



50567B Quailbush Rd. Johnson Valley, CA 92285 www.hvccsite.org

AGENDA: August 16, 2021 MEETING

3:00 p.m. at Yucca Mesa Community Center, 3133 Balsa Ave.

All HVCC agendas, contact information and minutes are posted on www.hvccsite.org

Flag Salute

Roll Call/Delegate List

Approve Agenda

Approve Minutes of June 2021 meeting included in agenda packet.

Treasurer's Report: Floy Creveling / 2021 Audit Report: Roxanne Shimay and Jim Hanley

- 1. Guest Comments** on items not on the agenda
- 2. San Bernardino County Fire Dept** – Chief Tuttle
- 3. San Bernardino County Sheriffs Dept** – Cpt. Niles
- 4. 29 Palms MCAGCC** – Community Liaison Kimberly Pope
- 5. State Senator Shannon Grove** – Field Representative Dominic Heiden
- 6. SB County 3rd District Supervisor Dawn Rowe**
- 7. SB County Urgency Ordinance To Increase Illegal Marijuana Cultivation Fines**
- 8. Assemblyman Thurston Smith Letter To Gov Newsom Requesting A Special Session To Address Prop 64**
- 9. Committees:**
 1. *Standing:* Public Outreach (Betty Munson)
 2. *Ad Hoc:* Scenic Highway 247 (Betty Munson)
- 10. President's Report**
- 11. Community Reports List – Announcements**
- 12. Review Action Items From This Meeting**

Next HVCC meeting: Monday, September 20th, 3:00 pm Landers Belfield Hall, 58380 Reche Rd.

Adjourn

HVCC DELEGATES / COMMITTEE LIST

COUNCIL MEMBERS

*Members appointed by the 4 HVCC Organizations, residing in the community they represent.
Up to 3 voting members from each community, plus alternate to vote in case of an absence.*

Kim Abramson JVIA alternate 760-792-4555 dojasmomdc@gmail.com
Adrienne Bishop Landers 760-364-2345
Floy Creveling Landers 714-309-8677 g.creveling@att.net
Toby Gramm FHCA 760-668-7774 outforblood74@hotmail.com
Jim Hanley JVIA 760-364-4829 jhaflame@aol.com
Jim Harvey JVIA 760-401-1015 johnsonvalley@gmail.com
Betty Munson JVIA 760-364-2646 ranchotaj@gmail.com
Chris Nichols YMIA 760-285-3560 chris@wb6cdf.com
Rick Sayers YMIA 760-574-6598 rick@ricksayers.com
Roxanna Shamay Landers 760-333-2707 shamay@inreach.com

OFFICERS

President: Jim Harvey
Vice President: Rick Sayers
Secretary: Betty Munson
Treasurer: Floy Creveling

STANDING COMMITTEE

Community Outreach: Chairperson: Betty Munson
Jim Hanley, Rick Sayers

AD HOC COMMITTEE

Scenic 247 Committee: Chairperson: Betty Munson
Phillip Brown, Barbara Harris, Jim Harvey, Sarah Kennington, Sara Fairchild, Chuck Bell

Committee members not required to be members of the Council



June 21, 2021 Minutes
3:00 p.m. at Johnson Valley Community Center
50567-A Quailbush Rd.

Flag Salute

Moment of Silence For SBCSD Sergeant Dominic Vaca

Kim Abramson did the Roll Call - Betty Munson, Toby Grahmm and Chris Nichols absent.

Jim Hanley makes a motion to approve the Agenda with revision. Floy Creveling seconds. 5 in favor. None opposed. Motion passed.

Minutes of May meeting not yet available. Will be on the July agenda.

Treasurer's Report given by Floy Creveling. Beginning balance \$12,250.86. \$18.82 income donation through paypal. Ending balance \$12,269.68. Jim Hanley makes a motion to approve the Treasurer's Report. Roxanne Shamay seconds. 5 in favor. None opposed. Motion passed. (See attached).

HVCC Officer Elections / Oath of Office - Dawn Rowe swears in Jim Harvey for President, Roxanne Shamay for Vice President and Floy Creveling for Treasurer. Roxanne Shamay makes a motion to elect the 2021 Homestead Valley Community Council slate of Officers. Jim Hanley seconds. 5 in favor. None opposed. Motion passed.

