

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

April 21, 2026

FROM

JASON ANDERSON, District Attorney

SUBJECT

Grant Application for Proposition 64 Public Health and Safety Grant Program

RECOMMENDATION(S)

1. Ratify the electronic submission of a grant application by the District Attorney's Division Chief to the California Board of State and Community Corrections for the Proposition 64 Public Health and Safety Grant Program, including the execution by the Chief Executive Officer of required grant application documents, including the Letter of Eligibility, Certification of Compliance with California Board of State and Community Corrections Policies, and Criteria and Assurance for Non-Governmental Organizations Receiving Grant Funds as Subcontractors, in the amount of \$6,000,000 for the period of July 1, 2026 through December 31, 2031.
2. Authorize the Chief Executive Officer to execute any subsequent non-substantive grant application amendments necessary on behalf of the County, subject to review by County Counsel.
3. Authorize the District Attorney Division Chief to electronically submit any subsequent non-substantive grant application amendments necessary on behalf of the County, subject to review by County Counsel.
4. Adopt **Resolution No. 26-39** as required by the California Board of State and Community Corrections authorizing the Chief Executive Officer to approve the grant application and sign the grant application documents, and any non-substantive grant application amendments, subject to review by County Counsel and to authorize the District Attorney Division Chief to electronically submit the grant application, including any non-substantive grant application amendments, subject to review by County Counsel.
5. Direct the District Attorney Division Chief to transmit any non-substantive grant application amendments to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The Office of the District Attorney (Department) is applying for a grant funded by tax revenue from Proposition 64 that has been made available to cities and counties to eliminate illegal cannabis activities, address public health and youth prevention, and environmental impacts of illegal cannabis. The Department applied for a maximum funding amount of

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\$6,000,000 to address illegal cannabis enforcement activities for the period from July 1, 2026 through December 31, 2031. The Department's proposed grant budget consists of staffing, software, equipment, and one vehicle. Staffing includes two part-time contract attorneys, one part-time contract forensic accountant, one Senior Investigator, one Paralegal, one partially grant-funded Investigative Technician position and one partially grant-funded Staff Analyst position. This grant does not require a match from the Department.

If the Department is awarded the requested funding, the Department will return to the Board of Supervisors (Board) to accept the grant, request the new positions, and request the necessary budget adjustments. The Department will use salary savings or another funding source to provide full funding for positions that are partially funded by the grant. If the Department is awarded significantly less than the requested budget, the Department will seek approval from the California Board of State and Community Corrections (BSCC) to reduce the grant budget to more closely match the award. In addition, the Department will plan to find other funding sources or reduce positions if grant funding ends to avoid requesting additional Discretionary General Funding.

BACKGROUND INFORMATION

The Department is the public prosecutor and has the mandated responsibility to prosecute crimes committed within San Bernardino County, including city jurisdictions, pursuant to Government Code 26500. As part of that mandate, the District Attorney's Consumer and Environmental Protection Unit (CEP) prosecutes crimes against the environment that negatively impact public safety such as hazardous waste dumping, and violations of Cal/OSHA, as well as consumer fraud.

San Bernardino County has been fighting illegal marijuana activities over the last decade. In November 2016, the California voters approved Proposition 64, otherwise known as the Control, Regulate, and Tax Adult Use of Marijuana Act (Act). This Act legalized the recreational use of marijuana in California for individuals 21 years of age or older. In August 10, 2021 (Item No. 43), the Board of Supervisors adopted Urgency Ordinance No. 4412 to increase penalties and fines for violations of prohibited commercial cannabis activities. In addition, the Board created a Community Concerns Task Force and established Community Concerns and Crime Suppression Fund (Community Concerns Reserve).

The Department formed a Marijuana Task Force within its CEP unit to address the Board's directives to County departments to eliminate the numerous illegal cannabis cultivation sites, illegal sales, and associated crime. On December 14, 2021 (Item No. 36), the Board of Supervisors approved an annual allocation of funding from the Community Concerns Reserve to the Department. The Department used the funding to address crimes associated with illegal commercial cannabis cultivation, such as theft of utilities and water, use of banned lethal chemicals, human trafficking, weapons possession, sales of narcotics, environmental damage, destruction of wildlife habitat and blight that have caused significant public concern. The Marijuana Task Force has filed 1,215 marijuana-related cases over the past four years with the Superior Court. The Department annually requests funding from the Board to continue fighting illegal activities related to marijuana.

Over the last several years, tax revenue from Proposition 64 has been made available from the BSCC to fight illegal cannabis activities and address community concerns. Proposition 64 provides that a portion of tax from sales or cultivation of marijuana be appropriated to public agencies to address public health, safety, and education about cannabis. The California

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Revenue and Taxation Code directs the BSCC to make grants, consisting of Proposition 64 tax revenue, available to local government agencies. The BSCC has had three previous funding phases and on February 13, 2026, the BSCC released a request for proposals for its fourth funding phase, referred to as the Proposition 64 Public Health and Safety Grant Program, Cohort 4. The BSCC is making \$125,000,000 available to cities and counties who meet eligibility criteria and submit a successful grant application. Funding awards are based on the population within the county or city boundaries.

The BSCC classifies San Bernardino County as a large county with over 2 million residents and is providing up to \$6,000,000 of funding upon approval of a grant application and subsequent grant agreement. The grant period is five years from July 1, 2026 through December 31, 2031. The deadline to submit a grant application was March 30, 2026.

On March 12, 2026, the Department submitted a non-binding Letter of Intent to apply for this grant, as required by the RFP. Because of the quick application deadline of March 30, 2026, the Department requested approval from the Chief Executive Officer to review the grant in draft form and approve electronic submittal of the grant by the District Attorney or his designee. Three additional signed forms were required as indicated in Recommendation No. 1 and signed by the CEO. The Department did not budget for a non-governmental subcontractor to provide services but the form is still required to be signed and submitted with the grant application. The Department is bringing this item to the Board for approval at the earliest available Board meeting after submitting the application.

The Department's grant application expands its existing Marijuana Task Force to further investigate properties and owners/operators associated with illegal cultivation sites. Some owners/operators have properties in multiple areas of the county or in several counties. Some owner/operators resume operations after abatement and hide their ownership behind limited liability corporations. More effort is needed to pursue environmental remediation, restitution, and cost-recovery efforts. In addition, it has been determined through lab testing of plants that banned chemicals have come into direct contact with cannabis plants, which may increase the health risks of the public who consume or ingest marijuana. Further investigation is needed to provide not just immediate interventions but a long-term strategy to address ongoing impacts of marijuana-related activities.

The Department proposed a budget of \$6,000,000 for the entire grant period which includes two part-time contract attorneys with experience in environmental law, one part-time forensic accountant to review bank and revenue records, one Senior Investigator, one Paralegal, partial funding for an Investigative Technician and partial funding for a Staff Analyst II. The budget also includes software to track case activity and a vehicle for the investigator.

After its review of grant applications from cities and counties across the state of California, the BSCC grant committee may award funding to San Bernardino County with the request that the Department focus on certain illegal cannabis projects. If awarded the grant, the Department will return to the Board for approval of the grant award agreement, provide an update on any requested program changes, and request approval of necessary budget adjustments.

PROCUREMENT

N/A

REVIEW BY OTHERS

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This item has been reviewed by County Counsel (Daniella Hernandez, Deputy County Counsel, 387-3121) on March 31, 2026; and County Finance and Administration (Elias Duenas, Administrative Analyst, 387-4052) on April 2, 2026.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: April 21, 2026



cc: File - District Attorney
MBA 04/23/2026