



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

IGNACIO "NASH" GONZALEZ, INTERIM DIRECTOR
JULIA ACKER KROG, ASSISTANT DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

DATE: MAY 11, 2021

TO: HONORABLE BOARD OF SUPERVISORS

FROM: PLANNING AND BUILDING SERVICES - CODE ENFORCEMENT CANNABIS PROGRAM, AND COUNTY COUNSEL

SUBJECT: PRESENTATION OF A CANNABIS ENFORCEMENT PLAN ALIGNING WITH THE HUMBOLDT MODEL AS DIRECTED BY THE BOS ON APRIL 12, 2021

BACKGROUND:

On April 12, 2021 the Mendocino County Board of Supervisors (Board) provided direction to the Code Enforcement Division, Cannabis Program, County Counsel, and Sheriff, to return with a Cannabis Enforcement Plan aligned with the Humboldt County Model.

Staff from Planning and Building Services Code Enforcement Division, the Cannabis Program, County Counsel and the Sheriff's Office began meeting to create the directed plan. Participating staff identified elements of Humboldt County's Enforcement structure that contribute to its overall effectiveness, including deterrent penalties, interagency collaboration, a strategic plan, appropriate resources, and most importantly, proactive enforcement. Not all of the specific features of Humboldt County's enforcement structure are compatible with Mendocino County's processes and ordinances currently in effect. However staff has established a plan that will incorporate the core features of Humboldt County's enforcement strategy, in order to enhance Mendocino County's existing processes of enforcement, while strategically boosting interagency collaboration. This will provide the highest likelihood for successful implementation while using and expanding on existing processes already in place.

In 2017 the Board previously directed that all Cannabis Enforcement be complaint driven and a robust complaint system, "Hub" for tracking, fielding and investigating Cannabis complaints was developed and approved by the Board. The purpose in this approach was to alleviate the demand on Law Enforcement to provide Cannabis enforcement, since prior to legalization, cannabis was strictly a criminal investigative endeavor. With legalization and the creation of a County Cultivation Ordinance in 2017, it was then possible to pursue Cannabis violations administratively (civil enforcement). This system has worked well given the limited staffing resources (two Code Enforcement Officers were added to focus on Cannabis Enforcement County-wide). All complaints were tracked by the Code Enforcement Division and only those that were deemed criminal in nature, or posed significant risks to non-peace officer investigators were referred out to Law Enforcement. It was intended that those applying for and receiving a County Cultivation Permit, were to be monitored and held accountable for performance by the Cannabis Permitting Program.

INTRODUCTION OF ENHANCED CANNABIS ENFORCEMENT:

In developing a proposed enforcement plan pursuant to this current directive, Staff has clearly identified roles for the participating Agencies in a collaborative approach. Code Enforcement's role will be to continue managing the complaint "Hub" and sharing information with both the Sheriff's Office and the Cannabis Program (for in-program complaints). Additionally, using satellite imagery technology (obtained by way of Board direction to the Cannabis Program) and other investigative resources, Code Enforcement and the Sheriff's Office will work closely together in cooperation with the Cannabis Program and County Counsel to conduct proactive directed enforcement investigations on illegal cultivation sites throughout the County. Staff will also engage with State Regulatory Agencies to further these proactive investigative efforts.

By way of this presentation we will be providing a summary of the potential new approach, including the necessary staffing resources needed to achieve a viable enforcement plan. It should be noted that a cost for the new model has not been included as part of the report, as staff would need the Board's direction on the recommended model. Once the enforcement model has been determined by the Board, staff can then come back at a subsequent meeting with a detailed cost estimate for the necessary resources (i.e. satellite imagery, staff resources, and equipment etc.)

Staff is seeking direction from the Board to immediately begin implementing the presented plan to obtain the necessary resources and to continue effectively responding to community complaints, with the addition of the proactive enforcement methodology similar to the Humboldt model.

RECOMMENDATION:

The Board of Supervisors directs staff to begin implementing and executing a framework for establishing the enhanced cannabis enforcement plan as presented, by returning to the Board with a cost analysis for funding of the enhanced collaborative model for cannabis enforcement, which includes Code Enforcement, Cannabis Program, County Counsel, and the Sheriff's Office, to be included in the 2021/2022 Budget.