1. SB County Fire – Chief Tuttle reads the Community's fire calls. Johnson Valley - 11 calls, Landers which includes Flamingo Heights - 47 calls with 1 fire and Yucca Mesa - 27 calls. Chief Tuttle says there is a correction from the last meeting. Campfires are permitted. 2' wide by 2' high.

2. SB County Sheriffs Dept – Lieutenant Walker says there were 1900 calls made. A small uptake in thefts. Please lock your cars. Lieutenant Walker says there is no Go Fund Me page for Sergeant Dominic Vaca but Porac.com has been vetted. Dawn Rowe speaks about changing Prop 64 back to a felony for illegal marijuana cultivation.

3. 29 Palms MCAGCC – Kimberly Pope absent.

4. SB County 3rd District Supervisor Dawn Rowe says she has been in contact with Marina West from the Bighorn Water District. Tomorrow at the Board of Supervisors meeting the Air BnB issues and the illegal cannabis cultivation will be addressed. First offense \$1,000 a day. Second offense \$2,000 a day. Third offense \$5,000 a day.

5. HVCC Support For MB MAC Resolution MB-MAC022 Honoring SBCSD

Sergeant Dominic Vaca (See attached). Dominic Heiden says 100% service connected veterans are eligible for Property Tax Exemption. Talk to Dominic Heiden.

6. HVCC Support for MB MAC Resolution MB-MAC022 Honoring SBCSD Sergeant Dominic Vaca - Jim Harvey reads Resolution. Jim Hanley makes a motion to send out Resolution in memory of Sergeant Vaca. Roxanne Shamay seconds. 5 in favor. None opposed. Motion passed. (See attached).

7. HVCC Letter To Mojave Water Agency Supporting Draft Resolution 1101-21 - Jim Harvey reads Resolution. Roxanne Shamay makes a motion to send out Resolution to Mojave Water Agency. Floy Creveling seconds. 5 in favor. None opposed. Motion passed.

8. Cancelled Solstice Fest Expenses Jim Harvey explained that the \$270 for portable wash sinks and toilets along with \$50 for permit for beer license along with \$20 in posters are irrecoverable expenses.

9. Committees: No Report.

1. *Standing:* Public Outreach (Betty Munson)
2. *Ad Hoc:* Scenic Highway 247 (Betty Munson)

10. President's Report - Jim Harvey let Heather Sommerfield speak in his place.

11. Community Reports List – Announcements - Jim Hanley says Johnson Valley Improvement Association will be having its 2 Buck Chuck dinner on July 3, 2021 at 5 pm for \$2. Rick Sayers says Yucca Mesa Improvement Association has not had a meeting in 15 months. Roxanne Shamay says HELP is there to help when there is a disaster. Landers Association is now a 501c3 and the next board meeting is June 26, 2021 to nominate officers. The last Wednesday of the month at 9:30 am is a food giveaway at Flamingo Heights. And the second Saturday of each month there is a craft fair. Kim Abramson says there's nothing happening at Flamingo Heights Community Association except the food giveaway.

12. Review Action Items From This Meeting

Next HVCC meeting: Monday, July 19, 3:00 pm
Flamingo Heights Community Center, 55977 Perris St

Adjourn

Homestead Valley Community Council, Inc.

Treasurer's Report

For the month of July 2021

Checking Account:

Beginning Balance 07/01/2021..... \$11,959.09

Income..... \$ 19.12

DEP - Donation through PayPal ([1@\\$20.00](#)) minus \$0.88 PayPal fee - \$19.12

Expense..... \$ 14.17

CK#698 Reimburse James Harvey for Cheap Domain Renewal of HVCCSITE.ORG

Ending Statement Balance 07/31/2021..... \$11,964.04

Total HVCC Assets in Bank 07/31/2021..... \$11,964.04

Legend:

CK – Check DC– Debit Card DEP-Deposit EFT– Electronic Funds Transfer

Floy Creveling

Treasurer



County Administrative Office

BOARD OF SUPERVISORS PRESENTATION

Updates on Illegal Cannabis Cultivation

Agenda Item #43

August 10, 2021



Introduction – Illegal Cannabis Cultivation

San Bernardino County is experiencing an unprecedented proliferation of illegal cannabis cultivation throughout our desert areas

- The estimated number of sites have increased from approximately 200 to over 1,080
- These illegal operations have put a strain on County operational resources
- Residents, agencies, and the Board of Supervisors have expressed concerns related to the overall negative effects of these illegal operations



Why Is Illegal Cultivation Happening?

