

Attachment A

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September 22, 2020

Honorable Michael J. Carrozzo
Presiding Judge
Santa Barbara Superior Court
County Courthouse
1100 Anacapa Street
Santa Barbara CA 93101

Reference: Response to Santa Barbara Civil Grand Jury report titled, "Cannabis" published June 30, 2020.

Judge Carrozzo:

Please find attached the Santa Barbara County Board of Supervisors (Board) response to the above referenced Civil Grand Jury Report. As directed by the Grand Jury, all responses are provided in accordance with Section 933.05 of the California Penal Code.

Sincerely,

Gregg Hart, Chair
Santa Barbara County Board of Supervisors

CC: Santa Barbara County Board of Supervisors
Santa Barbara County Grand Jury

**Santa Barbara County Board of Supervisors (Board)
Response to the Santa Barbara County Grand Jury 2019-2020 Report
“Cannabis”**

Finding 1

The impact of cannabis production on the health and welfare of Santa Barbara County residents was inadequately weighed and considered by the Santa Barbara County Board.

The Board disagrees wholly with Finding 1. Santa Barbara County’s “Cannabis Land Use Ordinance and Licensing Program” (Program) fully complies with both California Planning and Zoning Law (Gov. Code, § 65000 *et seq.*) and the California Environmental Quality Act (CEQA: Pub. Resources Code, § 21000 *et seq.*). Since 2016, the Board has held over 40 public meetings on cannabis and received numerous oral and written public comments. Furthermore, the Programmatic Environmental Impact Report (PEIR) for the Program evaluated the health and welfare impacts that would result from the Program, including, but not limited to, impacts related to air quality (including odors), geology, fire hazards, law enforcement/crime, traffic, noise, and water resources. Pursuant to CEQA, on February 6, 2018, the Board certified the PEIR and adopted a Statement of Overriding Considerations (SOC) that consider the benefits and impacts of the Program including health and welfare.

The Public Health Department was included and participated in the Cannabis Ad Hoc Subcommittee, created a public health outreach campaign related to cannabis, and on July 11, 2017, Dr. Dean, Santa Barbara County Public Health Officer, presented the health effects of cannabis to the Board. As stated in the SOC findings, the Program complements the extensive State licensing regulations for cannabis activities (CCR, Title 17, Division 1, Chapter 13, and Title 3, Division 8, Chapter 1) that are designed to protect the public health and welfare.

Finally, since the initial adoption of the Program, the Board has revisited and revised certain land use and business licensing regulations, after the completion of numerous public hearings at which the Board and other decision-makers received substantial public comment on the Program and its effectiveness. In response, the Board has amended the Program to further address odor control, conflicts that have arisen between cannabis cultivation and other types of agriculture, and public concerns about cannabis activities located within proximity to Existing Developed Rural Neighborhoods (EDRNs).

Recommendation 1a

That the Santa Barbara County Board direct the Santa Barbara County Planning and Development Department Director to prepare Environmental Impact Reports addressing each region of Santa Barbara County after holding public hearings to evaluate public concerns.

This recommendation will not be implemented, as it is not warranted. Santa Barbara County’s “Cannabis Land Use Ordinance and Licensing Program” (Program) fully complies with both California Planning and Zoning Law and CEQA. Pursuant to CEQA, on February 6, 2018, the Board certified the PEIR for the Program, and the Board has relied on the PEIR, in compliance with CEQA Guidelines §§ 15162 and 15168, to make amendments to the Program.

As stated above, the Board certified the PEIR for the Program, after completing numerous public meetings and hearings on this matter (e.g., Montecito Planning Commission, County Planning Commission, and Board hearings). County staff provided public notice of these meetings and hearings, as well as opportunities to comment on the PEIR during its development, pursuant to State and County requirements. In addition, staff: provided notice to over a thousand individuals and interest groups who specifically requested notification of these events, attended or conducted numerous public and private meetings to provide environmental information about the Program and maintained multiple websites that have provided environmental information about the Program.

The PEIR evaluated the entire unincorporated area of the County by: (1) dividing it into five geographical regions;¹ and (2) identifying the regions and/or populations that would experience disproportionately greater impacts from cannabis activities, due to their unique characteristics (e.g., residentially developed areas located adjacent to agricultural zones in which cannabis activities could occur). The regional distribution of cannabis development that has resulted from the Program is consistent with the assumed distribution of cannabis development set forth in the PEIR (i.e., proposed cannabis activities are concentrated in certain areas or agricultural zones like the Carpinteria Agricultural Overlay, where medicinal cannabis cultivation activities existed at the time of preparation of the PEIR).²

Recommendation 1b

That the Santa Barbara County Board direct the Santa Barbara County Planning and Development Department Director to develop Project Objectives for the Environmental Impact Reports that reflect a balance between cannabis, traditional agriculture, and the residents of Santa Barbara County.

