



Office of the City Clerk  
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 Interim City Clerk  
 (248) 758-3200

<http://pontiacclerk.com/medical-marihuana>

Updated April 2021

## Medical Marihuana Application Review Status Update

A process that follows the ordinance as approved by the voters that is fair, transparent and has integrity.

Hearing Officer conducted hearings on April 26, 2021 for the 5 Cesar Chavez Appellant's that appealed their score.

Downtown Overlay District Provisioning Center Application Rankings to be announced on May 18, 2021.

Application Status	Number of Applicants as of April 30, 2021	Review Phase
Grower	9	6 in Phase 5 3 in Phase 1
Processor	3	2 in Phase 5 1 in Phase 1
Secure Transporter	1	Application Denied
Safety Compliance	0	
Provisioning – Cesar Chavez	17	17 in Phase 5
Provisioning – Downtown	23	23 in Phase 4
Provisioning – Non Overlay	48	48 in Phase 2 and 3
Provisioning – Walton Blvd	15	Ready for Phase 2

Reviewer	Reviews Completed	Under Review	Ready for Review
Financial Advisor	6 Grower, 2 Processor, 17 Cesar Chavez, 23 Downtown & 7 Non Overlay	41 Non Overlay	
Income Tax	6 Grower, 2 Processor, 17 Cesar Chavez, 23 Downtown & 12 Non Overlay	36 Non Overlay	
Treasury	6 Grower, 2 Processor, 17 Cesar Chavez, 23 Downtown & 46 Non Overlay	2 Non Overlay	

50 <sup>th</sup> District Court	6 Grower, 2 Processor, 17 Cesar Chavez, 23 Downtown & 48 Non Overlay		
Marihuana Regulations	6 Grower, 2 Processor, 17 Cesar Chavez & 23 Downtown	48 Non Overlay	
Code Enforcement	6 Grower, 2 Processor, 17 Cesar Chavez, 23 Downtown & 48 Non Overlay		
Planning	6 Grower, 2 Processor, 17 Cesar Chavez & 23 Downtown	24 Non Overlay	
City Clerk	6 Grower, 2 Processor, 17 Cesar Chavez & 22 Downtown	24 Non Overlay	
DPW	6 Grower, 2 Processor, 17 Cesar Chavez & 23 Downtown	24 Non Overlay	
Security	6 Grower, 2 Processor, 17 Cesar Chavez, 23 Downtown & 24 Non Overlay	24 Non Overlay	

<b>Compliance</b>	<b>Reviews Completed</b>	<b>Under Review</b>	<b>Ready for Review</b>
Legal Advisor	6 Grower, 2 Processor & 17 Cesar Chavez	23 Downtown	
Planning Advisor	6 Grower, 2 Processor, 16 Cesar Chavez & 23 Downtown		

### **Urgent Issue**

The members of the Marihuana Commission have not been disclosed to the public. The Commission has not met to establish its rules. The rules must be approved by City Council. The Commission must meet prior to May 18, 2021 so City Council can approve the commission rules at the Council meeting on May 18, 2021.

#### **Why is this an urgent matter?**

After the Clerk receives the recommendation from the Hearing Officer regarding the 5 Cesar Chavez appellants, the Clerk has to forward his decision to the 5 appellants. The 5 appellants have the right to further appeal to the Medical Marihuana Commission. Since this is a time sensitive matter, the Clerk is proposing the attached rules for the Commission consideration. The rules are modeled after the City of Lansing Medical Marihuana Commission.



## **Proposed Pontiac Medical Marihuana Commission Rules and Regulations**

### **Commission Membership Requirements**

Members of the Commission shall be residents of the City of Pontiac and shall be chosen so far as reasonably practicable in such a manner as to represent a cross-section of the community.

### **Commission Powers and Duties**

The Commission shall review and decided all appeals that are forwarded to it by the City Clerk pursuant to Ordinance 2357(B). The Commission shall review all appeals de novo. The Commission may overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

### **Chairperson and Vice Chairperson**

At its first meeting, the Commission shall select, by majority vote, a Chairperson, Vice Chairperson and Secretary.

