



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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**MEMORANDUM**

**Date:** April 12, 2017

**To:** The Honorable Board of Supervisors

**From:** Trent Taylor, Code Consultant, Planning and Building Services

**Subject: Department Readiness to Handle Cannabis Compliance and Enforcement**

The current staffing in place in the Planning and Building Services Department, Code Enforcement Division, consists of one Code Enforcement Officer (CEO) II and two CEO I's. The hiring process for a third CEO I to staff the Coast Area is nearly complete. Additional staffing is necessary with the creation of the Cannabis Compliance Unit under the Code Enforcement Division (See attached Organization Chart emphasizing the Code Enforcement Unit). Additionally, this consultant has agreed to act as the interim Code Enforcement Division Manager while building the Cannabis Compliance Unit and navigating the various Cannabis Permitting occurring now and into the future. Your Consultant is currently working for the Department in the first year of the three year contract; however this Code Enforcement Manager position should be added as an allocation to the Department with the idea that current and future staff of the Code Enforcement Division could be developed into that role as necessary. This position would be in addition to the two CEO positions that the Department is now seeking.

For the past year, your consultant has been working with the Department and the Code Enforcement Division and we have successfully created very strong case management practices, created ordinances to provide efficient remedies to resolve code compliance issues, including Cannabis compliance issues, reduced the backlog of cases, developed systems for prompt response to new complaints that have resulted in more efficient resolutions and we have in place a very robust complaint intake system. We are now setting up the hotline and web resources for receiving Cannabis Complaints as we ramp up for the demand expected when the new regulatory ordinance becomes operative. We have been collaborating with all involved County Departments and outside regulatory agencies and we are ready to deal with the intake of complaints immediately. Our response to those complaints initially will depend on staffing in place, however all complaints will be tracked, monitored and acted upon as necessary.

We expect that the majority of Cannabis complaints will be related to neighborhood growing nuisances and unpermitted construction or zoning issues related to the expected increase in Cannabis activity. We currently have systems and practices in place to deal with these types of regulatory issues.

Our primary focus related to Cannabis compliance will be to get violators into the permitting process as quickly as possible with other enforcement action, including abatement if necessary, should violators refuse or fail to reasonably comply. For the first three months of 2017, 30% of our incoming code complaints have been Cannabis related. Bringing the Cannabis complaint and enforcement activity into the Code Enforcement Division is a natural fit as we have the systems, process and the operational experience to handle it. Researching other Cannabis compliance and enforcement programs around the State has shown that for many, if not all, compliance and enforcement is being handled by Code Enforcement Divisions as Cannabis cultivation has moved from quasi-criminal to a regulated activity. Code Enforcement conceptually handles regulatory violations in an administrative manner and is best equipped to deal with the administrative intricacies of Cannabis compliance and enforcement as it is not that dissimilar to any other type of regulatory compliance violations.

As indicated in the attached Cannabis Compliance Unit Flow Chart, the Unit will be the “hub” for incoming Cannabis compliance complaints and we will track and pre-investigate all unpermitted Cannabis cultivation, encouraging those not in the permit process to enter the permitting process by supplying information about the permit process and advisement of the consequences for not doing so. Criminal Cannabis activity will be directed to Law Enforcement for resolution.