

de la Guerra, Sheila

From: Renee ONeill <chasingstar2701@yahoo.com>
Sent: Monday, April 15, 2019 8:28 AM
To: sbcob
Cc: Villalobos, David
Subject: Public Comment re Budget
Attachments: Public Comment to BOS, 4-15-19 to 4-19-19, re Budget Workshops.docx; FY 2018-2019 RE 3.5 million, in OTHER, Cannabis Tax distribution.pdf; Public Comment to BOS, 4.2.19.docx

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Good Morning,

Attached, please find documents that I would like to include for my BOS Public Comment re Budget Workshops. I am also copying this to the PC.

I attached 3 documents: Today's Budget Workshop comment; my Public Comment re BOS 4.2.19 meeting and the FY2018-2019 PDF.

As this is the first time I have been involved in this process, I hope to learn more about it.

Warmest Regards,

Renée O'Neill

To: Santa Barbara County Board of Supervisors
Cc: SBC Planning Commissioners
From: Renée O'Neill
Re: Budget Workshops, April 15-17-19, 2019

Dear Supervisors,

This letter serves as my Formal, Public Comment to BOS and Staff, re Budget Workshops.

The following Public Comments and Recommendations apply to ALL Budget Workshops that address cannabis-related budget (tax revenue/funding and other funding; hiring additional Staff for P&D; hiring additional Enforcement; and staffing/funding any other departments that oversee all aspects of cannabis regulations.

The escalating cannabis crisis and upsurge of outraged citizens has made it emphatically clear that the Board must now, *try* to assuage enraged, countywide communities that are on the verge (or in process) of litigation. You must remedy misrepresentations, mistakes and/or unfortunate decisions and use your authority to hire additional Staff for Planning & Development, Enforcement, etc., today, (Not 2019-20 Fiscal Year)! This may be the most effective way to, not only avoid the increase in litigations and delays in cannabis process but reduce significant, environmental impacts and devastating losses to county coffers.

This controversial issue and escalating crisis will have to be resolved, one way or another:

- 1- Prohibit Cannabis Industry in Santa Barbara County (you may have to kick it to the curb; *not likely*)
- 2- Prohibit Cannabis in unincorporated, rural and other vulnerable regions (*EIR recommended it, from out-set*)
- 3- Fulfill your promise to use all/most tax revenue; hire essential and numerous Staff/Enforcement to regulate
- 4- Litigation- avoid escalations in lawsuits, which are result of misrepresentations and lack of many protections
- 5- Remove the "86% illegal/non-compliant growers," by whatever means necessary

You must, immediately, unite the hands of P&D Staff and Enforcement by supporting (not undermining) their efforts. You must remove illegal/non-compliant, abusive growers by hiring a multitude of P&D Staff and Enforcement to address the critical problems we are facing now, because of 'cart-before-the-horse,' mistakes.

As you are well-aware, Tepusquet Community advised against your decisions to:

- Disregard Staff's wise recommendations, in 2017 EIR (we brought EIR to your attention, in first place)
- Zone/Push this industry into 'The Hinterlands,' where it would be unregulated/unenforced/untaxed
- Endorse General (instead of 'Specific' Cannabis Tax) in 2018 Cannabis Tax Proposition
- We also warned this Board about 'opening yourselves up to potential litigation,' many years ago (lawsuits regarding residents' well failures; fire-hazards (La Brea Fire caused by reckless growers); reduction in property values; depletion/contamination of our water-supply, increased accidents on Tepusquet Rd., etc., etcetera).

Since 2014, Tepusquet Community's phone calls/meetings/letters/pleas, fell on deaf, Revenue-Obsessed ears. Since 2016, County Residents' that were also being affected, raised concerns and added their voices to ours. Since 2017, Countywide Residents developed Cannabis Crisis Committees and united our efforts to be heard. Since 2018, Countywide Groups unified, joined forces and formed Greater Countywide Teams. In 2019, County Teams united under a proactive umbrella, "Santa Barbara Coalition for Responsible Cannabis."

Now, as we predicted, you have Countywide Attorneys, ready to litigate and demand that you mitigate negative, significant impacts you caused by failing to fulfill your responsibilities to 'Protect Public, Health, Safety and Welfare' and Protect the Environment. You have allowed destructions to continue, unimpeded.

