



Public Comment #33
 County of El Dorado Clerk of the Board <edc.cob@edcgov.us>
 Boss Rowd 2/22/21

Agenda Item 33 Meeting Feb. 23rd 2021 File 21-0188 Version: 1 Personal and Medical Cannabis Typo fixed

1 message

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 To: edc.cob@edcgov.us

Sat, Feb 20, 2021 at 12:08 PM

Supervisors:

I find some of the assertions in the staff summary for the item missing the specific facts that would give the comments credibility.

Suggesting that all of the "grows" in the County were "by organized crime" is inaccurate and hyperbolic.

Most of the grows that were raided were either legal before 2019 under the SB 420 (collective law) or were trying to comply with the 200, 400, or 600 sq. ft. medical rules that were in effect until December 2020.

For the 230 families who woke up with AK 47s pointed at their family and later had their houses ransacked, greenhouses destroyed and cash taken, they likely think the Sheriff's Department is the most destructive organized force in the county. Many of these victims are seeking redress of their grievances.

In the PowerPoint presentation, the staff suggests that someone can get a 25 plant state cannabis license for a few hundred dollars. They neglect to mention the \$50k-\$75k cost of getting the required El Dorado County license. Most of the cost is for California Environmental Quality Act consultants.

No one can get a license right now because the Sheriff is refusing to follow the law of the commercial cannabis ordinances.

The Ad Hoc Committee that is needed is for the commercial cannabis program. The committee could provide ways for people to discuss their interests and concerns about how the commercial cannabis program is working.

The staff summary points to a substantial need for Sheriff Dept. oversight. There are many questions about the raids that should be answered. For example, how much of the seized cash and assets was returned to the rightful owners if the owners were not charged. How many of the search warrants were flawed?

State law provides a mechanism for the Board of Supervisors to provide oversight of the Sheriff's Department.

SECTION 1. Section 25303.7 is added to the Government Code, to read:

25303.7. (a) (1) A county may create a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents, comprised of civilians to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.

(2) The members of the sheriff oversight board shall be appointed by the board of supervisors. The board of supervisors shall designate one member to serve as the chairperson of the board.

(b) (1) The chair of the sheriff oversight board shall issue a subpoena or subpoena duces tecum in accordance with Sections 1985 to 1985.4, inclusive, of the Code of Civil Procedure whenever the board deems it necessary or important to examine the following:

(A) Any person as a witness upon any subject matter within the jurisdiction of the board.

(B) Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.

(C) Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.

(2) A subpoena shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure.

(3) (A) If a witness fails to attend, or in the case of a subpoena duces tecum, if an item is not produced as set forth therein, the chair or the chair authorized deputy issuing the subpoena upon proof of service thereof may certify the facts to the superior court in the county of the board.

(B) The court shall thereupon issue an order directing the person to appear before the court and show cause why they should not be ordered to comply with the subpoena. The order and a copy of the certified statement shall be served on the person and the court shall have jurisdiction of the matter.

(C) The same proceedings shall be had, the same penalties imposed, and the person charged may purge themselves of the contempt in the same way as in a case of a person who has committed a contempt in the trial of a civil action before a superior court.

(c) (1) A county, through action of the board of supervisors or vote by county residents, may establish an office of the inspector general, appointed by the board of supervisors, to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.

(2) The inspector general shall have the independent authority to issue a subpoena or subpoena duces tecum subject to the procedure provided in subdivision (b).

(d) The exercise of powers under this section or other investigative functions performed by a board of supervisors, sheriff oversight board, or inspector general vested with oversight responsibility for the sheriff shall not be considered to obstruct the investigative functions of the sheriff.

Thank you for your attention to this matter.

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