows and California Land Investors LLC

ORDINANCE NO. 2018 - _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WILLOWS, CALIFORNIA, AMENDING THE
DEVELOPMENT AGREEMENT BETWEEN
CALIFORNIA LAND INVESTORS, LLC AND THE
CITY OF WILLOWS, CHAPTERED AS SECTION
19.10.05 OF THE WILLOWS MUNICIPAL CODE.**

WHEREAS, on May 10, 2016 the City of Willows (the "City") entered into an agreement with California Land Investors, LLC ("CLI") relating to the development of property located in the southern part of the City of Willows (hereinafter the property referred to as "Basin Street", and the agreement the "Development Agreement");

WHEREAS, the City was preliminarily approved for a grant from the U.S. Economic Development (the "EDA Grant") for the construction of off-site improvements in and about Tehama Street (the "Off-Site Improvements"), the EDA Grant now totaling \$3,717,954.00;

WHEREAS, bids received for Off-Site Improvements project were substantially greater than initially estimated, with EDA approving a final bid amount \$6,040,542.00;

WHEREAS, the EDA Grant required the City to contribute \$1,071,429.00 toward the cost of such Off-Site Improvements, of which CLI agreed to reimburse \$535,715.00;

WHEREAS, committed funding from all sources now totals \$5,639,383.00, leaving a funding gap of \$401,159.00;

WHEREAS, CLI has agreed to contribute an additional \$401,159.00 toward the construction of the Off-Site Improvements to make up the current funding gap;

WHEREAS, among other obligations the Development Agreement required the City to complete construction of such Off-Site Improvements no later than June 1, 2017;

WHEREAS, among other obligations the Development Agreement required CLI to contribute \$535,715.00 toward the cost of the construction of Off-Site Improvements, in five (5) equal payments, with the first payment to the City to be made within one (1) year of the effective date of the Development Agreement;

WHEREAS, due to the unanticipated delay in obtaining the EDA Grant funds, the City has been unable to complete the construction of Off-Site Improvements by June 1, 2017;

WHEREAS, in view of the delay in the City's obtaining funding for the construction of Off-Site Improvements, CLI has requested an extension of the time by which CLI was to commence contributions to the City as set forth in Exhibit B to the Development Agreement; and

WHEREAS, both the City and CLI wish to keep the Development Agreement in full force and effect, except as modified by the FIRST AMENDMENT TO DEVELOPMENT AGREEMENT adopted in July 2017, and the SECOND AMENDMENT TO DEVELOPMENT AGREEMENT, attached hereto as Attachment A,

NOW THEREFORE, the City Council of the City of Willows does ordain as follows:

Section 1. The City Council of the City of Willows hereby finds that the above recitals are true and correct and are incorporated into the substantive portion of this ordinance.

Section 2. The City Council of the City of Willows hereby finds and declares that amending the Development Agreement as set forth in Attachment A is in the best interest of the City of Willows.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared, invalid or unconstitutional.

Section 4: The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section 5: This ordinance shall be in full force and effect thirty-one (31) days after its adoption by a majority vote of the City Council. The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause this ordinance, or a summary thereof, to be published pursuant to applicable state law.

This ordinance was introduced at a regular meeting of the City Council of the City of Willows, held on October 23, 2018, and adopted at a regular meeting of the City Council of Willows, held on the November 13, 2018, by the following vote, to wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT COUNCILMEMBERS _____

LARRY MELLO, VICE MAYOR

APPROVED AS TO FORM:

ROBERT HUNT, CITY ATTORNEY

ATTEST:

TARA RUSTENHOVEN, CITY CLERK

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT (“Amendment”) dated as of _____, 2018, is entered into between the City of Willows, a California municipal corporation (“City”), and California Land Investors, LLC, a California limited liability company (“Developer”).

THE PARTIES ENTER INTO THIS AMENDMENT based on the following facts, understandings and intentions:

A. City and Developer entered into that certain Development Agreement dated May 10, 2016 and recorded in the Official Records of Glenn County as Document No. 2016-1956, as amended by that certain First Amendment to Development Agreement dated September 13, 2017 and recorded in the Official Records of Glenn County as Document No. 2017-3953 (collectively, the “Development Agreement”), governing, among other things, the development of certain real property located in Willows, California. The capitalized terms used in this Amendment and not otherwise defined herein shall have the same meanings given to such terms in the Development Agreement.

B. The funding of the Grant (defined in Exhibit B to the Developer Agreement) has now been finalized, and the City and Developer wish to provide for an additional monetary contribution by Developer, make adjustments to the time requirements of their respective obligations, and extend the Term of the Development Agreement.

C. City and Developer now desire to amend the Development Agreement as provided herein.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and promises of the parties, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. Developer Contribution. The date by which Developer is required to make the first annual installment of the \$535,715.00 contribution pursuant to Exhibit B to the Development Agreement shall now be the date (the “Initial Payment Date”) that is twenty-four (24) months after the date the initial Grant funding occurs, with interest beginning to accrue on the Initial Payment Date.

2. Additional Developer Contribution. In addition to the \$535,716.00 contribution to be made by Developer pursuant to Exhibit B to the Development Agreement, Developer shall make an additional contribution of \$401,159.00 toward the cost of the Off-Site Improvements (as such term is defined in Exhibit B to the Development Agreement), which contribution shall be made by Developer to City no later than April 1, 2019.

3. **Term.** The Term of the Development Agreement (set forth in Section 4(b) of the Development Agreement) is hereby extended to, and shall now expire on, the date that is twelve (12) years after the effective date of the ordinance approving this Amendment is adopted by the City.

4. **Entire Agreement.** This Amendment, together with the Development Agreement, represents the entire understanding between City and Developer concerning the subject matter hereof, and there are no understandings or agreements between them relating to the Development Agreement not set forth in writing and signed by the parties hereto. No party hereto has relied upon any representation, warranty or understanding not set forth herein, either oral or written, as an inducement to enter into this Amendment.

5. **Continuing Obligations.** Except as expressly set forth to the contrary in this Amendment, the Development Agreement remains unmodified and in full force and effect. To the extent of any conflict between the terms of this Amendment and the terms of the Development Agreement, the terms of this Amendment shall control.

6. **Counterparts/Facsimile.** This Amendment may be executed in several counterparts, and all so executed shall constitute an agreement binding on all parties hereto, notwithstanding that all parties are not signatories to the original or the same counterpart. This Amendment may be executed by a party's signature transmitted by facsimile ("fax") or by electronic mail in portable document format ("pdf"), and copies of this Amendment executed and delivered by means of faxed or pdf signatures shall have the same force and effect as copies hereof executed and delivered with original signatures.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

CITY OF WILLOWS

CALIFORNIA LAND INVESTORS, LLC,
a California limited liability company

By: _____
Larry Mello, Vice Mayor
company,

By: G & W Ventures, LLC,
a California limited liability
its Manager

By: _____
Matthew T. White, Manager

APPROVED AS TO FORM:

Robert W. Hunt, City Attorney



REGULAR BUSINESS

AGENDA ITEM

TO: Wayne Peabody, Interim City Manager
FROM: Tim Sailsbery, Administrative Services Director
SUBJECT: Lease of City Owned Property for Agricultural Purposes

RECOMMENDATION

By Motion, award the lease contract to Roy Holzapfel and authorize the Administrative Services Director to negotiate the lease agreement with Mr. Holzapfel, subject to successful agreement and adherence to the terms and conditions of the lease.

SITUATION (or BACKGROUND):

The City owns 58.1 of farmable real estate for which Council has authorized the lease for agricultural purposes. As noted at the September 25th City Council Meeting, the existing lease was set to expire on November 30, 2018. At that time, Council directed staff to advertise for bidders on a new lease agreement. Said advertisement was published and the bid period ran through November 1. The City received 8 bids, with the highest responsive bid received by Roy Holzapfel.

FINANCIAL CONSIDERATIONS:

Revenue subject to agreed upon rent amount in signed lease.

NOTIFICATION

N/A

ALTERNATE ACTIONS

1. Award by motion
2. Request additional information from staff
3. Reject staff recommendation and/or direct item to be returned at later date.

RECOMMENDATION

By Motion, award the lease contract to Roy Holzapfel and authorize the Administrative Services Director to negotiate the lease agreement with Mr. Holzapfel, subject to successful agreement and adherence to the terms and conditions of the lease.

Respectfully submitted,

/s/ Tim Sailsbery

Tim Sailsbery
Administrative Services Director

Attachment:

Bids Result Summary
Draft Lease Document

RICE LAND BIDS

JAKE WITHROW \$20,335.00

CARTER KNOWLES \$23,300.00

CODY HANSEN \$18,301.50

RON VONBARGEN \$17,900.00

KEVIN KAMPSCHMIDT \$19,579.70

TONY HOBBS \$19,812.10

ROY HOLZAPFEL \$26,145.00

LANCE LAMBERT \$18,601.50

LEASE

THIS LEASE is executed in duplicate at Willows, California, on December 1, 2018 between the CITY OF WILLOWS, a municipal corporation, hereinafter referred to as "Lessor," and Roy Holzapfel, hereinafter referred to as "Lessee."

W I T N E S S E T H

DESCRIPTION OF PREMISES: 58.1 acres located in the southwest quarter of Section 15, Township 19 North, Range 3 West, M.D.B&M., located in the County of Glenn, State of California, being the area designated in red on the attached aerial photograph of the property, marked Exhibit "A" hereto, and incorporated herein by reference. Use by the Lessee of any connected or adjacent property, real or personal, owned by the Lessor is prohibited without expressed written consent of the Lessor.

TERM: The term of this lease shall commence December 1, 2018 and terminate on November 30, 2023. The term for this lease is hereinabove called the "Lease Term."

RENT: Lessee agrees to and shall pay to Lessor, at 201 North Lassen Street, Willows, California, or at such other place or places as Lessor shall from time to time in writing designate, as rent for the leased premises, the annual sum of \$26,145.00 for the first year. Subsequent years' rent shall be adjusted in accordance with the Bureau of Labor Statistics, Consumer Price Index, West Urban, Size B/C Cities (February to February adjustment). Lease payments are payable in equal semi-annual installments, in advance on the 1st day of the months of April and September during each year of the term of this lease, commencing on April 1, 2019.

LEASE: The lease period is for five years; however, the Lessee and Lessor, each, shall have the option to terminate the lease with written notice by September 30 of each year.

USE: The premises are leased exclusively to the Lessee for the planting, growing and harvesting of agricultural crops. Lessee shall not use or permit to be used, any part of the premises for any purpose other than purposes for which the premises are leased, nor shall the Lessee purvey water to be made available by Glenn Colusa Irrigation District or any alternative water source. Lessee is further responsible to determine that vendors purveying goods and services to the lessee pertaining to said leased land abide by all laws, including, but not limited to Sections 5.05.010 to 5.05.390 of the Willows Code of Ordinances.

WATER: Lessor and Lessee acknowledge that the premises are within the Glenn-Colusa Irrigation District

and that water for the irrigation of the crops to be grown on the property is available only from the Glenn-Colusa Irrigation District. Lessee accepts the risk as to the availability of water from the Glenn-Colusa Irrigation District and acknowledges that there will be no reduction of the rent during the term hereof by reason of unavailability or reduction in irrigation water.

Lessee shall pay all district taxes and assessments levied against the premises. All water tolls and charges shall be paid by Lessee. All costs and expenses arising from the operation, maintenance and repairs necessary to diversion structures, canals, laterals, drains or other water works related to the irrigation water system on the premises shall be paid by Lessee.

LEASE SUBJECT TO EXISTING AND FUTURE RIGHTS OF OTHERS: This lease is subject to (a) all existing easements, servitudes, licenses, and rights-of-way for canals, ditches, levees, roads, highways, and telegraph, telephone, and electric power lines, railroads, pipelines, and other purposes, whether recorded or not; (b) the rights of other lessees under any existing or future oil, gas, and mineral lease or leases from Lessor affecting the entire or any portion of the premises, whether recorded or not.

ENTRY BY OWNER: Lessee shall permit Lessor, and Lessor's agents and assigns, at all reasonable times, to enter the leased premises, and to use the roads established on the premises now or in the future, for the purposes of inspection, in compliance with the terms of this lease, exercise of all rights under this lease, posting notices, and all other lawful purposes.

Lessee shall supply Lessor, and his agents and assigns, with keys and other instruments necessary to affect entry on the premises.

Lessee shall make and keep pertinent records of all operations and conduct under this lease and shall make them available to Lessor and Lessor's agents and assigns at all reasonable times for inspection.

TERMINATION OF LEASE/SURRENDER OF LEASED PROPERTY: Should the Lessee or Lessor terminate this lease prior to expiration submit a bid for a subsequent lease, or be unsuccessful for same, Lessee shall make the premises available to the new lessee not later than two weeks after completion of harvest. Notification of harvest completion shall be given to Lessor in writing.

CONDITION OF PREMISES: By entry under this lease Lessee accepts the premises in their present condition; and Lessee agrees, on the last day of the term or on sooner termination of this lease, to surrender the premises and the appurtenances to Lessor in the same condition as when received, reasonable use, wear, and damage by fire, act of God, or the elements excepted and to remove all of Lessee's property from the premises.

Prior to conclusion of this lease agreement, the lessee shall be responsible for leaving the leased property available and usable for the next growing season. This specifically requires the lessee to remove the crop stubble from the previous harvest by an approved agricultural process to include stomping and flooding, plowing, cutting and bailing, and burning when specifically permitted. The property is on a one-in-four burn rotation schedule and will not be available for burn until the 2016 crop year. This availability is subject to change without notification by the Lessor.

WASTE: Lessee shall not commit, or permit others to commit, on the premises, waste, or a nuisance, or any other act that could disturb the quiet enjoyment of Lessor or any other tenant of Lessor on reserved or adjacent property.

OIL, GAS, AND MINERAL RIGHTS: All rights in all minerals, oil, gas, and other hydrocarbons located on or under the leased premises are particularly reserved to Lessor and are particularly excepted from the property covered by the terms of this lease. Lessee expressly grants to Lessor, and to Lessees of these oil, gas, and mineral rights, and to Lessor's agents and licensees, a right of entry and a right-of-way for ingress and egress in and to, over and on, the leased premises during the term of this lease for the exploration, drilling, and mining of minerals, oil, gas, and other hydrocarbons on the leased premises; provided that Lessor shall reimburse Lessee for any reasonable damages that Lessee sustains as a result of any interference with the agricultural operations conducted on the leased premises under the terms of this lease arising from exploration, drilling, or mining operations.

HUNTING RIGHTS: All hunting rights and privileges on the leased premises are particularly reserved to Lessor.

MAINTENANCE: Lessee shall care for both the leased premises and the approaches to and appurtenances of the leased premises, including, but not limited to, all fences, corrals, wells, ditches, and roadways, and maintain them in the same order and condition in which received, ordinary wear and tear excepted.

INDEMNITY AGREEMENT: Lessee shall indemnify and hold Lessor and the property of Lessor free and harmless from any and all liability, claim, loss, damages, or expenses resulting from Lessee's occupation and use of said premises. Specifically including, but not limited to, any liability, claim, loss, damage, or expense rising by reason of (a) the death or injury of any person from any cause; (b) straying of livestock from the leased premises; or (c) flooding of county roads or neighboring lands because of improper or inadequate drainage or escaping irrigation waters.

INSURANCE: Lessee shall provide to the City a certificate of insurance duly executed by the Lessee's liability insurance carrier which names the City of Willows as an additional insured against loss or liability caused by or connected with the Lessee's occupation and use of said premises under this lease in the amounts not less than:

(a) \$1,000,000.00 for injury to or death of one person and, subject to such limitation for the injury or death of one person, of not less than \$2,000,000.00 for injury to or death of two or more persons as result of any one accident or incident; and

(b) \$100,000.00 for damage to or destruction of any property of others. Lessee shall keep fully insured at his own expense all persons employed by him in connection with this agreement as required under California Worker's Compensation Laws and shall hold the City free and harmless from all liabilities that may arise by reason of the injuries to any of the employees of the Lessee who are injured while performing work or labor on or about the premises.

REMEDIES OF OWNER ON DEFAULT: If Lessee breaches this lease, Lessor shall have, in addition to other rights or remedies, the right of reentry, after having given fifteen (15) days' notice, and the right to take possession of all crops, harvested or unharvested, and to remove all persons and property from the premises; Lessor may store the property, including crops and all other property, removed in a public warehouse or elsewhere at Lessee's expense and for his account. Lessor, at his election, shall become the owner of all crops of which he has so taken possession.

