



TRINITY COUNTY

Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1217 FAX (530) 623-8365

TO: The Honorable Michael B. Harper
Judge of the Superior Court

FROM: Trinity County Board of Supervisors

CC: Clerk of the Board of Supervisors

SUBJECT: Response to COR 2022-001 – 2022 Continuity Committee Compliance Report

DATE: December 6, 2022

Revised 12/6/22 [Signature]

The Grand Jury has requested a written response to their final report on the Continuity Committee Compliance Report (COR 2022-001). The response of the Trinity County Board of Supervisors is as follows:

Finding 1 of the 2022 Grand Jury:

- In October 2019, the BOS voted 3-2 to dissolve the Ad Hoc Cannabis Committee (formed in 2016). However, the Board Chair stated, "there's no change now thought." (The BOS Chair has authority over ad hoc committees).
- In October 2019, the two board members stepped down from the Ad Hoc Committee on Cannabis Retail, turning that work over to the Planning Department.
- In December 2019, BOS dissolved the Cannabis Ad Hoc Committee. Rather than forming a standing committee, it assigned the work to the Planning Department.
- The BOS formed a Cannabis Cultivation Ad Hoc Committee in November 2021.
- At the April 19, 2022 BOS meeting questions were raised whether the current Cannabis Ad Hoc Committee is acting more like a standing committee.
- The BOS supports creation of ad hoc committees as needed to augment the Planning Department's efforts due to staffing shortages.
- On April 29, 2022, the BOS appointed an interim deputy director for the Planning Department. Additionally, the Cannabis Division hired its first dedicated Director March 1, 2022.

The 2022 Grand Jury determined that the response from the BOS:

- While they were timely in their response, as of this report, the Board has not opted to create the recommended standing committee.

KEITH GROVES
DISTRICT 1

JILL COX
DISTRICT 2

LIAM GOGAN
DISTRICT 3

JEREMY BROWN
DISTRICT 4

DAN FRASIER
DISTRICT 5

- Though in agreement with the recommendation, the BOS offered no evidence that it would implement it.

The BOS did not meet the criteria required by PC 933.05(b)(3) or include a time frame or an indication that it will pursue this issue. See Appendix B.

Response: *Disagree.*

There seems to be a misunderstanding of the role and tasks of an Ad Hoc. The thought that a Cannabis Ad Hoc over sees all things Cannabis is false, each Ad Hoc was and is tasked with certain duties of oversight. We've had the "retail cannabis Ad Hoc", "ordinance Cannabis Ad Hoc", "medical cannabis Ad Hoc", "Cannabis implementation Ad Hoc" (twice) and others.

The Grand Jury also failed to include the whole history. The work started around 2005 with Cannabis "1.0" also in that time period there was an appointed standing committee, even though it was well meaning and interesting, it ended in utter failure. Then the task was turned over to the planning commission to start investigations and write ordinances, two of which reached the board with only the Medical ordinance passing. Later the Planning Commission was tasked with writing new commercial Cannabis ordinances, this stalled out and collapsed. This is the point when the BOS stepped in and formed an Ad Hoc over seeing ordinances, taking 100's of hours of public and private testimony, then passing these on to the planning department for dozens more public hearings. These ordinances were then presented to the board for even more public hearing before passing.

Recommendation 1: The 2022 Grand Jury recommends that the BOS respond per PC 933.05 on this issue and future issues.

Response: *Recommendation has been implemented.*

With finding 1, the board did not vote to disband ad-hocs, or they would have disbanded; the board as a whole has the ability to override the chair. The vote was to accept the grand jury recommendation, see 10/19 board minutes.

Why did the board not implement a standing committee in 2019? The board did look at this option and concluded that standing committees are inherently unwieldy and unsuccessful, we have many examples in the county where these committees were formed, with the issue going into a black hole never to return. When the Grand Jury considered this option, they didn't seem to be clear on the county's responsibility in the cannabis regulation system that the voters and the state set up. The county's responsibility pertains to Regulating Land-use.

The board concluded at the time that a standing committee was only designed to result in slowing or stopping our transfer from an illegal market to a legal market. The board decided that the most expedient and transparent way to move forward was keeping Ad Hoc's as our primary structure, which receive 100's of hour of public testimony. So, the view of the board changed to "will not be implemented because it's not warranted or is not reasonable". The board is unclear of what process needs to happen in the future to relay changes to the Grand Jury but will follow those rules. Though this has been very slow, painful and filled with many

landmines, Trinity now sits on the cusp of being in the top 2 counties when the Bureau of Cannabis Control does away with "Provisional licenses" on 7/1/23.

Finding 2 of the 2022 Grand Jury:

According to the Planning Department Cannabis Division, a variable nuisance fine structure has not been developed.

The 2022 Grand Jury determined that the response from the BOS to Finding 2:

- This response was not timely and did not meet other criteria required by PC 933.05(b)(3). See Appendix B.
- The response provided a vague and incomplete explanation and did not address direction to the Planning Department to analyze and provide recommendations to the BOS for adopting a variable nuisance fine structure and did not meet criteria required by PC 933.05(b)(3). See Appendix B.

Response: *Disagree.*

The county did enact a variable Cannabis nuance fine system. Ordinance 1352 Chapter 8.90.080 on 08/18/2020 for Cannabis violations. First offense up 1,000 dollars, second offense up to 2,500 dollars and third offense up to 5,000 dollars. Also, the planning director has discretion to set any amount less than the maximum amount.

Recommendation 2: The 2022 Grand Jury recommends that the BOS respond per PC 933.05 on this issue and future issues.

Response: *Recommendation has been implemented.*

The Board is of the opinion that our response to the 2018/2019 Grand Jury Report RE: Cannabis Ordinance Development and Complaint Process and was submitted in compliance with Penal Code 933.05. The Board will continue to respond in compliance with Penal Code 933.05

Finding 3 of the 2022 Grand Jury:

According to the Planning Department, the County does not contract for aerial surveillance. They do use other resources as available such as:

- www.trinitycounty.org/Trinity-County-Parcel-Viewer, Google Earth Pro, county, state, and federal coordination efforts.
- The BOS response was not timely and did not meet other criteria required by PC 933.05(b)(3) including an explanation, scope, parameters, and time frame not to exceed six months. See Appendix B.

Response: *Disagree.*

The county followed its response recommendation by doing its due diligence. The planning department and the sheriff's department looked at this very closely during the COVID time era. In the planning director's opinion, it ended up being too expensive, (more than available grants) and limited in its flexibility. Sheriff Saxon also had concerns about the effectiveness and the county's ability to staff the program due to the counties chronic labor issues. The board may look at this down the road but for now this idea has been shelved.

Recommendation 3: The 2022 Grand Jury recommends that the BOS respond per PC 933.05 on this issue and future issues.

Response: *Recommendation has been implemented.*

The Board is of the opinion that our response to the 2018/2019 Grand Jury Report RE: Cannabis Ordinance Development and Complaint Process and was submitted in compliance with Penal Code 933.05. The Board will continue to respond in compliance with Penal Code 933.05

Note: Many of these misunderstandings could be mitigated if the Grand Jury took a deeper dive and interviewed the long-standing participants of this program. This program has had a lot of turnover in the past 20 years, and a lot of information gets lost over time.