This recommendation will not be implemented, as it is not warranted. Santa Barbara County's "Cannabis Land Use Ordinance and Licensing Program" (Program) fully complies with both California Planning and Zoning Law and CEQA. Furthermore, the County Agricultural Commissioner assembled a working group of cannabis cultivators, conventional agriculturalists, pest control advisors, and pest control business representatives. This group created guidelines for agriculturalists to mitigate conflicts that can occur from the application of pesticides to crops located near cannabis cultivation sites. In addition, there is ongoing dialogue between the CEO's Office, Planning and Development Department, and Agricultural Commissioner regarding additional actions that the Board could take to further address this issue.

Finding 2

The creation of a non-Brown Act Ad Hoc Sub Committee that was not open to the public led to a lack of transparency and distrust by Santa Barbara County residents.

The Board disagrees partially with this finding. The Board agrees that on February 14, 2017, in Open Session, it created an Ad Hoc Subcommittee on Cannabis. In accordance with the Brown

¹ See § 2.2.2 of the PEIR for a description of the five geographical regions evaluated in the PEIR.

² See, for example, page 2-19 (Figure 2-2), page 2-22 (including Table 2-1), and page 3-36 of the PEIR, where the PEIR describes the anticipated locations of cannabis development, based on data from a countywide registry of existing and potential new operators of cannabis activities that was prepared for the Program.

Act (Gov. Code § 54950 *et seq.*) and the League of California Cities' Guide to the Ralph M. Brown Act, "Open and Public V" (2016), the Ad Hoc Subcommittee on Cannabis did not fall within the definition of a "legislative body" and, therefore, the Subcommittee's meetings were not required to be public, and were not public. However, the Board disagrees that there was a lack of transparency regarding the Ad Hoc Subcommittee for the following reasons:

1. The Subcommittee was publically created by the Board in accordance with the Brown Act;
2. In 2017, the Subcommittee held three public outreach meetings; and
3. On July 11, 2017, and September 19, 2017, the status of the Subcommittee was reported publically to the entire Board.

Recommendation 2

That the Santa Barbara County Board require all future Ad Hoc Sub Committees be open to the public and subject to the Brown Act.

This recommendation will not be implemented, as it is not necessary. The Board has used Ad Hoc Committees in the past when attempting to resolve issues of great complexity. The Board complies with the Brown Act, specifically Government Code § 54952(b). Pursuant to the League of California Cities' Guide to the Ralph M. Brown Act, "Open and Public V" (2016), an Ad Hoc Subcommittee "comprised of less than a quorum of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act." In addition, to preserve transparency and public participation, Ad Hoc Subcommittees lack the authority to act on behalf of the County, and can only develop recommendations that must be submitted to the full Board for approval.

Finding 3

The Board granted nearly unfettered access to cannabis growers and industry lobbyists that was undisclosed to the public during the creation of the cannabis ordinances.

The Board disagrees partially with this finding. In adopting the Santa Barbara County's "Cannabis Land Use Ordinance and Licensing Program" (Program) the Board fully complied with Board' Resolution Numbers 91-333 and 04-243, in addition to California Planning and Zoning Law and CEQA. The Board provided access to constituents and interested parties, including cannabis industry representatives, neighbors, institutions, interested businesses, media, city representatives, etc. It is not uncommon for applicants and interested parties to meet with Board members to advocate for their interest or otherwise share their concerns and perspectives, prior to a public hearing on the project or program being considered. When acting in a legislative capacity, *ex parte* communications are not required to be disclosed (*Horn v. County of Ventura* (2007) 24 Cal.3d 605, 612.)

Recommendation 3

That the Santa Barbara County Board develop standards that require Santa Barbara County Board members to publicly disclose all access granted to lobbying individuals or groups, especially while a matter involving these individuals or groups is before the Board.

This recommendation will not be implemented, as it is not warranted. The California Supreme Court in *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, held that the Governor's calendar and schedules, including names of every person with whom he met, were not

subject to public disclosure because disclosure would chill the deliberative process. Implementing the proposed recommendation would have a similar chilling effect.