If Lessor elects to reenter, as provided above, or to take possession under legal proceedings or under any notice provided for by law, Lessor may (1) terminate this lease or (2) from time to time, without terminating this lease, relet the entire or any part of the premises for such terms (which may extend beyond the term of this lease) and at such rentals and other conditions as Lessor in Lessor's sole discretion deems advisable. Lessor also has the right to make alterations and repairs to the premises.

On each reletting, either Subparagraph (a) or (b) shall apply:

(a) Lessee shall be immediately liable for payment to Lessor of (1) Lessor's expenses of reletting and making alterations and repairs, (2) the amount by which the rent specified in this lease for the period of the reletting (up to but not beyond the term of this lease) exceeds the amount agreed to by the new Lessee to be paid as rent for the leased premises, and (3) all other indebtedness due under the lease; or,

(b) At Lessor's option rents received by Lessor from reletting shall be applied: First, to the payment of any

indebtedness, except rent, due under this lease from Lessee to Lessor; second, to the payment of expenses of reletting and of alterations and repairs; third, to the payment of rent due under the lease and unpaid, with the residue, if any, being held by Lessor and applied in payment of future rent as it becomes due and payable under the lease.

If Lessee has been credited with rent to be received by reletting under the option in Subparagraph (a) above and the rent shall not be promptly paid to Lessor by the new tenant; or if the rentals received from reletting under the option in Subparagraph (b) above during any month are less than to be paid during that month by Lessee under the lease, Lessee shall pay the deficiency to Lessor. This deficiency shall be calculated and paid monthly.

No reentry or taking possession of the premises by Lessor shall be construed as an election by Lessor to terminate this lease unless written notice of such an intention is given to Lessee or the lease is declared to be terminated by a court of competent jurisdiction. Even though the reletting was without termination by Lessor, Lessor may at any future time elect to terminate the lease for the previous breach by Lessee. If Lessor terminates the lease for a breach, in addition to any other remedy Lessor may have, Lessor may recover from Lessee all damages Lessor incurs by reason of the breach, including both the cost of recovering the premises and the worth, at the time of termination, of the excess of the amount of rent and charges equivalent to rent specified in this lease, for the remainder of the stated term, over the then reasonable rental value of the premises for the remainder of the term. All of these amounts shall be immediately due from Lessee to Lessor.

All of these rights shall be concurrent and cumulative and are in addition to, and not in derogation of, all other rights and remedies available to Lessor.

Nothing contained in this lease, and no security or guarantee of the Lessee that Lessor holds now or in the future under the lease, shall in any way constitute a bar or defense to an action by Lessor in unlawful detainer or for recovery of the premises.

ASSIGNMENT OR SUBLETTING: Lessee shall not assign this lease or any rights under it, and shall not sublet the entire or any part of the premises, or any right or privilege appurtenant to the premises, or permit any other person (the agents and servants of Lessee excepted) to occupy or use the entire or any portion of the premises, without first obtaining Lessor's written consent; provided that Lessor shall not unreasonably withhold consent to assignment, sublease, or other transfer of use or possession of the premises. A consent to one assignment, subletting, occupation, or use by another person is not a consent to a future assignment, subletting, occupation, or use by another person. An assignment or a subletting without Lessor's consent shall be void, and shall, at Lessor's option, terminate this lease. No interest of Lessee in this

lease shall be assignable by operation of law without Lessor's written consent.

NOTICE OF POSSESSORY INTEREST: The possessory interest created by this lease may be subject to property taxes and the lessee may be subject to the payment of such property taxes. If any property taxes are assessed against the lessee's interest in this lease, lessee shall be solely responsible for payment thereof.

ATTORNEY'S FEES: In any action or proceeding by either party to enforce this lease or any provision thereof, the prevailing party shall be entitled to all costs incurred and to reasonable attorney's fees.

NOTICES: Any notice to be given to either party by the other shall be in writing and shall be served either personally or by certified, return receipt requested, mail addressed as follows:

Lessor: CITY OF WILLOWS
201 North Lassen Street Willows, California 95988

Lessee: Roy Holzapfel
PO Box 342
Willows, CA 95988

LEGAL EFFECT: All covenants of Lessee contained in this lease are expressly made conditions.

WAIVER: The waiver by Lessor of a breach of any term, covenant, or condition contained in this lease shall not be treated as a waiver of such terms, covenants, or conditions, or as a waiver of a future breach of the same or any other term, covenant, or condition contained in this lease. The acceptance of rent by Lessor shall not be treated as a waiver of a previous breach by Lessee of any term, covenant, or condition of this lease, other than the failure of Lessee to pay the particular rental so accepted, regardless of Lessor's knowledge of a previous breach at the time of acceptance of rent.

POSSESSORY INTEREST TAXES: Lessee recognizes and understands that this lease may create a possessory interest subject to property taxation and that the Lessee may be subject to the payment of property taxes levied on such interest.

BINDING ON SUCCESSORS: The covenants and conditions herein contained shall, subject to the provisions as to assignment, apply to and bind the heirs, successors, executors,

administrations, and assigns of all of the parties hereto; and all of the parties hereto shall be jointly and severally liable hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this lease the day and year first hereinabove written.

LESSOR:

Timothy L. Sailsbery, Administrative Services Director for CITY OF WILLOWS, a municipal corporation

LESSEE:

Roy Holzapfel

The City of Willows is an Equal Opportunity Provider

AGENDA ITEM

TO: Wayne Peabody, Interim City Manager
FROM: Tim Sailsbery, Administrative Services Director
SUBJECT: Award of Administrative Services Agreement- Grant 17-CDBG-12031

RECOMMENDATION

By Motion, award the contract for contract grant administration of 17-CDBG-12031 to 3Core/Community Development Services and authorize the Interim City Manager to negotiate a service agreement.

SITUATION (or BACKGROUND):

At the October 9 meeting, Council authorized Staff to publicize and distribute a request for proposal for administrative services associated with the CDBG OTC Grant No. 17-CDBG-12031. The City received two proposals (Wildan and 3Core/CDS). The RFP contained scoring criteria for the proposals, and said criteria was followed for purposes of making a recommendation to Council for award.

Both entities submitted solid proposals and the City has had successful relationships with both. Ultimately, based upon the scoring criteria, 3Core/CDS has provided the recommended proposal.

FINANCIAL CONSIDERATIONS:

Up to \$100,000 of administrative funds associated with grant 17-CDBG-12031

NOTIFICATION

California Department of Housing and Community Development (HCD)

ALTERNATE ACTIONS

1. Award by motion
2. Request additional information from staff

3. Reject staff recommendation and/or direct item to be returned at later date.

RECOMMENDATION

By Motion, award the contract for contract grant administration of 17-CDBG-12031 to 3Core/Community Development Services and authorize the Interim City Manager to negotiate a service agreement

Respectfully submitted,

/s/ Tim Sailsbery

Tim Sailsbery
Administrative Services Director

Attachments:

Scoring Sheets

City of Willows
Grant No. 17-CDBG-12031
Grant Administration Score Sheet

Bid Wildan

Evaluator Tim Sailsbery

		Commentary
Capabilities and Resources	30	Wildan appears to have both the breadth and depth to provide the services required for this project
Qualifications of Key Personnel	28	Solid, and while there is evidence of some ED experience, the focus appears to be geared more toward the general allocation side of HCD's CDBG aspects.
Budget and Rates	20	Clearly more expensive of the proposals. The proposal commits to NTE \$100,000, but only for the first year. This grant has a longer timeline than one year. Also, many disclaimers regarding extra charges.
Work Schedule and Availability	10	More of a general synopsis of services to be provided rather than a drill down of a timeline and detail of services.
Total Score	<hr/> 88	

City of Willows
Grant No. 17-CDBG-12031
Grant Administration Score Sheet

Bid 3Core/CDS

Evaluator Tim Sailsbery

Commentary

Capabilities and Resources	24	Smaller group of staff involved. May not have as "deep of a bench" as others.
Qualifications of Key Personnel	30	The partnership of the two entities provides a good combination of economic development and back end loan experience and CDBG specific relationship.
Budget and Rates	23	Flat rate of \$125 per hour the less expensive of the two. Would like to see an "NTE" in the quote but breakdown of estimated hours for the project seems sufficeint to cover the work needed.
Work Schedule and Availability	14	Commitment to emphasizing working through grant closeout. Solid history of availability in previous work.

Total Score

91

City of Willows
Grant No. 17-CDBG-12031
Grant Administration Score Sheet

Bid Wildan

Evaluator Wayne Peabody

Commentary

Capabilities and Resources	28	Has the capabilities and the resources for the project.
Qualifications of Key Personnel	26	All personnel appear to be qualified
Budget and Rates	20	Rates are highest of the two proposals Only commits to one year. This will be a multiyear project with closing reports
Work Schedule and Availability	10	Appears that we would have to be careful who we call and how much time they are available
Total Score	<hr/> 84	

City of Willows
Grant No. 17-CDBG-12031
Grant Administration Score Sheet

Bid Wildan

Evaluator Wayne Peabody

Commentary

Capabilities and Resources	28	Between both companies, bring a wide range of capabilities and resources
Qualifications of Key Personnel	30	Both companies have quillified personnel
Budget and Rates	24	Of the two proposals that hourly rate is cheaper and a fixed rate This group speaks of a multi year project
Work Schedule and Availability	15	Any of the key personnel are available either by phone or cell
Total Score	97	

November 13, 2018

AGENDA ITEM

TO: Honorable Mayor Warren and Members of City Council

FROM: Karen Mantele, Principal Planner

SUBJECT: RFP (Request for Proposal) for Cannabis Retail Dispensary Permit and new fees

RECOMMENDATION

Staff is recommending the Council review the RFP, provide comments; and

- By Motion, Approve the Number of Dispensary(ies) to be Approved Via RFP Process, and
- By Resolution, Adopt New Fees

Background

Beginning in November of 2017 the City of Willows introduced and adopted ordinance(s) regarding regulating cannabis use within the City. The Council enacted/adopted these Ordinance(s), which went into effect in late December 2017.

Section 9.20.070(B) of the new code, states the City Council shall by resolution limit the number of retail/dispensary cannabis business licenses to be issued within the City in order to avoid over concentration. In November of 2017, the Council adopted a resolution (No. 32-2017) that established the maximum number of Retail/Dispensary Cannabis Licenses that may be issued in the City of Willows, which was up to two (2) dispensary licenses. This resolution also directed the Planning Commission to establish zoning district(s) in which a retail cannabis use would be allowed.

On January 17, 2018 Staff took the item of establishing zoning districts to the Planning Commission for their prevue. On February 13, 2018 those discussions and recommendations were taken to the City Council meeting. The conclusion of the City Council was to allow dispensaries in the CG/ML/PD; CG/PD and CH zoning districts. Subsequently Staff prepared and brought forth text amendments to allow retail cannabis dispensary use within these districts; first to the Planning Commission (at the June 20, 2018 meeting) and then to the City Council (at the August 14th and 28th meetings). Those amendments are now in place.

Section 9.20.074 of the new ordinance also stated that several fees associated with allowing for a retail/dispensary cannabis business license shall be established by the City Council. This task is before the Council this evening.

Discussion

RFP

A RFP (Request For Proposal) has been drafted and is the mechanism the City choses to seek qualified applicants for a retail cannabis dispensary. Staff is making the Council aware of the processes within the RFP and ask they if they would like any minor changes to the document. The RFP includes the process an applicant will have to follow in order to apply for consideration of a retail dispensary use. (See Attached document) The City intends to publish the RFP upon City Council review and approval of the document.

The RFP will be published on the City website and also sent to interested persons who have contacted the City throughout this process.

The RFP details the application process and is structured with three phases; a Phase 1 application/ per Section 9.20.071(A) of the WMC, which requires submittal of preliminary information intended to confirm the eligibility and suitability of the applicant(s); to a Phase 2 application/ per Section 9.20.071(B) of the WMC, which includes submittal of significant information about the proposed site of the business, proposed operations, security and other detailed business operations. Following the selection of a completed Phase 1 which will be reviewed by a three member city team including the City manager, Phase 2 will begin, including obtaining the applicable land use entitlement by Willows Planning Commission. Phase 3 of the process/per Section 9.20.071(C) of the WMC, will consist of the final consideration and approval/disapproval by the City Council for selection of an applicant(s).

PROPOSED FEES

WMC section 9.20.074 (Retail/dispensary cannabis business license fees and taxes) states that the City Council shall establish by resolution several fees and or taxes associated with a cannabis business license.

The fees proposed in the attached draft resolution are an amount reasonably calculated to reimburse the City for costs and expenses incurred while processing the applicants applications. The proposed fees include (a) a Phase 1 application fee, (b) a Phase 2 application fee (c) a retail/dispensary cannabis business license renewal application fee, (d) a retail/dispensary cannabis business license transfer/modification application fee, (e) an appeal fee, (f) a cannabis business license fee, payable annually, and (g) a cannabis business tax. As allowed by this code section, the City Council may, by resolution, adjust any fee required at any time.

NUMBER OF DISPENSARIES

As stated earlier, the City Council adopted a Resolution (#32-2017) in November of 2017 establishing the maximum number of retail dispensary cannabis business licenses to not exceed two (2), and they may not be located closer than 1,000 feet from any church, elementary school middle school, high school, licensed day care or preschool facility, playground or parks. Council has previously authorized the issuance of a maximum of two (2) retail cannabis licenses, and Staff recommends Council affirm that limitation, which appears in the proposed Resolution. Upon receipt of responses to the RFP, Staff will return to Council with recommendation for issuance of no more than two (2) retail cannabis licenses.

Environmental Review

The project was reviewed pursuant to and under the California Environmental Quality Act (CEQA). City Staff determined the project is exempt from CEQA guidelines and is exempt per Section 15061.

FINANCIAL CONSIDERATIONS

No financial considerations will be made with respect to implementation of the RFP, as applicants shall pay fees for Phase 1 or Phase 2 applications which will cover the staff time costs.

ALTERNATE ACTION

None are recommended for consideration by the City Council.

RESOLUTION NO. 2018- _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
ESTABLISHING FEES ASSOCIATED WITH APPLICATION FOR LICENSES TO
AND OPERATION OF CANNABIS RETAIL BUSINESSES WITHIN THE CITY OF
WILLOWS.**

WHEREAS, on November 28, 2017 the City Council of the City of Willows enacted Ordinance 736-2017 adding Chapters 9.20 and 8.10 to the Willows Municipal Code which regulated the use, cultivation and sales of cannabis and cannabis products in the City of Willows; and

WHEREAS, Chapter 9.20.074 requires the City Council of the City of Willows to establish, by Resolution, the various fees due the City associated with the application for licenses to operate and for the operation of retail cannabis businesses in the City of Willows; and

NOW, THEREFORE, BE IT RESOLVED that:

1. The above recitals are true and correct, and incorporated herein.
2. The City Council for the City of Willows does hereby reaffirm that the City will permit a maximum of two (2) retail cannabis business licenses to be issued for operation within the City of Willows.
3. The City Council of City of Willows hereby establishes the following fees for the application and operation of retail cannabis businesses in the City of Willows, such fees to be collected by the City Manager or his or her designee:
 - (a) A Phase 1 application fee of \$2,000 to be collected at the time of a Phase 1 application submittal, such fee reasonably calculated to reimburse the City for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's Phase 1 license application.
 - (b) A Phase 2 application fee of \$5,000 to be collected at the time of a Phase 2 application submittal, such fee reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's Phase 2 license application.
 - (c) A retail cannabis business license renewal application fee of \$500, to be collected at the time of a license holder's renewal application submittal, such fee reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, fully burdened staff time in processing license holder's retail cannabis business license renewal application.

- (d) A retail cannabis business license transfer/modification application fee of \$2,500, to be collected at the time of a license holder's application to transfer or modify a retail cannabis business license, such fee reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, fully burdened staff time in processing license holder's application for the transfer or modification of a retail cannabis business license.
- (e) An appeal fee of \$5,000, to be collected at the time of an applicant's or license holder's file of an appeal of a denial or disapproval of an application for a retail cannabis business license, or renewal, transfer or modification thereof, or the revocation or suspension of any such license, such fee reasonably calculated to reimburse the City for costs and expenses incurred in processing any such appeal application including, but not limited to, all staff and management time, legal fees, hearing officer fees, document and record fees, and other associated costs and expenses.
- (f) A cannabis business license fee as set forth in Section 5.05.230 payable annually, authorizing the licensee to engage in the business of sales of cannabis and cannabis products in the City of Willows.
- (g) The fees set forth above shall be in addition to any other fee and/or tax imposed by the Willows Municipal Code or law including, but not limited to, sales and excise taxes and any taxes or fees payable to the State of California.

As used herein, the term "retain cannabis business" shall include any dispensary or similar facility dispensing cannabis and cannabis products for medicinal purposes.

