

June 1, 2021

To: The Mendocino County Board of Supervisors

Subject: Order An Election On The Proposed Phase 3 Ordinance's 10% Expansion Rule

Dear Chair Gjerde and Members of the Board,

Regarding the proposed Phase 3 Cannabis Ordinance, by now we have heard all the arguments and are familiar with positions taken by all the parties with interests in the outcome of the Ordinance.

There comes a time in all debates relative to far-reaching public policy embodied in proposed legislation as is the case with this Ordinance, where decisions must be made both by elected officials and the electorate.

We find ourselves in that exact situation with the proposed Phase 3 Cannabis Ordinance.

The County is now in its fifth year of attempting to resuscitate a failed and chaotic Cannabis Program. Even the Supervisors themselves have gone on record and called it a "failure" and "unworkable."

This County has spent more time and probably money on this issue than any other in County history. The Board has also said that on the record.

The primary issue of the proposed Phase 3 Ordinance that has generated by far the most concern and driven by far the greatest public discussion is the so-called "10% Rule."

The vast majority of citizens recognize that the 10% Rule, if adopted, will lead to unprecedented expansion of cannabis cultivation on a scale never imagined by anyone familiar with the history of marijuana in this area and era.

Unfortunately, an overwhelming number of County residents and their elected Board of Supervisors now find themselves at impasse over a proposed Ordinance that features this cultivation expansion provision.

Conservatively speaking, 70 percent of County residents oppose the 10% Rule and its direct causal adverse impact on our most valuable natural resource, water. They are aware that the North Coast Regional Water Quality Control Board (Regional Water Board), the State Water Board's main enforcement arm on the North Coast, recently issued an Investigative Order that found, "The North Coast Region is inundated with cannabis cultivation in headwaters and main river systems, with active, developed sites in steep and rugged terrain. Cultivation and related activities throughout the North Coast Region have resulted in significant waste discharges and losses of instream flows associated with improper development of rural landscapes on privately-owned parcels, and the diversion of springs and streams, to the cumulative detriment of the Regional Water Board's designated beneficial uses of water."

They are also very much aware that this state and the County we all love and live in, is in the second consecutive year of severe drought conditions. To them it's counter-intuitive for their elected representatives to propose unchecked cannabis expansion

whether it's occurring during a drought or non-drought period because water resources will be impacted during either event, it's only a question of degree.

The folks who are opposed to the 10% Rule include growers, non-growers, ranchers, farmers, small business owners, workers from all sectors of our economy, a mix of community organizations and municipal advisory councils, and a former Sheriff as well as the current Sheriff.

I include myself in the County-wide group just mentioned. I am the long-time District Manager of the Laytonville County Water District, Chair of the Laytonville Area Municipal Advisory Council, Member of the Harwood Park Memorial Association Board, and the Editor and Publisher of a family-owned newspaper, the Mendocino County Observer.

Elected officials are duty-bound to carry out the wishes/demands of clear majorities of constituents unless what they're asking is unlawful or totally unfeasible, neither of which are applicable with the "10 Percent Rule." It's not the Supervisor's job to substitute their judgment for that of their constituents when they overwhelmingly demand a different course of action than that proposed by the Supervisor.

Essentially what's occurring here is a clash of values and economic models between most County voters and the Board of Supervisors.

There are four Supervisors advocating for the super-sized cultivation model as they believe, and have said, that County revenues will be enhanced with expansion. They argue that it's not their responsibility to protect small growers through the mechanism of a Cannabis Ordinance. Yet they see nothing wrong with constructing a regulatory framework that favors industrial and corporate cultivators.

The primary goal of public policy is to accomplish the most good for the most people. The Board's proposed Cannabis public policy is the very antithesis of that objective. County-wide, there is a super-majority of residents who overwhelmingly are opposed to the proposed 10 Percent Rule.

I am making an appeal to your sense of fairness by requesting that on its own motion, the Board of Supervisors order an election or referendum election solely on the proposed 10% Rule in the proposed Phase 3 Cannabis Ordinance. The outcome of that election will have no effect at all on the entire remainder of the proposed Ordinance.

The people of this County deserve to be heard fully and fairly on this most important issue.

Thank you for your consideration of this matter.

Sincerely,

Jim Shields

Laytonville