Finding 4

The conflict between cannabis production and traditional agriculture is a major concern for the continued existence of certain segments of traditional agriculture in Santa Barbara County.

The Board disagrees partially with this finding. Based on public comments received during cannabis hearings at the Board, there is significant tension between cannabis production and certain other types of agriculture, most notably the wine industry and avocado growers. However, there is no evidence that proximity to cannabis growers threatens the existence of those segments. As discussed in the response to Recommendation 1b (above), the Santa Barbara County Agricultural Commissioner created an advisory committee to meet and discuss issues related to potential agricultural conflicts, and developed guidelines to avoid conflicts that can result from pesticide applications that occur near cannabis cultivation sites.

Recommendation 4a

That the Santa Barbara County Board amend the Land Use and Development Code and Article II, the Coastal Zoning Ordinance to require all pending cannabis land use permit applications be subject to a Conditional Use Permit review.

This Recommendation will not be implemented, as it is not reasonable. On July 14, 2020, the Board considered recommendations from the County Planning Commission and voted to amend the Land Use and Development Code to:

1. Require Conditional Use Permits for cannabis cultivation activities on Agricultural II (AG-II)-zoned parcels located within the Inland Area of the county, where the cannabis cultivation area would exceed 51% of the lot area;
2. Include new development standards that are designed to reduce potential conflicts with neighboring properties;
3. Ban cannabis cultivation operations within EDRNs in the Inland Area of the unincorporated county;
4. Retain all other current permitting requirements for the Inland Area; and
5. Preserve all existing requirements in the Coastal Zone of the unincorporated area of the county.

Recommendation 4b

That the Santa Barbara County Board amend the County's Uniform Rules for Agricultural Preserves and Farmland Security Zones [collectively, "Uniform Rules"] to declare that cannabis cultivation and related facilities are compatible uses on contracted land instead of as an agricultural use.

This recommendation will not be implemented, as it is not warranted. When determining in which category of uses (e.g., residential, agricultural, commercial, industrial, or open space) to classify cannabis cultivation activities for the purposes of land use and zoning regulations, cannabis cultivation and processing activities are best suited to be classified as "agriculture," as defined in the County's Agricultural Element (page 10), Land Use and Development Code (§ 35.110.020), and Article II Coastal Zoning Ordinance (§ 35-58).

The Board has the discretion to determine whether cannabis cultivation and related facilities count towards the minimum requirements of a Williamson Act contract. If determined not to count towards the minimum requirements of a Williamson Act contract, the Board may specify conditions (if any) under which cannabis cultivation and related facilities may be allowed on contracted lands. During both the development and implementation of the Program, staff confirmed with the California Department of Conservation (DOC) that the DOC defers to the Board when determining which specific types and quantities of uses—agricultural or otherwise—may be allowed on contracted lands within the county. Ultimately, the Board amended the Uniform Rules to specify: (1) that cannabis cultivation is a type of agriculture that may count towards the minimum requirements of a Williamson Act Contract; and (2) the conditions under which certain accessory uses and development associated with cannabis cultivation may be allowed on contracted lands, to ensure that contracted lands remain in agricultural production.

Although the Board amended the Uniform Rules to allow cannabis cultivation activities on contracted lands, the Board also amended the County’s Right to Farm Ordinance (Santa Barbara County Code, Chapter 3, Article V, § 3-23 *et seq.*) to clarify that cannabis cultivation activities are not subject to the protections afforded to agricultural activities under the Right to Farm Ordinance. In doing so, the Board was able to regulate certain aspects of cannabis cultivation activities (e.g., odors) differently and more stringently than other types of agricultural activities. Furthermore, the Board recently amended the Land Use and Development Code to establish additional requirements (e.g., outdoor cultivation areas be setback 50-feet from all property lines) which will address potential conflicts with agricultural uses on contracted lands.

Finding 5

The amount of cannabis production allowed under the current cannabis ordinances is excessive and has led to overconcentration in some portions of Santa Barbara County.

The Board disagrees wholly with this finding. The Board addressed public concerns related to the concentration commercial cannabis activities, by adopting two separate caps on cannabis cultivation (County Code, Chapter 50, § 50-7), and on July 14, 2020, the Board adopted a ban on cannabis activities in EDRNs. California Planning and Zoning Law provides specific procedures for adopting and amending zoning ordinances, which includes changing a property from one zone to another or imposing or removing any regulation on property within a zone. Furthermore, as discussed in the response to Recommendation 1a (above), the analysis set forth in the PEIR: (1) was based on an assumption that development associated with cannabis cultivation would be concentrated in certain areas of the unincorporated county; and (2) set forth feasible mitigation measures to reduce the adverse impacts that would result from concentrations of cannabis activities in these areas.