PASSED AND ADOPTED by the Willows City Council this ____ day of _____, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:

Kerri Warren, Mayor

Tara Rustenhoven, City Clerk

REQUEST FOR PROPOSALS (RFP)

ATTACHMENT 2

STAFF RECOMMENDATION

Staff is recommending the Council review the RFP, provide comments; and

-By Motion, Approve the Number of Dispensary(ies) to be Approved Via RFP Process, and

-By Resolution, Adopt New Fees

Respectfully submitted,



Karen Mantele
Principal Planner

Approved by



Wayne Peabody
Interim City Manager

Attachments:

1. Draft Resolution for fees
2. RFP (Request for Proposal)



CITY OF WILLOWS

REQUEST FOR PROPOSALS (RFP) APPLICATION FOR CANNABIS RETAIL DISPENSARY PERMIT

Release Date: November 16, 2018

Submittal Deadline: December 17, 2018 by 4:00 pm

Sealed submittals may be mailed or delivered in person

to:

CITY OF WILLOWS

**Mr. Wayne Peabody, Interim City Manager
201 N. Lassen Street
Willows, CA 95988**

This Request for Proposals (RFP) is being issued by the City of Willows (City) for individuals interested in applying for a Retail Cannabis Dispensary Permit. Responses to this RFP are sought from professional, highly qualified individuals and companies who are capable of opening and operating a safe, secure and viable retail cannabis dispensary within the city limits of Willows. The City Council has adopted a Resolution limiting the number of cannabis dispensaries within the City to two (2); the Council reserves the right to decline to issue more than one permit pursuant to this RFP or any other process adopted by the City.

I. Introduction

Incorporated in 1886, the City of Willows is located along Interstate 5 in northern California, Glenn County, and is comprised of 2.83 square miles. Historically, the City has been known for its strong agricultural industries. The City government is comprised of a five-person city council that includes an elected mayor, managed by a City Manager.

On November 28, 2017, the Willows City Council adopted a Cannabis Ordinance to facilitate the approval, regulation, and operation of cannabis businesses. This ordinance, as chaptered in the Willows Municipal Code (“WMC”) along with State laws and regulations imposes strict zoning, security, and operational requirements on cannabis dispensaries. Also on November 28, 2017 the Willows City Council adopted a resolution allowing up to two (2) commercial retail cannabis dispensaries within the City.

The City of Willows is now seeking applications from individuals and companies, who wish to develop and operate a cannabis retail dispensary facility in Willows. Cannabis businesses seeking a Dispensary /Retailer permit must participate in a competitive Request for Proposals process in order to obtain a permit. The process will be subject to the following requirements:

- *Application Process.* Phase 1/ per Section 9.20.071(A) of the WMC, Submittal of preliminary information intended to confirm the eligibility and suitability of the applicant(s); Phase 2/ per Section 9.20.071(B) of the WMC, Submittal of significant information about the proposed site of the business, proposed operations, security and other detailed business operations. *Land Use Entitlements.* Following the selection of a completed Phase 1 application by the City manager, all applicable land use entitlements must be approved by Willows Planning Commission; Phase 3/per Section 9.20.071(C) of the WMC, final consideration and approval/disapproval by the City Council for selection of an applicant(s).
- *Zoning.* The approved cannabis retail facility (hereinafter referred to as “facility”) shall be located within the City of Willow’s CH, CG/ML/PD and CG Zoning Districts.
- *Setback Requirements from Sensitive Uses.* A retail cannabis facility shall not be located within a 1,000-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. In addition, a retail facility shall not be located within one-hundred (100) feet of a residential district. The distance specified shall be measured from the property line of the subject property.

- *Adult Use/Medical Use.* The facility may operate as both an adult-use (recreational) and medicinal-use facility as prescribed by state law. This would allow the applicant to acquire both an A- type and M-type license from the State of California. Applicant(s) shall provide a description of the specific State License to be obtained and how the cannabis business will meet state licensing requirements for operation of the business and a schedule for completing the necessary licensure.
- *Regulations.* Strict operating, security, recordkeeping, tracking, facilities, zoning regulations are set forth in the attached Ordinance and Resolution.
- *Phase 1 stage.* Applicant(s) shall provide a proposed level of revenue sharing to be paid to the City. Applicant is encouraged to submit the revenue sharing proposal as : *Applicant will share revenues with the City, no later than 10 days following the completion of each calendar month, the greater of ____ % of gross revenue or all sources of sale or \$____, whichever is greater.* Applicant must further acknowledge that sales records are subject to audit by the City or a contracted representative of the City, as set forth in the WMC, and applicant will bear one-half of the cost of each such audit.
- *Additional Conditions.* Additional conditions may be imposed by the City to ensure the operator remains compliant with all State and local laws as well as the conditions set forth in the operator's application.

Per the requirements of the WMC, the facility must operate in accordance with the Medicinal Adult-Use Cannabis Regulation Safety Act (MAUCRSA) or as amended and all subsequent regulations adopted by the State of California. In addition to said regulations, applicants must comply with all local laws and regulations. Any facility shall be designed primarily for the retail sale of cannabis.

Delivery of cannabis is not allowed within the City of Willows per Section 9.20.070(A). Additional restrictions on the operations of the facility are outlined in the adopted ordinance. Applicants should review the City's ordinance requirements carefully before responding to this application.

II. Overview of the Application Process

The RFP process is structured with three phases, as outlined above. The non-refundable processing fees for each phase are due upon submittal.

The City shall not accept any amendments, revisions or alteration to applications after the deadline for RFP submittal unless the City formally requests such in writing.

The City reserves the right to request additional information not included in this application from any and all applicants.

Information or materials submitted in response to this Request will be stored on file with the City of Willows and may be subject to the requirements of the California Public Records Act,

or subject to public disclosure as ordered by a court of law. Proposed security plans and personal identification numbers will be considered confidential.

Applicants must adhere to the page limits set forth herein. Additional content that exceeds these limits will not be considered.

- **Submission Process and General Conditions**

Should applicants have questions about this application process or require additional clarification about the contents of this RFP or application, direct questions in writing to: wpeabody@cityofwillows.org. Questions posed in person or by phone will not be answered. Answers to questions and responses will be subsequently posted on the City's program website.

Proposals must be organized, labeled or tabbed consistent with these requirements. The submittal must consist of 8 1/2" by 11" paper. The application package shall be organized with a table of contents and tabs so that information can be accessed quickly and efficiently. Applicants shall submit 4 hard copies of all the Phase 1 application checklist requirements, including the following, before the deadline as outlined below.

- Completed "Live Scan Form" for each member of the Applicant Team for Background Checks. (Follow the "*Criminal Background Investigation*" information below)
- Phase 1 Application Fee of \$2,000

Event	Date
Request of Proposal Release	November __, 2018
Applicant Questions Due	_____, 2018
Applications Due	December __, 2018

Criminal Background Investigation

Each member of the applicant team shall complete the background materials, which includes the attached live scan form. Each member of the applicant team will be required to submit to a criminal background investigation. Fingerprints and Photographs shall be required from each member of the applicant team as part of this process. Applicants who pass the background and criminal history check will continue to be eligible during the selection process. Applicant Teams who do not pass the criminal background investigation will be disqualified and will be removed from the application process. Background determinations will be final and not subject to appeal.

Live scans can be scheduled during the application period. **NOTE:** All applicants must be submit to a live scan/background check conducted in person at the County of Glenn Sheriffs' Department located at 141 S. Lassen Street, Willows, CA 95988. This can be completed anytime during the solicitation process but prior to the submission deadline. You can schedule an appointment by calling Christa Berlier at (530)-934-6428. Backgrounds may be submitted while you are preparing your proposal. If so, please document that your background information has been submitted including all fees paid when submitting your official proposal. If any applicant(s)/owner(s) fail to pass a background check, the application for a permit will be immediately rejected and receive no further consideration.

IV. Review and Final Selection

Following a subjective ranking of the Phase 1 application submittals, City Manager/Staff will review the submittals and notify the applicant(s) whether the application was complete or not. An extension may be granted to complete the Phase 1 application. City Staff will provide written notice to the applicant(s) whether it has been determined to proceed with a Phase 2 application. Thereafter a Conditional Use Permit application will be required to be obtained with a public hearing for the Use Permit with the Planning Commission. The applicant(s) shall then proceed to the City Council for consideration and final selection. The recommended applicant team(s) should be prepared to attend the City Council meeting and be prepared to provide a public presentation before the Mayor and City Council, introducing their team and providing an overview of their proposal. The City of Willows reserves the right to request any other additional information or documentation deemed necessary to review the applications throughout the entire application and facility permitting process. The City also reserves the right to request references from applicants.

- Definitions

Please refer to WMC Section 8.10.010 and 9.20.020 - Definitions - for words or phrases, whenever used in this application process.

Attachments:

1. Ordinance #736-2017
2. Resolution No. 32-2017
3. Property Owner Consent form
4. Live Scan Form
5. Phase 1 Application

Attachment 1

ORDINANCE NO. 736-2017

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILLOWS REPEALING WILLOWS MUNICIPAL CODE CHAPTER
9.20 ("MEDICAL MARIJUANA"), ADOPTING NEW CHAPTER
9.20 ("CANNABIS"), REPEALING CHAPTER 8.10.010
("DEFINITIONS"), ADOPTING NEW CHAPTER 8.10.010, AND
AMENDING CHAPTER 8.10 ("NUISANCE") TO REGULATE
CANNABIS USE, CULTIVATION, SALES AND OTHER
CANNABIS ACTIVITIES IN THE CITY OF WILLOWS.**

WHEREAS, the City Council of the City of Willows intends to and hereby does establish regulations pertaining to the personal cultivation of cannabis, regulations pertaining to the commercial sales of cannabis and cannabis products, and prohibiting all other cannabis-related activities within the City of Willows; and

WHEREAS, the Federal Controlled Substances Act (21 U.S.C. Section 841 et seq.) makes it unlawful to manufacture, distribute, dispense or possess cannabis, and, accordingly, medical and nonmedical cannabis dispensaries are illegal under Federal law; and

WHEREAS, in 2013, Deputy U.S. Attorney General James Cole issued a memorandum to all Federal prosecutors to provide guidance on the enforcement of the Federal Controlled Substances Act as it related to cannabis, indicating that enforcement would not be a priority in states and local jurisdictions that have laws authorizing cannabis-related conduct and that have implemented strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests; and that have provided the necessary resources to demonstrate the willingness to enforce their laws and regulations; and

WHEREAS, in 2015, Congress began to defund enforcement of the Federal Controlled Substances Act in states where such enforcement activities would prevent states from implementing their own state laws that authorize the use, distribution, possession or cultivation of medical cannabis; and

WHEREAS, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq., "The Compassionate Use the Act of 1996"); the intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to obtain and use it without fear of State criminal prosecution; and

WHEREAS, on October 9, 2015, Governor Brown approved a series of bills commonly referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"), effective on January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical cannabis, also known as marijuana; and which recognized the authority of local jurisdictions to either impose additional restrictions or prohibit certain activities related to the cultivation, manufacture, transportation, storage, distribution, delivery, and sale of medical cannabis; and

WHEREAS, on November 8, 2016 the voters of the State of California approved Proposition 64, known as the "Control, Regulate and Tax Adult Use of

Marijuana Act" ("AUMA"), which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of recreational cannabis, also known as marijuana; and which recognizes the authority of local jurisdictions to either impose additional restrictions or prohibit certain activities related to the cultivation, manufacture, transportation, storage, distribution, delivery, and sale of recreational cannabis; and

WHEREAS, the City Council of the City of Willows has recognized, and continues to recognize, the potential adverse impacts on the health, safety, and welfare of its residents and business from secondary effects associated with commercial cannabis activity, which include: offensive odors, trespassing, theft, violent encounters between growers and persons attempting to steal plants, fire hazards, increased crime in and about the dispensary, robberies of customers, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents; and

WHEREAS, there is a need to adopt health, safety, and welfare, as well as land use regulations, to avoid adverse impacts on the community which may arise from both personal use and cultivation and commercial cannabis activity; and

WHEREAS, on June 27, 2017 Governor Brown signed SB 94, a bill which among other things established a new statutory framework which reconciled the MCRSA and AUMA and regulating medical and non-medical cannabis use, possession, cultivation and commercial activities in the State of California (referred to as "MAUCRSA"); and

WHEREAS, the MCRSA, AUMA and MAUCRSA set forth a comprehensive framework to regulate cannabis and cannabis products from seed to use or ingestion by a consumer, which includes uniform health and safety standards designed to implement quality control, a labeling and a track-and-trace program, and other consumer protections, which mitigates some of the potential adverse impacts identified by the City Council in the past; and

WHEREAS, an effective regulatory system governing cannabis in the City of Willows as provided herein, will address potential adverse impacts to the public health, welfare, and safety, thereby allowing cannabis cultivation for personal use and certain commercial cannabis activity within specified use zones with the City consistent with California law; and

WHEREAS, the City Council finds and determines that the enactment of this Ordinance is exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3) in that there is nothing in this Ordinance or its implementation that could have a foreseeable significant effect on the environment; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOWS does ordain as follows:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this Ordinance.

SECTION 2. Chapter 8.10.010 of the Willows Municipal Code is hereby repealed in its entirety.

SECTION 3. A new Chapter 8.10.010, attached hereto as Exhibit A, is hereby adopted into the Willows Municipal Code.

SECTION 4. Chapter 8.10.020, subsections (24) and (25), of the Willows Municipal Code are hereby replaced with new subsections (24) and (25) as follows:

(24) To cultivate, maintain, process or store on the property cannabis without a permit from the City of Willows pursuant to Chap. 9.20 of the Willows Municipal Code.

(25) To cultivate, or allow the cultivation of, more than six (6) cannabis plants on any single property in violation of Chap. 9.20 of the Willows Municipal Code.

SECTION 5. Chapter 8.10.020 of the Willows Municipal Code is hereby amended by the addition of the following subsections:

(26) To cultivate, or allow to be cultivated, cannabis outdoors, or in an enclosed building or shed that is visible from the public rights of way or neighboring properties.

(27) To cultivate cannabis on any property on which the permit holder does not reside full time.

(28) Any other cannabis activity in violation of Chap. 9.20 of the Willows Municipal Code.

SECTION 6. Chapter 9.20 of the Willows Municipal Code is hereby repealed in its entirety.

SECTION 7. A new Chapter 9.20, attached hereto as Exhibit B, is hereby adopted into the Willows Municipal Code.

This ordinance was introduced at a regular meeting of the City Council of the City of Willows, held on November 14, 2017, and adopted at a regular meeting of the City Council of Willows, held on the November 28, 2017, by the following vote, to wit:

AYES: Williams, Mello, Yoder, Vice-Mayor Warren & Mayor Hansen
NOES: None.
ABSENT: None.
ABSTAIN: None.

APPROVED:


GARY HANSEN, MAYOR

ATTEST:


ROBYN JOHNSON, CITY CLERK

APPROVED AS TO FORM:

THE CITY ATTORNEY'S OFFICE


ROBERT HUNT, CITY ATTORNEY

EXHIBIT A .

Article I. General Provisions

New Chap. 8.10.010 is adopted as follows:

8.10.010 Definitions.

The following definitions shall apply in this chapter:

"Appeals Board". The city council of the city of Willows is designated to act as the appeals board.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis.

"Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The terms "cannabis" and "marijuana" may be used interchangeably herein, and both shall have the meaning specified here.

"Cannabis business" means a business or enterprise engaged in commercial cannabis activity.

"Commercial cannabis activity" includes cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, research and development, delivery or sale of cannabis or cannabis products for commercial purposes, whether for profit or nonprofit.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or processing of cannabis.

"Deliver" or "Delivery" shall have the same meaning as set forth in Business and Professions Code Section 26001 and Health and Safety Code section 11009. "Deliver" or "Delivery" as used in this chapter shall not include the transfer of cannabis to a patient by a primary caregiver, or the transfer of bulk cannabis or cannabis product to a licensed dispensary or retail business for resale.

"Dispensary" means a retail establishment, facility or location holding an M-license issued by the State of California where the primary purpose is to dispense medical cannabis or medical cannabis products. A "dispensary" shall not include dispensing of medical cannabis by primary caregivers to qualified patients in the following locations and uses, as long as the location of such uses is otherwise regulated by this code or applicable law: a qualified patient's or caregiver's place of residence, a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential not limited to, Health and Safety Code Section 11362.5 et seq.

"Enforcement officer," unless otherwise specified, shall be the city manager or his designee.

"Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes streets and alleys.

