



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

September 30th, 2019

Re: Agenda Items 4H 6D for 10-1-19 BOS meeting

Honorable Board of Supervisors,

The Mendocino Cannabis Alliance has reviewed the following agenda items and has provided specific comments under the items listed below. As always, we appreciate the opportunity to engage in this process.

Agenda Item 4H

Adoption of an Ordinance Amending Chapter 10A.17 - Mendocino Cannabis Cultivation Ordinance and Chapter 20.242 - Cannabis Cultivation Sites

MCA supports the amendments to Chapter 10A.17 and Chapter 20.242.

Agenda Item 6D

Discussion and Possible Action Including Directing County Counsel and Planning and Building Services Director to Determine Feasibility of Using Satellite Imagery to Demilitarize Cannabis Code Enforcement and Collect Fees and/or Taxes from Non-Permitted Cultivation

MCA is opposed to further enforcement actions, except to prevent egregious environmental violators, until the program has been able to provide a better avenue for the unpermitted cultivators that have yet to enter the system. There have been frequent changes to the permitting process (application submission, permit approval, and renewal) that, in conjunction with a multitude of changes to other state/local agency processes, have led to rampant misinformation and confusion amongst unpermitted and permitted cultivators alike. The various regulatory programs need to stabilize and establish a track record of running efficiently and consistently before traditional cultivators are enforced upon.

Furthermore, with the closing of the Phase 1 Permitting Program this Friday (10/4/19), the majority of unpermitted cultivators will no longer have a path to get permitted and compliant. Phase 1 should be extended, or be reopened, to provide an opportunity for unpermitted cultivators to bring their properties into compliance. Enforcement of these

farms, without allowing them an opportunity, will leave many no choice but to abandon and sell their properties, in some cases leaving a scar on the land where there could be a compliant farm. MCA can assist the county by offering regulatory and compliance workshops, promoting enrollment in the program, and providing insight into ways of streamlining the permitting process.

There is significant concern with the use of satellite imagery from a civil liberty and logistical standpoint. Allowing Code Enforcement to access satellite imagery creates a massive opportunity for government overreach into the lives of private citizens on private property. The use of this type of surveillance technology is a significant change from the way Mendocino County has existed, and we do not believe it is justified by an effort to locate illicit cannabis production. Additionally, since law enforcement is an independent arm of government, it is not clear that the use of this technology would in fact reduce or eliminate militarization of enforcement actions.

Any use of this technology should be analyzed carefully before it is considered further. Especially given that the County has yet to fully utilize existing computer software that was promised to make the permitting program more efficient, online applications possible, and allow different departments access to the same information. As it stands now, applicants are being asked to resubmit information that is being re-evaluated by staff because the County did not use the computer programs it had purchased to properly track the information.

Specifically, what would the costs be for the program, training and in service contracts? Would this technology be used on permitted sites? Many food producers use greenhouses for food production, so how would this surveillance differentiate between illegal cannabis growing in greenhouse structures vs food production? In fact, there are cases in other counties where violations alleged illegal cannabis production when it was in fact food production. Even if unpermitted cultivation sites are identified, how likely would it be that those people actually pay the fines and pay the cultivation taxes if there is no pathway forward for them? Wouldn't we just be losing more potential participants before we try one more time to get people into the system?

There must be a pathway to allow violators an opportunity to get into the cannabis program as a first step towards compliance. It would help our cannabis program by having greater participation. This can only happen if there is an extension of phase 1 to allow more into the program.

In summary, this is not the right path for Mendocino County at this time and we hope that the Board of Supervisors will decide not to pursue this type of expensive and intrusive surveillance system.

We appreciate your time to review our suggestions and comments.

Sincerely,

The Mendocino Cannabis Alliance