Recommendation 5a

That the Santa Barbara County Board require all applicants with cannabis use and development permit applications and licenses pending, who claim legal non-conforming status, to prove their claimed status before the Santa Barbara County Planning Commission.

This recommendation will not be implemented, as it is not warranted. The Grand Jury’s concern will be resolved through the termination of legal nonconforming status for medical cannabis cultivation activities, pursuant to the criteria and procedures that the Board adopted on

November 14, 2017. (See County Code, Chapter 35, Article X.) These cultivators' legal nonconforming use status will terminate once the pending permit applications are acted upon. Additionally, beginning in 2020, the CEO's Office implemented a process for reviewing cases in which there is compelling evidence to suggest that the affidavits have been falsified. If such falsification is verified, the county can withdraw the letter of authorization which the state requires when issuing such licenses.

Recommendation 5b

That the Santa Barbara County Board direct the Santa Barbara County Planning and Development Department Director, in conjunction with the Santa Barbara County Sheriff's Office, to eradicate all cannabis grown on acreage claimed under Legal Non-Conforming status when the cannabis operator fails to demonstrate to the Santa Barbara County Planning Commission that the planting of cannabis occurred prior to January 19, 2016.

This recommendation will not be implemented, as it is not reasonable. The Board and staff will continue to comply with the provisions of the County's zoning ordinances related to enforcement action and abatement.

Recommendation 5c

That the Santa Barbara County Board direct the Santa Barbara County Planning and Development Department Director to deny permits for the growth of cannabis on acreage claimed under Legal Non-Conforming status when the cannabis operator fails to demonstrate to the Santa Barbara County Planning Commission that the planting of cannabis occurred prior to January 19, 2016.

This recommendation will not be implemented, as it is not reasonable. The Board and staff will continue to comply with the provisions of the County's zoning ordinances related to enforcement action and actions on permit applications. As stated in the response to Recommendation 5a (above), this Grand Jury concern will be resolved through the termination of legal nonconforming use status for medicinal cannabis cultivation activities, pursuant to the regulations that the Board adopted on November 14, 2017. These cultivators' legal nonconforming use status will terminate once the pending permit applications are acted upon. Additionally, beginning in 2020, the CEO's Office implemented a process for reviewing cases in which there is compelling evidence to suggest that the affidavits have been falsified. If such falsification is verified, the county can withdraw the letter of authorization which the state requires when issuing such licenses.

Finding 6

The approval by the Santa Barbara County Board of an unverified affidavit system does not require proof of prior cannabis operations to establish eligibility to continue to grow cannabis as a legal non-conforming use.

The Board agrees with Finding 6; however, to continue to grow cannabis as a legal non-conforming use, operators must comply with "article X, state law, and the applicable provision of either the County Land Use and Development Code Section 35.101.020 (Nonconforming Uses of Land and Structures), the Montecito Land Use and Development Code Section 35.491.020 (Nonconforming Uses of Land and Structures), or article II, the coastal zoning ordinance section

35-161 (Nonconforming Uses of Land, Buildings, and Structures)." (County Code, § 35-1003.C.2.)

Recommendation 6

That the Santa Barbara County Board require all applicants with cannabis use and development permit applications and licenses pending, who claim legal non-conforming status, to prove their claimed status before the Santa Barbara County Planning Commission.

This recommendation will not be implemented, as it is not reasonable. The CEO's Office, in conjunction with Planning and Development, has implemented a process for reviewing those cases in which there is compelling evidence to suggest that the affidavits were falsified. Additionally, beginning in 2020, the CEO's Office, in conjunction with Planning and Development implemented a process for reviewing cases in which there is compelling evidence to suggest that the affidavits have been falsified. If such falsification is verified, the county can withdraw the letter of authorization which the state requires when issuing such licenses.

Finding 7

The affidavit system does not require proof of prior scope of the cannabis acreage.

The Board agrees with Finding 7.

Recommendation 7a

That the Santa Barbara County Board direct the Santa Barbara County Planning and Development Department Director, in conjunction with the Santa Barbara County Sheriff's Office, to eradicate all cannabis grown on acreage claimed under Legal Non-Conforming status when the cannabis operator fails to demonstrate to the Santa Barbara County Planning Commission that the planting of cannabis occurred prior to January 19, 2016.