### **Presiding Officer**

The Presiding Officer shall be responsible for enforcing these Rules and Regulations and for enforcing orderly conduct at meetings. The Chairperson shall be the Presiding Officer. If the Chairperson is absent, the Vice Chairperson shall act as the Presiding Officer. The Secretary is responsible for conducting the roll call at each meeting. In the event that the Secretary is absent, then the commission clerk shall call the roll. In the event of a resignation or other permanent absence of the Chairperson, Vice Chairperson or Secretary positions, it shall be filled by nomination and majority vote of the Commission members serving.

### **Commission Clerk**

The City Clerk or his/her designee shall be the Clerk of the Medical Marihuana Commission. The duties of the Commission Clerk are as follows:

1. The Commission Clerk shall prepare the agenda for meetings of the commission.
2. The Commission Clerk shall be responsible for keeping a record of all of the Commission's activity.
3. The Commission Clerk shall be responsible for maintaining the minutes of Commission meetings.

4. The Commission Clerk shall file the approved minutes of each Commission meeting in the office of the City Clerk.
5. The Commission Clerk shall cooperate and assist the City Freedom of Information Act officer in responding to requests for information in accordance with the Michigan Freedom of Information Act, being 1977 PA 442 as amended; MCL 15.231 et. seq.

### **City Attorney**

The City Attorney serves as the attorney for the commission.

### **Meeting Schedule**

The Committee shall post a meeting notice in a manner consistent with the Michigan Open Meetings Act of 1976 subsequent to receiving an appeal forwarded to it by the City Clerk pursuant to City Ordinance 2357(B). Due to the timing irregularity of the receipt of appeals, the Commission may not schedule Regular Meetings as set forth in the Michigan Open Meetings Act, Michigan Public Act 267 of 1976, at MCL 15.265. Meeting notices must be posted at least 18 hours prior to the meeting. If the Commission does adopt a regular meeting schedule, it shall be posted in a manner consistent with MCL 15.265.

### **Minutes of meetings**

Minutes of all meetings of the Commission shall be kept in a manner consistent with applicable law. A copy of the minutes of meetings shall be available for public inspection at the City Clerk's Office during regular business hours.

### **Conduct of meetings**

All meetings of the Commission shall be open to the public except as permitted by applicable law. All open meetings shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

### **Commission meeting agenda**

Meeting agendas will be as follows

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Amendments to and approve of the agenda
5. Approval of the Minutes (As needed)
6. Agenda Items
7. Public Comment (3 Minute Limit)
8. Adjournment

### **Quorum**

A quorum of the Medical Marihuana Commission shall consist of three (3) members.

### **Disorderly conduct**

The Presiding Officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the Presiding Officer determines the person is in order.

### **Closed sessions**

Closed sessions may be held only for the reasons consistent with MCL 15.268.

### **Calling closed sessions**

The Commission by a two-thirds roll call vote may call a closed session subject to the conditions herein. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

### **Minutes of closed meetings**

A separate set of minutes shall be taken at the closed session. These minutes will be retained by the City Clerk and shall not be available to the public.

### **Discussion and voting**

Rules of parliamentary procedure

The rules of parliamentary practice, as contained in the 11<sup>th</sup> edition of Robert's Rules of Order, shall govern the commission in all cases to which they are applicable, provided they are not in conflict with these rules, city ordinances or applicable state statutes. The Presiding Officer shall preserve order and decorum and may speak to points of order in preference to other members. If a point of order is given it should not exceed two (2) minutes.

Conduct of discussion

During the commission discussion and debate, no member shall speak until recognized for that purpose by the Presiding Officer. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

Voting shall be recorded by roll call.

All members of the Commission in attendance shall vote on all matters unless recused.

