From:

Clerk of the Board

Sent:

Wednesday, March 10, 2021 8:19 AM

To:

June McHuen

Subject:

FW: Industrial Hemp Moratorium

Importance:

High

Read below.

Stacey M. Boyd
Deputy Clerk
Clerk of the Board
1025 Escobar St., 1st Floor
Martinez, CA 94553
(925)655-2002 (Desk)
(925)655-2000 (Office)

From: Tomas A. Ortiz <tortiz@zuberlawler.com>

Sent: Tuesday, March 9, 2021 4:16 PM

To: Clerk of the Board <ClerkOfTheBoard@cob.cccounty.us>; John_Gioia <John_Gioia@bos.cccounty.us>; Supervisor Candace Andersen <SupervisorAndersen@bos.cccounty.us>; Supervisor_Burgis <Supervisor_Burgis@bos.cccounty.us>;

SupervisorMitchoff <SupervisorMitchoff@bos.cccounty.us>; District5 <District5@bos.cccounty.us>

Cc: gen@us4gm.com; theo@us4gm.com; anthony@us4gm.com; Janet E. Jackim < jjackim@zuberlawler.com>

Subject: Industrial Hemp Moratorium

Importance: High

Dear Contra Costa County Board of Supervisors:

At this morning's Board Meeting, Supervisor Mitchoff questioned the number of existing registered hemp growers and asked how many registrations would lapse in the next few months. It is alarming that neither the Board nor its staff have that information available.

There are FIVE registered hemp growers in Contra Costa County. Of those five, there are FOUR active growers. My client, US4GM, is one of those four active growers. My understanding is that the registration of three of those four, including my client, lapse in the next three months. My client's registration lapses on April 30, 2021, which is less than 2 months from today. This ordinance obviously puts my client in a difficult position with little time and zero options.

Section 4 of Ordinance No. 2021-10 is unworkable. It will be impossible for any existing grower to comply with the section's criteria. First, there are no existing registered farmers located more than one mile outside the Urban Limit Line. As you know, the Urban Limit Line is a patchwork of sections that spread through the county. Some of that includes residential, a lot of it does not. Second, I am unaware of any existing farmer who has greenhouses. What is worse is that the moratorium freezes all building permits, which eliminates any opportunity an existing grower may have to pivot in

hopes of complying with Section 4(b), unless of course they do so in violation of any existing planning codes. Indeed, add to that the costs of forcing the construction of greenhouses and impracticability of using greenhouses without artificial light, and it is obvious this section was drafted to fail.
There is no explanation given by the County as to why these criteria are necessary or why they are necessary with regard to existing registered growers.
How does this criteria serve a legitimate purpose? How does the use of greenhouses versus hoop houses impact "bad acts" or "bad actors"? If there are bad actors then why is that not being addressed on an individual basis, rather than a broad sweeping ordinance that kills the industry – there are only FIVE registered growers, this could not be a difficult task Unless of course, these bad actors are not any of the five registered growers or perhaps this whole line of concern is just a pretext to kill the industry.
Let me point out that all of this could have been discussed at today's meeting had your staff not cut off public comments.
Supervisor Mitchoff expressed concern for the existing growers. I hope that was genuine. Supervisor Mitchoff also expressed frustration with the County's delay in getting these regulations drafted. Again, I hope that was genuine. It is unacceptable that we are four months into a moratorium and weeks away from businesses failing and we still have no idea where the County is on drafting its regs.
There is a simple solution – allow existing registered growers to continue to grow under the terms of their registrations until the moratorium is lifted and the County drafts its hemp regulations. This puts the burden of the County's delay on the County (where it should be) NOT on existing businesses.
Please listen to the stakeholders.
Today's board meeting was a sham. Cutting off public discourse was unacceptable. In light of today's events, I invite the board to set up a Zoom call with all five registered growers and their representatives to discuss what can be done.
Do not shut the door on this industry.
Regards,
Tomas

TOMAS A. ORTIZ | Counsel

Zuber Lawler LLP | 350 S. Grand Avenue, 32nd Floor, Los Angeles, CA 90071, USA +1 (213) 596-5620 | tortiz@zuberlawler.com | www.zuberlawler.com

ZUBER LAWLER

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From:

Clerk of the Board

Sent: To: Friday, March 12, 2021 3:18 PM June McHuen; Jami Morritt

Subject:

FW: [BULK] Hemp Growing Moratorium

Please see below.