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"Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

"Marijuana" as used in this chapter shall have the same meaning as "cannabis" set forth in subsection above. The terms "cannabis" and "marijuana" may be used interchangeably, and both shall have the meaning specified here.

"Marijuana processing" means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana-related products and concentrates.

"Medicinal or medical cannabis" or "medicinal or medical cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses an identification card issued by the California Department of Public Health.

"Nuisance" means anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street or highway.

"Permit" refers to a permit issued to a person as described in chap. 9.20.040.

"Permittee" means any person or entity holding a permit issued by the City of Willows to engage in cultivation of not more than six (6) cannabis plants in accordance with chap. 9.20.040, et seq.

"Person" includes any individual, firm, partnership, joint venture, association, corporation, collective, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

"Primary caregiver" has the same meaning as in Section 11362.7 of the Health and Safety Code and who holds a valid caregiver identification card issued by the California Department of Health.

"Private nuisance" means every nuisance not applicable to "public nuisance."

"Public nuisance" means any nuisance affecting at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

"Qualified patient" shall have the same definition as Health and Safety Code Sections 11362.7(c) and (f).

"Retail" means the sale of either medical or nonmedical cannabis or cannabis products to the public in relatively small quantities for use or consumption rather than for resale.

"Retail business" or "retail/dispensary cannabis business" means (1) the commercial activity of engaging in the retail sales of cannabis or cannabis products, or (2) the location upon or from which the retail sales of cannabis or cannabis products are made.

"School" means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or a special institution of learning under the jurisdiction of the State Department of Education, or a site that is planned for such school uses in the City's general plan, but it does not include a vocational or professional institution or any

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institution of higher education, including a community or junior college, college or university.

"Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. [Ord. 719-162 § 2, 1-26-16. Prior code § 9-30].

"Youth-oriented facility" shall mean elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a licensed daycare or preschool facility that provides supervision of eight or fewer minor children, or children under ten years of age.

EXHIBIT B .

TITLE 9 PUBLIC PEACE, MORALS AND WELFARE

Chap. 9.20 Cannabis

9.20.010 Findings

9.20.015 Purpose and Intent

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9.20.025 Possession of Cannabis or Cannabis Product

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Chapter 9.20 Cannabis

9.20.010 Findings

(a) The Federal Controlled Substances Act (21 U.S.C. Section 841 et seq.) makes it unlawful to manufacture, distribute, dispense or possess cannabis, and, accordingly, medical and nonmedical cannabis dispensaries and retail businesses are illegal under Federal law;

(b) In 2013, Deputy U.S. Attorney General James Cole issued a memorandum to all Federal prosecutors to provide guidance on the enforcement of the Federal Controlled Substances Act as it related to cannabis, indicating that enforcement would not be a priority in states and local jurisdictions that have laws authorizing cannabis-related conduct; that have implemented strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests; and that have provided the necessary resources to demonstrate the willingness to enforce their laws and regulations;

(c) In 2015, Congress began to defund enforcement of the Federal Controlled Substances Act in states where such enforcement activities would prevent states from implementing their own state laws that authorize the use, distribution, possession or cultivation of medical cannabis;

(d) The voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq., "The Compassionate Use Act of 1996" or "CUA"); the intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to obtain and use it without fear of State criminal prosecution;

(e) On October 9, 2015, Governor Brown approved a series of bills commonly referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"), effective on January 1, 2016, which established a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical cannabis, also known as marijuana; and which recognizes the authority of local

jurisdictions to either impose additional restrictions or prohibit certain activities related to the cultivation, manufacture, transportation, storage, distribution, delivery, and sale of medical cannabis;

(f) On November 8, 2016 the voters of the State of California approved Proposition 64, known as the "Control, Regulate and Tax Adult Use of Marijuana Act" ("AUMA"), which established a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of recreational cannabis, also known as marijuana; and which recognized the authority of local jurisdictions to either impose additional restrictions or regulate or prohibit certain activities related to the cultivation, manufacture, transportation, storage, distribution, delivery, and sale of recreational cannabis;

(g) On June 27, 2017 Governor Brown signed into law SB 94, a bill which, among other things, reconciled differences between MCRSA and AUMA, and established a new statutory framework regulating medical and non-medical cannabis use, possession, cultivation and commercial activities in the State of California (referred to as 'MAUCSRA');

(h) The City Council of the City of Willows has recognized, and continues to recognize, the potential adverse impacts on the health, safety, and welfare of its residents and business from secondary effects associated with commercial cannabis activity, which include: offensive odors, trespassing, theft, violent encounters between growers and persons attempting to steal plants, fire hazards, increased crime in and about points of sale, robberies of customers, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents;

(i) There is a need to adopt health, safety, and welfare regulations to avoid or mitigate adverse impacts on the community which may arise from commercial cannabis activity;

(j) The MCRSA, AUMA and MAUCRSA set forth a comprehensive framework to regulate cannabis and cannabis products from seed to use or ingestion by a consumer, which includes uniform health and safety standards designed to implement quality control, a labeling and a track-and-trace program, and other consumer protections, which mitigates against some of the potential adverse impacts identified by the City Council; and

(k) An effective regulatory system governing cannabis in the City of Willows as provided in this chapter, will address potential adverse impacts to the public health, welfare, and safety, thereby allowing commercial cannabis activity and other use of cannabis and cannabis products consistent with California law.

9.20.015 Purpose and Intent.

It is the purpose and intent of this chapter for the City Council to exercise its police powers derived from Section 7 of Article XI of the California Constitution and State law to promote the health, safety, and general welfare of the residents and businesses of the City of Willows by regulating cannabis activities within the City's jurisdictional limits, unless preempted by Federal or State law.

9.20.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

(a) "A-license" means a license issued by the State of California for the sale of cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician's recommendation.

(b) "Applicant" means a person who is required to file an application for a permit or license under this chapter, including an individual owner, managing partner, officer of a

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corporation, or any other operator, manager, employee, or agent of a retail establishment or dispensary.

(c) "AUMA" refers to the California law entitled "Control, Regulate and Tax Adult Use of Marijuana Act of 2016," also known as Proposition 64, and any regulations promulgated thereunder.

(d) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The terms "cannabis" and "marijuana" may be used interchangeably herein, and both shall have the meaning specified here.

(e) "Cannabis business" means a business or enterprise engaged in any commercial cannabis activity.

(f) "Cannabis business owner" means any of the following:

(1) Each person or entity having an ownership interest in a commercial cannabis business other than a security interest, lien, or encumbrance on property that will be used by the commercial cannabis business;

(2) Each person or entity applying for a commercial cannabis license, or having an ownership interest in an entity applying for a commercial cannabis license, in the City of Willows.

(3) The chief executive officer of a nonprofit or other entity, or any person or entity with an aggregate ownership interest of five percent (5%) or more in such entity.

(4) A member of the board of directors of a nonprofit or other entity.

(5) Each person who participates in the direction, control, or management of the commercial cannabis business.

(g) "Cannabis product" means marijuana or cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis, or marijuana and other ingredients.

(h) "Caregiver" shall have the same meaning as "primary caregiver."

(i) "Church" means a structure or leased portion of a structure which is used primarily for religious worship and related religious activities.

(j) "City" means the City of Willows.

(k) "Commercial cannabis activity" includes cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, research and development, delivery or sale of cannabis or cannabis products for commercial purposes, whether for profit or nonprofit.

(l) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or processing of cannabis.

(m) "Customer" means a natural person 21 years of age or older or a natural person

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18 years of age or older who possesses a physician's recommendation, or a primary caregiver.

- (n) "Cultivation site" means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
- (o) "Day care center" has the same meaning as in Section 1596.76 of the Health and Safety Code.
- (p) "Deliver" or "Delivery" shall have the same meaning as set forth in Business and Professions Code Section 26001 and Health and Safety Code section 11009. "Deliver" or "Delivery" as used in this chapter shall not include the transfer of cannabis to a patient by a primary caregiver, or the transfer of bulk cannabis or cannabis product by a transporter to or from a licensed dispensary or retail business for resale.
- (q) "Dispensary" means a retail establishment, facility or location holding an M-license issued by the State of California where the primary purpose is to dispense medical cannabis or medical cannabis products. A "dispensary" shall not include dispensing of medical cannabis by primary caregivers to qualified patients in the following locations and uses, as long as the location of such uses is otherwise regulated by this code or applicable law: a qualified patient's or caregiver's place of residence, a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.
- (r) "Juvenile" or "minor" means any natural person who is under the age of 21 years.
- (s) "License" means an authorization issued by the City of Willows, subject to all terms and conditions under which such license may be issued, authorizing a licensee to engage in the retail business of selling medical or non-medical cannabis and cannabis products at a specified location within the City.
- (t) "Licensee" means any person or entity holding a license to sell medical or non-medical cannabis and cannabis products in the City under this chapter.
- (u) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (v) "Marijuana" as used in this chapter shall have the same meaning as "cannabis" set forth in subsection (c) above.
- (w) "MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act of 2017.
- (x) "M-license" means a State of California license issued for commercial cannabis activity involving medicinal cannabis and cannabis products.
- (y) "MCRSA" refers to the California law entitled Medical Cannabis Regulation and Safety Act.
- (z) "Medicinal or medical cannabis" or "medicinal or medical cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses an identification card issued by the California Department of Public

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Health, Glenn County Department of Public Health, or a physician's recommendation.

(aa) "Owner" means the title holder to a parcel of real estate.

(ab) "Permit" refers to an authorization issued by the City to a person as described in chap. 9.20.040 to cultivate cannabis for personal use.

(ac) "Permittee" means any natural person holding a permit issued by the City to engage in cultivation of not more than six (6) cannabis plants in accordance with chap. 9.20.040.

(ad) "Person" includes any individual, firm, partnership, joint venture, association, corporation, collective, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(ae) "Physician's recommendation" means a recommendation by a physician and surgeon that a patient may use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

(af) "Premises" means the designated structure or structures and land specified in an application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee. "Premises" shall also mean the designated residence structure or structures and land specified in an application where the applicant cultivates cannabis for his or her personal use.

(ag) "Primary caregiver" has the same meaning as in Section 11362.7 of the Health and Safety Code and who holds a valid caregiver identification card issued by the California Department of Health or the Glenn County Department of Public Health.

(ah) "Purchaser" means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.

(ai) "Retail" means the sale of either medical or nonmedical cannabis or cannabis products to the public in relatively small quantities for use or consumption rather than for resale.

(aj) "Retail business" or "retail/dispensary cannabis business" means (1) the commercial activity of engaging in the retail sales of cannabis or cannabis products, or (2) the location upon or from which the retail sales of cannabis or cannabis products are made.

(ak) "School" means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or a special institution of learning under the jurisdiction of the State Department of Education, or a site that is planned for such school uses in the City's general plan, but it does not include a vocational or professional institution or any institution of higher education, including a community or junior college, college or university.

(al) "Sell," "sale," and "to sell" include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another in exchange for payment.

(am) "Youth-oriented facility" shall mean elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment

are predominantly minors. This shall not include a licensed daycare or preschool facility that provides supervision of eight or fewer minor children, or children under ten years of age.

9.20.025 Possession of cannabis or cannabis products.

Persons 21 years of age or older may possess, obtain, purchase and transport, without receiving any compensation in any form whatsoever, not more than 28 ½ grams of cannabis not in the form of concentrated cannabis, or not more than eight (8) grams of concentrated cannabis, including cannabis products.

Chapter 9.20.030 Prohibited activities.

Sections:

- 9.20.031 Public Consumption of Cannabis
- 9.20.032 Prohibited activities; unlawful; nuisance.
- 9.20.033 Outdoor cultivation.
- 9.20.034 Commercial cultivation.

9.20.031 Public Consumption of Cannabis

The use or consumption, smoking or ingestion, of cannabis in any form, or any cannabis product, is prohibited on any public property or in any facility or space to which members of the public have access including, but not limited to, schools, playgrounds, parks and other areas where children are present or may generally attend or congregate. Consumption of cannabis or cannabis product on or about the premises of any retail/dispensary cannabis business is also prohibited.

9.20.032 Prohibited activities; unlawful; nuisance.

The cultivation, manufacturing, distribution, delivery, dispensing, sale, possession and use of cannabis and cannabis products in the City of Willows is expressly prohibited, unless otherwise authorized by this code. It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person to engage in such cultivation, manufacturing, distribution, delivery, dispensing, sale, possession and use of cannabis and cannabis products in the City of Willows, unless otherwise authorized by this code. It is further hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any premises or parcel within any zoning district in the City of Willows to cause or allow such premises or parcel to be used for the cultivation, manufacturing, distribution, delivery, dispensing, sale, possession and use of cannabis and cannabis products, unless such activity is otherwise authorized by this code.

9.20.033 Outdoor cultivation.

It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the city to engage in, cause or allow such premises to be used for the outdoor cultivation of marijuana plants.

9.20.034 Commercial cultivation.

It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City to engage in, cause or allow the cultivation of more than six (6) cannabis plants on any parcel within the City of Willows.

Chapter 9.20.040 Cannabis Cultivation

Sections:

- 9.20.041 Purpose and intent.
- 9.20.042 Definitions.
- 9.20.043 Cultivation of cannabis for personal use.
- 9.20.044 Cultivation of marijuana restricted.
- 9.20.045 Public nuisance prohibited.

9.20.041 Purpose and intent.

The City Council finds as follows:

A. Purpose and intent. The purpose and intent of this chapter is to regulate the cultivation of cannabis for personal use in a manner that protects the health, safety and welfare of the residents who cultivate and the community consistent with State and federal law. This chapter is not intended to give any person unfettered legal authority to grow cannabis; it is intended to regulate the personal cultivation of cannabis when it is authorized by California law.

B. Applicability. The cultivation of cannabis for personal use in the City of Willows shall be controlled and regulated by the provisions of this chapter. Cultivation of more than six (6) cannabis plants is deemed commercial cultivation. All commercial cultivation is prohibited in the City of Willows pursuant to chap. 9.20.034.

C. Nonconflicting Enactment. No part of this chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation.

9.20.042 Definitions.

As used herein the following definitions shall apply:

A. "Authorized grower" means a natural person twenty-one years and older who is authorized by, and in compliance with, federal or state law to cultivate cannabis indoors for personal or medical use, and who obtains a permit from the City authorizing cultivation of cannabis for personal use.

B. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or otherwise processing of marijuana plants or any part thereof.

C. "Fully enclosed and secure structure" means a fully enclosed space within a building that complies with the California Building Code ("CBC"), as adopted in the City of Willows, or if exempt from the permit requirements of the CBC, that has a complete

roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, is accessible only through one or more lockable doors, and which interior is not visible from a public right-of-way or any other parcel of property. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch nominal or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California building, electrical, and fire codes as adopted in the City of Willows.

D. "Immature plant" means a cannabis plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.

E. "Indoors" means within a fully enclosed and secure structure as that structure is defined in subsection C of this section.

F. "Mature plant" means a cannabis plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.

G. "Outdoor" means any location within the City of Willows that is not within a fully enclosed and secure structure as defined in subsection C of this section.

H. "Parcel" means real property assigned a separate parcel number by the Glenn County assessor.

I. "Permit" refers to a permit issued to a person as described in this chap. 9.20.040, et seq. Only one (1) permit may be issued for each parcel, without regard to the number of residents or qualified patients residing on that parcel.

J. "Permittee" means any natural person holding a permit issued by the City of Willows to engage in cultivation of not more than six (6) cannabis plants.

K. "Private residence" means a house, apartment unit, mobile home, or other similar dwelling unit.

9.20.043 Cultivation of cannabis for personal use.

When authorized by state law, an authorized grower shall be allowed to cultivate cannabis only in a private residence or on the grounds of such residence, only indoors, and only for personal use, subject to the following regulations:

A. The cannabis cultivation area shall be located indoors within a residential structure and shall not exceed fifty square feet and not exceed ten feet in height, nor shall it come within twelve inches of the ceiling or any cultivation lighting. Cultivation in a greenhouse or other enclosed structure on the property of the residence but not physically part of the home is allowed, as long as it is fully enclosed, secure, not visible from a public right-of-way or other parcel of property, and meeting all requirements in this chapter.

B. Not more than six (6) cannabis plants, mature or immature, are permitted for personal cultivation at any one time under this chapter.

C. Cannabis cultivation lighting shall not exceed one thousand two hundred watts (1,200) in total for the total cultivation area within the residence.

D. Only one (1) permit may be issued for each parcel, without regard to the number of residents or qualified patients residing in or on that parcel, and no more than six (6) cannabis plants may be cultivated at any time on any parcel.

E. An owner of real property may prohibit the cultivation of cannabis on such property.

F. The use of gas products such as but not limited to CO₂, butane, methane, or any

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other flammable or nonflammable gas for cannabis cultivation or processing is prohibited.

