



Political Strategy, Public Policy Research

1830 "N" Street - Sacramento, CA 95811 -- 1-916-449-6190

October 23, 2017

Hon. Federal D. Glover, Chair, 5th District
Hon. Karen Mitchoff, Vice Chair, 4th District
Hon. John Gioia 1st District
Hon. Candace Andersen, 2nd District
Hon. Diane Burgis, 3rd District

**RE: Board of Supervisors Meeting October 24, 2017, Item D.3.
Hearing to Consider Adoption of Ordinance 2017-26 Prohibiting Cannabis
Cultivation and Commercial Uses and an Update on Preliminary Cannabis
Regulatory Framework**

Dear Chairman Glover and Honorable Members of the Contra Costa County Board
of Supervisors:

Jim Gonzalez and Associates (JGA) is a political strategy firm that represents
cannabis business clients in throughout California.¹

Introduction

¹ Our comments are confined to general public policy analysis and recommendations, and are not referenced for
any particular clients.

We begin again with thanking Contra Costa County staff for their diligence in the difficult work of crafting the Update on Preliminary Cannabis Regulatory Framework (“ Updated Preliminary Report”).

Before we address the issues contained in the Updated Preliminary Report and related documents, we feel compelled to comment on the urgency to move expeditiously to adopt Contra Costa County cannabis regulations.

The Upcoming State Licensing Deadlines and the Impact of Local Authorizations

The likely adoption of Contra Costa County Ordinance 2017-26, which is before you today, should further underline the pressing deadline which has been enacted by the People in the Adult Use of Marijuana Act (“AUMA”, Proposition 64), and by the Legislature in the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”). Under current law, January 1, 2018 looms as a hard deadline for the State of California to begin issuing licenses to cannabis businesses.

Recently, at a Bureau of Cannabis Control public licensing workshop held in Sacramento on October 17th, Ms. Lori Ajax, Bureau Chief, announced that new state regulations are planned to be issued in late November 2017, and that the Bureau would begin accepting applications for temporary cannabis licenses beginning in December, 2017. It is significant that over 400 persons attended the recent public licensing workshop. This robust attendance reemphasizes two things: first that there is significant interest among cannabis entrepreneurs in applying for temporary state licenses; and second, that the "Bureau can only issue a temporary license if the applicant has a valid license, permit, or other authorization issued by the local jurisdiction."²

² See "Temporary License Information," Bureau of Cannabis Control, linked at <http://bcc.ca.gov/licensees/index.html>

The reality before us is that local county and city jurisdictions throughout California already have in place, or will soon enact, regulations which will allow cannabis entrepreneurs to demonstrate to the state that they have a "valid license, permit, or other authorization" from a local jurisdiction. Cannabis entrepreneurs who are committed to locating their businesses in Contra Costa County should be provided with authorizations to proceed with the state licensing process so that they will not be left in the back of a long queue of other businesses which have the benefit of local authorizations.

Unfortunately, the scheduling for final adoption of Contra Costa Regulations which has been proposed by County staff (November 2018), and even the June 30, 2017 date recommended of the Planning Commission, would mean that Contra Costa cannabis entrepreneurs would be left in a bureaucratic limbo while other cannabis businesses throughout California file their applications for temporary state licenses.

To address this issue, we respectfully recommend that the Board of Supervisors, as part of its anticipated adoption of Ordinance 2017-26, include a provision to authorize cannabis entrepreneurs to apply for temporary state licenses, pending the adoption of Contra Costa County regulations.

We respectfully suggest that the following language, incorporated in an authorization form issued by the County, would allow cannabis businesses to submit applications for state licenses, while preserving the ability of Contra Costa County to adopt formal regulations:

"Notwithstanding the provisions of Contra Costa County Interim Ordinance NO. 2017-03, Interim Ordinance NO. 2017-26, or their successor Interim Ordinance(s), the following applicant is hereby authorized to apply for temporary cannabis state licenses, pending the adoption of Contra Costa County cannabis regulations. The issuance of temporary state licenses to this applicant by the State of California would not violate the provision(s) of any local Contra Costa County ordinance or regulation relating to cannabis businesses."

To facilitate the applications for temporary state licenses for Contra Costa County cannabis entrepreneurs, we respectfully request that you ask County staff to incorporate such language in any ordinance which prohibits cannabis businesses from operating until the Board acts and adopts permanent cannabis business regulations.

Comments on "Update on Preliminary Cannabis Regulatory Framework"

Vertical Integration.

