

Request for Cannabis Agenda Item:

The attached agenda summary is not presented for discussion but as proof that the item was complete and approved for today's meeting prior to being unilaterally pulled from the agenda by Chair Haschak.

Chronology:

January 7, 2020: The Board revised the Rules of Procedure to clarify that the Chair of the Board may be considered first among equals but has no authority to set policy or direct staff.

February 25: The Board considered recommendations from the Cannabis Cultivation Ad Hoc Committee (Chair Haschak) and approved limited changes to Chapter 10A.17, Mendocino County's Cannabis Cultivation Ordinance. The ad hoc's first recommendation (expanding the square footage exemption for personal use, but not medical) was directly in opposition to previous Board direction. The Board approved three procedural changes but disagreed on more substantive recommendations. The item ended in confusion with the ad hoc withdrawing its support for elements of its own recommendations.

February 27: I submitted a placeholder for "Discussion and possible direction to staff to rescind/revise County cannabis cultivation ordinance to align with and rely on the State permitting process subject to conformance with County land use regulations (McCowen sponsor)."

February 28: I received confirmation from Deputy Clerk of the Board Dunham that the above agenda item was scheduled for April 7.

March 18: The first Shelter-in-Place Order was issued and of course I agreed to defer bringing the agenda item forward in the short term.

March 31: Supervisor Haschak presented an item to, in part, suspend until further notice "any non-essential items that are not necessary for County business to continue." Although the Board informally agreed to be judicious in bringing items forward, four members of the Board stated they did not support the agenda item.

May 5: The Board voted to delay the start of Phase 3 from July 1 to April 1, 2021. Stated reasons were impact to staff as well as a reluctance to have applicants apply into the present cumbersome program that is challenging for applicants and staff alike.

May 8: I received approval from Clerk of the Board/CEO Angelo for the attached agenda item for May 19.

May 11: I submitted the attached agenda item to COB Support and upon request the completed item was sent back to me on May 12.

May 12: In response to my request from the previous day I met with Brent Shultz, Julia Acker, Megan Dukett and Trent Taylor who enthusiastically supported the item and offered a number of important suggestions. Also included in the meeting were Matt Kiedrowski and Michael Makdisi who provided legal observations and guidance.

May 13: I was informed that my item would not go forward on May 19 as it had been determined that there was not sufficient time for the item. Receiving no response from CEO Angelo and DCEO Rau I called Chair Haschak to ask what he knew about the item not going forward. He candidly admitted that

the issue was not lack of time to hear the agenda item but his belief that the Board had agreed not to consider “controversial” items. He also said he intended to bring an item forward. He became a bit agitated when I informed him that I had met with staff on short notice and that they were enthusiastically supportive. When I stated that my item was to take the County in a new direction and his approach was to keep tinkering with the current unworkable program he hung up.

May 13-May 18: After a series of email and text messages and phone conversations

with Interim County Counsel Curtis I was informed by text at 10:39am yesterday that the CEO was planning a Special Meeting “probably not for the 26th but will be between tomorrow [May 19] and the next regular BOS meeting [June 9].” Upon that representation I decided not to submit this report but to wait for the discussion of a Special Meeting. In view of Chair Haschak’s inaccurate characterization of events I feel compelled to set the record straight.

Discussion

Following both the February 25 and May 5 meetings I felt compelled to bring forward an agenda item to allow the Board to have a timely high level discussion focused on policy direction on the future of the cannabis program.

Chair Haschak is not correct in his belief that the Board has agreed not to bring controversial items forward. In fact, he approved staff bringing forward on May 5 a proposal to delay the start of Phase 3. That item was apparently controversial as it was decided on a 3-2 vote.

Chair Haschak may have intended to bring a cannabis item forward and may or may not have had a placeholder for such an item but clearly the item I propose is completely different from his intended item. I propose to repeal the current ordinance, Chapter 10A.17, while Chair Haschak proposes to continue amending the current program.

The point of my agenda item is not to immediately implement any change but to provide direction to staff. I will reiterate that in a meeting with me on May 12 cannabis program staff enthusiastically supported the policy direction I’m recommending.

This is a time sensitive item. Provided the Board gives direction there is a possibility that Phase 3 could open in time for applicants to qualify for the 2021 cultivation season. Any further delay precludes gaining additional benefit from potential 2021 applicants.

Cannabis cultivation tax revenue, as documented by Exhibit A to the May 5th budget update, is one of the few revenue streams related to local economic activity that is meeting projections. With additional program participants legal cannabis cultivation can help provide revenue that is critically needed to support County services.

Accordingly, I respectfully request that the Board call for a Special Meeting either May 26 or June 2 to consider the attached agenda item. Chair Haschak or anyone else may bring forward additional cannabis related agenda items