Stacey M. Boyd
Deputy Clerk
Clerk of the Board
1025 Escobar St., 1st Floor
Martinez, CA 94553
(925)655-2002 (Desk)
(925)655-2000 (Office)

From: Anthony Schick <anthony@us4gm.com>

Sent: Friday, March 12, 2021 2:07 PM

To: Clerk of the Board <ClerkOfTheBoard@cob.cccounty.us>

Cc: Theo Liu <theo@us4gm.com>; Tomas A. Ortiz <tortiz@zuberlawler.com>

Subject: [BULK] Hemp Growing Moratorium

To whom it may concern,

On March 9th during the Board of Supervisors Meeting in regards to Discussion Item D4

HEARING to consider adopting Ordinance No. 2021-10, an urgency interim ordinance extending, through March 9, 2022, a more Measures Director)

We were advised to email our 2 minute public comment because we were cut off before being able to speak and when we did start speaking at a different time we were cut short and muted.

My 2 Minute Comment:

My name is Anthony, Operations Manager of US4GM. The current proposed moratorium for Contra Costa County has been designed for any and all legal agricultural hemp businesses to fail. The proposed terms are not feasible for any of the 5 licenses to continue business. It states all farming must be outside 1 mile of urban lines or have a proper greenhouse. These are standards for cannabis, not agricultural hemp. It also states you cannot utilize hoop housing (non permanent structure) but must use Greenhouses (requires building permit) a green house just for materials before being built is typically \$50,000.00 or more each (estimate \$150,000.00 each or more built) where a hoop house is \$5,000.00 roughly and quick to put up and tear down. This makes any hemp business impossible to turn a profit. Hemp requires artificial lighting in order to control the budding process and quality. By using natural sunlight it makes it difficult to control the outcome making waste much higher. The 1 of 5 license that expires at the end of September is the one business that is the most problematic as they are less than 500 ft from homes (tranquility farm). Our farm is surrounded by farms and water and not near any homes.

On another note. This is going to kill 100's of jobs increasing unemployment and remove over 10 million dollars of spending into the local Contra Costa County area.

People like me who depend on my income to support my family of 2 boys and wife with cancer would end up crushed and potentially lose our home, be buried in medical dept. and potentially on the streets.

I AM NOT THE ONLY ONE WHO HAS THESE VERY REAL ISSUES! The County is not supporting good businesses in order to keep out the bad ones. The county is trying to shut all of them down. We have offered numerous times to offer support, we have suggested looking at other counties ordinances. We have suggested asking someone who specializes in Agricultural Hemp to assist in building a plan. Instead we have no way to get permits, we have no way to renew our license, we have no way to stay afloat. At the end of April we will be forced to terminate employment for close to 60 labor workers and dozens of employees when our current license expires.

	Anthony Schick
-	US4GM LLC Operations Manager
	(949) 482-8000 <u>anthony@us4gm.com</u>
	9040 Brentwood Blvd, Ste C, Brentwood, CA 94513

From: Sent: Gen Cobabe <gen@us4gm.com> Friday, March 12, 2021 9:01 AM

To:

Clerk of the Board

Cc:

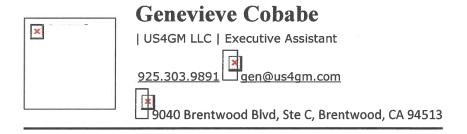
June McHuen; Supervisor_Burgis

Subject:

Hemp Moratorium Comment

To the Contra Costa Board of Supervisors,

Hello, my name is Gen and I have been working for US4GM since August. This job has been a life changer. I am a single Mom who's had a business in Contra Costa for 20 years. Unfortunately we had to go out of business and I've been struggling since. This job has afforded me the ability to put a roof over my kids heads, and gave me hope to be able to send them to college. I work closely with the Dept of Ag to make sure we stay compliant. As a company we try very hard to make sure we use local suppliers, and hire local residents. There are 5 Hemp growing licenses in Contra Costa. 4 are active. I'm asking the board to please extend all licenses until the Moratorium is over. Mrs. Burgis stated in the December Board meeting that she wants to "Preserve and Protect Livelihood" and that is why she presented the March date. She is a woman who knows how important timing is for farmers. If our license does not get renewed or extended we will have to lay off a large number of employees. I will be without a job, and back to struggling. Honestly the thought of it makes me sick. We have full families that work for us. It won't just be me struggling it will be a large number of community families. Please renew or extend our license. We have a right to farm.