G. There shall be no exterior visibility or evidence of cannabis cultivation outside the private residence, or other structure, from the public right-of-way or other parcel of property, including but not limited to any cannabis plants, equipment used in the growing and cultivation operation, odors and any light emanating from cultivation lighting.

H. The permittee shall reside full-time in the residence where the cannabis cultivation occurs.

I. The permittee shall not participate in cannabis cultivation in any other location within the City of Willows.

J. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for cannabis cultivation.

K. The cannabis cultivation area shall be in compliance with the current adopted edition of the California Building Code Section 1203.4, Natural Ventilation, or Section 402.3, Mechanical Ventilation (or equivalent), as amended from time to time.

L. The City's building official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers or upgrade of electrical service.

M. Cannabis cultivation shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gases, odors, fire danger, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

N. Cannabis in excess of twenty-eight and one-half (28 ½) grams produced by plants kept for indoor personal cultivation under this chapter must be kept in a securely-locked space on the grounds of the private residence which space is not accessible to minors and is not visible from the public right-of-way.

9.20.044 Cultivation of marijuana restricted.

A. Commercial cultivation of cannabis is prohibited in the City of Willows.

B. Cultivation of more than six (6) cannabis plants is prohibited in the City of Willows.

C. Outdoor cultivation of cannabis is prohibited in the City of Willows.

D. No person shall grow cannabis in the City of Willows until and unless they first secure a permit from the City of Willows and pay such fee(s) as may be required and set by resolution of the City Council.

E. It is hereby declared to be unlawful, a public nuisance and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by state law to grow marijuana for a specifically authorized purpose within a private residence in a residential zone, and such authorized grower is complying with all requirements of this chapter.

9.20.045 Public nuisance prohibited.

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if:

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- A. Such activity produces odors which are disturbing to people of reasonable sensitivity residing or present on adjacent or nearby property or areas open to the public;
- B. Such activity results in repeated responses to the parcel by law enforcement personnel;
- C. Such activity causes repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public;
- D. Such activity produces any other impacts on the neighborhood which are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the dwelling, excessive vehicular traffic or parking occurring at or near the dwelling, and excessive noise emanating from the dwelling; or
- E. There is growing and cultivation of marijuana outdoors or in such location as to visible by neighboring properties or the public rights of way.

Chapter 9.20.050 Residential Cultivation Permits, Enforcement, Penalties

Sections:

- 9.20.050 Residential Cultivation
- 9.20.051 Permit Required
- 9.20.052 Residential Cultivation Permits
- 9.20.053 Review and Issuance.
- 9.20.054 Permit Renewal.
- 9.20.055 Denials, Suspensions and Revocations.
- 9.20.056 Appeal of Denials, Revocations and Suspensions.
- 9.20.057 Penalties
- 9.20.058 Regulations and Enforcement.
- 9.20.059 Public Nuisance
- 9.20.060 Enforcement
- 9.20.061 Right of entry for enforcement officer.
- 9.20.062 Abatement.
- 9.20.063 Summary Abatement.
- 9.20.064 Alternative remedies.
- 9.20.065 Other Violations.
- 9.20.066 Penalties not exclusive – violation constitutes a crime.
- 9.20.066 Severability.

9.20.050 Residential Cultivation

California law allows a person 21 years of age or older to cultivate for personal use up to six (6) cannabis plants, subject to additional limitations. Health & Safety Code § 11362.2(b)(1) authorizes a city to enact and enforce regulations to reasonably regulate such personal cultivation. The City of Willows establishes the following regulations to protect the health, safety and welfare of personal cultivators and the community at large, while not prohibiting or banning such personal cultivation.

9.20.051 Permit Required.

Every person seeking to cultivate cannabis for personal use must first apply and be issued the appropriate permit to engage in such cultivation within the City of Willows. All such personal cultivation shall comply with this chapter 9.20.050, et seq.

9.20.052 Residential Cultivation Permits.

A. The form and content of the application for a residential cultivation permit shall be specified by the City Manager and shall include, at a minimum, the following information sworn by the applicant to be true and correct under penalty of perjury:

1. The name, address, and telephone number of the applicant, together with a photocopy of the applicant's driver's license or State-issued identification card.
2. The address of the property on which the residential cultivation is proposed.
3. Affirmation that the applicant is a full-time resident of the property on which the cultivation is proposed.
4. The name, address and telephone number(s) of the owner(s) of such property, together with the notarized written consent of such owner if not the applicant.
5. A description of the area within the property in which the cultivation is proposed to occur, including a floor plan, specifically identifying exit points, of the building in which the cultivation is proposed.
6. A certification from a licensed electrician that the electrical service of the property is sufficient to service the proposed cultivation, and in compliance with all state and local building codes.
7. Affirmation that the applicant does not cultivate cannabis in any other location within the City of Willows.
8. Consent of the applicant for entry to the premises by the City of Willows for the purposes of inspection and verification, with or without notice.

B. Together with a completed application, applicant shall pay a non-refundable Residential Cultivation Permit Fee.

C. The City Council shall establish such Residential Cultivation Permit Fee, which may be adjusted from time to time, by resolution in such amount(s) as reasonably calculated to cover the City's costs incurred in processing such applications, conducting inspections, and enforcing the provisions of this chapter.

D. The term of initially-issued Residential Cultivation Permits shall be one (1) year.

9.20.053 Review and Issuance.

A. Applications for Residential Cultivation Permits shall be filed with the city manager's office. Applications shall include all of the information required in chap. 9.20.052, any other information reasonably requested by the city manager, and shall be

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accompanied by a nonrefundable Residential Cultivation Permit fee. A request for additional information by the city manager shall be "reasonable" if it is intended to elicit more information or clarification about the applicant, property ownership, or other information related to the proposed location of the cultivation or the safety of such location and facility.

B. If the city manager determines that the application is incomplete or has been completed improperly, the city manager shall notify the applicant within ten (10) days of application submittal. The city manager may grant the applicant an extension of up to thirty (30) days to complete the application. In the event the applicant fails to provide the information necessary to complete the application within the extension granted by the city manager, the application shall lapse and the application fee shall be forfeited to the City of Willows.

C. If the city manager determines that the Residential Cultivation Permit application is complete and, on the face of the application, there appears to be no basis for denial of the permit, the city manager shall issue the Residential Cultivation Permit.

9.20.054 Permit Renewal.

A. The holder of a Residential Cultivation Permit shall, no less than thirty (30) days prior to the expiration of the then-current permit file an application for renewal of the permit. The application shall include all of the information, appropriately updated, required in the initial application, together with a Residential Cultivation Permit renewal fee.

B. Upon receiving a renewal application, the city manager shall determine whether the application is complete. If the city manager determines that the application is incomplete or has been completed improperly, the city manager shall notify the applicant within ten (10) days. The city manager may grant the applicant an extension up to 10 days to complete the renewal application.

C. If the city manager determines that the application is complete, and there are no grounds for denying the renewal application pursuant to this chap. 9.20.050, the city manager shall so notify the applicant. The city manager may then issue a renewal of the permit for a two-year period.

9.20.055 Denials, Suspensions and Revocations.

A. Incomplete Application. If the application is incomplete, or remains incomplete upon the expiration of any extension, the city manager may deny the Residential Cultivation Permit application or renewal thereof. If the city manager denies the application for this reason, written notice of denial shall be served on the applicant. Notwithstanding any provisions of this code to the contrary, the decision of the city manager shall be final and not subject to administrative appeal.

B. Suspension of Permit.

1. If the city manager deems continuation of the permittee's Residential Cultivation Permit will cause a significant threat to the health, safety or welfare of the public, the city manager may suspend the permit and all rights and privileges thereunder. The permittee must immediately cease all cannabis cultivation immediately upon receiving notice of the suspension of his or her permit.

2. The city manager shall give notice to the permittee of his or her intent to suspend a permit in the same manner as notice of permit denial and provide the city clerk with a copy of the notice.

3. Such notification shall inform the permittee of the grounds for the suspension, together with action(s) necessary to cure or correct such grounds, including a period of time not to exceed thirty (30) days for such cure or correction to be completed.

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4. Such suspension shall remain in effect, and the permit holder must cease all cannabis cultivation, unless and until the basis for which the suspension was imposed has been cured or corrected, and/or the term of the permit expires, in which event the permittee's authorization to engage in cultivation of cannabis for personal use has ended.

C. Denial or Revocation of Permit.

1. The granting of a Residential Cultivation Permit or a renewal thereof may be disapproved, and an existing permit revoked if:

a. The applicant or permittee has knowingly made a false statement in the application or in any reports or other documents furnished to the City.

b. The property owner withholds or revokes consent for the cultivation of marijuana on the property.

c. The permittee has violated the terms of this code or California law by cultivating more than six (6) cannabis plants at any one time.

d. The permittee has engaged in the sale or distribution of cannabis or cannabis products.

e. Excessive traffic, neighborhood and/or law enforcement activity at the location of the applicant's or permittee's cultivation of cannabis.

f. The granting or renewing of the permit would perpetuate or encourage any of the following:

(i) Engaging in the sale or distribution of cannabis or cannabis products;

(ii) Providing cannabis or cannabis products to minors;

(iii) Diversion of cannabis or cannabis products to jurisdictions outside of the State where cannabis and cannabis products are unlawful under State or local law;

(iv) Trafficking of other illegal drugs or facilitation of other illegal activity;

(v) Violence and the use of firearms in the cultivation or distribution of cannabis and cannabis products;

(vi) The applicant or permittee has been sanctioned by a licensing authority or other city or county for unauthorized commercial cannabis activity; or

(vii) The applicant or permittee violates any provision of the MCRSA, AUMA, MAUCRSA, this chapter or any other permits issued by the City for cannabis activity.

g. The applicant or permittee has been convicted of an offense that is substantially related to the permittee's qualifications for safely cultivating cannabis for personal use with due care for the residents of the property and the community at large, which includes but is not limited to:

(i) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor; or

(ii) A felony conviction for drug trafficking with an enhancement pursuant to Health and Safety Code Section 11370.4 or 113798.

h. Failure to pay required City fees.

2. Disapproval of Application. If the City Manager disapproves an application for Residential Cultivation Permit or renewal thereof, or revokes an existing permit, he or she shall notify the applicant in writing, stating the reasons for the disapproval. Notification of disapproval shall be delivered by first class mail to the applicant. Service of such notice shall be deemed complete two (2) business days following the deposit of the notice in the U.S. Mail. A copy of such notification shall be filed with the city clerk. No permit shall issue unless a successful appeal of the disapproval is made within the requisite time frame.

3. A permittee whose permit is revoked must immediately cease all cannabis cultivation immediately upon receiving notice of the revocation of his or her permit.

9.20.056 Appeal of Denials, Revocations and Suspensions.

A. Within fifteen (15) days after the city manager serves notification of disapproval for any reason (other than incomplete applications), or revocation or suspension of an existing permit, an applicant/permittee may appeal the denial, revocation or suspension by notifying the city clerk in writing of the appeal, the reasons for the appeal, and depositing all applicable fees and costs associated with the appeal.

B. The city clerk shall set a hearing on the appeal and shall fix a date and time certain, within thirty (30) days after the receipt of the applicant's appeal, unless the City and the applicant agree to a longer time, to consider the appeal. The city clerk shall provide notice of the date, time and place of hearing, at least seven (7) days prior to the date of the hearing.

C. The city attorney shall appoint a hearing officer to hear the appeal and determine the order of procedure, and rule on all objections to admissibility of evidence. The applicant and the city manager shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses and argue their respective positions. The proceeding shall be informal, and the strict rules of evidence shall not apply, and all evidence shall be admissible which is of the kind that reasonably prudent persons rely upon in making decisions.

D. The hearing officer shall issue a written decision within fifteen (15) days after the close of the hearing. The decision of the hearing officer shall be final.

9.20.057 Penalties

A. A violation of this chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed \$500, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment. Each day of engaging in any of the prohibited activities shall constitute a separate offense.

B. Notwithstanding the foregoing section, cultivation of more than six (6) cannabis plants shall be a felony if:

1. The offender had or has a serious violent felony(ies) on his or her record;
2. The offender is a registered sex offender;
3. The offender has two (2) or more prior convictions for cultivating more than six (6) marijuana plants; or
4. The offender violates certain California environmental laws in their marijuana cultivation activities.

C. Forfeiture of the privilege of personal cultivation of cannabis in the City of Willows.

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D. The penalties herein are cumulative and not in place of any penalties, fines or costs imposed pursuant to chapter 8 of this code.

E. Any violation of this chapter or regulation promulgated under this chapter is hereby declared to be a public nuisance.

9.20.058 Regulations and Enforcement.

A. City Manager or Designee. Any action required by the city manager under this chapter may be fulfilled by the city manager's designee. In addition to City officers and employees, such designee may include, but is not limited to, officials of the Glenn County Sheriff's Office, attorneys or consultants.

B. The city manager is authorized to coordinate implementation and enforcement of this chapter and may promulgate appropriate regulations for such purposes.

9.20.059 Public Nuisance

Any violation of this chapter is declared to be a public nuisance, subject to redress as provided for in this title.

9.20.060 Enforcement.

A. This title shall be enforced pursuant to the provisions of this chapter 9.20 of Title 9 and Title 8 of the Willows Municipal Code.

B. The city manager shall, as he deems necessary, instruct the chief of police, Glenn County Sheriff, fire chief, director of public works, or code enforcement officer to abate any nuisance caused by a violation of this chapter; the cost thereof to be levied and collected as provided for in Chapter 8 of this code.

9.20.061 Right of entry for enforcement officer.

A. Whenever an enforcement officer has reason to believe that a nuisance exists or that an inspection is necessary to enforce any provision of this chapter, the officer may enter the premises at any reasonable time to perform the inspection or any other duty imposed by this title. The enforcement officer shall provide reasonable notice of the need to enter and inspect. Notwithstanding the foregoing, in the event there is reasonable suspicion of the existence of a nuisance or violation that presents a threat of imminent danger to the health, safety or welfare of the permittee or the community at large, the enforcement officer or other City official may enter the premises at any time without notice, and the applicant shall consent to such entry as a condition of qualifying for the Residential Cultivation permit.

B. The enforcement officer shall present proper identification, state the purpose of the visit and request permission of the owner or responsible person to enter the premises. If entry is refused, the enforcement officer shall have recourse to every remedy provided by law to secure entry. Any such refusal shall be grounds for suspension or revocation of the permittee's permit.

C. When the enforcement officer has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or responsible person shall fail or neglect, after proper request is made as provided in this title, to promptly permit entry therein by the enforcement officer for the purpose of inspection and examination pursuant to this title.

9.20.062 Abatement.

Public nuisances in violation of this chapter may be abated by demolition, removal, destruction, suspension or revocation of permit, or other appropriate action as determined by the city manager. Such nuisances may be abated pursuant to WMC 8.10 or, in the event of imminent or immediate dangers to the health, safety, welfare and

morals of the citizens of the City of Willows, summarily abated pursuant to chapter WMC 8.10.160.

9.20.063 Summary abatement.

A. Violations reasonably deemed by the City to constitute imminent or immediate dangers to the health, safety, welfare and morals of the citizens of the City of Willows may necessitate immediate correction. Accordingly, such violations, conditions or uses may be summarily abated by the City pursuant to WMC 8.10.160 and this chapter.

B. Such abatement shall not occur unless the city manager and/or his/her designate finds, from a preponderance of the evidence, that such an imminent or immediate danger exists or is believed to exist on the basis of available evidence, and has provided or attempted to provide the owner of the property in question, or the person responsible for permitting the danger to occur, reasonable notice within which and direction to correct the condition, and the necessary corrective action has not taken place. Forty-eight (48) hours shall be presumed to be reasonable notice in the absence of evidence to the contrary. Notice hereunder need not take any particular form, and may be dispensed with if the exigencies of the situation require immediate abatement and/or providing reasonable notice is impracticable.

C. The cost and expenses of such summary abatement shall be made a lien on the property and shall be collected pursuant to the procedure found in WMC 8.10.130 through 8.10.150.

9.20.064 Alternative remedies.

Nothing in the foregoing sections shall be deemed to prevent the City Council from ordering the city attorney or Glenn County District Attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein. Nothing herein shall prevent the City from abating a nuisance pursuant to any other procedure established by city ordinance or state law.

9.20.065 Other Violations.

A. It shall be unlawful for any person to remove, deface, or mutilate any notice, order, statement, or resolution posted or required in this chapter.

B. It shall be unlawful for any person to obstruct, impede, or interfere with any owner or his agent or with any representative of the City of Willows when engaged in performing any act reasonably necessary for the execution of the order of abatement.

