

## SUBMITTING APPLICATIONS FOR MEDICAL CANNABIS BUSINESSES, DATE STAMPING OF APPLICATIONS, AND CREATING A PRIORITY LIST

Measure Z enacted Vista Municipal Code ("VMC") Chapter 5.94 in its entirety, and further references to Measure Z will be to the provisions of that Chapter.

### Authority

VMC §5.94.060.B authorizes the City to publish rules establishing "the date, time, and manner on and in which...medical cannabis businesses must submit registration application forms and the required fee...."

VMC §5.94.060.D provides that as "each applicant submits its registration application and fee pursuant to this Article, the City shall time-stamp the application with the date and time received. Seven calendar days after the date the City begins accepting applications, the City shall stop accepting applications and shall...establish a priority list that identifies by name, address, date and time the order in which the applications were received."

### Purpose

This Regulation describes the manner in which applicants may submit applications to the City for medical cannabis businesses, the practice for time-stamping applications, and the rules for creating a priority list for applicants.

### Rules

1. Initially, applications will be submitted at the Morris B. Vance Community Room (200 Civic Room Drive) beginning at 10 a.m. on January 22, 2019. (See Exhibit B for a Map.)
2. The lobby to enter the Community Room will open at 9:30 a.m., at which time representatives submitting applications ("Applicant Representatives") on behalf of a proposed medical cannabis business ("Applicant") shall enter the lobby. At 10 a.m., the doors to the lobby will be closed, and all Applicant Representatives in the lobby at that time ("Waiting Representatives") will be escorted into the Community Room.
3. The order in which Waiting Representatives submit applications for an Applicant will be set using an unbiased process assuring that no individual Applicant with a Waiting Representative is favored over another ("Unbiased Process"). (Exhibit A presents an example of an Unbiased Process that may be used for ordering the submission of applications by Waiting Applicants. The Exhibit will be updated in the event that a different Unbiased Process is selected.)
4. To assure that the Unbiased Process does not favor one Applicant over another, an Applicant may be represented by only one Waiting Representative. **If two or more Waiting Representatives are present on behalf of the same proposed medical cannabis business, the proposed medical cannabis business will have pursued "multiple submissions" for purposes of Section 5.94.060.D, which "will result in immediate disqualification from the registration process."** To implement this rule, each person participating as a Waiting Representative must provide his or her name to the City and the exact name of the proposed medical cannabis business identified in the application.
5. Applicant Representatives arriving at the Community Room after 10:00 a.m. will be directed to a separate line that forms outside the Community Room and will queue (and submit applications) based on their order of arrival ("Application Line"), but only after all applications submitted by Waiting Representatives are first processed.

6. Once the City has processed the applications submitted by Waiting Representatives and those in the Application Line, the submission of applications will cease at the Community Room at noon on January 22, 2019 and will thereafter occur at the Office of the City Clerk for Vista (200 Civic Center Drive) until the seven-day period for submitting applications pursuant to VMC § 5.94.060.D has expired on January 29, 2019 at 5:00 p.m.
7. When an application is submitted with the fees required by this paragraph and Chapter 5.94, the City shall: (1) time-stamp the application in a manner to display the date and time of submission; and (2) concurrently accept delivery from the Applicant of separate cashier's checks payable to the City. One cashier's check will be for the required deposit and shall be in the amount of \$100,000, and the second will be for the application and filing fee, and shall be in the amount of \$9,368. ***If an application is presented to the City without the required cashier's checks, or the amounts are deficient, the City will return the application to the Applicant Representative as required by VMC § 5.94.060.D without having time-stamped it, and the application shall not be eligible for inclusion in the priority list described in paragraph 8.***
8. After the seven-day period for submitting applications is closed at 5:00 p.m. on January 29, 2019, the City shall establish the priority list that identifies by name, address, date and time the order in which the applications were received based on the time-stamp applied to each application. Following the completion of the list, the City shall publish the list in a newspaper of general circulation and post the list to its website as required by VMC § 5.94.060.E.
9. Once an application is submitted to the City and time-stamped, no change, modification, substitution, addition, or supplementation shall be permitted in the application other than the correction of purely typographical errors.

APPROVED PER VMC § 5.94.170.B:



PATRICK JOHNSON, City Manager  
January 14, 2019

## EXHIBIT A

### EXAMPLE OF UNBIASED PROCESS

The following process is one method for ordering the submission of applications to be submitted by Waiting Representatives.

Each Waiting Representative will select a numbered token from a bin, and place the numbered token into a rotating canister. Once each Waiting Representative has placed his or her numbered token into the canister, the canister will be rotated and the numbered tokens shall be withdrawn from the canister by a City employee one-at-a-time. On behalf of each Waiting Representative participating in the Unbiased Process, the City will use a whiteboard or other publicly-visible method to record: (1) the name of the proposed medical cannabis business represented by the Waiting Representative; (2) the numbered token assigned to the representative; and (3) the order each numbered token is withdrawn from the canister so that the first token withdrawn is assigned a first position, and so on ("Submission Sequence"). Once the Unbiased Process is completed, each Waiting Representative shall submit his or her application to the City according to the established Submission Sequence, and each application shall be time-stamp as it is received.

EXHIBIT B

MAP SHOWING MORRIS B. VANCE COMMUNITY ROOM