NOTE: The information contained in this email, and any attachments, is intended only for the use of the individual or entity named above and may, or does, contain information that is privileged, confidential, or exempt from disclosure under applicable law, whether or not marked "confidential." If you are not the intended recipient, any disclosure, dissemination, distribution, copying, or any action taken or omitted in reliance on this communication is strictly prohibited. If you have received this email in error, please immediately notify me by email at gen@us4gm.com and destroy the original message and any attachments. Thank

From: Sent: Theo Liu <theo@us4gm.com> Friday, March 12, 2021 2:30 PM

To:

Clerk of the Board

Cc:

June McHuen

Subject:

Re: Commentary on the hemp grow moratorium

Hello Supervisors,

My name is Theo, and I am the COO of US4GM. First and foremost, I am a supporter of regulations that can help the community and ensure everyone's safe environment. Second, My goal has always been to work with the county and regulators to ensure compliance. We are not perfect, but we are trying, learning, and improving as we build our business from the ground up a year ago.

I know there are some good and bad actors in our industry. Also, some good actors might seem bad only because of a select few that want to sabotage. I think the county should NOT pass the moratorium and blanket the industry because of a select few. Fyi, for some reason, US Phoenix Management Inc/Tranquility Bay #07-200008G is getting unique treatments. They are the only license that will not be affected by the proposed moratorium date in September, and they seem to be able to get a hold of certain departments much faster than others.

I don't want to point fingers, but I don't think the board of supervisors is getting the correct and unbiased information. Whoever is writing the proposed regulations is copying the THC Cannabis regulations, which Agricultural Hemp is not. The department pushing for it does not know the hemp industry and how it works.

I understand this is not an easy decision, and the issues are complex. I am a true believer in being compliant and a good neighbor, and hemp farms should not be close to homes. But it is also essential for us as an industry to reach out and educate our community.

Please put yourself in our shoes and not kill the hemp industry in Contra Costa County. As we wait for your decisions, allow the current cultivators to renew, so the 4/5 active license doesn't lapse.

Thank you,



Theo Liu

US4GM, LLC

9040 Brentwood Blvd., Ste C, Brentwood, CA 94513

www.us4gm.com

NOTE: The information contained in this email, and any attachments, is intended only for the use of the individual or entity named above and may, or does, contain information that is privileged, confidential, or exempt from disclosure under applicable law, whether or not marked "confidential." If you are not the intended recipient, any disclosure, dissemination, distribution, copying, or any action taken or omitted in reliance on this communication is strictly prohibited. If you have received this email in error, please immediately notify me by email at theo@us4gm.com and destroy the original message and any attachments. Thank you.

From: June McHuen <June.McHuen@cob.cccounty.us>

Date: Wednesday, March 10, 2021 at 9:10 AM

To: laura@edenenterprises.com < laura@edenenterprises.com >,

Tortiz@zuberlawler.com <Tortiz@zuberlawler.com>, anthony@us4gm.com

<anthony@us4gm.com>, Theo@us4gm.com <Theo@us4gm.com>, gen@us4gm.com

<qen@us4gm.com>

Cc: Jami Morritt < Jami.Morritt@cob.cccounty.us> **Subject:** Commentary on the hemp grow moratorium

Good morning. It has come to my attention that due to a glitch in the call-in system during the meeting, some who wished to speak were not able to. I invite you to send written commentary to Clerk of the Board at clerkoftheboard@cob.cccounty.us. I will be holding open the Minutes record until close of business on Friday, March 16, 2021. I look forward to adding your commentary into the record.

