



## **AGENDA: March 21, 2022 MEETING**

**3:00 p.m. LOCATION CHANGE TO BELFIELD HALL IN LANDERS**

*All HVCC agendas, contact information and minutes are posted on [www.hvccsite.org](http://www.hvccsite.org)*

Flag Salute  
Roll Call/Delegate List  
Approve Agenda  
Treasurer's Report: Floy Creveling

### **1. Guest Comments**

**2. 29 Palms MCAGCC** - Kimberly Pope

**3. SB County Fire** - Chief Scott Tuttle

**4. SB County Sheriffs Dept** - Capt. Luke Niles

**5. CAL Fire** - Battalion Chief Alison Hesterly

**6. SB County 3<sup>rd</sup> District** - Representative Steve Reyes

**7. State Assemblyman Thurston "Smitty" Smith** - Representative Dillon Lesovsky

**8. State Senator Shannon Grove** - Representative Dominic Heiden

**9. Proposed State Legislation For Illegal Cannabis Cultivation** - Marina West, Jim Harvey

**10. Measure Z – June 2022 Ballot Measure to Repeal FP-5 (Fire Protection Service Zone 5 )**

### **11. Committees:**

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

### **12. President's Report**

### **13. Community Reports List - Announcements**

### **14. Review Action Items From This Meeting**

**Next HVCC meeting: Monday, April 18, 3:00 pm**  
Yucca Mesa Community Center, 3133 Balsa Ave. Yucca Mesa

**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
Adrienne Bishop	Landers
Digna Cassens	Flamingo Heights
Floy Creveling	Landers
Jim Hanley	JVIA
Jim Harvey	JVIA
Judy Laffoon	Landers Alternate
Betty Munson	JVIA
Chris Nichols	YMIA
Rick Sayers	YMIA
Roxanna Shamay	Landers

### **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 are not required to be members of the Council

# **Homestead Valley Community Council, Inc.**

## **Treasurer's Report**

**For the month of February 2022**

### **Checking Account:**

**Beginning Statement Balance 02/01/2022..... \$12,368.22**

**Income..... \$ 9.31**

**EFT PayPal donation of \$9.31 (\$10.00 - \$0.69 fees = \$9.31)**

**Expense..... \$ 00.00**

**Ending Statement Balance 02/28/2022..... \$12,377.53**

**Total HVCC Assets in Bank 02/28/2022..... \$12,377.53\***

**\*The actual checkbook balance is currently \$12,356.24**

**Ck #704 written to Jim Harvey for domain renewals in the amount \$30.51 outstanding as of 02/28**

**There has been a PayPal donation of \$9.22 (\$10.00 – 0.78) since the 02/28/22 bank statement**

### **Legend:**

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

**Floy Creveling**

**Treasurer**



## **Proposed CA State Legislation Addressing Illegal Cannabis Cultivation**

**AB 1725 (Smith)** - Amends Proposition 64 to make the illegal cultivation of marijuana from a misdemeanor to a felony. Bill has been referred to the public safety committee and the business and professions committee.

**AB 2728 (Smith)** - Would impose an additional civil penalty on an unlicensed person engaging in commercial cannabis activity conditional on the amount of cannabis products. Including those with excess of 6 plants, cannabis product, cannabis concentrate, cannabis biomass, and cannabis flower.

**SB 1426 (Caballero)** - Amends Section 11358 of the Health and Safety Code to include groundwater as a public resource, and establish that the theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, or digging an unpermitted illegal well may also be punished by imprisonment.

# THURSTON "SMITTY" SMITH

33RD ASSEMBLY DISTRICT



## Assembly Bill 2728 – Cannabis Civil Fines

### SUMMARY

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AB 2728 would create a gradation in the civil penalty structure for unlicensed cannabis activity. Allowing these penalties to be tied to the size and scale of the unlicensed cannabis operation.

### BACKGROUND

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Under existing law The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), approved as Proposition 64 in 2016 authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances.

In addition to these regulations, a person engaging in commercial cannabis activity without a license is subject to a civil penalty of up to 3 times the amount of the license fee for each violation. With each day of operation without a license is a separate violation

In the years since Prop 64 was implemented, California has seen a massive increase in unlicensed growers operating industrial sized cannabis farms producing hundreds of thousands of pounds in cannabis flower and other cannabis product.

