



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 5(c)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
-Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
-Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
-Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
-Electronic Transmission Checklist: ☐ Agenda Summary ☐ Records ☐ Supp. Doc. ☐ If applicable, list other online information below
-Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** January 12, 2012

FROM: County Counsel **MEETING DATE:** January 24, 2012

DEPARTMENT RESOURCE/CONTACT: Jeanine B. Nadel **PHONE:** 4446 Present ☒ On Call ☐

Consent Agenda ☐ Regular Agenda ☒ Noticed Public Hearing ☐ Time Allocated for Item: 30 min.

■ **AGENDA TITLE:** **Introduction and Waive Reading of an Ordinance Amending Mendocino County Code Section 9.31 Medical Marijuana Cultivation Regulation**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** Adoption of Mendocino County Code Section 9.31 in 2008, and amended in 2010 and 2011.

■ **SUMMARY OF REQUEST:** Mendocino County Code Section 9.31 was adopted in 2008 and amended in 2010 and 2011, in part to allow collectives, cooperatives and qualified individuals to apply for an exemption to the 25 marijuana plant per parcel cultivation limit contained in 9.31.

Due to concerns expressed by federal authorities and the recent ruling in *Pack v. Superior Court* (City of Long Beach), it is my recommendation that the proposed edits to Chapter 9.31 be adopted. The edits as proposed eliminate the 99 plant exemption and requirements for permits and inspections. The ordinance amendment, if adopted, will still allow for the cultivation of no more than 25 marijuana plants per parcel for medical purposes only.

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**

■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):** ☐

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
			Yes <input type="checkbox"/> No <input type="checkbox"/>

■ **SUPERVISORIAL DISTRICT:** 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All ☒ ■ **VOTE REQUIREMENT:** Majority ☒ 4/5^{ths} ☐

■ **RECOMMENDED ACTION/MOTION:** Introduce and waive reading of the ordinance amendment Mendocino County Code Section 9.31 Medical Marijuana Cultivation Regulation.

■ **ALTERNATIVES:** Do not introduce and waive reading of the ordinance.

■ **CEO REVIEW (NAME):** _____ **PHONE:** 463-4441

RECOMMENDATION: Agree ☐ Disagree ☐ No Opinion ☐ Alternate ☐ Staff Report Attached ☐

BOARD ACTION (DATE: _____): ☐ Approved ☐ Referred to _____ ☐ Other _____

RECORDS EXECUTED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____ ☐ Other _____