We concur with staff recommendation that *"manufacturing and distribution are now recommended to be permitted within the agricultural zoning districts in order allow cannabis farmers the ability to process, manufacture and distribute their cannabis products directly to retailers."*

As we stated in our letter to the Board for its July 19, 2017 Board Meeting: *"... zoning regulations (should) conform to the legislative intent of MAUCRSA, and allow for multiple cannabis business functions to occur on discrete and secure sites in all zoning districts, provided that these businesses provide complementary support for cannabis businesses. For example, all cannabis businesses, including cultivators, should be allowed to engage in distribution (transportation), or engage in processing manufacturing, or engage in appropriate retail sales at certain cultivation sites. This is identical to the business model of many wineries."*

The County staff proposal supporting vertical integration, including manufacturing/processing on agriculturally zoned land, is consistent with existing Contra Costa County zoning regulations, and reflects staff's previous opinion stated in its July 18, 2017 Preliminary Analysis that: *"The manufacturing of cannabis and cannabis related products is a growing industry which is expected to continue growing based on the approval of Proposition 64. The processing/manufacturing of certain cannabis products is similar to the processing/manufacturing of other agricultural products."*

Support for a vertical integration model would also strengthen one of the essential elements of AUMA, which is to enact a robust enforcement system based upon track and trace.

Potential Caps on Cannabis Businesses

While we understand the interest in potentially setting a cap on the number of various cannabis businesses (excluding manufacturing, distribution, and testing), we strongly recommend not setting up a cap on commercial cultivation or other retail uses, until there is greater knowledge of the number of business who are committed to operate entirely within a legal regulatory framework.

It is not possible to know this number until an application process is opened and serious businesses are given the opportunity to undergo a County review process. An open selection process, without an arbitrary cap -- which could include a careful review of intended business functions, such as methods of operations, security, and qualifications of business operators -- would be the best way to determine which operators should operate legally in Contra Costa County.

Selection Process.

We strongly suggest that applications remain open for cannabis businesses without an arbitrary pre-selection criteria. Within a reasonable period, all applications should be accepted and reviewed. This review process should be open to all and not be limited by criteria such as "first come, first served." We also strongly suggest that an RFP (request for proposal) process would place unnecessary burdens on small cannabis businesses, who may have to employ a whole panoply of proposal drafters and graphic artists to compete in a "contest" with other entrepreneurs. Similarly, a lottery process would apply a complete arbitrary "luck of the draw" process which would not be consistent with the kind of careful vetting expected by cannabis entrepreneurs and the public alike.

In summary, we believe that County staff should be the best judges of which applicants meet the tests of conformity with local laws and regulations.

The Micro Business Option

As stated in our pervious letter for the July 18, 2017 Board Meeting, the intent for MAUCRSA is to encourage multiple cannabis business licenses to *“make it easier for businesses to enter the market, encourage innovation, and strengthen compliance with state law.”*

One way to accomplish this is to include a micro-business option which would allow a vertically integrated cannabis business with up to 10,000 square feet of cultivation, and includes manufacturing, distribution, and retail sales on a site, provided all licensing requirements are met. In particular, under a micro-business option, transportation of cannabis products would be included as part of the vertically integrated cannabis business functions.

This micro-business option, if provided for in Contra Costa County regulations, could further the development of concentrated cannabis businesses which further overall security, support revenue auditing activities, and promote robust enforcement of track and trace requirements.

We recommend that the Board request that staff further develop the micro-business option as a siting option for vertically-integrated, combined cannabis businesses.

Pilots and Demonstration Projects

As a complement to the regulatory process, the establishment of pilots or demonstration projects for selected cannabis business functions such as cultivation, manufacturing, testing, and distribution could provide an immediate real-world opportunity to evaluate the cannabis business operations contemplated to become part of the activities to be allowed once permanent regulations are adopted.

The advantages of pilots and demonstration projects is that such projects could commence immediately, upon review by County staff. Revenue in the form of application fees would mean that the costs incurred in developing and

implementing cannabis regulation could be recovered prior to the enactment of formal regulations. Pilots and demonstration projects would also provide an opportunity for focused review and inspection by County staff. Such reviews and inspections could provide practical guidance to County staff and the Board which could be applied to the final regulations.

We therefore recommend that you request County staff to report to you on implementing selected pilot or demonstration project for selected cannabis business functions, including cultivation, manufacturing, testing, and distribution; and that these projects be fast-tracked so that these businesses could apply immediately for state licenses upon approval by County staff.

Conclusion

We again thank County staff for their work in preparing the Update on Preliminary Cannabis Regulatory Framework.

