

SUBSTITUTE MOTION BY SUPERVISORS KATHRYN BARGER AND
SHEILA KUEHL

July 13, 2021

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

Residents in the unincorporated rural areas in the Antelope Valley continue to be negatively impacted by illegal large-scale commercial cannabis cultivation. Reports of the number of illegal large-scale grows and associated problems including water theft, trespass, use of dangerous pesticides and fertilizers and trash and debris has greatly increased. Due to the enormity of the problem, there are concerns that growers of illegal commercial cannabis may exploit the physical similarities between young cannabis and industrial hemp crops which, if registered, are allowed. Both plants are identical during their early growth stages. Notwithstanding a lack of registration, illegal cannabis growers may claim their illegal cannabis operation is hemp to avoid or delay any enforcement. Residents, and businesses, in the County's unincorporated areas also continue to be negatively impacted by the crime and nuisances that illegal cannabis dispensaries cause and attract.

Since 2016, the County's Cannabis Team (Team), comprised primarily of County Counsel, the District Attorney, Sheriff, the Department of Regional Planning, and the

MOTION

MITCHELL	_____
KUEHL	_____
HAHN	_____
BARGER	_____
SOLIS	_____

Department of Consumer and Business Affairs' Office of Cannabis Management, has monitored all reports of illegal commercial cannabis activity and has conducted enforcement actions against them for operating in the unincorporated areas in violation of State law and the County's ban on commercial cannabis activity. 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.

Though significant structure hardening efforts have been made, 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 and severe water shortages.

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.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Office Legislative Affairs and Intergovernmental Relations Branch, in coordination with the Department of Consumer and Business Affairs' Office of Cannabis Management and County Counsel to support or pursue legislation to seek the following amendments to State law:

1. Provide standing to County Counsel to civilly prosecute and enjoin water theft;
2. Provide additional enforcement authority for water theft and/or misuse in declared drought emergencies;
3. Authorize County Counsel to civilly prosecute and enjoin water pollution from cannabis cultivation;
4. Address potential loopholes or exploitation by illegal cannabis growers, pursue increasing local government controls over illegal cannabis and unregistered hemp crops; and,
5. Authorize an alternative means of service of process for commercial cannabis businesses when their business entity status is form unknown.

WE, FURTHER, MOVE that the Board of Supervisors:

1. 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 report back to this board in 90 days with a proposed administrative nuisance abatement ordinance for unpermitted cannabis activity including illegal cannabis cultivation and dispensaries; and,
2. Direct Regional Planning to conduct a study on a future ordinance to regulate hemp and report back to the board in 180 days with recommendations.

WE, FURTHER, MOVE that the Board of Supervisors request the Department of Consumer and Business Affairs' Office of Cannabis Management:

1. In collaboration with the Sheriff's Department 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, the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

WE, 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 County to sustain eradication of this serious environmental and quality of life nuisance.

#

SUP: KB:cmd

**MID-YEAR BUDGET ADJUSTMENT
FY 2020-21**

12/28/2020

Cluster OPERATIONS
 Type of Change MID-YEAR BUDGET ADJUSTMENT
 Department Impacted CONSUMER AND BUSINESS AFFAIR
 Program Impacted CANNABIS
 Funding Type ONE-TIME
 Type of Adjustment REVENUE OFFSET FUNDING
 Change in Budgeted Positions 0
 Votes 4

Justification

Reflects a shift of one-time SD5 Consumer Protection Settlement funding associated with implementation of the Cannabis Consumer Health and Safety Taskforce in the Antelope Valley.

Sources (Increase Revenue / Decrease Appropriation)

FUND	DEPT	LVL1	LVL2	DESCRIPTION	CAT	OBJ	DESCRIPTION	AMOUNT
DP5				CONSUMER PROTECTION SETTLEMENT FU		301UD	COMMITTED FOR SUPERVISORIAL DI	250,000
A01	CC	11050		COUNTY COUNSEL	96	9911	OPERATING TRANSFERS IN	250,000
A01	SH	15681	15683	SHERIFF - DETECTIVE SERVICES		6800	INTRAFUND TRANSFERS	250,000
								750,000

Uses (Increase Appropriation / Decrease Revenue)