### ISSUE

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Unfortunately, the current civil fine structure does not differentiate between small unlicensed growers with a few plants over the legal limit and more industrial scale operations with hundreds or thousands of plants.

### THE BILL

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To address this, AB 2728 would impose an additional civil penalty on an unlicensed person engaging in commercial cannabis activity conditional on the amount of cannabis products. Including those with excess of 6 plants, cannabis product, cannabis concentrate, cannabis biomass, and cannabis flower.

### SUPPORT

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County of San Bernardino (Sponsor)

### STAFF CONTACT INFORMATION

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Noah Bilyeu  
(916) 319-2033  
Noah.Bilyeu@asm.ca.gov



**Anna M. Caballero**

12<sup>th</sup> Senate District

## **SB 1426 – Illegal Cannabis Cultivation Water theft and pollution**

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### **SUMMARY**

SB 1426 adds to existing state law to explicitly include groundwater pollution and water theft in cases of illegal cannabis farming as felonies.

### **BACKGROUND**

Proposition 64, The Adult Use of Marijuana Act (2016) established that individuals found guilty of intentionally or with gross negligence causing substantial harm to public lands or other public resources while illegally planting, cultivating, harvesting, drying, or processing cannabis may be punished by imprisonment.

California's Mediterranean climate means the state has two notable seasons – wet and dry. Climate change is exacerbating California's dry season, and as a result, the state is experiencing more frequent and longer lasting periods of severe, extreme, and exceptional drought. Lack of rain during the wet season has resulted in shrinking fresh water supply, putting a straining on all parts of California's society, agricultural production, residential consumption, the natural environment, and tourism and manufacturing.

### **PROBLEM**

Illegal cannabis farms are a serious, growing threat across rural areas of California. Illicit cannabis cultivators frequently engage in human trafficking, water theft, and environmental pollution as part of their operations. Because some cultivation sites go undetected for years, the environmental damage could last generations.

California state law penalties are not strong enough to deter criminals from engaging in widespread illegal cannabis farming, nor does it recognize the danger illegal grows pose to water supply and groundwater pollution. Illegal cannabis farmers frequently break water pipes and infrastructure to steal water or dig unpermitted, illegal wells to tap groundwater. CalMatters recently reported these actions have

resulted in completely disrupting or jeopardizing water sources for many areas throughout the state.<sup>1</sup>

Additionally, the widespread use of dangerous and deadly pesticides at illegal cannabis farms, like carbofuran, can be lethal to both humans and wildlife, posing immediate and long-term risks to those working in and near these sites. Moreover, the use of unlicensed pesticides can pollute limited groundwater supplies, rendering the water unfit for drinking.

Because wildlife can damage cannabis plants, cultivators often use a variety of pesticides, including anticoagulant rodenticides, in order to protect their crops. Many of the remote forests of California where cannabis is cultivated is home to imperiled wildlife and fish species. The cultivation of cannabis on these remote forested landscapes and its associated use of pesticides on soil, cannabis plants, and nearby native vegetation, directly and indirectly impact wildlife and fish

### **SOLUTION**

SB 1426 amends Section 11358 of the Health and Safety Code to include groundwater as a public resource, and establish that the theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, or digging an unpermitted, illegal well may also be punished by imprisonment.

### **SUPPORT**

San Bernardino County Board of Supervisors

### **CONTACT**

Jeffrey Roth, Legislative Director  
Jeffrey.Roth@sen.ca.gov | (916) 651 – 4012

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<sup>1</sup> <https://calmatters.org/environment/2021/07/illegal-marijuana-growers-steal-california-water/>

Month xx, 2022

The Honorable Thurston Smith  
California State Assembly  
1021 O St., Room 4320  
Sacramento, CA 95814

**RE: AB 2728 (Smith) – Unlawful Cannabis Activity Penalties – As Introduced February 18, 2022 – Support**

Dear Assemblymember Smith,

On behalf of [REDACTED], I write in support for AB 2728, legislation that will place additional civil penalties on illegal cannabis commercial activities.