This recommendation will not be implemented, as it is not reasonable. The Grand Jury's concern will be resolved through the termination of legal nonconforming use status for medicinal cannabis cultivation activities, pursuant to the regulations that the Board adopted on November 14, 2017. These cultivators' legal nonconforming use status will terminate once the pending permit applications are acted upon.

Recommendation 7b

That the Santa Barbara County Board direct the Santa Barbara County Planning and Development Department Director to deny permits for the growth of cannabis on acreage claimed under Legal Non-Conforming status when the cannabis operator fails to demonstrate to the Santa Barbara County Planning Commission that the planting of cannabis occurred prior to January 19, 2016.

This recommendation will not be implemented, as it is not warranted. The Grand Jury's concern will be resolved through the termination of legal nonconforming use status for medicinal cannabis cultivation activities, pursuant to the regulations that the Board adopted on November 14, 2017. These cultivators' legal nonconforming use status will terminate once the pending permit applications are acted upon.

Finding 8

The option taken by the Santa Barbara County Board to tax cannabis cultivation using a Gross Receipts method was less reliable than the Square Footage method used by the vast majority of California counties.

The Board disagrees with Finding 8. The County agrees that it adopted a gross receipts tax for commercial cannabis operations that was approved by the voters. (See County Code Chapter 50A.) The County collected \$12.2 million in cannabis taxes in fiscal year 2019-2020. (See Board Agenda Letter, September 1, 2020.) The “Fiscal Analysis of the Commercial Cannabis Industry,” prepared by HdL Companies, Inc. on October 31, 2017, analyzed four main approaches to taxing commercial cannabis activities including a square footage tax and a gross receipts tax, each of which has positive and negative attributes. Use of the gross receipts method was consistent with how the State of California was assessing its tax using the State’s track and trace system, and therefore was considered a sound method.

Recommendation 8

That the Santa Barbara County Board amend Ordinance 5026 to tax cannabis cultivation using the Square Footage method.

This recommendation will not be implemented, as it is not reasonable. The current tax structure was approved by a vote of the people and changing the tax structure would require re-submitting the matter to the voters. Changing this portion of the ordinance has been discussed in the past, but the potential advantages of this change do not currently warrant the effort or expense. The Board may wish to evaluate this in the future.

Finding 9

The Santa Barbara County Treasurer-Tax Collector was not included in the creation of the tax portions of the cannabis ordinance.

The Board disagrees partially with Finding 9. While the CEO’s Office took the lead in developing the County’s cannabis tax, the Board directed the County Treasurer’s participation in the process on December 14, 2017. The County Treasurer concurred with both the January 23, 2018, and February 6, 2018, Board letters (i.e., “staff reports”) related to cannabis taxation.

Recommendation 9

That the Santa Barbara County Board require that all future ordinances that involve taxation require the Santa Barbara County Treasurer-Tax Collector be involved in the creation of the ordinance.

This recommendation will be implemented as future situations arise.

Finding 10

Members of the Santa Barbara County Chief Executive Officer’s office and Santa Barbara County Planning and Development staffs unduly and without apparent Board knowledge successfully sought changes to the April 26, 2019 Cannabis Advisory from the Santa Barbara County Air Pollution Control District, an independent agency, eliminating a one mile buffer recommendation.

The Board disagrees wholly with Finding 10. The Air Pollution Control District (APCD) is an independent district that is responsible for regulating air pollution. APCD does not have regulatory authority over the growing or harvesting of crops. In addition, the CEO and Planning and Development Department do not have regulatory authority or control over APCD, as APCD is a separate, independent district. The APCD participated in the development of the cannabis ordinance and provided comments on the Draft PEIR, none of which included recommended specific land use restrictions (e.g., one-mile buffers).

However, APCD's April 26, 2019, Cannabis Advisory, which was posted several months after the adoption of the Program, included land use recommendations that are the responsibility of the Planning and Development Department. After publication and review of APCD's April 26, 2019, Cannabis Advisory, Planning and Development Department staff notified APCD staff of inaccuracies set forth in it. Planning and Development Department and APCD staff then worked cooperatively on corrections to the document, and APCD voluntarily published the corrected document.

Finding 11

There has not been effective odor control at the boundary of cannabis cultivation and related activities, resulting in significant public outcry about odor, quality of life and health concerns.

