



Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

October 5, 2021

Re: Extending the Portal Resubmission Window

Honorable Supervisors,

We write today to discuss the ongoing Portal Resubmission Process, which is currently slated to close on October 30, 2021.

MCA strongly urges the County to extend the Portal deadline until at least December 31, 2021 for the following reasons:

1. The number one difficulty applicants are having with the Portal is response time. Resubmissions go to the back of the line and must wait to be re-checked, which could easily take till after Oct 30th, leaving the obvious question of how many will be denied for being incomplete or late?
2. Many applicants need more time to meet the continually changing County requirements. For example, applicants must work to complete building designs and site diagrams, with the help of busy consultants.
3. Applicants may soon benefit from the expansion of equity grant eligibility; and on the state level, recently passed legislation mandates state funded fee waiver programs. Both of these changes could enable more people to enter into the program through the portal. On the regulatory front, additional funding opportunities are imminent, such as the CDFW Qualified Cultivator Grant Opportunity and other state funds targeted at helping local jurisdictions to staff up and help operators pay for environmental compliance. These monies are in the pipeline and the County needs to assertively pursue them as they become available.
4. Seeking equity assistance, as well as other potential state and county sources of financial support, takes an extraordinary amount of time and certainly cannot be secured by the end of October. People have simply run out of money. They need more time from the County.
5. Ordinance 22.18 has been dropped and there is a moratorium on 10A.17 Phase 3 applications until March, 2022. Since there is no ordinance in place for potential new applicants, and given the tremendous amount of work that staff are currently facing as they process existing operators, the Portal should be extended.
6. MCP has indicated that they may not be able to apply for essential Equity Grant funds for our community due to understaffing. The extension of the Portal will enable MCP to apply for these crucial funds.

MCA conducted a 3 day survey, from September 28th till October 1st, asking for feedback to 20 questions posed to our cultivator members on how the Portal is working for them.

Most germane to the need to extend the Portal end-date, the survey asked “How long have you waited to hear back from the County after Portal Submission or Re-submission?” 13% answered over a week; 19% said over 2 weeks; 13% said over 3 weeks; 6% said over 4 weeks; 13% said they had not heard back.

1. When asked if applicants were waiting for a Building permit to be processed, 66% of respondents said yes.
2. When asked if they had difficulty uploading documents, 50% of respondents said yes.
3. When asked “If you have tried to contact MCP with questions regarding the Portal, how long did it take for you to receive a response?” 29% said over a week.

Here are several comments that indicate substantial confusion on the part of those using the Portal:

- ◆ “I find the forms confusing, Not sure if I am supposed to include any additional forms as attachments to primary forms or as separate attachment?”
- ◆ “Realized that the Portal is NOT like CalCannabis (cannot attach additional forms at any later point during the process).”
- ◆ “MCP has been unresponsive to questions, They have changed requirements for what needs to be submitted after documents have already been submitted.”
- ◆ “Can’t combine PDF’s for the LSA and concordance page because they came from CDFW and are protected so no merging allowed. My application is being rejected for this reason.”
- ◆ “The portal logs you off without knowing and documents show uploaded on entry side but are not uploaded on back side.”
- ◆ “The lack of information as to which planner is reviewing the deemed complete portal submittal is frustrating. The generic MCP email signature on responses are lame and are structured so that no one individual is held accountable for lack of customer service.”
- ◆ “This has been a very disturbing experience. They have removed personal interaction and have "requirements" that were never mentioned, expectations for remediation plans from YEARS ago.”
- ◆ “I understand the process but wish we had more time after the portal is closed to meet the criteria. People are working hard trying to get there but its difficult as its right at harvest time”

And here are comments from folks who have yet to submit, indicating some reasons that they have not yet been able to use the system:

- ◆ Finding time to review and resubmit everything by myself is taking time. Im 3/4 done
- ◆ Gathering all the documents & the forms have changed 3 times since the Portal has been implemented. Making it very confusing to gather correct forms to fill out
- ◆ Most of my clients have not yet, due to waiting on money and professional assistance and busy being farmers.
- ◆ We have hired someone to help and they are still working on it.

- ◆ Still working on my premises diagrams. The county's requirement that everything be to scale and discouragement from using satellite imagery put me way behind in my application process, forcing me to hire a professional with expertise in CAD design.
- ◆ I haven't had access to a computer until recently because of the pandemic and I've been hard pressed on time with the market crashing and the pandemic and the struggle of life in this moment. This random portal timeline overlapping with harvest is extremely burdensome and seemed unfair and designed to fail.
- ◆ Trying to work with State Water Resource and CDFW to finalize LSA agreements and relocation approvals. Not the quickest responses from governing bodies.
- ◆ Waiting on well permits and engineer sign off on drawings for building permit applications

As you can see, at this moment Phase 1 cultivators are facing challenges on many different levels, including the significant demands of harvest season. They should not have to face losing their license over an arbitrary deadline that can be extended. The County has the power to provide relief for the challenges many cultivators are having completing the Portal. We empathize with MCP's lack of staffing, but it should not be a reason that cultivators are not able to successfully resubmit. We hope you will consider these facts and extend the Portal Resubmission process accordingly.

Further, there has been no reporting on the number of Portal submissions made since the BoS meeting on September 14. We request an update from MCP that includes the total number of Portal submissions, those deemed complete, and those still in process to achieve completeness.

Thank you for your consideration of this important matter.

Sincerely,

Mendocino Cannabis Alliance

e: info@mendocannabis.com