

MOTION BY SUPERVISOR KATHRYN BARGER

June 22, 2021

**Enhanced Enforcement Against Illegal Cannabis Dispensaries in Unincorporated Areas and Illegal Cannabis Grows in the Antelope Valley**

Residents and businesses in Los Angeles County's (County) unincorporated areas continue to be negatively impacted by the crime and nuisances that illegal cannabis dispensaries attract. Residents have reported problems with numerous large-scale, illegal commercial cannabis grows in the rural areas in the Antelope Valley, including water theft, trespass, use of dangerous pesticides and fertilizers and trash and debris.

Since 2016, the County's Cannabis Team (Team), comprised primarily of County Counsel, the District Attorney, Sheriff, the Department of Regional Planning, and the Department of Consumer and Business Affairs' Office of Cannabis Management, has monitored all reports of illegal cannabis businesses and cannabis grows for investigation and has conducted enforcement actions against them for operating in the unincorporated areas – violation of State law and the County's ban on commercial cannabis activity.

-- MORE --

MOTION

MITCHELL	_____
KUEHL	_____
HAHN	_____
BARGER	_____
SOLIS	_____

Enforcement against illegal cannabis cultivation in the Antelope Valley has become a significant challenge, especially the difficulty in detecting perpetrators of associated water theft.

Despite efforts by the Department of Public Works (Public Works) to harden the Waterworks Districts' infrastructure against theft and illegal tapping, the threats to the water system remain significant. These efforts have included: removal of unnecessary fire hydrants, working with customers to restrict operating hours for remote fill stations; re-keying existing key stations; and continually inspecting for illicit connections. In addition, Public Works has increased water delivery capacity to the Hi-Vista area, where the water theft has had the greatest impact to the water system.

Despite infrastructure hardening efforts, fire hydrants remain the target of water theft. These hydrants must remain in place for fire suppression activities and public safety. While improvements to Waterworks Districts' operations have mitigated the risk of a complete system failure, tapping of the system still persists and may lead to continued low water-pressure incidents.

Currently, the Waterworks Districts have been providing funding to Sheriff's Department for enhanced patrols in the Hi-Vista area. Funding for additional enforcement from the Waterworks Districts has run out; however, \$100,000 of discretionary funds has been allocated by the Fifth Supervisorial District to continue the protection of the County's infrastructure through the end of the 2020-2021 fiscal year.

**I, THEREFORE, MOVE** that the Board of Supervisors direct the Department of Consumer and Business Affairs' Office of Cannabis Management and County Counsel to work with the Chief Executive Office of Legislative Affairs and Intergovernmental Relations Office to seek the following amendments to State law and report back to this board within 90 days on the status of these legislative efforts:

1. Amending the California Health and Safety Code to increase criminal penalties for certain categories of cannabis offenses;
2. Amending the California Code of Civil Procedure to authorize an alternative means of service of process for commercial cannabis businesses when their business entity status is form unknown;
3. Amending the California Food and Agricultural Code and companion regulations to provide that unregistered hemp for purposes of remediation/destruction is illegal cannabis;
4. Amending the California Water Code to provide standing to County Counsel to civilly prosecute and enjoin water theft;
5. Amending the California Water Code to provide additional enforcement authority for water theft and/or misuse in declared drought emergencies; and
6. Amending the California Fish and Game Code to authorize County Counsel to civilly prosecute and enjoin water pollution for cannabis cultivation.

**I, FURTHER, MOVE** that the Board of Supervisors instruct County Counsel, in consultation with the Department of Consumer and Business Affairs' Office of Cannabis Management, Sheriff's Department, and the Los Angeles County Departments of Regional Planning, and Agricultural Commissioner/Weights and Measures to:

1. Report back to this board in 90 days with a proposed administrative nuisance abatement ordinance for unpermitted cannabis activity including illegal dispensaries and cannabis cultivation; and
2. Report back to this board within 60 days with a proposed interim ordinance pursuant to Government Code Section 65858 that temporarily prohibits the establishment of new industrial hemp cultivation, and directs the Department of Regional Planning to conduct a zoning study of industrial hemp cultivation in the

unincorporated areas, including environmental impacts and proposed land use permits and/or standards for hemp cultivation.

**I, FURTHER, MOVE** that the Board of Supervisors request the Sheriff's Department:

1. In collaboration with the Department of Consumer and Business Affairs' Office of Cannabis Management and the Chief Executive Officer to determine the type and cost of equipment that can test quantity levels of THC in cannabis, and identify any other resources needed for enhanced enforcement efforts, and report back to this board in 30 days as to recommended next steps; and,
2. Collaborate with all local, state and federal authorities who can assist in the eradication of this environmental and quality of life nuisance including the office of the District Attorney, the US Attorney and the State Attorney General, the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

**I, FURTHER, MOVE** that the Board of Supervisors instruct the Chief Executive Officer to:

1. Approve the attached appropriation adjustment shifting \$250,000 from the Fifth District's one-time Consumer Protection Settlement fund allocation to finance the Sheriff's Department's continued targeted enforcement and patrols of the areas impacted by the massive illegal grows and water theft in the Antelope Valley; and
2. Report back during the FY 2021-22 Supplemental Budget on potential funding sources for the Sheriff's Department to sustain eradication of this serious environmental and quality of life nuisance.

# # #



**COUNTY OF LOS ANGELES  
MID-YEAR BUDGET ADJUSTMENT**

**FY 2020-21  
4 - VOTES**

SOURCES			USES	
<b>CONSUMER PROTECTION SETTLEMENT FUND</b>			<b>CONSUMER PROTECTION SETTLEMENT FUND</b>	
DP5-301U			DP5-AC-6100-41086	
COMMITTED FOR SUPERVISORIAL DISTRICT 5			OTHER FINANCING USES	
<b>DECREASE OBLIGATED FUND BALANCE</b>	<b>250,000</b>		<b>INCREASE APPROPRIATION</b>	<b>250,000</b>
<b>COUNTY COUNSEL</b>			<b>COUNTY COUNSEL</b>	
A01-CC-96-9911-11050			A01-CC-2000-11050	
OPERATING TRANSFERS IN			SERVICES & SUPPLIES	
<b>INCREASE REVENUE</b>	<b>250,000</b>		<b>INCREASE APPROPRIATION</b>	<b>250,000</b>
<b>SHERIFF - DETECTIVE SERVICES</b>			<b>SHERIFF - DETECTIVE SERVICES</b>	
A01-SH-6800-15681-15683			A01-SH-1000-15681-15683	
INTRAFUND TRANSFERS			SALARIES & EMPLOYEE BENEFITS	
<b>DECREASE APPROPRIATION</b>	<b>250,000</b>		<b>INCREASE APPROPRIATION</b>	<b>250,000</b>
<b>SOURCES TOTAL</b>	<b>\$ 750,000</b>		<b>USES TOTAL</b>	<b>\$ 750,000</b>

BA # 330

*Landan* June 21, 2021 - 1 of 1 -