### **Public comment**

Each meeting agenda shall provide reserved time for public comment participation. During public comment, each individual shall be limited to three (3) minutes, and shall not engage in conduct or language that disrupts, makes fun of, or otherwise impedes the orderly conduct of the meeting. In addition, members of the audience shall not engage in disorderly or boisterous activity including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language, cheering, whistling, or any other acts that disturb, disrupt, or impede, or otherwise interfere with the orderly conduct of the meeting.

**Suspension of rules**

The rules of the Commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that commission actions shall conform to applicable law.

**Adoption of Rules**

After approval by the Commission, the rules of procedure shall be submitted to the City Attorney for approval as to form. The rules shall then be submitted to the City Clerk for transmission to the City Council. The rules shall be effective after the City Council approves them.

**City of Pontiac**  
**Medical Marihuana Commission**  
**Appeal Hearing Format**

I. Appeal packet provided to Commission, City Attorney and Appellant prior to the meeting including:

- a. The Hearing Officer Appeal Packet Copy with decision
- b. The Denial Letter outlining how to appeal to Commission
- c. Applicant's appeal to the commission

- Packet is read by the Commission in advance of meeting
- The City Attorney serves as the attorney for the commission

II. Clerk's Office Presents Case

-Time Allowance: 10 Minutes

The Clerk's Legal Compliance Advisor will represent the Clerk's Office and present the case on behalf of the Clerk.

III. Appellant Presents Their Case or Counter Arguments

-Time Allowance: 10 Minutes

IV. Closing Summary of Clerk's Case

-Time Allowance: 5 Minutes

V. Closing Summary of Appellant's Case

-Time Allowance: 5 Minutes

VI. Deliberation/Questions by Commission

VII. Decision by Commission

# Medical Marihuana Application Review Process for Scoring and Ranking Provisioning Center Applications

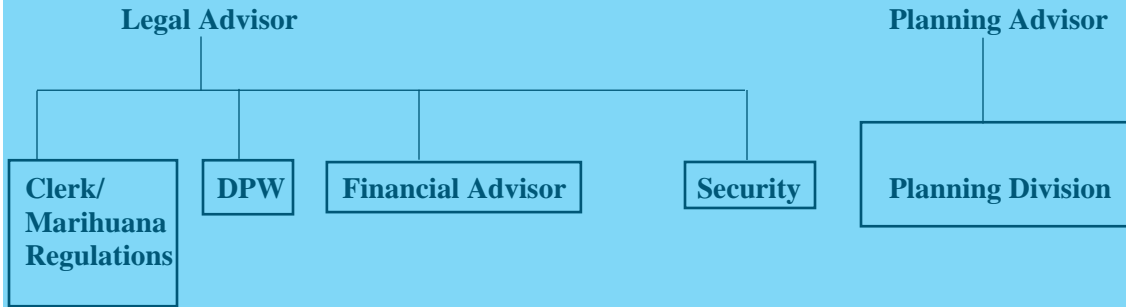
<u>Phases</u>	<u>Type of Review</u>	<u>What happens during the review phase?</u>
<b>Review Phase 1</b>	<b>Content Review</b>	<b>Clerk staff will review application to make sure all information and exhibits have been submitted</b>
<b>Review Phase 2</b>	<b>Default Review</b> <pre> graph TD     DR[Default Review] --- DC[50th District Court Review to be completed by Marihuana Regulations]     DR --- IT[Income Tax]     DR --- TR[Treasury]     DR --- CE[Code Enforcement] </pre>	<b>Staff from each department/division checks the applicant name and stakeholders to ensure they are not in default with the city</b>
<b>Review Phase 3</b>	<b>Scoring Review</b> <pre> graph TD     SR[Scoring Review] --- PD[Planning Division]     SR --- CM[Clerk/Marihuana Regulations]     SR --- DPW[DPW]     SR --- FA[Financial Advisor]     SR --- SEC[Security] </pre>	<b>The following reviewers score the relevant section of the application by provisioning center district.</b>



**Review Phase 4**

**Compliance Review**

The Legal and Planning Advisors ensure that standards have been consistently applied by reviewers.

