

To: Mendocino County Board of Supervisors
bos@mendocinocounty.org

From: The People's Referendum to Save Our Water, Wildlife and Way of Life
katem@mcn.org

Dear Chair Gjerde and Members of the Board,

The proponents of the referendum to rescind the Commercial Cannabis Activity Land Use Development Ordinance (CCAO) urge you to vote to rescind this ordinance.

Our signature-gathering success shows that the general public opposes cannabis cultivation expansion in this time of countywide water shortages and predicted long-term drought conditions, especially in the absence of an environmental impact report.

We proponents of the referendum, and the public, encourage the Board to resolve the referendum quickly by voting to rescind so that the Board and the public can focus on bringing forward solutions to mutually recognized problems that need fixing. Such issues include, but are not limited to, ending the use of trucked water for irrigation of cannabis farms; prohibiting the use of road base and other materials that damage agricultural soils; and requiring hydrologic studies for new cannabis cultivation in the agricultural zone. These actions could come forward either as amendments to the existing ordinance, or as a new ordinance.

The question has been raised as to whether the Board is legally barred for one year from bringing forward ANY issue addressed in a rescinded ordinance, whether rescinded by a vote of the Board or at the ballot box four to nine months from now.

According to our referendum attorney, the board can bring back, in either an ordinance or amendments to an existing ordinance, any item in the CCAO, whether rescinded by vote of the board or a vote of the people at the ballot box, that was not specifically a target of the Referendum.

Based on his advice, we wish to reassure the Board that you can safely amend 10A.17 or create a new ordinance to address the issues raised above (water trucking, use of road base and gravel on agricultural soils, etc.) without threat of a lawsuit brought by proponents of The People's Referendum. Our referendum did not oppose those elements of 22.18 and we enthusiastically support such improvements to county cannabis code.

Furthermore, according to our attorney, if someone did sue the county for bringing back those elements, a judge would examine the literature put forth by the proponents of The People's Referendum and determine that the lawsuit was without merit.

We urge the Board not to be distracted by such an unlikely scenario, but rather to act now to rescind the ordinance—a decision the majority of the public is eager for the Board to make.

The proponents of The People's Referendum also recognize the urgent need of Phase 1 growers to complete the county permitting and state licensing processes and we are open to the

introduction of discretionary land use elements into 10A.17. We have no desire to delay these processes.

The referendum proponents would like to join with the public and the Board to address and act on the above issues and others of common concern. We all want to begin that process now, and we would all like to avoid the delay and expense of a campaign that would serve only to test local resolve against externally funded propaganda. As long as the substantive goals of the referendum are honored, the referendum proponents have no desire to delay or stand in the way of moving forward to address ongoing issues in an open and collaborative way. By rescinding the ordinance now the Board will make it possible for that process to begin immediately.

Thank you again for considering these issues. Please contact us at the above email or by phone at 463-0839 (Kate Marianchild) if you would like to discuss the above further.

Sincerely,

TPR Steering Committee

Sherrie Ebyam, Kate Marianchild, Steve Scalmanini, Dennis Slota, Ron Stark, Ellen Drell,
Sheila Jenkins