How will 'anticipated revenue' allay the outrage, litigation and expenses, if this fiasco continues, unabated?

Budget Processes, Policies, & Fund Structure F-7

<https://www.countyofsb.org/ceo/asset.c/2478>

"Budget Accountability California Government Code Section 29121 provides that department directors may be held personally liable for their departmental over-expenditure. The Board of Supervisors reserves the right to apply this law in instances of a department head's failure to adhere to the procedures outlined in this policy."

We are not questioning Ms. Miyasato's or other 'department head's' integrity or ethics.

What is the Government Code Section that holds the BOS Accountable for any, 'misappropriation' of funds?

Board Budget:

Workshop Expansions Request Summary – page 9:

How can you justify allocating \$9,018,000 to various, "One-Time-Funds," when there's an overwhelming Cannabis Crisis?

We presume the "18% Maintenance Fund," for the multi-million-dollar North County Jail, will come in rather handy *if/when* you fund teams to process/enforce illicit cannabis industry operators that continue to blight our communities.

Fund Balances pg. 13 – Re: General County Programs Fund Balance Components Detail

| 6/30/2019 | 2019-20 | 2019-20 | 6/30/2020 |
|-----------------------|-----------------------|-----------------------|-------------------|
| Estimated Balance | Rec. Increases | Rec. Decreases | Projected Balance |
| Behavioral Wellness | 2,923,800\$ | 2,000,000\$ (100,000) | \$ 4,823,800\$ |
| Props 215/64 Cannabis | 323,500\$ 5,615,000\$ | (3,756,300) | \$ 2,182,200 |

Re statement: "Cannabis tax revenue is expected to meet budgeted levels, and is assumed to reach \$5.6 million next year, which allows full support for enforcement operations." **remove language "as well as one-time funding for certain Board-identified items."** **You have not provided, "full support," for enforcement operations, let alone Planning and Development, which has ONE person to oversee ALL State temp/provisional, etc., permits.**

You must keep your promise to use all/most of cannabis tax to fund Staff/Enforcement. Thus far, you have not kept this promise. See attached FY2018-2019 Cannabis Tax Distribution document. Most Cannabis Revenue \$\$ went to "Other, one-time funding." We support these various causes but we demand you keep your promise.

If you have any extra money in the 'County Coffers' how about keeping another promise that this county made to us a decade ago: **Repave SM Mesa and Foxen Cyn Roads!** How many of you have driven these roads? I'm going to start charging this county to replace tires that cannot possibly meet "manufacturers' warranties."

Recommendations and Detailed Reasons to use Cannabis Tax Revenue to Fund P&D Staff and Enforcement:

Planning and Development must be abundantly staffed with numerous, highly experienced personnel to:

1. Review hundreds of Affidavits on both state and county applications (*you still have **only one person doing this inhumanly possible job***); verify legitimacy and truthfulness of applicants' information submitted to state and/or county. This verification should include but not be limited to:
 - Claims* of Pre-existing, State Medical Licensing (and/or Growers that *claim* Legal non-conforming) Weed out growers who will not qualify for licenses, based on criminal backgrounds; legal-citizenship; non-compliance; violations and disregard and/or refusal to comply with county/state/federal ordinances.
 - Verify Expansion after 2016 Moratorium*; truthfulness of applicants' *claims* re 'legal non-conforming'; project descriptions (especially applicants' answers re grading, removal of oak trees, water, prehistoric, archeological, etc., etcetera); applicants' answers regarding grow-site's/sites') proximity to 'public streets'; growers' claims to 'entitled easements across neighboring properties'; claims re 'rights to share,' well and community water supplies, etc., etcetera.
2. Scrutinize EIR, CEQA, CDFW, etc., documents, re Significant Impacts/Hazards/Destructions of habitats, unpermitted removal of oaks/grading/hoop structures; unproven wells; depletion/contamination of

community water resources; installation of wells in/near creeks; unpermitted fuel storage, use of generators, diesel fuel, propane, chemicals, etc.; mechanical and electrical devices used in hoops, environmental pollution, light pollution, air pollution, noise pollution, toxic chemicals, etc.; destruction of sensitive habitats, protected species, archeological sites; lack of county enforcement on protections re pre-existing county and CDFW ordinances, of the above listed items.

