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Sent: Wednesday, December 2, 2020 3:43 PM

To: Markee, Kimberly <kmarkee@waterfordmi.gov>

Subject: MMJ Applications - FIRST COME FIRST SERVED

Greetings,

Waterford's 'first come, first served' process essentially nullifies any scoring mechanism or other mechanism for selecting licensees in the application process, and by default awards the provisioning center licenses to the first Applicants in line who submit a complete application.

Given Waterford's position that marijuana business license applications will be considered on a 'first come, first served' basis, then what is the procedure for allowing Applicant's to get in line?

Leonie Township, which had a first come first served process, refused to assign numbers to companies who formed a line several weeks in advance and the result was numerous individuals camping out in front of the Township Hall for weeks.

Other cities provide a number to those who show up asking for a line ticket number.

If the Applications can not be submitted before January 4, 2021, it would not make sense to require those in line to have a completed application with them since there is nobody to review that application or make sure it is THE application they intend to submit.

If the City is unable to outline a process for the fair administration of this line, the rules will be left up to the Applicants who form the line, which I expect to start forming tomorrow.

Thank You,

Paula Givens

TOWNSHIP RESPONSE

The suggestion that the process under the Township Medical Marijuana Facility Licensing Ordinance is "first come, first served" and will result in the first Applications that are received being awarded the two (2) available provisioning center licenses is not accurate and disregards actual Ordinance language. The only significance of the order in which administratively complete Applications are filed is with respect to the order in which they will be considered by the Township Board per Sections 10-301(d) and 10-303(c).

If there are competing administratively complete Applications, Section 10-302(d)(2) does not allow the Clerk to place any of them on a Township Board Agenda for consideration until all Township personnel reports under Section 10-302(b) on all of those Applications have been received. Seven (7) of those Township personnel reports are required to include comparisons of Applications for the same type of license, without regard to the order in which they were filed.

Per Section 10-303(b), the Township Board's options at its first meeting to consider more than one (1) Application for the same type of facility license include postponing consideration of all such Applications, referring them to a committee for further review, investigation, and/or a recommendation, and referring them to the Township Attorney.

Finally, Section 10-304(a) provides as follows:

In reviewing and acting on applications for facility licenses under this Ordinance, specifically including when there are more applications entitled to consideration for a type of facility license than are authorized under Section 10-298, the Township Board shall base its decisions on one or more of the following criteria consistent with the legislative intent expressed in Section 10-293 and the competent, material, and substantial evidence in the record.

The Ordinance is structured to assure that competing Applications are considered on the merits, with the order in which administratively complete Applications are received determining the order in which they are placed on a Township Board Agenda for consideration.

Under the provisions outlined above, this is not a "first come, first served" Ordinance and there is no need for Applicants to get in line or a need for the Township to establish a procedure for that. All administratively complete Applications that are filed on January 4, 2021, will end up being placed on the same Township Board Agenda for consideration after all Township personnel reports on those Applications have been completed.