- We strongly urge the Board to request that language be included in proposed legislation extending the interim cannabis business ban which would authorize cannabis businesses to proceed with their applications for temporary state licenses, pending adoption of permanent Contra Costa County cannabis regulations.
- We support the staff recommendations regarding the incorporation of vertical integration as the appropriate business model consistent with AUMA and MAUCRSA.
- We support the staff recommendation that manufacturing be included as an acceptable use on agriculturally zoned properties.
- We recommend that no caps on cannabis businesses be imposed at this time until more is known about the number of interest of legitimate cannabis businesses who wish comply with all laws and regulations

- We recommend that the selection process remain open, and not be limited by a first come, first serve process, an RFP process, or a lottery.
- We recommend that the Board request staff to include a micro-business option as one of the business models which can approved.
- We recommend that the Board request that staff develop a pilot and demonstration project approval process, and that this approval process be expedited.

Thank you very much for the care and attention that you have displayed regarding these issues.

Very truly yours,



John A. Thiella
Attorney at Law, Counsel to the Firm

Cc: John Kopchik, Director, Conservation and Development
Aruna Bhat, Deputy Director, Conservation and Development
Ruben Hernandez, Principal Planner, Community Development Division
Jim Gonzalez, President, JG& Associates



SOBER LIVING NEEDS BY THE #'S

1,454 was the number of clients in Alcohol & Other Drug treatment who reported being homeless in FY 2015-2016.

In 2005, **70%** of the clients who responded to the Sober Living Task Force's survey within the AOD services, reported they wanted or needed sober living housing. This was the first time that I brought this issue to you.

The average cost of a bed in AOD residential treatment per bed day, is **\$65.92** for Men, and **\$130.00** for women, which in the past has been used to shelter clients that are homeless.

The cost for a bed is approximately **\$50.00** per bed day at your homeless shelters. Where as estimated by shelter management, 96-99% of your clients will relapse.

The cost of transitional housing per day is **\$91.43** at Uilkema House.

As of 10/20/17 Support4Recovery has provided sober living to 24 men, women, and children at the cost of **\$10.72** per day.

Support4Recovery believes that we could do this on a larger scale for a total cost of **\$15.00** per day. An overall savings of approx. **78%** from the most affordable option, which is the homeless shelter. In most cases the homeless shelter negates the treatment that was previously provided, as stated above 96-99% will relapse.

Support4Housing Emergency Housing Fund

Support4Recovery has been acutely aware that the most important issue facing individuals and families in recovery is the lack of affordable housing. Upon completion of treatment, many individuals find themselves homeless or living in a homeless shelter. While shelters can provide an opportunity for people who might otherwise be living on the street, these shelters do not always offer a clean and sober living environment. In some circumstances, treatment providers will try to extend the length of treatment so individuals have a safe place to stay. In 2013, Support4Recovery started the Support4Housing Emergency Fund that helps individuals in recovery find safe, affordable places to live.

Support4Families

The Support4Families program will launch in 2017 as a new program for Support4Recovery. This program will provide scholarships and activities for children whose parents are in recovery. Parents and children will be able to select activities that they are interested in, such as karate classes, dance lessons, football, baseball, art classes, etc. Scholarships will be awarded to cover associated costs. Parents will also have access to resources that will support them as they rebuild and strengthen bonds with their children. Our goal is to provide support to 20 families in 2017 -- with the goal to expand this program in 2018.

Support4Kidz

Alcohol and other drug addiction affects all members of a family. Support 4 Kidz provides cash grants, including diapers, food and clothing to "host" families that care for the children that are the innocent victims of the disease, while the parents are addressing their addiction/alcoholism. We aim to help provide stability to the family so that healing can begin.

Support4Education

Individuals in recovery are nominated to receive grants to pay for their fees to become Alcohol and Other Drug Counselors. Support4Recovery will pay for membership, testing, and certification fees for these deserving students.

Get Involved and Stay Connected to Your Recovery Community

We invite you to join us as we Celebrate Recovery and work to build and strengthen our outstanding recovery community. There are many ways to get connected and stay involved. Please visit our website at www.support4recovery.org for more information.

Support4Recovery has no paid directors and only one part time employee. Approximately 97% of every dollar donated goes directly to the community we serve. In addition, we negotiate for every service and often receive three times the value for every dollar we spend.

P.O Box 31114 | Walnut Creek, CA 94598 | 925.980.8638 tel | www.support4recovery.org
Community organizing, advocacy, and support services for individuals and their families in recovery from alcohol and other drugs, mental health, and homelessness.