3. Excessive/Abusive Traffic on Tepusquet Road, countywide, public or private driveways/access roads)
4. Increase Law Enforcement for cannabis-related activity re threats/abuse/bullying by growers; human-trafficking; cannabis operations and operators of vehicles without proper permits/licenses; product transportation across county/state/federal boundaries; investigate issues reported by countywide communities re 'armed guards,' suspicions of invasive, aggressive drug cartels). (Need I add more?)!

Page 108 of the 2017 EIR Scoping meeting; comments forwarded to Jessica Metzger... hits the nail on the head:

"From: Catalina [<mailto:catalina@peacechairproject.org>]

Sent: Sunday, August 06, 2017 6:07 AM

To: 'cannabisinfo@countyofsb.org'

Subject: **Cannabis in SB County - are you out of your mind?**

Acapulco, a historical and beautiful vacation destination, on the Sea of Cortez, is located in the coastal state of Guerrero, now considered the **most violent in Mexico due to cannabis and poppy farming proliferation and the drug cartels that feed the cannabis and heroin appetites of Americans. California and Santa Barbara County now flirt with the same distinction.**"

Re: EIR 2017- CDFW, Pages 84-99 - 15 pages! Re many critical issues re sensitive receptors, critical habitats and protected species, recommend/require DEIR in many circumstances re cannabis in SBC. MOST IMPORTANTLY, Growers were not allowed to break ground, remove trees or do any grading, until these habitats were inspected and reviewed by licensed biologists. (FYI, AHC Biology and/or Ornithology instructors have brought their students to our ranch, over the years. They have identified many of the CDFW plant/bird species on our ranch/region. We have at least seven varieties of owls, including the Burrowing Owl, which requires, 'focused surveys should be conducted by both CA Burrowing Owl Consortium (CBOC, 1993) and CDFW (CDFG, 2012), well in advance of any ground disturbance or other project activities.' I've been an avid bird watcher since I was 22 years old. I can identify many bird calls, without actually 'seeing' the birds that are very familiar to me).

Have you read *any* of the CDFW recommendations/requirements re removal of mature trees, forage/nesting range within 10-miles of Swainson's Hawk, protected species like Mountain Lions, bats, numerous plant species that recommend/require Botanists following Protocol? (My husband, who continues to teach chemistry, after 48 years, also taught native plants, among many other subjects). Most of the identified SB species require DEIR *before project begins!* Not only you but the growers that destroyed these habitats will be held accountable. CDFW (found on pg. 88 in 2017 EIR), re Swainson's Hawk, is considered significant impact. 'Any destroyed lands must be replaced with Native plant species and protected "in perpetuity!" How could you be unaware of and disrespect/disregard these protections? You made decisions on regulations!

Attached, please submit and include additional documents, into "Public Comment" for Budget Workshops.

1. BOS FY2018-2019 Quarterly Report (verifies that majority of Cannabis Tax was *not* used to Fund P&D Staff/Enforcement, as promised.
2. Public Comment, submitted to BOS for Quarterly Report Hearing dated 4-2-2019
3. This Letter

Respectfully and Exhaustively Submitted,
Renée O'Neill

FY 2018-19 FINAL Attachment E - Adjustments to FY 2018-19 Recommended Budget

| Dept | Description | Amount |
|------|--|-------------------|
| | Ongoing Funding Sources: | |
| | Unallocated Discretionary General Fund | \$376,200 |
| | Total Available Ongoing Sources | \$376,200 |
| | Remaining Ongoing Funding | \$0 |
| | Potential FY 2018-19 Uses: | |
| CSD | ESI Team Project Leader | \$75,000 |
| CSD | Libraries (small) | \$113,800 |
| DA | Subpoena Server | \$67,000 |
| Prob | Probation DPO for Sex Offender | \$120,400 |
| | Subtotal Ongoing Uses | \$ 376,200 |

| | | |
|-----------|---|---------------------|
| | One-Time Funding Sources: | |
| | Cannabis Tax Revenue | \$3,750,000 |
| | Emerging Issues Fund Balance | \$10,000 |
| | Total Available One-Time Sources | \$3,760,000 |
| | Remaining One-Time Funding | \$0 |
| | Potential FY 2018-19 Uses: | |
| PW/GS/CSD | Deferred Maintenance | \$1,100,000 |
| 990 | Strategic Reserve | \$1,500,000 |
| CSD | Libraries | \$86,200 |
| CSD | Homeless Tracking | \$10,000 |
| P&D | Union Valley Parkway Extension | \$155,800 |
| P&D | Utility Grade Solar Ordinance | \$180,000 |
| P&D | Short-term Rentals Coastal Zone Amend. | \$70,000 |
| CSD | Clean Energy Roadmap | \$150,000 |
| 990 | Props 215/64 Cannabis Committed Acct | \$508,000 |
| | Subtotal One-Time Uses | \$ 3,760,000 |