C. It shall be unlawful for an owner or occupant of any premises in the City to permit a condition declared by the City to be a public nuisance to exist upon the premises.

D. Any person who shall violate this chap. 9.20.065 shall be subject to the penalties set forth in WMC chap. 1.05.080.

9.20.066 Penalties not exclusive – violation constitutes a crime

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Willows Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Willows Municipal Code shall prevent the City from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance. Violation of this chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the city attorney.

9.20.067 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Chapter 9.20.070 Retail/Dispensary Cannabis Business Licenses.

Sections:

- 9.20.070 Retail/Dispensary Cannabis Business Licenses.
- 9.20.071 Retail/Dispensary Cannabis Business License applications.
- 9.20.072 Renewal.
- 9.20.073 Transfer of License or Modification to License.
- 9.20.074 Retail/Dispensary Cannabis Business License fees.
- 9.20.075 Denials, Revocations and Suspensions.
- 9.20.076 Appeal of Disapprovals, Revocations and Suspensions.

9.20.070 Retail/Dispensary Cannabis Business Licenses.

A. The City of Willows authorizes, subject to the conditions set forth in this code, the commercial sale of cannabis and cannabis products for medical and non-medical uses. Such authorization, and any license issued hereunder, does not include the manufacturing or delivery of cannabis or cannabis products, nor the sale of cannabis or cannabis products at any location other than that for which a license is issued by the City of Willows.

B. The City Council shall, by resolution, limit the number(s) Retail/Dispensary Cannabis Business licenses to be issued within the City of Willows in order to avoid an excessive concentration of cannabis businesses in the City of Willows.

C. The City Council may, by resolution, establish special conditions for Retail/Dispensary Cannabis Business licenses.

D. Each retail/dispensary cannabis business seeking to operate within the City of Willows must first apply and be issued the appropriate license to operate within the City of Willows. The license is specific to the location where the commercial cannabis activity business will be operating. Multiple operating locations for the same cannabis business will require separate licenses.

E. Prior to being issued a license to operate within the City of Willows, a retail cannabis business applicant must first hold an A-license issued by the State of California, and a dispensary cannabis business applicant must first hold an M-license issued by the State of California. A licensee which holds both an A-license and an M-license may conduct cannabis sales from the same premises, but will require separate licenses from the City of Willows.

F. No license shall be issued if the cannabis activity is not a permitted land use in the City.

G. For the convenience and efficiency of both the applicant and the City, applications for Retail/Dispensary Cannabis Business licenses shall be processed in three (3) phases: (1) a preliminary application intended to confirm the eligibility and suitability of the applicant(s), as determined in the sole discretion of the City of Willows; (2) significant information about the proposed site of the business, proposed operations, security and other detailed business operations; and (3) final consideration and approval/disapproval by the City Council.

9.20.071 Retail/Dispensary Cannabis Business License applications.

A. Phase one applications for Retail/Dispensary Cannabis Business License.

1. Phase one applications for Retail/Dispensary Cannabis Business Licenses shall be filed with the city manager's office. Applications shall include all of the information required in subsection 2 of this section, any other information reasonably requested by the city manager, and shall be accompanied by a nonrefundable phase one license application fee, established by resolution of the City Council in an amount reasonably calculated to reimburse the City for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's license phase application. The phase one license application fee shall be in addition to any other fee imposed by this code. A request for additional information by the city manager shall be "reasonable" if it is intended to elicit more information or clarification about the applicant, its ownership, or background of the owners relevant to the ownership and/or operation of a retail/dispensary cannabis business in the City.

2. The phase one application shall be signed by one or more owners certifying that all of the information provided is true and correct under penalty of perjury, and shall set forth in writing:

(a) **Identity of the Retail/Dispensary Cannabis Business.** A description of the statutory entity or business form that will serve as the legal structure for the business and a copy of its formation and organizing documents, including but not limited to, articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement, and fictitious business name statement. If a corporation, limited liability company, or a general or limited partnership is a stockholder owning more than 5% of the stock or membership interest of an applicant's business, or is one or more of the partners in an applicant's business, the applicant shall set forth the names and addresses of each of the partners, officers, directors, and stockholders of the corporation, limited liability company, or general or limited partnership.

(b) **Management Information.**

(i) The name, address, telephone number, title, and function(s) of each manager of the business.

(ii) For each manager, a legible copy of one valid government-issued form of photo identification, such as a state driver's license, a passport issued by the United States, or a permanent resident card.

(c) **Applicant's Phone Number and Mailing Address.** The phone number and address to which notice of action on the application and future correspondence is to be mailed.

(d) **Previous Addresses.** Previous addresses of the applicant for the past five years immediately prior to the present address.

(e) **Verification of Age.** Evidence that the applicant and all managers of the dispensary are at least 21 years of age.

(f) **Criminal Background.**

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(i) A list of each misdemeanor and/or felony conviction, if any, of the applicant, its owner(s) and manager(s), whether the conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each conviction, set forth the date of arrest, the offense charged, and the offense of which the applicant or manager was convicted.

(ii) The applicant, each owner and each manager shall consent to fingerprinting and a criminal background investigation.

(g) Employee Information. Number of employees, volunteers, and other persons who will work or provide services at the business.

(h) State licenses. Copies of the state licenses relating to marijuana, including cultivation licenses, the applicant holds, and/or a description of the state licenses the application for which the applicant intends to apply.

(i) Plan of Operations. A plan describing how the business will operate consistent with state law and the provisions of this chapter.

(j) Business Description. A description of the proposed location, including the street address and parcel number, the square footage, and the characteristics of the neighborhood or surrounding area.

(k) Response to the Zoning Code. An explanation of how the business complies or expects to comply with the Zoning Code, including, but not limited to, the location requirements.

(l) Compliance with Applicable Taxes. The applicant shall provide a current copy of its business operations tax certificate and state sales tax seller's permit.

(m) City Authorization. Authorization and consent for the city manager to seek verification of the information contained within the application.

(n) Statement of Property Owner's Consent. Consent to operate a cannabis business at the proposed location, specifying the street address and parcel number, from the owner or landlord, of the proposed location.

3. Review of phase one application.

(a) Upon receiving a phase one application for a Retail/Dispensary Cannabis Business License, the city manager shall determine whether the application is complete. If the city manager determines that the application is incomplete or has been completed improperly, the city manager shall notify the applicant within 30 days of application submittal. The city manager may grant the applicant an extension of up to ten (10) days to complete the phase one application.

(b) If the city manager determines that the phase one application is complete and, on the face of the application, there appears to be no basis for denial of the permit, the city manager shall notify the applicant that it may continue to phase two in the application process.

(c) If the application is incomplete, or remains incomplete upon the expiration of any extension, the city manager may deny the application on that ground. If the city manager denies the phase one application, pursuant to the provisions of this section, written notice of denial shall be served on the applicant. Notwithstanding any provisions of this code to the contrary, the decision of the city manager shall be final and not subject to administrative appeal.

B. Phase two applications for retail/dispensary cannabis business license.

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1. If the city manager notifies the applicant that it may continue to phase two in the application process, the applicant shall file a phase two application with the city manager's office, that includes the following:

(a) A nonrefundable phase two license application fee in an amount established by resolution of the City Council in an amount reasonably calculated to reimburse the City for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's phase two license application. The phase two license application fee shall be in addition to any other fee imposed by this code.

(b) Copies of State-issued A-license and/or M-license.

(c) Security Plan. A description and documentation of how the applicant will secure the premises twenty-four (24) hours per day, seven (7) days per week, and how waste derived from any cannabis commercial activity will be disposed of in a manner to ensure it may not be utilized for unlawful purposes. The security plan shall include, but is not limited to, the following:

(i) Preventing individuals from remaining on the premises if they are not engaged inactivity expressly related to the operations of the cannabis activity;

(ii) Establishing limited access areas accessible only to authorized personnel including security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products;

(iii) Storing all finished cannabis and cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, immediate sale, if applicable;

(iv) Providing tamper-proof and tamper-evident packaging for finished cannabis product;

(v) Preventing off-site impacts to adjoining or near properties; and

(vi) Limiting the amount of cash on the premises.

(d) Floor Plan. A scaled floor plan for each level of the entire building showing the interior configuration of the building, including a statement of the total floor area occupied by the business. The floor plan must include entrances, exits, restrooms, waiting area, office space, storage, and area for the sale of cannabis to customers. The floor plan must be professionally prepared by a licensed civil engineer or architect.

(e) Site Plan. A scaled site plan of the parcel of real property on which the business building is located, including the outline of all structures, driveways, parking and landscape areas, and boundaries of the parcel. The site plan must be professionally prepared by a licensed civil engineer or architect.

(f) Accessibility Evaluation. A written evaluation of accessibility by the physically disabled to and within the building and identification of any planned accessibility improvements to comply with all state and federal disability access laws, including, but not limited to, title 24 of the California Code of Regulations and the Americans with Disabilities Act. The evaluation must be professionally prepared by a licensed civil engineer or architect, or Certified Access Specialist ("CASP").

(g) Neighborhood Context Map. An accurate straight-line drawing depicting the boundaries of the business property, the boundaries of all other properties within 1,000 feet of the business property, and the uses of those properties, specifically including, but not limited to, any use identified in the location requirements of the Zoning Code. The map must be professionally prepared by a licensed civil engineer or architect.

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(h) **Lighting Plan.** A lighting plan showing existing and proposed exterior and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use.

(i) **Zoning Code Compliance.** A copy of a valid conditional use permit approved by the city's planning commission for the proposed business location.

(j) A copy of the business's commercial general liability insurance policy and all other insurance policies related to the operation of the business.

(k) A copy of the business's annual budget for operations.

(l) A copy of the business's most recent year's financial statement and tax return.

(m) A list of the most recent, or proposed, prices for all products and services provided by the business.

(n) Consent to entry by a City representative at any time, with or without prior notice and with or without reasonable cause, for the purpose of inspecting the premises and monitoring business operations and confirming compliance with the law and license conditions.

(o) An affirmation, signed by each business owner and manager, under penalty of perjury, that all sales shall be accurately and faithfully reported to the City of Willows, that other financial information reasonably requested shall be timely provided, that all taxes and fees will be properly calculated and paid as and when due. The applicant shall also consent to the audit of the business's books and financial records at any time deemed necessary by the City of Willows, but not more frequent than once each 180 days.

(p) **Applicant's Certification.** A statement dated and signed by each owner and manager, under penalty of perjury, that the owner and manager has personal knowledge of the information contained in the phase one and phase two applications, that the information contained therein is true and correct, and that the applications have been completed under their supervision.

(q) **Other Information.** Such other information as deemed necessary by the city manager to demonstrate compliance with this code.

2. Review of phase two application.

(a) Complete Application.

(i) Upon receiving a phase two application, the city manager shall determine whether the application is complete. If the city manager determines that the application is incomplete or has been completed improperly, the city manager shall notify the applicant within 30 days of application submittal. The city manager may grant the applicant an extension up to 10 days to complete the phase two application.

(ii) An application is not to be considered incomplete for purposes of this subsection 2(a) if the sole document remaining to be filed is the conditional use permit required to operate a retail/dispensary cannabis business in the City of Willows.

(b) If the phase two application is incomplete, or remains incomplete upon the expiration of any extension, the city manager may deny the application on that ground. If the city manager denies the phase two application for being incomplete, pursuant to the provisions of this section, written notice of denial shall be served on the applicant. Notwithstanding any provisions of this code to the contrary, the decision of the city manager shall be final and not subject to administrative appeal.

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(c) The city manager shall notify the applicant that the application is complete if he or she determines that all of the required information has been provided and that the content and accuracy of the submitted documents is responsive to the requirements. The completion date of a phase two application shall be the date when the city manager notifies the applicant that it has received all of the information or materials required. If the conditional use permit is not submitted to the city manager, such notification shall advise the applicant that the otherwise complete application will be held in abeyance pending receipt of the required conditional use permit for a period not to exceed sixty (60) days.

C. Review by City Council.

1. When the city manager has determined that the application is complete, including the issuance of a conditional use permit, the city manager shall have the application placed on the next available meeting agenda of the City Council.

2. The City Council shall, in its sole discretion:

(a) Require any additional information deemed necessary or appropriate for consideration of issuance of the license; or

(b) Deny the application and state the grounds therefor; or

(c) By resolution, vote to issue the license, subject to any reasonable conditions imposed by the City Council, upon applicant's payment of the Business Cannabis License Fee established by the City Council.

D. The term of an initially-issued Retail/Dispensary Business Cannabis License shall be one (1) year.

9.20.072 Renewal.

A. An application for renewal of a Retail/Dispensary Cannabis Business license, together with all applicable fees, must be submitted to the city manager at least ninety (90) days before the expiration of the then-current license. Failure to submit a renewal application at least ninety (90) days prior to the expiration date of the then-current license will result in the automatic expiration of the license on the expiration date.

B. Renewal applications shall update and correct any such information provided in the initial phase one and phase two applications that is no longer correct, as well as an affirmation by the business owners and managers, made under penalty of perjury, that all of the information, as corrected, is accurate and correct.

C. The city manager shall compile such information and documents, as well as any information pertaining to the licensee's business operations which may reasonably affect a determination regarding renewal of the business license.

D. The city manager shall place the renewal application, together with all relevant information and documentation, on a City Council agenda approximately thirty (30) days prior to the expiration of the then-current license.

E. The City Council shall, in its sole discretion:

1. Require any additional information deemed necessary or appropriate for consideration of the renewal of the license; or

2. Deny the renewal application and state the grounds therefor; or

3. By resolution, vote to renew the license, subject to any reasonable conditions imposed by the City Council, upon applicant's payment of the then current Business Cannabis License Fee.

F. The term of a renewed Retail/Dispensary Cannabis License shall be two (2) years, subject the payment of the Business Cannabis License Fee for each year, in the amount current at the time of the commencement of each year.

G. License renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations in place at the time of initial issuance. and may require the submittal of additional information to ensure that the new standards are met. No person shall have any entitlement or vested right to receive a permit under this chapter.

F. The City of Willows, its Council Members, managers, employees, attorneys, agents and representatives shall have no liability for any lost profits, costs, expenses, damages, or relocation or demobilization costs, or other claims of any kind claimed to have been suffered as the result of the denial or non-renewal of any application for a Retail/Dispensary Cannabis Business License.

9.20.073 Transfer of License or Modification to License.

A. A Retail/Dispensary Cannabis Business License is nontransferable to another person, entity or location, and no such transfer may be made except in accordance with this section. Any such transfer made without the prior consent of the City of Willows shall result in the revocation of the license. Any change in ownership of five percent (5%) or more, singly or cumulatively, shall be considered a "change in ownership" and constitute a "transfer" for purposes of this section.

B. Any requested transfer of an interest in a Retail/Dispensary Cannabis Business License as a result of a change in ownership shall require the submittal of all of the information regarding the proposed transferee(s) contained in a Phase One Application, pursuant to chap. 9.20.071. In addition, all such proposed transferees shall execute those consents and affirmations required in chap. 9.20.071 above.

C. Any requested transfer of a Retail/Dispensary Cannabis Business License to another location shall require the submittal of all of the information required in Phase One and Phase Two Applications pursuant to chap. 9.20.071. Any licensee conducting any cannabis business at a location other than as licensed by the City of Willows shall have his/her/its license immediately revoked.

D. Any modification of a Licensee's business operations or to the premises to which the license has been issued shall require the submittal of all information identifying and describing the existing operation or premises affected by the proposed change, together with all proposed changes.

E. The city manager shall place the transfer/modification application, together with all relevant information and documentation, on a City Council agenda within thirty (30) days after receiving such complete application.

F. The City Council shall, in its sole discretion:

1. Require any additional information deemed necessary or appropriate for consideration of the transfer or modification of the license; or

2. Deny the transfer/modification application and state the grounds therefor; or

3. By resolution, vote to approve the transfer or modification of the license, subject to any reasonable conditions imposed by the City Council including, but not limited to, a requirement that the applicant pay all expenses incurred by the City in processing such application, in addition to payment of the Business Cannabis License Transfer/Modification Fee and, if the license is transferred to a new business location, the payment of an additional Business Cannabis License Fee.

G. Every such application for a transfer or modification of a Retail/Dispensary

Cannabis Business License shall be accompanied by the payment of a Transfer or Modification Fee established by the City Council in an amount reasonably calculated to reimburse the City for costs and expenses incurred in processing such Transfer or Modification application.