June McHuen
Boardroom Secretary
Clerk of the Board
1025 Escobar Street
Martinez CA 94553
(925) 655-2003
June.McHuen@cob.cccounty.us

From: Tomas A. Ortiz <tortiz@zuberlawler.com>

Sent: Tuesday, March 16, 2021 4:24 PM

To: Clerk of the Board

Cc: Jami Morritt; June McHuen; laura@edenenterprises.com; anthony@us4gm.com; Theo@us4gm.com;

gen@us4gm.com; John_Gioia; Supervisor Candace Andersen; SupervisorMitchoff; Supervisor_Burgis

Subject: HEMP GROWING MORATORIUM (COMMENT SUBMISSION FOR RECORD OF MARCH 9, 2021

SUPERVISORS BOARD MEETING

The following comment is submitted pursuant to the request by June McHuen and submitted for the record of the March 9, 2021 Supervisors Board Meeting:

Contra Costa County Board of Supervisors:

At the last supervisor's meeting in December, it was discussed, and it appeared the Board understood, the importance of protecting existing registered growers and existing business. Yet, here we are, four months later and we have an interim ordinance that does nothing to protect existing registered owners and guarantees the shut down of existing, legal business and the loss of thousands of jobs and millions of dollars.

Put simply, Ordinance No. 2021-10, and specifically Section 4, is unworkable for existing registered growers.

It will be impossible for any existing grower to comply with the section's criteria. First, there are no existing registered farmers located more than one mile outside the Urban Limit Line. The Urban Limit Line is a patchwork of sections that spread through the county. Some of that includes residential, a lot of it does not. Second, I am unaware of any existing farmer who has greenhouses. Most, if not all, use hoop houses, as do most farmers, whether they are growing hemp or not. What is worse is that the moratorium freezes all building permits, which eliminates any opportunity an existing grower may have to pivot in hopes of complying with Section 4(b), unless of course they do so in violation of any existing planning codes. Indeed, add to that the costs of forcing the construction of greenhouses and impracticability of using greenhouses without artificial light, and it is obvious this section was drafted to fail. It was drafted for the purpose of eliminating existing farms and business. Is this what the Board intends to do? To punish existing LEGAL businesses without reason and without due process?

There is no explanation given by the County as to why these criteria are necessary to the moratorium or the process of preparing the County's regulations, nor does the County explain why they are necessarily applied to existing registered growers? How does this criteria serve a legitimate purpose?

Supervisor Burgis referenced a purported increase in illegal activity and crime. How does that relate to the VERY LEGAL industrial hemp industry? Are other industries and other forms of LEGAL agriculture being targeted the same way? How does that relate to the FIVE current LEGALLY registered hemp growers in the County?

We are constantly being told by County officials and their staff about "bad acts" and "bad actors," but we are never given specifics. Who are these bad actors? And, how does this ordinance and its "criteria" serve in any way to weed out or dissuade these bad actors?

How does the use of greenhouses versus hoop houses impact "bad acts" or "bad actors"? If there are bad actors then why is that not being addressed on an individual basis, rather than a broad sweeping ordinance that punishes and kills the industry – there are only FIVE registered growers, this could not be a difficult task. Unless of course, this purported concern is just a pretext to kill the industry.

We understand the importance of developing reasonable regulations. None of the existing growers are against regulations. In fact, most, if not all, have reached out to the County and this Board itself, time after time, asking (if not begging) to become involved in the process. The County does not respond. The County's officials and staff do not respond. This Board does not respond. The County's Counsel does not respond. The County has shut its doors to this industry and it is incredibly frustrating. These are legitimate businesses - legitimate working people. These are the folks you are supposed to be working for, not against.

The ordinance is a ban on LEGAL industrial hemp. A ban on a legitimate, legal business.

Whether by design or mistake it will effectively kill an industry that is generating business and money for the County in a time when this county cannot afford it. It is stepping all over the Right to Farm without legitimate purpose and without due process.

Supervisor Mitchoff expressed concern for the existing growers. I hope that was genuine. Supervisor Mitchoff also expressed frustration with the County's delay in getting these regulations drafted. Again, I hope that was genuine. It is unacceptable that we are four months into a moratorium and weeks away from businesses failing and we still have no idea where the County is on drafting its regs.

There is a simple solution – allow existing registered growers to continue to grow under the terms of their registrations until the moratorium is lifted and the County drafts its hemp regulations. This puts the burden of the County's delay on the County (where it should be) NOT on existing businesses.