- With the passage of Proposition 64 in 2016, the criminal consequences related to illegal cannabis cultivation were reduced to a misdemeanor
 - With less of a criminal deterrent, the County has experienced a significant spike in illegal cannabis cultivation
- Desert land is abundantly available
- Climate and soil conditions are ideal for cultivation
- Low Cost/High Return on investment with low barriers to entry into cultivation
- Remote locations with limited population/density



How Widespread is the Issue?

- Statewide Problem
 - Locally: Counties of San Bernardino, Riverside, Los Angeles, San Diego
- As of this presentation, over 1,080 identified illegal grow sites within San Bernardino County
- Since the passage of Proposition 64, County Sheriff has experienced a 224% increase in seizure of marijuana plants and 620% increase in firearms discovered during search warrants
- Many involved in these illegal cannabis grow operations are involved in, or victims of, human trafficking



What Are We Doing About This Issue?

The County has made enforcement against Illegal Cannabis Cultivation a priority and designated significant resources to address community concerns and public safety

Financial Resources

- In addition to other existing resources, the Board has allocated \$10.4 million and \$4.0 million to fund Community Concerns and Crime Suppression reserves
 - These funds are being used to address many community concerns, including the illegal cannabis cultivation issues present in the County through increased Sheriff and Code Enforcement resources

2021 Sheriff Abatements

- The MET team has raided and taken down 272 illegal cannabis operations in 2021 alone



What Are We Doing About This Issue?

Multi-Disciplinary Task Force

- The County has formed a multi-disciplinary task force to increase communication and collaboration across departments to combat illegal marijuana cultivation
 - Sheriff
 - District Attorney
 - Land Use Services/Code Enforcement
 - County Counsel
 - County Fire
 - Ag Weights and Measures
 - Public Health/Environmental Health Services
 - County Administrative Office

Urgency Ordinance

- Significantly increases Fines and Penalties for those who operate illegal cannabis operations and for the property owners who allow this use on their land
- More information later in presentation



What Are We Doing About This Issue?

Additional Staffing Resources

- County departments continue to expand the number of staff in order to address this issue
 - Sheriff: Increasing from one (1) Marijuana Enforcement Team (MET) to five (5)
 - Code Enforcement: Recruiting 5 new staff members dedicated to illegal marijuana enforcement

Messaging Campaign

- Coordinated Messaging Effort
 - Public outreach to affected communities
- Procuring real-time satellite imaging tool to proactively identify illegal grow operations



What Are We Doing About This Issue?

Code Enforcement collaboration with the Sheriff's Department has helped in the enforcement efforts

- Notice of Complaints have been issued to 105 property owners over past 3 weeks

Partnering With External Agencies

- Collaborating with state legislators to educate and inform outside entities of the problem
- Exploring a possible regional coalition with other counties to combat illegal cannabis cultivation



What Are We Doing About This Issue?

Abatement Ordinance

- County is developing an abatement ordinance which will allow the County to remove and dispose of private property from an illegal grow if it is clearly for the dedicated use of illegal marijuana cultivation
 - This would include infrastructure such as hoop houses, lighting, utilities, and even some structures and equipment

Hemp Ordinance

- County is developing a Hemp Ordinance to better control and monitor commercial hemp cultivation



Water Is a Key Tool

- County is exploring ways to limit the water sources to the illegal operations
 - Coordinating with local water agencies to limit water to these illegal operations
 - County Environmental Health Services now requesting use to be included on all agricultural well applications
 - Exploring measures to control water hauling operations that supply illegal grow sites