9.20.074 Retail/Dispensary Cannabis Business License fees and taxes.

A. For Retail/Dispensary Cannabis Business Licenses the City Council shall establish by resolution:

1. A Phase One Application Fee in an amount reasonably calculated to reimburse the City for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's phase one license application.
2. A Phase Two Application Fee in an amount reasonably calculated to reimburse the City for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's phase two license application.
3. A Cannabis Business License Fee, payable annually, authorizing the licensee to engage in the business of sales of cannabis and cannabis produces in the City of Willows.
4. A Retail/Dispensary Cannabis Business License Renewal Application Fee in an amount reasonably calculated to reimburse the City for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's license renewal application.
5. A Retail/Dispensary Cannabis Business License Transfer/Modification Application Fee in an amount reasonably calculated to reimburse the City for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's application for the transfer or application of a Retail/Dispensary Cannabis Business License.
6. An Appeal Fee in an amount reasonably calculated to pay the full cost of an appeal of the denial/disapproval of an application for a Retail/Dispensary Cannabis Business License, or renewal thereof, or the revocation or suspension of any such license, including but not limited to all staff and management time, legal fees, hearing officer fees, document and record fees, and other associated costs and expenses.
7. A Cannabis Business Tax reasonably calculated to reimburse the City for costs and expenses incurred including, but not limited to, issuance of licenses and maintenance of records, monitoring and inspections, preparation and submittal of reports, collection of and accounting for fees and taxes, auditing, legal expenses, enforcement actions, and other anticipated costs and expenses directly or indirectly related to the licensee's sales of cannabis and cannabis products in the City of Willows.
8. The fees set forth above shall be in addition to any other fee and/or tax imposed by this code or law.

B. The City Council may, by resolution, adjust any fee required herein at any time, which adjustment shall be effective on the date of the Council's adoption of the resolution.

9.20.075 Denials, Revocations and Suspensions.

A. Incomplete Application. If the license application is incomplete, or remains incomplete upon the expiration of any extension, the city manager may deny the Retail/Dispensary Cannabis Business License application or renewal thereof on that ground. If the city manager denies the application, written notice of denial shall be served on the applicant. Such service shall be deemed complete two (2) days following its deposit in the U.S. Mail. Notwithstanding any provisions of this code to the contrary, the decision of the city manager shall be final and not subject to administrative appeal.

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B. Suspension or Revocation of License.

1. If the city manager deems, based on all available facts and circumstances, that continuation of the licensee's Retail/Dispensary Cannabis Business License will cause a significant threat to the health, safety or welfare of the public, the city manager may suspend or revoke the license and all rights and privileges thereunder.

2. The city manager shall give notice to the licensee of his or her intent to suspend or revoke the license, together with the grounds therefor, in the manner set forth in A above, and provide the City Clerk with a copy of the notice.

3. In the event of a suspension of a Retail/Dispensary Cannabis Business License, the city manager shall include in the notice of suspension the ground(s) therefore, the action necessary to cure or correct such ground(s), and provide the licensee a time limit to make such cure or correction. Failure to effect such cure or correction within the time provided, or any extension granted by the city manager, shall cause the revocation of the license.

4. In the event of suspension or revocation of Retail/Dispensary Cannabis Business License, the licensee shall immediately cease operations.

C. Grounds for Denial of Application, License Renewal, or Suspension or Revocation of License. The granting of a Retail/Dispensary Cannabis Business License, or a renewal thereof, may be disapproved, and an existing license revoked or suspended if:

1. The applicant or licensee has knowingly made a false statement in the application or in any reports or other documents furnished to the City of Willows.

2. The owner of the business premises withholds or revokes consent for the sale of cannabis and cannabis products on the premises.

3. The licensee has violated the terms of this code or California law relating to the conduct of commercial cannabis activities.

4. Revocation or suspension of the required State-issued license.

5. The licensee failed to properly and truthfully report sales cannabis and cannabis products, and/or failed to pay all fees and taxes in full as and when due.

6. The licensee has engaged in the sale or distribution of cannabis or cannabis products in a location other than the licensed premises.

7. The licensee has engaged in or permitted the sale or distribution of other controlled substances on or from the premises.

8. Excessive traffic, neighborhood and/or law enforcement activity at the location of the applicant's or licensee's business premises.

9. The licensee's failure to maintain the premises in a secure manner and/or to protect the safety and security of employees and customers.

10. The granting or renewing of the license would perpetuate or encourage any of the following:

(a) Engaging in the illegal sale or distribution of cannabis or cannabis products or other controlled substances;

(b) Providing cannabis or cannabis products to minors;

(c) Diversion of cannabis or cannabis products to jurisdictions outside of the State where cannabis and cannabis products are unlawful under State or

local law;

- (d) Trafficking of other illegal drugs or facilitation of other illegal activity;
- (e) Violence and the use of firearms in the sale or distribution of cannabis and cannabis products;
- (f) The applicant or licensee or a cannabis business owner has been sanctioned by a licensing authority or other city or county for unauthorized commercial cannabis activity.
- (g) The applicant or licensee violates any provision of the MCRSA, AUMA, this chapter or any other permits issued by the City for the cannabis activity.

11. The cannabis business owner has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the cannabis business for which the application is made, which includes but is not limited to:

- (a) A violent felony conviction, as specified in Penal Code Section 667.5(c).
- (b) A serious felony conviction, as specified in Penal Code Section 1192.7.
- (c) A felony conviction involving fraud, deceit or embezzlement.
- (d) A felony conviction for drug trafficking with an enhancement pursuant to Health and Safety Code Section 11370.4 or 113798.
- (d) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

12. Except as provided in subsections 11 of this section, an application for a permit shall not be denied if the sole ground for denial is based upon a prior conviction of Section 11357 of the California Health and Safety Code. An application for a permit also shall not be denied if the State would be prohibited from denying a license pursuant to either Section 26057(b)(5) or Section 26059 of the California Business and Professions Code. Conviction of any controlled substance felony subsequent to permit issuance shall be grounds for revocation of a permit or denial of the renewal of a permit.

9.20.076 Appeal of Disapprovals, Revocations and Suspensions.

A. Within fifteen (15) days after the city manager serves notification of disapproval of the application for a Retail/Dispensary Cannabis Business license, or renewal thereof, of the revocation or suspension of an existing license for any reason other than incomplete applications, an applicant may appeal the disapproval, revocation or suspension by notifying the city clerk in writing of the appeal, the reasons for the appeal, and depositing all applicable fees and costs associated with the appeal. The appellant shall be required to pay all fees and costs associated with any such appeal.

B. The city clerk shall set a hearing on the appeal and shall fix a date and time certain, within thirty (30) days after the receipt of the applicant's or licensee's appeal, unless the City and the applicant agree to a longer time, to consider the appeal. The City Clerk shall provide notice of the date, time and place of hearing, at least seven (7) days prior to the date of the hearing.

C. The city attorney shall appoint a hearing officer to hear the appeal and determine

the order of procedure, and rule on all objections to admissibility of evidence. The applicant and the city manager, or his designee, shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses and argue their respective positions. The proceeding shall be informal, and the strict rules of evidence shall not apply, and all evidence shall be admissible which is of the kind that reasonably prudent persons rely upon in making decisions.

D. The hearing officer shall issue a written decision within fifteen (15) days after the close of the hearing. The decision of the Hearing Officer shall be final.

9.20.080 General Conditions for All Retail/Dispensary Cannabis Business Licenses.

A. State License. Beginning at such time that the State has begun to issue licenses and at all times thereafter, cannabis businesses licensed within the City of Willows shall hold a valid A-license or M-license, or both.

B. Hours of Operation. All permitted Retail/Dispensary Cannabis Business premises shall be closed to the general public and transporter deliveries and pick-ups shall be prohibited between the hours of 7:00 p.m. and 8:00 a.m.

C. Odor Control. Odors shall be contained on the property on which the commercial cannabis activity is located. If the City receives any odor complaints, the cannabis business shall work with the Building Official or his designee to correct odor concerns. Unresolved or repeated odor complaints may be basis for suspension or revocation of the license or denial of license renewal.

D. Minors. Licensees shall ensure that no person less than 21 years of age is permitted to work as an employee, to purchase cannabis or cannabis products, or to be on the premises of the licensee at any time.

E. Business Conducted within Building. No production, distribution, storage, display or wholesale of cannabis and cannabis-infused products shall be visible from the exterior of the building where the commercial cannabis activity is being conducted.

F. Security Measures. Every cannabis businesses shall maintain a commercial burglar alarm monitoring system, and install a video surveillance system.

G. Security Breach. A cannabis business shall notify the City and the Glenn County Sheriff's Office within twenty-four (24) hours after discovering any of the following:

1. Diversion, theft, loss, or any criminal activity involving the cannabis or cannabis product or any agent or employee of the permittee.
2. The loss or unauthorized alteration of records related to cannabis or cannabis product, registered qualifying patients, primary caregivers or employees or agents.
3. Significant discrepancies identified during inventory.
4. Any other material breach of security.

H. Labeling and Packages. Labels and packages of cannabis and cannabis products shall meet all State and Federal labeling and packaging requirements. Until such regulations are adopted by the Federal and/or State authorities, as a condition of license issuance, the city manager may impose labeling and packaging requirements to protect the public safety, health and welfare of the citizens of the City of Willows.

I. Inspection Records. Inspections, if necessary, shall take place at a reasonable time with prior notice to the cannabis business. Notwithstanding the foregoing, upon reasonable suspicion of a material violation of the law or the provisions of this code or the conditions of a license, inspections may be made at any time, with or without prior

notice. Upon request, the cannabis business shall timely provide the City official with reports and records related to the business including, but not limited to, sales reports, utility bills from the commercial energy provider for the premises. This section shall not limit any inspection authorized under any other provision of law or regulation.

J. In addition to a Retail/Dispensary Cannabis Business license, obtain and maintain a business license from the City of Willows.

K. Maintain at all times commercial general liability insurance providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one (1) or more persons, property damage and personal injury with limits of not less than one million dollars (\$1,000,000.00) per occurrence and comprehensive automobile liability (owned, non-owned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one (1) or more persons, property damage and personal injury, with limits of not less than one million dollars (\$1,000,000.00). The commercial general liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the City shall be primary, and shall name the City of Willows, its officials, employees and attorneys as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for suspension of the license immediately, and ultimately, revocation.

L. By accepting the license, each licensee agrees to indemnify, defend and hold harmless to the fullest extent permitted by law the City of Willows, its officers, employees, attorneys, agents and consultants from and against any and all actual and alleged damages, claims, liabilities, costs (including attorney's fees), suits or other expenses resulting from and arising out of or in connection with licensee's operations, except such liability caused by the gross negligence or willful misconduct of City of Willows, its officers, employees, attorneys, agents and consultants.

M. Maintain for a minimum of three (3) years a written accounting or ledger of all cash, receipts, credit card and other financial transactions, and reimbursements (including any in-kind contributions) as well as records of all operational expenditures and costs incurred by the licensee in accordance with generally accepted accounting practices and standards typically applicable to business records, which shall be made available to the City, its auditors or consultants during business hours for inspection upon reasonable notice by the city manager and for purposes of audit.

O. Inform the city manager, in writing, of any change of or to any of the information submitted to the City in phase one and phase two applications, any renewal application, or any amendments thereto, within ten (10) days of any such change including, but not limited to, any change in ownership of five percent (5%) or more in a single transaction or cumulatively.

P. Notify the city manager within three (3) days of any notices of violations or other corrective action ordered by a State or other local licensing authority, and provide copies of the relevant documents.

Chapter 9.20.090 Regulations and Enforcement.

Sections:

- 9.20.091 Regulations and Enforcement.
- 9.20.092 Public Nuisance
- 9.20.093 Enforcement
- 9.20.094 Right of Entry for Enforcement Officer
- 9.20.095 Abatement

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- 9.20.096 **Summary Abatement**
- 9.20.097 **Alternative Remedies**
- 9.20.098 **Violations**
- 9.20.099 **Penalties**
- 9.20.100 **Penalties not exclusive – violation constitutes a crime**

9.20.091 Regulations and Enforcement.

A. City Manager or Designee. Any action required by the city manager under this chapter may be fulfilled by the city manager's designee. In addition to City officers and employees, such designee may include, but is not limited to, officials of the Glenn County Sheriff's Office, attorneys or consultants.

B. The city manager is authorized to coordinate implementation and enforcement of this chapter and may promulgate appropriate regulations for such purposes.

9.20.092 Public Nuisance

Any violation of this chapter is declared to be a public nuisance, subject to redress as provided for in this title.

9.20.093 Enforcement.

A. This title shall be enforced pursuant to the provisions of this chapter 9.20 of Title 9 and chapter 8.10 of Title 8 of the Willows Municipal Code.

B. The city manager shall, as he deems necessary, instruct the chief of police, Glenn County Sheriff, fire chief, director of public works, or code enforcement officer to abate any nuisance caused by a violation of this chapter; the cost thereof to be levied and collected as provided for in Chapter 8 of this code.

9.20.094 Right of entry for enforcement officer.

A. Whenever an enforcement officer has reason to believe that a nuisance exists or that an inspection is necessary to enforce any provision of this chapter, the officer may enter the premises at any reasonable time to perform the inspection or any other duty imposed by this title. The enforcement officer shall provide reasonable notice of the need to enter and inspect. Notwithstanding the foregoing, in the event there is reasonable suspicion of the existence of a nuisance or violation that presents an immediate or imminent danger to the health, safety or welfare of the employees of licensee, its customers or the community at large, the enforcement officer or other City official may enter the premises at any time without notice.

B. The enforcement officer shall present proper identification, state the purpose of the visit and request permission of the owner or responsible person to enter the premises. If entry is refused, the enforcement officer shall have recourse to every remedy provided by law to secure entry. Any such refusal shall be grounds for suspension of the licensee's license.

C. When the enforcement officer has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or responsible person shall fail or neglect, after proper request is made as provided in this title, to promptly permit entry therein by the enforcement officer for the purpose of inspection and examination pursuant to this title.

9.20.095 Abatement.

Public nuisances in violation of this chapter may be abated by closure, removal, destruction, suspension or revocation of license, or other appropriate action as determined by the city manager. Such nuisances may be abated pursuant to chapter 8.10 of this code or, in the event of imminent or immediate dangers to the health, safety, welfare and morals of the citizens of the City of Willows, summarily abated pursuant to chapter 9.20.096 and chapter 8.10.160 of the Willows Municipal Code.

9.20.096 Summary abatement.

- A. Certain violations of this chapter 9.20 may constitute imminent or immediate dangers to the health, safety, welfare and morals of the citizens of the City of Willows. Accordingly, such violations, conditions or uses may be summarily abated by the city pursuant to WMC 8.10.160 and this chapter.
- B. Such abatement shall not occur unless the city manager and/or his/her designate finds, from a preponderance of the evidence, that such an imminent or immediate danger exists, and has provided or attempted to provide the owner of the property in question, or the person responsible for permitting the danger to occur, reasonable notice within which to correct the condition, and the necessary corrective action has not taken place. Twenty-four (24) hours shall be presumed to be reasonable notice in the absence of evidence to the contrary. Notice hereunder need not take any particular form, and may be dispensed with if the exigencies of the situation require immediate abatement and/or providing reasonable notice is impracticable.
- C. The cost and expenses of a summary abatement shall be made a lien on the property and shall be collected pursuant to the procedure found in WMC 8.10.130 through 8.10.150.

9.20.097 Alternative remedies.

Nothing in the foregoing sections shall be deemed to prevent the city council from ordering the city attorney or Glenn County District Attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein. Nothing herein shall prevent the city from abating a nuisance pursuant to any other procedure established by city ordinance or state law.

9.20.098 Violations.

- A. It shall be unlawful for any person to remove, deface, or mutilate any notice, order, statement, or resolution posted as required in this chapter.
- B. It shall be unlawful for any person to obstruct, impede, or interfere with any owner or his agent or with any representative of the city when engaged in performing any act reasonably necessary for the execution of the order of abatement.
- C. It shall be unlawful for an owner or occupant of any premises in the city to permit a condition declared by the city to be a public nuisance to exist upon the premises.
- D. Any person who shall violate this section 9.20.098 shall be subject to the penalties set forth in WMC 1.05.030.

9.20.099 Penalties.

- A. A violation of this chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment. Each day of engaging in any of the prohibited activities shall constitute a separate offense.
- B. Any violation of this chapter or regulation promulgated under this chapter is hereby declared to be a public nuisance.

9.20.100 Penalties not exclusive – violation constitutes a crime

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Willows Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Willows Municipal Code shall prevent the city from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance. Violation of this chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the city attorney.

