

Notice of Intent to File

Notice is hereby given by the persons whose names appear below of their intention to circulate a petition within Mendocino County for the purpose of qualifying an Initiative for the November 3 2015 ballot to be voted on by the voters of Mendocino County.

This Initiative is being proposed to establish and empower the Mendocino Cannabis Commission to oversee and promulgate cannabis policy, principles, standards, regional heritage appellations, regulations and enforcement mechanisms within the realm of agriculture as an industry and way of life; and to protect the rights of family gardens by exempting them from tax and regulatory requirements; and to generally protect the rights of small farmers, qualified patients and caregivers and the ecosystem in Mendocino County.

We request that you prepare a ballot Title and Summary of the attached measure.

Respectfully,

Tim Blake

Proponents:

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Initiative
Mendocino Cannabis Commission 2015

SECTION 1 TITLE

This measure shall be known and may be cited as "The Mendocino Cannabis Commission Act of 2015".

SECTION 2 FINDINGS AND DECLARATIONS

1. The Board of Supervisors adopted the Mendocino County Precautionary Policy #43 in June 2006 which states, "Every resident, present and future, of Mendocino County has an equal right to a healthy and safe environment...The duty to enhance, protect and preserve Mendocino County's environment, community health and quality of life rests on the shoulders of local government, residents, citizen groups and businesses alike";
2. The denial of Community Rights to county residents violates the California Constitution, which declares in Article 1, Section 1 that "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty; acquiring, possessing and protecting property; and pursuing and obtaining safety, happiness and privacy";
3. A majority of Mendocino County voters passed Measure S in the Fall of 2014, affirming that community rights are a valid and legitimate basis for policy, regulation and law.
4. A significant part of Mendocino County culture and economy is founded upon cannabis cultivation on small family farms;
5. Mendocino County culture and economy will thrive if we protect the heritage of decades of specialized agricultural cultivation, including world-class seed stock and tissue cultures, as well as the wisdom of cultivation by small farmers from their experiences working with the plant and ecosystem in a regenerative and sustainable way;
6. Sensible cannabis regulation for Mendocino County must include the local voices of those who will be affected by regulations, including but not limited to small cannabis farmers, health care providers, medicine distributors and cannabis patients, consistent with the legal

protection afforded by Proposition 215 and SB 420 identifying the medical qualities of cannabis and the right of individuals to have access to this medicine;

7. We the people have responsibilities to future generations to secure their right to local self-government, to protect the natural environment of the county, to preserve the local ecosystem's ability to sustain agriculture, business and tourism, as well as promote human health:

Therefore the Mendocino Cannabis Commission 2015 is hereby established and empowered to oversee and promulgate cannabis policy, standards, principles, regional heritage appellations, regulations and enforcement mechanisms within the realm of agriculture as an industry and way of life; and to protect the rights of family gardens by exempting them from tax and regulatory requirements; and to generally protect the rights of small farmers, qualified patients and caregivers and the ecosystem in Mendocino County.

SECTION 3 DEFINITIONS

1. **“Agriculture”** is the cultivation of animals, plants, fungi, and other life forms for food, fiber, biofuel, medicinals and other products used to sustain and enhance human life.
2. **“Appellations”** is a legally defined and protected geographical indication used to identify where certain specialty cannabis strains are grown.
3. **“Cooperatives” and “Collectives”** are recognized by the state Attorney General Guidelines as having “a qualified right to collective and cooperative cultivation of medical marijuana.” (§§ 11362.7, 11362.77, 11362.775.) Cooperatives are further defined as “democratically controlled and ... not organized to make a profit for themselves, as such, or for their members, as such, but primarily for their members as patrons.” (*Attorney General’s Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, August 2008, Id.* at § 12201.) A cooperative must file articles of incorporation with the state and conduct its business for the mutual benefit of its members. (Corp. Code, § 12201, 12300.) No business may call itself a “cooperative” (or “coop”) unless it is properly organized and registered as such a corporation under the Corporations or Food and Agricultural Code. (*AG Guidelines op cit., Id.* at § 12311(b).)
4. **“Family Garden”** is planted for the purpose of home use, not for sale, and is therefore exempt from taxation and licensure. Family garden products include but are not limited to seeds, tinctures, topicals, tonics, salves, oils, leaf juices, buds, concentrates and other products derived from cannabis or hemp. Family Gardens are protected by, but not subject to, the regulations in this initiative. A definition of what constitutes a “family garden” will be further delineated by the Cannabis Commission.
5. **“Patient Associations”** consist of qualified cannabis patients and their caregivers and providers, associating collectively or cooperatively to enhance access to needed medicine and

defined under the closed loop AG Guidelines of 2008 (*op cit.*) They are federally protected under the First Amendment right to associate and protected in the state under SB 420.

