

## RESOLUTION

WHEREAS, the Legislature of the State of South Dakota has provided for the approval of liquor licenses by the boards of county commissions of the counties of the State pursuant to SDCL Chapter 34-20G; and

WHEREAS, SDCL 34-20G-58 provides that the board of county commissioners may, by ordinance, determine the number of medical cannabis establishment licenses it will approve; and

WHEREAS, the Meade County Board of County Commissioners has set the number of medical cannabis establishment licenses and fees as follows

1. Cultivation Facility:	0	license(s)	\$25,000	Fee
2. Cannabis Testing Facility:	0	license(s)	\$25,000	Fee
3. Cannabis Product Manufacturing Facility:	0	license(s)	\$25,000	Fee
4. Dispensary:	1	license(s)	\$125,000	Fee

WHEREAS the Meade County Board of Commissioners wishes to make the licenses available to the public in a fair and impartial manner;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Meade County Commission makes the following rules applicable to the issuance of new medical cannabis establishment licenses:

1. Applicants may apply for the available medical cannabis licenses beginning October 4, 2021, or the date the State of South Dakota begins accepting applications, whichever occurs later, by submitting an application packet to the Meade County Auditor.  
Such application packet shall include the following:
  - a. **Medical Cannabis Establishment Application.** This must be completed fully and according to its instructions, and bear the necessary signatures.
  - b. **Application Fee.** Certified check, cashier's check, or bank draft in the amount of \$150.00 which guarantees that the applicant will consummate the purchase of the medical cannabis establishment license if the applicant is successful in the lottery for such license as set forth below.
    - i. If the applicant fails or refuses to consummate the purchase of the medical cannabis establishment license by presenting the full fee for such license within 15 days of successful selection, the applicant shall forfeit and the County shall be entitled to retain the application fee as liquidated damages.

- ii. In the event the applicants whose names are drawn in the lottery shall not be able to meet the licensing standards set out by Meade County Ordinance 53 and SDCL 34-20G, the applicant shall forfeit and the County shall be entitled to retain the application fee as liquidated damages.
    - iii. The winner of the lottery shall have the application fee credited toward the issuance fee for the medical cannabis license.
    - iv. Those unsuccessful in the lottery shall have their application fee refunded immediately.
  - c. **Deadline.** All applications for a medical cannabis establishment license received at the office of the Meade County Auditor by 5:00 p.m. 15 days after October 4, 2021 or the date the State of South Dakota begins accepting applications, whichever occurs later.
  - d. **Lottery.** The names of those applicants who have submitted a valid application for medical cannabis licenses shall be drawn at random at the next regularly scheduled open meeting of the County Commission. All applicant's names shall be drawn in order to have a list of alternates should one or more of the winners fail to qualify for a license. The applications of the winners will be presented to the County Commission and those applicant's applications shall be set for hearing in accordance with Meade County Ordinance 53.
2. In the event the applicant refuses to consummate the purchase of the medical cannabis establishment license or fails to meet the licensing standards set out by Meade County Ordinance 53 and SDCL 34-20G, the next alternate applicant may present an application.
3. In the event that fewer medical cannabis establishment applications than the number allowed by ordinance are received by the Meade County Auditor by the deadline set forth above, the medical cannabis establishment licenses shall become available on a first-come, first serve basis, subject to the statutory licensing terms regarding notice, hearing, and all license requirements. For purposes of this resolution, "first-come first-serve" shall mean that the first fully and accurately completed application for medical cannabis establishment license which is submitted to the office of the Meade County Auditor with the associated issuance fee in good funds shall be entitled to have their application noticed and heard in accordance with Meade County Ordinance 53.

Dated this \_\_\_\_\_ day of September, 2021.

APPROVED: \_\_\_\_\_

Ted Seaman, Chairperson

ATTEST: \_\_\_\_\_

Kevin Forrester, Auditor