Lastly, please listen to the stakeholders. Please listen to the existing registered growers. Allow them into the process. Do not shut the door on this industry.

TOMAS A. ORTIZ

Counsel Zuber Lawler LLP | 350 S. Grand Avenue, 32nd Floor, Los Angeles, CA 90071, USA +1 (213) 596-5620 | tortiz@zuberlawler.com | www.zuberlawler.com

ZUBER LAWLER

From: June McHuen < June. McHuen@cob.cccounty.us>

Sent: Wednesday, March 10, 2021 9:10 AM

To: laura@edenenterprises.com; Tomas A. Ortiz; anthony@us4gm.com; Theo@us4gm.com; gen@us4gm.com

Cc: Jami Morritt

Subject: Commentary on the hemp grow moratorium

Good morning. It has come to my attention that due to a glitch in the call-in system during the meeting, some who wished to speak were not able to. I invite you to send written commentary to Clerk of the Board at clerkoftheboard@cob.cccounty.us. I will be holding open the Minutes record until close of business on Friday, March 16, 2021. I look forward to adding your commentary into the record.

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From:

Clerk of the Board

Sent:

Friday, March 26, 2021 10:32 AM

To:

June McHuen

Subject:

FW: Industrial Hemp Moratorium

Stacey M. Boyd
Deputy Clerk
Clerk of the Board
1025 Escobar St., 1st Floor
Martinez, CA 94553
(925)655-2002 (Desk)
(925)655-2000 (Office)

From: Tomas A. Ortiz <tortiz@zuberlawler.com>

Sent: Friday, March 26, 2021 9:42 AM

To: Clerk of the Board <ClerkOfTheBoard@cob.cccounty.us>; John_Gioia <John_Gioia@bos.cccounty.us>; Supervisor Candace Andersen <SupervisorAndersen@bos.cccounty.us>; Supervisor_Burgis <Supervisor_Burgis@bos.cccounty.us>; SupervisorMitchoff <SupervisorMitchoff@bos.cccounty.us>; District5 <District5@bos.cccounty.us> Cc: gen@us4gm.com; theo@us4gm.com; anthony@us4gm.com; Janet E. Jackim <jjackim@zuberlawler.com>; Tina M. Dancer <tdancer@zuberlawler.com>; Gabriela Sáenz-Seitz <GSaenz@zuberlawler.com>; Sharon L. Anderson <Sharon.Anderson@cc.cccounty.us>; smukherjee@bayareanewsgroup.com

Contra Costa County Board of Supervisors:

Subject: Re: Industrial Hemp Moratorium

Good afternoon.

It has been more than two weeks and still no response.

We are requesting that the Board set a meeting with the FOUR existing and operating registered hemp growers to discuss the impact of this moratorium.

This ordinance as drafted is unworkable for existing growers. The criterial set up under Section 4 of the Ordinance are unachievable, impractical, and serve zero legitimate purpose. It is effectively a ban on industrial hemp. Existing growers will be forced to shut down. Jobs and money will be lost.

The Board's refusal to respond to the concerns of existing growers is confounding and made more so after the Board's decision on Diablo Valley Farms.

https://www.siliconvalley.com/2021/03/23/controversial-marijuana-grow-in-contra-costa-county-gets-ok/

It simply makes no sense. What is it about industrial hemp that has made it the target of the Board?

Will the Board make the right decision, and frankly the easiest decision, and allow existing registered growers to continue to grow under the terms of their registrations until the moratorium is lifted and the County drafts its hemp regulations? This puts the burden of the County's delay on the County (where it should be) NOT on existing legitimate businesses.

Will the Board at very least meet with these growers (there are only FOUR) and hear these growers out?

Do not shut the door on this industry.

Thank you.