FUND	DEPT	LVL1	LVL2	DESCRIPTION	CAT	OBJ	DESCRIPTION	AMOUNT
DP5				CONSUMER PROTECTION SETTLEMENT FU		6100	OTHER FINANCING USES	250,000
A01	CC	11050		COUNTY COUNSEL		2000	SERVICES & SUPPLIES	250,000
A01	SH	15681	15683	SHERIFF - DETECTIVE SERVICES		1000	SALARIES & EMPLOYEE BENEFITS	250,000
								750,000

Appropriation	500,000
Intrafund Transfers	250,000
Revenue	250,000
Net County Cost	-

Explanation of change

Reflects a shift of one-time SD5 Consumer Protection Settlement funding associated with implementation of the Cannabis Consumer Health and Safety Taskforce in the Antelope Valley.

Manager, CEO Approval

PINK(1)

BA FORM 05142019

BOARD OF SUPERVISORS
OFFICIAL COPY

June 22, 2021

COUNTY OF LOS ANGELES

REQUEST FOR APPROPRIATION ADJUSTMENT

DEPARTMENT OF CHIEF EXECUTIVE OFFICER

AUDITOR-CONTROLLER:

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. PLEASE CONFIRM THE ACCOUNTING ENTRIES AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF EXECUTIVE OFFICER FOR HER RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFORE

FY 2020-21

4 - VOTES

SOURCES

BA DETAIL - SEE ATTACHMENT PAGE 1

USES

BA DETAIL - SEE ATTACHMENT PAGE 1

SOURCES TOTAL

\$ 750,000

USES TOTAL

\$ 750,000

JUSTIFICATION

Reflects a shift of one-time SD5 Consumer Protection Settlement funding associated with implementation of the Cannabis Consumer Health and Safety Taskforce in the Antelope Valley.

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

10 JUL 13 2021

Anthony Baker

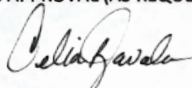
AUTHORIZED SIGNATURE

Digitally signed by Anthony Baker

Date: 2021.06.21 12:54:46 -07'00'

ANTHONY BAKER, MANAGER, CEO

BOARD OF SUPERVISOR'S APPROVAL (AS REQUESTED/REVISED)



CELIA ZAVALA
EXECUTIVE OFFICER

REFERRED TO THE CHIEF
EXECUTIVE OFFICER FOR---

☐ ACTION

☒ RECOMMENDATION

BY Lan Sam

Digitally signed by Lan Sam
Date: 2021.06.21 13:03:20 -07'00'

AUDITOR-CONTROLLER

B.A. NO.

330


DATE

June 21, 2021

☒ APPROVED AS REQUESTED

☐ APPROVED AS REVISED

CHIEF EXECUTIVE OFFICER



BY

cn=Chia-Ann Yen, o=Chief
Executive Office, ou=BOMB -
Community Services Cluster,
email=cyen@ceo.lacounty.gov,
c=US
2021.06.21 16:59:38 -07'00'

DATE June 21, 2021

COUNTY OF LOS ANGELES
MID-YEAR BUDGET ADJUSTMENT

FY 2020-21
4 - VOTES

SOURCES

USES

CONSUMER PROTECTION SETTLEMENT FUND
DP5-301U
COMMITTED FOR SUPERVISORIAL DISTRICT 5
DECREASE OBLIGATED FUND BALANCE

250,000

CONSUMER PROTECTION SETTLEMENT FUND
DP5-AC-6100-41086
OTHER FINANCING USES
INCREASE APPROPRIATION

250,000

COUNTY COUNSEL
A01-CC-96-9911-11050
OPERATING TRANSFERS IN
INCREASE REVENUE

250,000

COUNTY COUNSEL
A01-CC-2000-11050
SERVICES & SUPPLIES
INCREASE APPROPRIATION

250,000

SHERIFF - DETECTIVE SERVICES
A01-SH-6800-15681-15683
INTRAFUND TRANSFERS
DECREASE APPROPRIATION

250,000

SHERIFF - DETECTIVE SERVICES
A01-SH-1000-15681-15683
SALARIES & EMPLOYEE BENEFITS
INCREASE APPROPRIATION

250,000

SOURCES TOTAL

\$ 750,000

USES TOTAL

\$ 750,000

BA # 330

Landan June 21, 2021 - 1 of 1 -

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

10 JUL 13 2021

Celia Zavala

CELIA ZAVALA
EXECUTIVE OFFICER