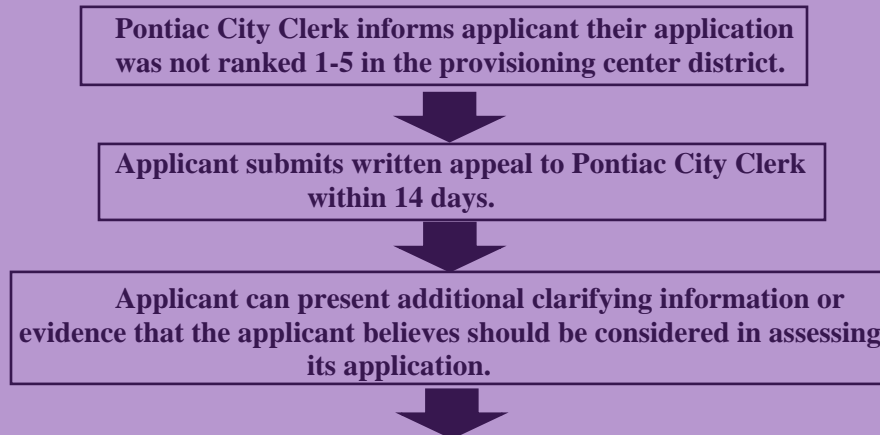


**Review Phase 5**

**Application Ranking by District**

The City Clerk announces the rankings for provisioning centers by districts. The top five applicants in each district will be awarded a conditional approval after applicants who were not ranked in the top five have been allowed to appeal their ranking. The following is the appeal process.

**PROCESS FOR APPEAL**



Hearing officer conducts hearing on appeal and makes recommendation to Pontiac City Clerk, who makes a decision on the matter.



Applicant may submit further written appeal to medical marihuana commission within 30 days.

#### **Review Phase 6**

**Site Plan Approval and/if necessary Special Exemption Approval**

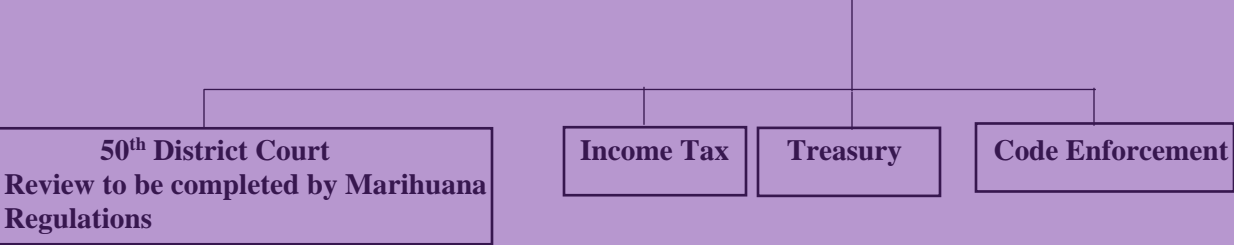
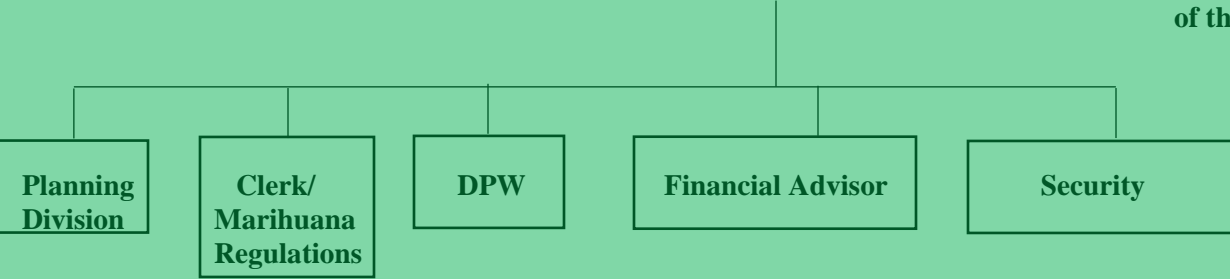
#### **Review Phase 7**