When voters enacted Proposition 64 to legalize recreational cannabis, they did so with the assumption that the state would balance consumer desire and public safety. Unfortunately, penalties for illegal cannabis activity were reduced before the legal market was firmly established. As a result, California has had a massive increase in unlicensed growers operating illegal cannabis farms across the rural and wilderness areas of the state. California law already permits civil penalties against unlicensed marijuana dealers however, the current civil fine structure makes no distinction between small unlicensed growers with a few plants over the legal limit and industrial-scale operations with hundreds or thousands of plants. State law should provide heavier penalties to deter major illegal cannabis production that undermine the legal cannabis market and undercut law-abiding businesses and entrepreneurs.

AB 2728 enacts a graduated civil penalty structure for unlicensed cannabis activity. These penalties are tied to the size and scale of the illegal cannabis operation, to allow a variety of factors to be considered when assessing the fine. This creates a better public safety environment to allow these criminal operations to be better addressed.

For the above reasons, we are pleased to support AB 2728. If you have any questions about this position, please contact [REDACTED].

Sincerely,

Month xx, 2022

The Honorable Anna M. Caballero  
California State Senate  
1021 O St., Room 7620  
Sacramento, CA 95814

**RE: SB 1426 (Caballero) – Illegal Cannabis Cultivation Water Theft and Pollution – As Introduced February 18, 2022 – Support**

Dear Senator Caballero,

On behalf of [REDACTED], I write in support of SB 1426, legislation that now adds specific environmental crimes caused by illegal cannabis activity to existing water-related penalties in California state law.

Illegal cannabis farms are a serious, growing environmental threat across vast areas of rural California. As part of their operations, illicit cannabis cultivators frequently steal water by breaking into water mains, hydrants, and storage infrastructure or they drill unpermitted wells to illegally tap groundwater. They also use dangerous, unlicensed pesticides on their illegal cannabis crops, leading to pollution of groundwater, rendering the water unfit for drinking.

The criminal penalties for illegal cannabis crimes are not strong currently enough to deter lawbreakers from farming illegal cannabis or address the danger illegal cannabis cultivation poses to local water supplies and groundwater pollution.

SB 1426 adds to current state law to better specify the type of environmental damage associated with illegal cannabis cultivation. The bill specifies that groundwater is a public resource, and establishes that the theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, or digging an unpermitted, illegal well may also be punished by imprisonment.

For the above reasons, we are pleased to support SB 1426. If you have any questions about our position, please contact [REDACTED].

Sincerely,





## **Ballot Measure Z To Repeal FP-5 tax**

Statements from the ballot measure proponents Red Brennan Group website:

### **What is FP-5?**

FP-5 is short for Fire Protection Service Zone Five. Property owners whose land lies within the boundaries of FP-5 pay an additional special tax, on top of normal property taxes, to fund fire services. The FP-5 Special Tax added an additional \$157 per parcel of land owned to the property tax bill and the tax increases three percent each year (\$161.98 as of 2021).

In 2020 “Measure U”, the FP-5 tax repeal, fell 2% short of the required number of votes needed to repeal the tax. Measure U was designed to repeal the FP-5 special tax in its entirety.

### **March 2022 Update:**

Back in September 2021, we were able to collect over 14,000 signatures to place a “Repeal FP-5” initiative on the ballot for June 7, 2022. In March of 2022 the “FP-5 Repeal” has been assigned Measure Letter “Z.”

In an email from RBG spokesperson Tom Murphy states:

*Mail ballots are scheduled to be delivered to the post office on May 9th. So folks in your communities should likely have the ballots in hand right around the 16th of May.*

*As a side note, the San Bernardino County Fire Protection District is attempting, via court action, to keep the measure off the ballot. The merits argument are scheduled for Tuesday, March 29th in San Bernardino County Superior Court. We are looking for 15-20 people that are willing to show up to court and just listen to the hearing. Basically, show the judge that the community is engaged with this issue.*

*I know it's a long travel from the High Desert to San Bernardino, but feel free to put this information out. Anyone that might be interested can send an email to [info@redbrennan.org](mailto:info@redbrennan.org). I will try to keep them informed should the date change.*