To: SBC Supervisors,

April 2, 2019

Tepusquet Community strongly supports the Santa Barbara Coalition for Responsible Cannabis (CRC). We are grateful to them and their legal counsel, who have scrutinized county ordinances, exposing many, 'misrepresentations' and the Board's failure to take adequate measures of protections. You have also failed to hire essential numbers of Staff and Enforcement. After receiving numerous complaints, *you hired one*, new FTE.

BOS Letter 4.2.19 - Quarterly Report re Cannabis Staffing/Enforcement and State Licensing:

"The Board approved Final FY2018-19 Annual Budget included 10.5 Full Time Equivalents (FTEs). In *December, 2018* the Board approved the addition of **one District Attorney Investigator** position that was previously vacant and unfunded. This position was filled as of January, 2019. The Enforcement Team is now fully staffed with a total of **11.5 FTEs** dedicated to cannabis enforcement against unlicensed cannabis operations."

"In this reporting period, Planning and Development opened **32 new enforcement cases**, of which **29 are still in progress.**"

State Licensing

"During the first quarter, there were 102 operators holding 832 active State licenses on approximately 196 acres countywide. As of January 31, 2019, the number of operators decreased to **98 operators holding 2,197 active State licenses** that would equate to approximately 513 acres countywide." (Talk about kicking the 'small growers' to the curb).

How can our County expect Staff/Enforcement to supervise/enforce on the excessive explosion of unabated, cannabis industry? That's just it... you don't! County has *purposely failed* to include CAPS/Restrictions and blatantly designed this 'system of failure,' to support cannabis industry! You *purposely* misrepresent and tie the hands of justice, limiting enforcement's potential for greater success. I deem this reprehensible and criminal! You have failed to fulfill the state's (*if not your*) number one priority, 'to protect public health, safety and welfare.' I have brought this matter to your attention, many times over the years, *especially* after you developed your list of 'Ten Priority Objectives,' "1. Develop a robust and economically viable legal cannabis industry to ensure production and availability of high quality cannabis products to help meet local demands, and, as a public benefit, improve the County's tax base;" (The first 7, of your 10 priority objectives, remain in *support of cannabis industry*.)

You broke your promises to us, re 'Majority of Cannabis Tax Revenue would go to Enforcement.' Less than half was used to hire Staff/Enforcement and we *still* have *only one-person trying to process hundreds of Provisional Licenses and/or Affidavits*. Hello! I find it impossible to trust you and anything you 'promise!' Walk-the-walk! It has become blatantly evident that in *this town*, "Money not only talks, it supersedes the law."

Unified, countywide teams support CRC letter, which has identified many issues, detailed in their letter to you. We insist that you follow their recommendations and take immediate action to rectify the mistakes you have made. After five years of pleading with this county to 'do something' (about the escalation of unabated, unregulated, unenforced, illicit cannabis industry growers that *repeatedly* disregard county/state/federal regulations), it's *high time* someone brought this 'dereliction of duty,' to the foreground.

We simply cannot/will not continue to 'be patient' and endure the problems that this county has subjected us to. You have allowed this industry to, "Write the Rules for Cannabis-Driven, Revenue-Oriented Regulations," while they escalate their destructions of our once pristine, rural, peaceful, family-oriented, scenic communities. You have not only thrown the majority of your 'law-abiding, revenue-making, tax-paying constituents' *Under the Proverbial Bus* but fed them to the, "Greedy, Gaping Jowls of Cannabis Industry Carnivores!"

Once again, I want to remind the compliant, small-farm growers that my level of angst is not directed at you.

Renée O'Neill

Tepusquet Advocate with Fortitude and 'Attitude'