County Sheriff has significantly increased illegal cannabis enforcement efforts

- Marijuana Enforcement Teams (MET), from one team to five teams
- 2021 Year to Date Statistical Data
 - **1,085** – Pending identified illegal grows
 - **272** – Total search warrants served
 - **35** – Illegal by-pass grows
 - **251** – Total arrests (**39**-Felony & **212**-Misd.)
 - **52** – Firearms seized/recovered
 - **404,598** – Plants seized (*\$242,758,800)
 - **21,029** – Lbs. of processed cannabis (*\$25,234,800)
 - **\$129,056** – US currency seized



*Estimated Wholesale Value of the Illegal Cannabis Seized
Year-to-Date Stats as of August 3, 2021

Identified Toxic Carbofuran

- Recently, Sheriff's MET has seen an increase in the use of ***Carbofuran/Qufuran/Furadan***
 - ***Deadly to People and Wildlife***
 - It is a carbamate pesticide, widely used around the world to control insects on a wide variety of field crops
 - Carbofuran has one of the highest acute toxicities to humans of any insecticide widely used on field crops
 - 1ml (1/4 teaspoon) can be fatal to people
 - Carbofuran is known to be particularly toxic to birds; in its granular form, a single grain will kill a bird







District Attorney's Approach to the Environmental Cannabis Crisis

- Dual Enforcement Approach
 - Criminal and Civil Enforcement
 - SBDA pursuing both Criminal and Civil Actions against both the cultivators and landowners.
- Providing Additional Personnel
 - SBDA is hiring two additional civil lawyers to assist in Civil Enforcement, one paralegal and two PSE's to address the increased workload from the crisis.
- Expanded Training
 - SBDA's Environmental Unit is providing enhanced trainings for prosecutors, law enforcement agencies and regulators.
 - Trainings will focus on both Criminal and Civil Enforcement approaches to address the environmental impact that has resulted from the Cannabis Crisis.

- SBDA Environmental Unit.
 - SBDA's Environmental Unit has increased collaboration with
 - (1) Law Enforcement (SBSO, LASO, DCC (Department of Cannabis Control), CDFW (Department of Fish and Wildlife and other agencies),
 - (2) Regulatory Agencies (DCC, CDFW, Lahontan Regional Water Quality Control Board, CalEPA, US-EPA, Department of Public Health and Department of Food and Agriculture)
 - (3) Prosecutorial Agencies (US Attorney's Office, Riverside District Attorney's Office, Kern County District Attorney's Office, San Diego County District Attorney's Office and others.

In response to this problem, the County is proposing an urgency ordinance to increase criminal penalties and administrative citations to combat these illegal operations

- This creates more of a financial deterrent for criminals
- Impacts property owners who allow this use on their properties



Proposed Criminal Penalties: (applicable to each individual convicted)

- Misdemeanor involving cultivation of less than 200 plants:
1st conviction: \$1,000 2nd conviction: \$1,500 3rd conviction: \$3,000
- Misdemeanor involving operation of a dispensary, delivery, manufacturing, distribution, or cultivation involving 200 or more plants:
1st conviction: \$3,000 2nd conviction: \$6,000 3rd conviction: \$10,000

Or imprisonment in the County jail for up to six months or both a fine and imprisonment

Proposed Administrative Citation Fines : (applicable to both operators and/or property owners where illegal marijuana cultivation occurs, and may be cited separately for each day in violation)

- Cultivation involving less than 200 plants:

1 st citation: \$1,000	2 nd citation: \$1,500	3 rd citation: \$3,000
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- Operation of a dispensary, delivery, manufacturing, distribution, or cultivation involving 200 or more plants:

1 st citation: \$3,000	2 nd citation: \$6,000	3 rd citation: \$10,000
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Example: Code Enforcement receives a complaint regarding an illegal cannabis grow site (approximately 400 plants) and issues a Notice of Complaint to property owner and operators