**Certificate of Compliance/Occupancy from Building and Fire**

#### **Review Phase 8**

**Clerk issues a permit provided you have been issued your pre-qualification from the State of Michigan**

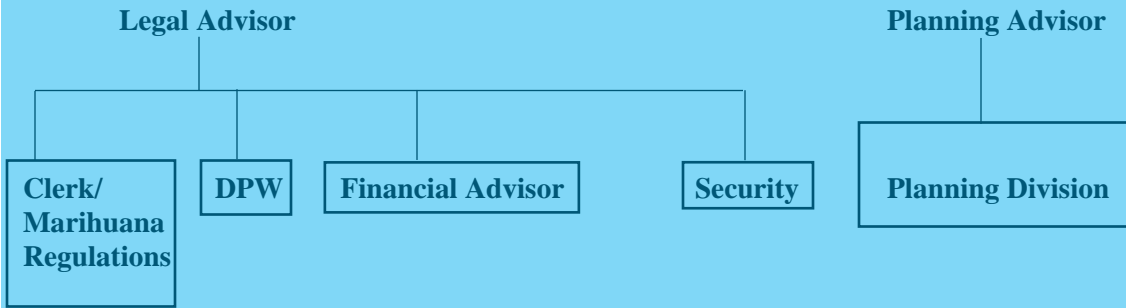
# Medical Marihuana Application Review Process For Growers, Processors, Secure Transporters & Safety Compliance

<u>Phases</u>	<u>Type of Review</u>	<u>What happens during the review phase?</u>
<b>Review Phase 1</b>	<b>Content Review</b>	<b>Clerk staff will review application to make sure all information and exhibits have been submitted</b>
<b>Review Phase 2</b>	<b>Default Review</b>  <pre> graph TD     A[Default Review] --- B[50th District Court Review to be completed by Marihuana Regulations]     A --- C[Income Tax]     A --- D[Treasury]     A --- E[Code Enforcement]             </pre>	<b>Staff from each department/division checks the applicant name and stakeholders to ensure they are not in default with the city</b>
<b>Review Phase 3</b>	<b>Evaluation Review</b>  <pre> graph TD     A[Evaluation Review] --- B[Planning Division]     A --- C[Clerk/ Marihuana Regulations]     A --- D[DPW]     A --- E[Financial Advisor]     A --- F[Security]             </pre>	<b>The following reviewers evaluate the relevant section of the application.</b>

**Review Phase 4**

**Compliance Review**

The Legal and Planning Advisors ensure that standards have been consistently applied by reviewers.



**Application Ranking by District**

**Review Phase 5**

**Conditional Approval, Notice of Deficiencies or Application Denial**

If applicant receives conditional approval, they advance to Phase 6

If applicant receives a Notice of Deficiencies, then the applicant will be given an opportunity to correct their deficiencies. If the applicant fails to correct their deficiencies, then they will be issued a denial.

If an application is denied, the applicant has a right to appeal. The following is the appeal process.

**PROCESS FOR APPEAL**

Pontiac City Clerk informs applicant their application was not ranked 1-5 in the provisioning center district.



Applicant submits written appeal to Pontiac City Clerk within 14 days.



**Applicant can present additional clarifying information or evidence that the applicant believes should be considered in assessing its application.**



**Hearing officer conducts hearing on appeal and makes recommendation to Pontiac City Clerk, who makes a decision on the matter.**



**Applicant may submit further written appeal to medical marihuana commission within 30 days.**

#### **Review Phase 6**

**Site Plan Approval and/if necessary Special Exemption Approval**

#### **Review Phase 7**

**Certificate of Compliance/Occupancy from Building and Fire**

#### **Review Phase 8**

**Clerk issues a permit provided you have been issued your pre-qualification from the State of Michigan**