Support 4 Recovery presents...

Recovery

☆ ON THE ☆

RUNWAY

November 5, 2017, 4pm

FALL FASHION SHOW

You are cordially invited...

Please join us on Sunday, November 5th at 4:00pm for this fun-filled, fashion forward event where we will be partnering with Macy's Broadway Plaza to boast the latest Fall Fashion trends for a wonderful cause:

Support 4 Recovery's programs - Support 4 Kidz & Support 4 Families, which provides services to loved ones effected by Alcohol and other drugs.

More info at www.support4recovery.org

Ticket Price: \$25

Purchase tickets online at

<https://www.eventbrite.com/e/recovery-on-the-runway-tickets-38860731494>

100% of proceeds from this event go to Support 4 Recovery's programs.

Perks along with admission include:

30% off all purchases made on date of event!*

\$10 Discount off \$50 purchase of Cosmetics & Fragrances!*

Tickets includes entry into drawing for a fabulous prize!

Appetizers & Beverages provided!

**Some restrictions may apply.*



1301 Broadway Plaza, Walnut Creek, CA 94596

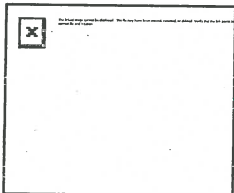
Stacey Boyd

From: Jami Napier
Sent: Monday, October 23, 2017 3:41 PM
To: Clerk of the Board
Cc: June McHuen
Subject: Fwd: Item D3 October 24, 2017-- Comments RE: Preliminary Cannabis Regulatory Framework
Attachments: image001.png; image002.png

Sent from my iPhone

Begin forwarded message:

From: John Thiella <john@jimgonzalez.com>
Date: October 23, 2017 at 3:08:39 PM PDT
To: "Jami.Napier@cob.cccounty.us" <Jami.Napier@cob.cccounty.us>
Cc: Jim Gonzalez <jim@jimgonzalez.com>
Subject: Item D3 October 24, 2017-- Comments RE: Preliminary Cannabis Regulatory Framework



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Conclusion

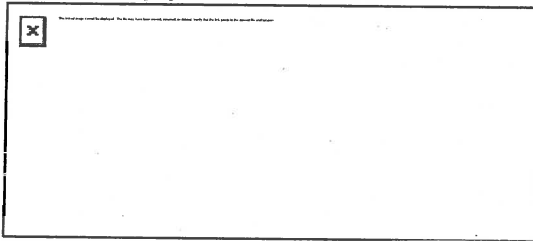
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John A. Thiella
Jim Gonzalez & Associates
1830 N Street (19th & N Streets)
Sacramento CA 95811
1-415-793-3339 (cell phone)
1-916-449-6190 (office)

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^[2] See "Temporary License Information," Bureau of Cannabis Control, linked at <http://bcc.ca.gov/licensees/index.html>

Addendum- disregard 1st form
she had to leave- pls read D-3

REQUEST TO SPEAK FORM (2 minute limit)

I wish to speak on Agenda Item # D-3

Complete this form and place it in the upright box near the speaker's podium, and wait to be called by the Chair.

Date: 10-24-17

Personal information is optional. This speaker's card will be incorporated into the public record of this meeting.

My comments will be: ☒ General
☐ For
☐ Against

NAME (Print) Dr. Anne Sutherland

To ensure your name is announced correctly, you may include phonetic spelling.

☐ I wish to speak on the subject of:

Address: 869 Ackerman

City: Danville

Phone: 480-363-2738

I am speaking for: ☐ Myself

☒ Organization: AODAB
Chairman and
member-at-large

☒ I do not want to speak but would like to leave comments for the Board to consider.
(Use the back of this form.)

Information for Speakers:

In lieu of speaking, I wish to submit these comments:

Deposit this form in the upright box next to the speaker's podium before the Board's consideration of your item.

I speak for the AODAB as Chairman.

Wait to be called by the Chair. Please speak into the microphone at the podium.

① Intoxication potential of current cannabis is extremely high

Begin by stating your name and your city or area of residence, and whether you are speaking for yourself or on behalf of an organization.

② THC oil is packaged in products that appeal to youth (Gummy Bears)

If you have handout materials, please give them to the Clerk.

③ Adolescent & teenage brains are at high risk for addiction to alcohol & THC

Avoid repeating comments made by previous speakers.

④ Tax revenues from cannabis sales must go to education especially of parents, adolescent prevention & treatment, and to sober living

Thank you!