- Day 1: Code Enforcement follows up with an investigation, confirming the violation, and issues a Notice of Violation
 - Time between Notice of Complaint and Violation is discretionary
- Day 11: Ten days later, a follow up inspection is made, and finds grow still active. A first violation citation for \$3,000 is issued
- Day 16: Five days later, a follow up inspection is made, and finds grow still active. A second violation citation for \$6,000 is issued, along with five days of \$6,000 citations for a total of \$36,000.
- Day 21: Five days later, a follow up inspection is made, and finds grow still active. A third violation citation for \$10,000 is issued, along with five days of \$10,000 citations for a total of \$60,000.
- Within three weeks from the confirmation of an illegal grow, \$99,000 in fines have been levied

- In summary, the proposed ordinances continue the prohibition of commercial cannabis activity in the County Code and establish increased penalties and fines for engaging in illegal commercial cannabis activity.
- These ordinances do not impact authorizations in State law for the personal use of cannabis.
- The urgency ordinance is proposed as an urgency measure necessary for the immediate protection and preservation of the public peace, health, safety and welfare, and shall take effect immediately upon its adoption, pursuant to Government Code section 25123(d).

1. Consider proposed urgency ordinance amending Sections 11.0206(a)(1) and 11.0208(e)(1) of Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code regarding violations and enforcement by establishing increased penalties and fines for violations of the commercial cannabis activity prohibition.
 - a) Make alterations, if necessary, to proposed urgency ordinance.
 - b) Approve introduction of proposed urgency ordinance.
 - An urgency ordinance of the County of San Bernardino, State of California, to amend Section 11.0206(a)(1) and Section 11.0208(e)(1) of Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code, relating to increased fines for engaging in prohibited commercial cannabis activity.
 - c) ADOPT URGENCY ORDINANCE (Four votes required).
 - d) Direct the Clerk of the Board to file a Notice of Exemption.
2. Consider proposed ordinance amending Sections 11.0206(a)(1) and 11.0208(e)(1) of Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code regarding violations and enforcement by establishing increased penalties and fines for violations of the commercial cannabis activity prohibition.
 - a) Make alterations, if necessary, to proposed ordinance.
 - b) Approve introduction of proposed ordinance.
 - An ordinance of the County of San Bernardino, State of California, to amend Section 11.0206(a)(1) and Section 11.0208(e)(1) of Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code, relating to increased fines for engaging in prohibited commercial cannabis activity.
 - c) SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, AUGUST 24, 2021, on the consent calendar.
 - d) Direct the Clerk of the Board to file a Notice of Exemption.



August 12, 2021

The Honorable Gavin Newsom
Governor, State of California
State Capitol
Sacramento, CA 95814

Dear Governor Newsom:

We are writing you to request a special session of the State Legislature to address the proliferation of illegal marijuana cultivation throughout the State of California.

In November of 2016, California voters passed Proposition 64, which changed state law to legalize the use of recreational marijuana and changed penalties for marijuana-related crimes. Unintended consequences of this law have impacted rural regions throughout the state, including the rural desert communities in San Bernardino, Riverside, and Los Angeles Counties.

In particular, San Bernardino County has 1,085 known illegal cannabis cultivation locations and several hundred that have not been identified at this time. This is a major quality of life issue as several residents have been victims of violence and theft.

In the past three months, the County of San Bernardino, Mojave Water Agency, Lucerne Valley Economic Development Agency, and the Homestead Valley Community Council have unanimously passed resolutions calling on the State Legislature to address this critical issue.

As the drought emergency affects most of California, water theft across the state has increased to record levels. In fact, CalMatters recently reported that water theft is increasing at the same rate as the decline in California's water supplies. The most frequent reason for illicit water theft is illegal marijuana farms.

In a recent news conference, an official from the Drug Enforcement Agency noted that illegal grows in Los Angeles, Riverside, and San Bernardino Counties require 5.4 million gallons of water each day.

Thank you for considering this request. We believe it's more important than ever to support the quality of life and public safety of the constituencies that we all represent. If

California Legislature



you have any additional questions, please contact Assemblymember Smith's office at Assemblymember.Smith@assembly.ca.gov.

Sincerely,

Thurston "Smitty" Smith
Assemblymember, 33rd District

Rosilicie Ochoa Bogh
Senator, 23rd District

Tom Lackey
Assemblymember, 36th District

Shannon Grove
Senator, 16th District