6. **“Plant tissue culture”** is a collection of techniques used to maintain or grow plant tissues, cells, or organs under sterile conditions on a nutrient culture medium of known composition.
7. **“Small farmers/small cooperative growers”** shall be defined as those cultivators with up to a canopy size of 100 ft x 100 ft for outdoor cultivation and 20 ft x 20 ft for indoor cultivation;
8. realizing a net income of under \$250,000 annually; and employing fewer than five people, not including family members.
9. **“Sustainable agriculture”** is the act of farming using principles of ecology, the study of relationships between organisms and their environment. It has been defined as "an integrated system of plant and animal production practices having a site-specific application that will last over the long term."

SECTION 4 STATEMENTS OF LAW

1. People's Right to Self-Government – This initiative recognizes the right of a community to protect its health and well-being, including its natural resources, its local economic sectors, and all members of the population. This right may be exercised in every appropriate method including through court action, newly established policy committees, existing local government structures, and other appropriate means.

2. Right to Water for Agriculture and Life Itself -- All Mendocino County residents possess the fundamental and inalienable right to unpolluted natural water for the beneficial uses of producing healthy food and medicine, sustaining people, livestock and the natural environment.

3. Rights of the Environment, Natural Communities and Ecosystems are fundamental, including but not limited to wetlands, streams, rivers, aquifers and other water systems, which possess fundamental and inalienable rights to exist and flourish within Mendocino County. These rights imply human stewardship of the environment as reflected in policy and law and the responsible regulation of government to further those rights.

4. Rights of the Community to Guide Policy -- The local community has the right to guide and decide local cannabis policy with intent to preserve the cannabis culture, economy and small scale agricultural way of life.

SECTION 5 ENFORCEMENT - Mendocino Cannabis Commission

1. In order to ensure the enforcement of the values and beliefs enumerated above and in order to secure the rights of the people of Mendocino County to regulate the cultivation, distribution and transportation of cannabis throughout Mendocino County, this initiative shall hereby establish and empower the Mendocino Cannabis Commission to oversee the ongoing cannabis regulatory process.

2. Regulations shall be recommended to the Board of Supervisors by the Mendocino Cannabis Commission. Both the Mendocino Cannabis Commission and the BOS are required to uphold the values, beliefs and rights enumerated above and passed by the people of Mendocino County at the 2015 ballot. Voter mandate in passing this initiative requires that the BOS pass policies and laws that further the purpose of this initiative.
3. The Mendocino Cannabis Commission will create a system of comprehensive standards for control of the impacts of cultivation, distribution, transportation and sales under anticipated state-mandated regulations.
4. Any attempts to use other units or levels of government to amend, alter, overturn or preempt this Initiative, or parts of this Initiative, shall require the Mendocino County Board of Supervisors to hold public meetings that explore the adoption of other measures, including ones that expand local control and the ability of residents to protect their fundamental right to self-government.

SECTION 6 COMPOSITION

1. The Mendocino Cannabis Commission shall be comprised of a 13 member board. Members of the Commission shall be appointed by the Board of Supervisors and must be drawn from a list of nominees submitted by stakeholder organizations in the community including, but not limited to, the Mendocino Cannabis Policy Council, the Emerald Growers Association, and the Small Farmers Association. Each nominee shall have at least four letters of recommendation.
2. The Commission member's term of service shall be two years, after which their term may be continued by resolution of the Board of Supervisors or they may be replaced through the nomination process outlined above.
3. A majority of the members shall be drawn from the community of small farmers, who produce the crop, as well as providers who distribute cannabis to their members under state law guidelines. For balance, the Mendocino Cannabis Commission shall include representation from individuals that exclusively represent non-profit organizations, local businesses, the scientific community, the health professions, the patient community, social services, or any other sector of the community with interest in the issue.

SECTION 7 SEVERABILITY

The provisions of this Initiative are severable. If any court decides that any section, clause, sentence, part or provision of this Initiative is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of the Initiative.

SECTION 8 REPEALER

All inconsistent provision of prior Initiatives, laws and rules adopted by Mendocino County are hereby repealed, but only to the extent necessary to remedy the inconsistency.

SECTION 9 EFFECTIVE DATE

This Initiative shall be effective immediately on the date of its enactment, at which point the Initiative shall apply to any and all actions that would violate the Initiative.

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