The Board disagrees partially with Finding 11, as the legal nonconforming medical cannabis cultivation locations that are still seeking a permit are not yet required to comply with the County's odor control regulations. Odor control has been one of the most challenging aspects of implementing this Program. As described in the response to Recommendation 5a (above), the Grand Jury's concern will be resolved through the termination of legal nonconforming use status for medicinal cannabis cultivation activities, pursuant to the regulations that the Board adopted on November 14, 2017. These cultivators' legal nonconforming use status will terminate once their pending permit applications are acted upon. Upon issuance of permits, the cultivators will be required to comply with the odor control requirements of the County's zoning and business licensing regulations that apply to commercial cannabis activities. Furthermore, many of the operators of commercial cannabis sites that are operating under legal nonconforming use status have installed odor control systems to address the odor impacts of their operations, while they pursue the entitlements to continue operating under the recently-adopted zoning and licensing regulations. The efficacy of these systems will be assessed as part of the cannabis operators permit compliance and annual business license review.

Recommendation 11

That the Santa Barbara County Board suspend all County unpermitted cannabis operations until proof of odor control at the boundary of their operation is accepted by the Santa Barbara County Planning Commission.

This recommendation will not be implemented, as it is not warranted. See the response to Finding 11 (above).

Finding 12

The Santa Barbara County Board does not have a written Code of Ethics to formalize its ethical standards and guide its decision-making processes.

The Board disagrees wholly with Finding 12. The Board has a Conflict of Interest Code entitled the “Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts” (Code), as required by the Political Reform Act (Gov. Code, § 81000 *et seq.*). The Code is reviewed biannually in accordance with the provisions of the Political Reform Act. In addition, disclosures are compiled on a Statement of Economic Interests Form 700, which is available to the public. The Board also takes a minimum of two hours of biannual ethics training as required by AB1234, Government Code section 53234 *et seq.*, and complies with the procedures adopted in Board Resolution Numbers 91-333 and 04-243.

Recommendation 12a

That the Santa Barbara County Board establish, staff and empower an independent Ethics Commission with oversight over the Board and its staff members.

This recommendation will not be implemented, as it is not warranted. The California Fair Political Practices Commission (FPPC) already serves this role and has the resources to inform, advise and enforce the Political Reform Act (Gov. Code, § 81000 *et seq.*), as well as adopt regulations and seek legislative amendments to the State’s ethics laws. The FPPC is a nonpartisan agency that is primarily responsible for the fair application, interpretation, and enforcement of the Political Reform Act. The mission of the FPCC is to promote the integrity of state and local government in California through fair, impartial interpretation and enforcement of political campaign, lobbying, and conflict of interest laws.

Recommendation 12b

That the independent Ethics Commission develop a Code of Ethics, review Board activities on a periodic and as needed basis for compliance, and share its findings with the public.

This recommendation will not be implemented, as it is not warranted. Per the response to Recommendation 12a, the Board will not establish an independent Ethics Commission. The enforcement division of the California Fair Political Practices Commission (FPPC) investigates public complaints and enforces the Political Reform Act (Gov. Code, § 81000 *et seq.*). In addition, the FPPC has a transparency portal and makes information available to the public including the Supervisors’ Statement of Economic Interests Form 700.

Recommendation 12c

That the Santa Barbara County Board require all its members to publicly disclose receipt of campaign contributions from donors who have matters pending a decision by the Board.

This recommendation will not be implemented, as it is not warranted. The Board complies with the Political Reform Act (Gov. Code, § 81000 *et seq.*) which addresses limits and restrictions on campaign contributions and imposes reporting requirements.

Recommendation 12d

That the Santa Barbara County Board require those members receiving campaign contributions from donors with matters pending a decision, to recuse themselves from those matters or return the campaign contributions.

This recommendation will not be implemented, as it is not reasonable. The Board complies with Political Reform Act (Gov. Code, § 81000 *et seq.*). The California Supreme Court has considered and rejected imposing restrictions as recommended in *Woodland Hills Residents Assoc. v. City Council of Los Angeles* (1980) 26 Cal.3d 938, 946-947. The Court in *Woodland Hills Residents Assoc.* (citations omitted, emphasis added) stated:

Governmental restraint on political activity must be strictly scrutinized and justified only by compelling state interest. While disqualifying contribution recipients from voting would not prohibit contribution, it would curtail contributors' constitutional rights. Representative government would be thwarted by depriving certain classes of voters (i.e., developers, builders, engineers, and attorneys who are related in some fashion to developers) of the constitutional right to participate in the electoral process. Public policy strongly encourages the giving and receiving of campaign contributions. Such contributions do not automatically create an appearance of unfairness. Adequate protection against corruption and bias is afforded through the Political Reform Act and criminal sanctions.