Tomas

TOMAS A. ORTIZ | Counsel Zuber Lawler LLP | 350 S. Grand Avenue, 32nd Floor, Los Angeles, CA 90071, USA +1 (213) 596-5620 | tortiz@zuberlawler.com | www.zuberlawler.com

ZUBER LAWLER

From: Tomas A. Ortiz

Sent: Thursday, March 18, 2021 12:16 PM

To: clerkoftheboard@cob.cccounty.us; John Gioia@bos.cccounty.us; supervisor burgis@bos.cccounty.us; supervisor burgis@bos.cccounty.us; supervisor burgis@bos.cccounty.us; supervisor burgis@bos.cccounty.us; supervisor supervisor burgis@bos.cccounty.us; supervisor burgis@bos.cccounty.us; supervisor burgis@bos.cccounty.us; <a

Cc: gen@us4gm.com; theo@us4gm.com; anthony@us4gm.com; Janet E. Jackim; Tina M. Dancer; Gabriela Sáenz-Seitz

Subject: Re: Industrial Hemp Moratorium

Contra Costa County Board of Supervisors:

Good afternoon.
It has been more than a week.
As stated below, there are FIVE registered hemp growers in Contra Costa County. Of those five, there are FOUR active growers. My client, US4GM, is one of those four active growers. My understanding is that the registration of three of those four, including my client, lapse in the next three months. My client's registration lapses on April 30, 2021, which is less than 2 months from today. My client is left with little time and zero options.
This ordinance as drafted is unworkable for existing growers. The criteria set up under Section 4 of the Ordinance are unachievable, impractical, and serve zero legitimate purpose. It is effectively a ban on industrial hemp. Existing growers will be forced to shut down. Jobs and a lot of money will be lost.
Supervisor Mitchoff expressed concern for the existing growers. I hope that was genuine. Will the Board resolve this issue? Will the Board make the right decision, and frankly the easiest decision, and allow existing registered growers to continue to grow under the terms of their registrations until the moratorium is lifted and the County drafts its hemp regulations?
We certainly do not want to resort to court intervention, but this may be the only option my client and other growers have, if the Board continues to ignore this situation.
Do not shut the door on this industry.
Regards,
Tomas

TOMAS A. ORTIZ | Counsel

Zuber Lawler LLP | 350 S. Grand Avenue, 32nd Floor, Los Angeles, CA 90071, USA +1 (213) 596-5620 | tortiz@zuberlawler.com | www.zuberlawler.com

ZUBER LAWLER

From: Tomas A. Ortiz

Sent: Tuesday, March 9, 2021 4:15 PM

To: clerkoftheboard@cob.cccounty.us; john Gioia@bos.cccounty.us; supervisorandersen@bos.cccounty.us; <a href="mailto:supervisorande

Cc: gen@us4gm.com; theo@us4gm.com; anthony@us4gm.com; Janet E. Jackim

Subject: Industrial Hemp Moratorium

Dear Contra Costa County Board of Supervisors:

At this morning's Board Meeting, Supervisor Mitchoff questioned the number of existing registered hemp growers and asked how many registrations would lapse in the next few months. It is alarming that neither the Board nor its staff have that information available.

There are FIVE registered hemp growers in Contra Costa County. Of those five, there are FOUR active growers. My client, US4GM, is one of those four active growers. My understanding is that the registration of three of those four, including my client, lapse in the next three months. My client's registration lapses on April 30, 2021, which is less than 2 months from today. This ordinance obviously puts my client in a difficult position with little time and zero options.

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of greenhouses and impracticability of using greenhouses without artificial light, and it is obvious this section was drafted to fail.

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Let me point out that all of this could have been discussed at today's meeting had your staff not cut off public comments.

Supervisor Mitchoff expressed concern for the existing growers. I hope that was genuine. Supervisor Mitchoff also expressed frustration with the County's delay in getting these regulations drafted. Again, I hope that was genuine. It is unacceptable that we are four months into a moratorium and weeks away from businesses failing and we still have no idea where the County is on drafting its regs.

There is a simple solution – allow existing registered growers to continue to grow under the terms of their registrations until the moratorium is lifted and the County drafts its hemp regulations. This puts the burden of the County's delay on the County (where it should be) NOT on existing businesses.

Please listen to the stakeholders.

Today's board meeting was a sham. Cutting off public discourse was unacceptable. In light of today's events, I invite the board to set up a Zoom call with all five registered growers and their representatives to discuss what can be done.

Do not shut the door on this industry.

Regards,

Tomas

TOMAS A. ORTIZ | Counsel Zuber Lawler LLP | 350 S. Grand Avenue, 32nd Floor, Los Angeles, CA 90071, USA +1 (213) 596-5620 | tortiz@zuberlawler.com | www.zuberlawler.com

