



Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 9548

January 31, 2022

Re: Item 4f on 02-01-2022 - Discussion and Possible Action Including Acceptance of an Update from the County of Mendocino Cannabis Program (Sponsor: Cannabis)

Honorable Supervisors,

On January 12, 2022, Hannah Nelson and MCA wrote an op ed that was shared with this Board. There are many questions included in that document that have yet to be answered about the MCP program and LEEP grant. We are bringing this document forward for this agenda item so these items can be entered into the Public Record and hopefully addressed by the Board of Supervisors and MCP. The goal of this op ed was to bring more light to these issues and frustrations, as understanding them are fundamental to the ultimate success of the cannabis operators in Mendocino County.

Additionally, there are several outstanding items that require immediate attention and MCA requests the following top three items be prioritized for a Special Meeting as soon as possible:

1. Following

Please review and consider the Following Proposal submitted by Hannah Nelson for this Agenda Item.

2. Equity Program

We recommend that the BoS direct that the LEEP Manual be revised to be as expansive as possible for direct grant funding allowances based on all the state approved uses. Grant the MCP Director authorization to approve new uses of funds to conform with any new state approved uses to minimize the need to have this item brought back for Board approval.

With limited time to allocate funds and with farmers running a seasonal business it is imperative that all barriers to the distribution of funds be removed.

3. Appeal Process

Do not issue any denials from the portal application process until an Appeals Process is set in place with reasonable timeframes and due process safeguards. **All applicants should have a reasonable appeals process.** California courts have held that there is in fact a due process right to an appeals process where temporary/provisional authorization to operate a cannabis business had been granted and continued for multiple years.

4. Continued Activity Provision

In addition to considerations regarding an appeal process for Equity applicants and Portal applicants, it is also imperative to extend the ability for cultivators to continue their business activities while the MCP reviews Renewal applications. Frequently, renewal applicants are sent “required” notices from MCP Staff that include questions or document requirements that are not listed in County or State application instructions, thus delaying approvals in ways that could not have been addressed by the applicants.

Next priority items:

1. CDFW Contiguous Expansion

MCA is in full support of Hannah Nelson’s memo “re: CDFW Alleged Objection to Use of Contiguous Expansion Affidavits” submitted for this agenda item and recommends that the Board and County Counsel review it thoroughly.

2. Revise Reporting Data from MCP

Current reporting from MCP is proving little to no progress or important information. It is our understanding that most MCP work other than Portal processing has stopped since the portal opened on August 2, 2021.

- Request that an MCP report give details on current progress of the LEEP funding distribution to approved applicants and update on allocation of remaining funds in conjunction with the February 28th deadline.
- We request MCP provide a timeline with clearly stated processing priorities in addition to the plan review for all of the following applicants with different levels of progress outlined below:
 - Existing operators
 - Portal applicants
 - Applicants deemed in “good standing” and were not required to submit in the portal
 - Appendix G applications that have been waiting to be reviewed

3. Clear Communication from MCP

- Provide a time period when standards will be set in place and be clearly defined such that those standards will not change as new or different planners review applications
- Provide a comprehensive plan for the distribution of educational materials, guidelines and timelines for the Portal.
- Webinar format should not just be a method of information dissemination.
 - Utilize a more interactive process besides “hand raise” and remove the need to pre-register for webinars to provide more access.
- Notices of all educational opportunities should be sent to each applicant directly, not just via CannaNotes, which apparently has glitches.
- All policies, procedures and forms, including checklists and standards for review of files or portions of program requirements, used by MCP during any portion of the application or CEQA process should be clearly posted on the County website.
 - Permit Stay form is not currently on the County website
 - Revised Fee schedule is not clearly identified on the website
 - **All tools for all operators should be fully accessible and explained on the website**

Despite the business-as-usual tone of the MCP report for this agenda item, there are substantial, systemic issues that must be addressed immediately to stabilize our community of licensed operators.

MCA remains available to work directly with the County and MCP to implement the solutions we have recommended or to develop new ones together.

Thank you for your consideration.

Sincerely,

Mendocino Cannabis Alliance
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