9.20.120 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Attachment 2

RESOLUTION NO. 32-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ESTABLISHING THE MAXIMUM NUMBER OF RETAIL/DISPENSARY CANNABIS BUSINESS LICENSES PERMITTED IN THE CITY OF WILLOWS

WHEREAS, the City Council of the City of Willows, pursuant to Chapter 9.20.070 has authorized the establishment of retail and dispensary businesses selling both medical and non-medical cannabis within the City of Willows; and

WHEREAS, in 1996 "The Compassionate Use Act" of 1996 was enacted by Proposition 215 enabling persons who are in need of cannabis for medical purposes to obtain and use it without fear of State criminal prosecution; and

WHEREAS, on November 8, 2016 California voters approved Proposition 64, the "Adult Use of Marijuana Act", which established a licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of recreational cannabis, and which recognized the authority of local jurisdictions to either ban or regulate certain activities related to the cultivation, manufacture, transportation, storage, distribution, delivery, and sale of recreational cannabis; and

WHEREAS, on June 27, 2017 Governor Brown signed SB 94, a bill which among other things established a new statutory framework which reconciled the MCRSA and AUMA and regulating medical and non-medical cannabis use, possession, cultivation and commercial activities in the State of California (referred to as "MAUCRSA"); and

WHEREAS, on November 28, 2017 the City Council of the City of Willows enacted "An Ordinance of the City Council of the City of Willows Repealing Willows Municipal Code Chapter 9.20 ("Medical Marijuana"), Adopting New Chapter 9.20 ("Cannabis"), Repealing Chapter 8.10.010 ("Definitions"), Adopting New Chapter 8.10.010, and Amending Chapter 8.10 ("Nuisance") to Regulate Cannabis, Use, Cultivation, Sales, and Other Cannabis Activities in the City of Willows" (hereafter the "Cannabis Ordinance"); and

WHEREAS, the City Council of the City of Willows, pursuant to Chapter 9.20.070 of the Cannabis Ordinance has authorized the establishment of retail and dispensary businesses selling both medical and non-medical cannabis within the City of Willows; and

WHEREAS, Chapter 9.20.070 of the Cannabis Ordinance requires the City Council to adopt a resolution establishing the maximum number of Retail/Dispensary Cannabis Business licenses that may be issued within the City of Willows in order to prevent excessive concentrations of such businesses, and to set other special conditions that may be necessary and appropriate for the regulation of such businesses; and

WHEREAS, the City Council finds and determines that the adoption of this Resolution is exempt from environmental review pursuant to California Environmental Quality Act Guidelines

Section 15061(b)(3) in that there is nothing in this Resolution or its implementation that could have a foreseeable significant effect on the environment,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILLOWS:

1. That, pursuant to Chapter 9.20.070 of the Willows Municipal Code, the City Council of the City of Willows hereby orders that the number of Retail/Dispensary Cannabis Licenses issued to conduct such business in the City of Willows shall not exceed two (2); and
2. That no such Retail/Dispensary Cannabis License shall be issued for any business location, and no such license holder may conduct business in any location, nearer than one thousand (1,000) feet to any church, elementary school, middle school, high school, licensed daycare or preschool facility, playground or parks; and
3. That the City of Willows Planning Commission is hereby directed to establish, in accordance with the terms of this Resolution, in which zones of the City of Willows Retail/Dispensary Cannabis Licensed business may operate as a permitted use.

PASSED AND ADOPTED by the City Council of the City of Willows this 28th day of November, 2017, by the following vote:

AYES: Williams, Mello, Yoder, Vice-Mayor Warren & Mayor Hansen

NOES: None.

ABSTAIN: None.

ABSENT: None.

ATTEST:

APPROVED:


ROBYN JOHNSON, CITY CLERK


GARY HANSEN, MAYOR

Attachment 3



**COMMERCIAL CANNABIS
RETAIL DISPENSARY PERMIT APPLICATION
OWNER'S STATEMENT OF CONSENT**

If the applicant is not the owner of record of the subject site, the following Statement of Consent must be completed by the owner or the owner's legally authorized representative, granting the applicant permission to apply for a commercial cannabis cultivation permit. ***This form must be notarized.***

To: City of Willows
201 N Lassen Street
Willows, CA 95988

I, the undersigned legal owner of record, hereby grant permission to:

Applicant:

First Name

Middle Initial

Last Name

Mailing Address:

Street

Unit #

City

State

Zip

To operate a commercial cannabis retail dispensary business on the property described below.

The subject property is located at:

Street

City

State

Zip

Assessor's Parcel Number: _____

Print Name of Owner of Record:

First Name

Middle Initial

Last Name

Address of Owner of Record:

Street

Unit #

City

State

Zip

Phone Number: _____ Email Address: _____
Home Phone

Signature of Owner of Record: _____
Signature Date

Attachment 4



City of Willows
201 N Lassen Street
Willows, CA 95988
530-934-7041

REQUEST FOR LIVE SCAN SERVICE
Applicant Submission

ORI (Code assigned by DOJ)

Authorized Applicant Type

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - If assigned by DOJ, use exact title assigned)

Contributing Agency Information:

Agency Authorized to Receive Criminal Record Information

Mail Code (five-digit code assigned by DOJ)

Street Address or P.O. Box

Contact Name (mandatory for all school submissions)

City State ZIP Code

Contact Telephone Number

Applicant Information:

Last Name

First Name Middle Initial Suffix

Other Name
(AKA or Alias) Last

First Suffix

Date of Birth Sex ☐ Male ☐ Female

Driver's License Number

Height Weight Eye Color Hair Color

Billing
Number
(Agency Billing Number)

Place of Birth (State or Country) Social Security Number

Misc.
Number
(Other Identification Number)

Home
Address Street Address or P.O. Box

City State ZIP Code

Your Number: _____
OCA Number (Agency Identifying Number)

Level of Service: ☐ DOJ ☐ FBI

(If the Level of Service indicates FBI, the fingerprints will be used to check the criminal history record information of the FBI)

If re-submission, list original ATI number:
(Must provide proof of rejection)

Original ATI Number

Employer (Additional response for agencies specified by statute):

Employer Name

Mail Code (five digit code assigned by DOJ)

Street Address or P.O. Box

City State ZIP Code

Telephone Number (optional)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed

Attachment 5



City of Willows

201 N Lassen Street
Willows, CA 95988
Ph: 530-934-7041
Fax: 530-934-7402

CANNABIS RETAIL DISPENSARY LICENSE APPLICATION PHASE 1

S T A F F U S E	LICENSE APPLICATION #:	DATE RECEIVED
	NON-REFUNDABLE PHASE 1 LICENSE APPLICATION FEE	
	OTHER FEES COLLECTED:	
	RECEIPT NUMBER(S):	
	PUBLIC HEARING NOTICE REQUIRED: <input type="checkbox"/> YES <input type="checkbox"/> NO	

G E N E R A L	LOCATION OF PROJECT (ADDRESS):	NAME OF PROPOSED PROJECT:
	APN:	PROPERTY SIZE (ACRES)
	NOTE TO APPLICANT: ALL SUBMITTAL REQUIREMENTS SPECIFIC TO THE CANNABIS RETAIL DISPENSARY LICENSE APPLICATION PHASE 1, AS DESCRIBED IN THE ATTACHED CHECKLIST, MUST BE SUBMITTED WITH THIS LICENSE APPLICATION.	

C O N T A C T I N F O	APPLICANT:	BUSINESS PHONE:	CELL PHONE:
	MAILING ADDRESS:	FAX:	EMAIL:
	ARCHITECT/ENGINEER:	BUSINESS PHONE:	CELL PHONE:
	MAILING ADDRESS:	FAX:	EMAIL:
	PROPERTY OWNER:	BUSINESS PHONE:	CELL PHONE:
	MAILING ADDRESS:	FAX:	EMAIL:

I HEREBY CERTIFY THAT THE INFORMATION GIVEN ABOVE AND ATTACHED HERETO IS TRUE AND CORRECT, THAT THE PROPERTY OWNER IS AWARE OF AND AGREES WITH THIS APPLICATION, AND THAT FALSIFICATION OF FACT WILL RESULT IN INVALIDATION OF THE APPLICATION. FURTHER, I UNDERSTAND THAT ANY APPROVAL GIVEN IS VALID FOR THE SPECIFIC PROJECT APPROVED ONLY AND IS SUBJECT TO ALL APPLICABLE LAWS, REGULATIONS AND CONDITIONS. THE APPLICATION SHALL BE SIGNED UNDER PENALTY OF PERJURY.

APPLICANT SIGNATURE: _____ DATE: _____
APPLICANT NAME PRINT: _____
PROPERTY OWNER SIGNATURE: _____ DATE: _____
PROPERTY OWNER NAME PRINT: _____



City of Willows

201 N Lassen Street
Willows, CA 95988
Ph: 530-934-7041
Fax: 530-934-7402

CANNABIS RETAIL DISPENSARY APPLICATION CHECK LIST PHASE 1

Identity of the Retail/Dispensary Cannabis Business

☐ A description of the statutory entity or business form that will serve as the legal structure for the business and a copy of its formation and organizing documents, including but not limited to articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement, and fictitious business name statement. If a corporation, limited liability company, or a general or limited partnership is a stockholder owning more than five percent of the stock or membership interest of an applicant's business, or is one or more of the partners in an applicant's business, the applicant shall set forth the names and addresses of each of the partners, officers, directors, and stockholders of the corporation, limited liability company, or general or limited partnership.

Management Information

☐ The name, address, telephone number, title, and function(s) of each manager of the business.

☐ For each manager, a legible copy of one valid government-issued form of photo identification, such as a state driver's license, a passport issued by the United States, or a permanent resident card.

☐ Applicant's Phone Number and Mailing Address. The phone number and address to which notice of action on the application and future correspondence is to be mailed.

☐ Previous Addresses. Previous addresses of the applicant for the past five years immediately prior to the present address.

☐ Verification of Age. Evidence that the applicant and all managers of the dispensary are at least 21 years of age.

Criminal Background.

☐ A list of each misdemeanor and/or felony conviction, if any, of the applicant, its owner(s) and manager(s), whether the conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each conviction, set forth the date of arrest, the offense charged, and the offense of which the applicant or manager was convicted.

☐ The applicant, each owner and each manager shall consent to fingerprinting and a criminal background investigation.

☐ Employee Information. Number of employees, volunteers, and other persons who will work or provide services at the business.

☐ State Licenses. Copies of the state licenses relating to marijuana, including cultivation licenses, the applicant holds, and/or a description of the state licenses the application for which the applicant intends to apply.

☐ Plan of Operations. A plan describing how the business will operate consistent with state law and the provisions of this article.

☐ Business Description. A description of the proposed location, including the street address and parcel number, the square footage, and the characteristics of the neighborhood or surrounding area.

☐ Response to the Zoning Code. An explanation of how the business complies or expects to comply with the zoning code, including, but not limited to, the location requirements.

☐ Compliance with Applicable Taxes. The applicant shall provide a current copy of its business operations tax certificate and state sales tax seller's permit.

☐ City Authorization. Authorization and consent for the city manager to seek verification of the information contained within the application.

☐ Statement of Property Owner's Consent. Consent to operate a cannabis business at the proposed location, specifying the street address and parcel number, from the owner or landlord, of the proposed location.

☐ Applicant(s) shall provide a proposed level of revenue sharing to be paid to the City. Applicant is encouraged to submit the revenue sharing proposal as: *Applicant will share revenues with the City, no later than 10 days following the completion of each calendar month, the greater of ____% of gross revenue or all sources of sale or \$____, whichever is greater.* Applicant must further acknowledge that sales records are subject to audit by the City or a contracted representative of the City, as set forth in the WMC, and applicant will bear one-half of the cost of each such audit.

Review of Phase 1 Application.

Upon receiving a phase 1 application for a retail/dispensary cannabis business license, the city manager shall determine whether the application is complete. If the city manager determines that the application is incomplete or has been completed improperly, the city manager shall notify the applicant within 30 days of application submittal. The city manager may grant the applicant an extension of up to 10 days to complete the phase 1 application.

If the city manager determines that the phase 1 application is complete and, on the face of the application, there appears to be no basis for denial of the permit, the city manager shall notify the applicant that it may continue to phase 2 in the application process.

If the application is incomplete, or remains incomplete upon the expiration of any extension, the city manager may deny the application on that ground. If the city manager denies the phase 1 application, pursuant to the provisions of this section, written notice of denial shall be served on the applicant. Notwithstanding any provisions of this code to the contrary, the decision of the city manager shall be final and not subject to administrative appeal.

AGENDA ITEM

TO: Honorable Mayor Warren and Members of the City Council

FROM: Wayne Peabody, Interim City Manager

SUBJECT: Emergency Temporary Suspension of WMC section 8.20.020
pending further Council direction.

RECOMMENDATION:

By Motion temporarily suspend enforcement of WMC 8.20.020 due to state of emergency in Butte County, and provide direction for an administrative use permit pursuant to WMC 18.110.080.

SITUATION (or BACKGROUND):

On November 8th, the community of Paradise was devastated by one of the worst fires in north state history. As a result many family have been displaced and are left with no living accommodations, at least in the near term. A number of these displaced families have come to Willows and are occupying recreational vehicles, camp trailers, campers and so forth in various areas of the City. Everybody in the City of Willows is sympathetic to the plight of these people, and would like to accommodate their needs to the extent we can, while at the same time protecting the rights of our citizens and the community itself.

However, Willows Municipal Code provides as follows (emphasis added):

***8.20.020 Maintaining trailer for period longer than 48
hours outside trailer camp – Prohibition.***

*It shall be unlawful and a public nuisance for any person to establish, **keep or maintain upon any lot or other place within the city, any trailer, auto coach or trailer coach primarily designed for transportation purposes upon a public highway, for occupancy as living quarters, for a longer period than 48 hours,** unless the same is kept and maintained on a regularly established auto and trailer camp operated under permits from the state and the building inspector of the city.*

In order to accommodate at least some of these refugees from this disaster, Staff recommends that as an emergency matter Council direct staff to suspend

enforcement of Chap. 8.20.020 of the Willows Municipal Code pending further direction from Council.

Although WMC 18.110.080 authorizes relief from the provisions of Chap. 8.20.020, because of the emergency nature of this situation Staff believes it will be difficult to contact these families to apply for, and for City Staff to issue, the Administrative Use Permits described in Chap. 18.110.080.

Accordingly, Staff recommends bringing this matter back to the Council at its next meeting on November 27, 2018 for further consideration and Staff direction to deal with the situation as it may have developed over the next two weeks.

In the interim, and to the extent possible, Staff requests authorization to issue Administrative Use Permits pursuant to the provisions of Chap. 18.110.080(3), without collection of any fee, to give these displaced families the time needed to stabilize their situations.

Staff believes this is likely to be an ongoing situation for an unknown period of time and will likely require significant additional consideration and action by the City Council and Staff.

FINACIAL CONSIDERATIONS:

Unknown—waiver of usual fees for issuance of Administrative Use Permits.

NOTIFICATION:

GCSO
WPSA

ALTERNATE ACTIONS:

- 1: Request additional information from Staff
- 2: Reject Staff recommendation and/or direct item to returned.

RECOMMENDATION:

1. By Motion, Staff recommends that the City Council direct the suspension of enforcement of WMC 8.20.020 due to state of emergency in Butte County.
2. Provide direction and authorization for issuance of no-fee Administrative Use Permit(s) pursuant to the WMC 18.110.080(s).

November 13, 2018

3. Direct Staff to bring this matter back to Council at its next regularly scheduled Council Meeting.

Respectfully Submitted



Wayne Peabody
Interim City Manager

ATTACHMENT:

- 1: Willows Municipal Code 8.20.020
- 2: Willows Municipal Code 18.110.080

8.20.020 Maintaining trailer for period longer than 48 hours outside trailer camp – Prohibition.

It shall be unlawful and a public nuisance for any person to establish, keep or maintain upon any lot or other place within the city, any trailer, auto coach or trailer coach primarily designed for transportation purposes upon a public highway, for occupancy as living quarters, for a longer period than 48 hours, unless the same is kept and maintained on a regularly established auto and trailer camp operated under permits from the state and the building inspector of the city. [Code 1959 § 20.2; prior code § 9-65].

18.110.080 Temporary use.

Notwithstanding any of the provisions of this title to the contrary, the following uses shall be permitted in any zoning district of the city upon the issuance of an administrative use permit in the manner hereinafter provided by Chapter 18.130 WMC:

- (1) Circuses, carnivals, and amusement parks.
- (2) Temporary use of trailer, mobile homes, manufactured housing, or modular units for temporary office or caretaker quarters.
- (3) Temporary uses not specifically identified in this section and not normally associated with or accessory to uses permitted in the zoning districts. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.08), 3-11-08; Ord. 632-91 § 7.08, 10-22-91].