

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 35 OF THE SONOMA COUNTY CODE

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Purpose. These amendments are adopted to achieve the following purposes, among others, and directs that the provisions herein be interpreted to accomplish these purposes:

A. The Board of Supervisors directed staff to amend the Cannabis Business Tax Ordinance to establish new tax rates for cannabis cultivation, effective July 1, 2024; and

B. To make certain administrative changes to ensure consistency with current practices of cannabis business tax collection and add efficiencies to processes; and

C. At the March 7, 2017 special election, the voters of Sonoma County approved the Cannabis Business Tax ordinance (Measure A), codified in Chapter 35 of the Sonoma County Code and amended on June 13, 2017, August 28, 2018, April 19, 2022 and May 23, 2023; and

D. The Cannabis Business Tax is imposed in accordance with the state Medical Cannabis Regulation and Safety Act, specifically California Business and Professions Code section 19348, the “California Control, Regulate and Tax Adult Use of Marijuana Initiative” approved by the voters in the November 2016 election, the California Revenue and Taxation Code section 7284, and other enabling legislation; and The Cannabis Business Tax Ordinance, as approved by the voters, authorizes the Board of Supervisors, at any time by ordinance, to implement a tax rate that is lower than the maximum tax approved by the voters.

Section II. Amendments. Chapter 35 of the Sonoma County Code is amended as follows (text to be added is shown in ***bold italics***, text to be deleted is shown in ~~strike through~~):

A. **Amendments to Tax imposed.** The following subsection is hereby amended to read as follows:

- a. Section 35-5(a)(4) is amended to read as follows: Pursuant to subsection (a), the commercial cannabis business tax on commercial cannabis cultivation is to be imposed on a square footage basis, and is set at the following rates, with permit types as defined in Chapter 26 of the Sonoma County code:

<i>Permit Type</i>	<i>Rate Per Square Foot</i>
<i>Outdoor</i>	<i>\$0.69</i>
<i>Mixed-Light</i>	<i>\$2.51</i>

<i>Indoor</i>	<i>\$7.58</i>
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<i>Permit Type</i>	<i>Rate Per Square Foot</i>
<i>Outdoor</i>	<i>\$0.75</i>
<i>Mixed-Light</i>	<i>\$3.00</i>
<i>Indoor</i>	<i>\$12.50</i>

- b. Section 35-5(b)(3) is amended to read as follows: Pursuant to subsection (b), the commercial cannabis business tax on commercial cannabis business is to be imposed on a percentage of gross receipt basis, and is set at the following rates, with permit types as defined in Chapter 26 of the Sonoma County code:

<i>Operator</i>	<i>Percentage of Gross Receipts</i>
<i>Manufacturer</i>	<i>1.5%</i>
<i>Transporter</i>	<i>0%</i>
<i>Distributor</i>	<i>0%</i>
<i>Cannabis Nursery</i>	<i>0%</i>
<i>Dispensary</i>	<i>3%</i>
<i>Testing Laboratory</i>	<i>0%</i>

<i>Operator</i>	<i>Percentage of Gross Receipts</i>
<i>Manufacturer</i>	<i>3%</i>
<i>Transporter</i>	<i>0%</i>
<i>Distributor</i>	<i>0%</i>
<i>Cannabis Nursery</i>	<i>0%</i>
<i>Dispensary</i>	<i>2%</i>
<i>Testing Laboratory</i>	<i>0%</i>

B. Amendments to Waiver Registration. The following subsection is hereby amended:

- a. Section 35-7 is amended to read as follows: In order ~~that~~ **for** the county ~~will~~ **to** have an accurate record of parties collecting the cannabis business tax, prior to commencing business each person engaged in commercial cannabis cultivation and commercial cannabis business shall register such cannabis business with the treasurer-tax collector, submitting any information deemed necessary by the treasurer-tax collector.

C. **Amendments to Waiver of penalties and interest.** The following section is hereby amended:

- a. Section 35-12 second paragraph is amended to read as follows: The person provides evidence satisfactory to the treasurer tax-collector that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of the ordinary care and the absence of willful neglect, and the person paid the delinquent business tax owed the county prior to applying to the treasurer- tax collector for a waiver. ~~A waiver may be granted only once during any twenty-four month period.~~

D. **Amendments to refunds and procedures.** The following section is hereby amended:

- a. Section 35-14 (c). In the event that the commercial cannabis tax was erroneously paid and the error is attributed to the county, the county shall refund the amount of tax erroneously paid up to one (1) year from when the error was ~~identified~~ *made*.

Section III. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IV. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 16th day April, 2024 and finally passed and adopted this 30th day of April, 2024, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Coursey: Gore: Hopkins: Rabbitt:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Christina Rivera,
Clerk of the Board of Supervisors