

305 Second Street
Watsonville, CA 95076
December 15, 2015

Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

re: Agenda #9-December 15, 2015 Meeting-Cannabis ordinance Chapter 7.128.

Dear Supervisors:

I am a member of the Santa Cruz County Cannabis Cultivation Choices Committee ("C4") and was appointed to the Committee by the Chair of the Board, Supervisor Greg Caput, to represent the Fourth Supervisorial District.

On December 8, 2015, the Board of Supervisors ("Board") voted to adopt a "draft ordinance" to add Chapter 7.128 to the Santa Cruz County Code relating to cannabis cultivation. It appears said ordinance is now before the Board for final adoption.

C4 saw the "draft ordinance" for the first time on Thursday, December 3, 2015 when it was presented by County Staff to C4 members. County Counsel took some time to answer questions and hear concerns from C4 members and the public regarding the "draft ordinance." As can be easily understood, there were numerous concerns brought up by C4 members and members of the public about the language of Chapter 7.128.

It was my understanding based on comments made during earlier C4 meetings that the "draft ordinance" was something to be fine tuned for presentation to the Board for approval in January 2016, with "final adoption" at an ensuing Board Meeting to meet the State's March 1, 2016 deadline for local jurisdictions wishing to maintain local control of the cannabis industry. Others I have spoken to had the same understanding.

Personally, I was surprised that the Chapter 7.128 "draft ordinance" was adopted by the Board at its December 8, 2015 meeting. Based on my previous exposure to the manner in which the Board normally adopts an ordinance, it was my understanding that the Board usually receives a letter from the County Administrative Officer ("CAO") or an appropriate department head in which a paragraph is included with language clearly stating as a "Recommendation" that a proposed ordinance be "adopted" and direction given to the Clerk of the Board to schedule a second reading for final adoption of the respective ordinance.

In respect to the "draft ordinance" for the addition of Chapter 7.128 to the County Code, I see no such "recommendation" language was used in the Council Counsel and CAO letters to the Board for the December 8, 2015 meeting. This further caused me, and others, to believe the issue would return to the Board sometime in January of 2016.

Since I am not certain of the commonly used procedure by the County for language pertaining to the initial adoption of an ordinance; for clarification and transparency purposes, I respectfully ask Staff to provide me a written response to the following:

- 1) **Was the adoption of the Chapter 7.128 "draft ordinance" adopted with customary "Recommendation" language as with other ordinances that are normally adopted by the Board?**
- 2) **If the ordinance were not adopted with customary "Recommendation" language as with previous ordinances, please explain why a different procedure was used for the adoption of Chapter 7.128 at the December 8, 2015 Board meeting?**

Surely there will be an ample amount of time for C4 to study and opine on Chapter 7.128 during its interim phase, but the main purpose of this letter is to seek clarification of the standard language used for the adoption of ordinances in order for everyone to understand the process for future submissions of timely opinions to the Board.

Although Staff has stated that Chapter 7.128 is an "interim ordinance" to be "amended" as the Board considers other "policy recommendations", speaking for myself, I feel parts of the "interim" Chapter 7.128 have a menacing smell of permanence emanating from it. One example, is the disallowance for a licensee to possess any firearm on a parcel for cultivation. (Section 7.128(E)(s).) The firearms clause apparently appeared out of nowhere with no explanation whatsoever given for its creation, which only creates deep suspicion in some people of the motive for its inclusion in an "interim" ordinance which seems to have been fast-tracked for adoption. It would be a tragedy if some individuals held back in offering valuable input on language in Chapter 7.128 because they felt the issue was going to be decided in January and had additional time to study the proposed ordinance before opining on it.

The "interim" period for an "interim" ordinance can cause problems with technicalities and misunderstandings of the language within the ordinance. What happens in the "interim" period to responsible folks of the cannabis industry and affected neighbors as they wait for clearly defined and reasonable regulations will be telling to all involved. Only time will tell. In the interim, I would appreciate timely answers to my questions.

Season greetings,



Nick Bulaich
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cc: Santa Cruz County Cannabis Cultivation Choices Committee