

RESOLUTION NO. 2021-096

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO
REQUESTING IMMEDIATE ACTION BY THE STATE OF CALIFORNIA WITH REGARD TO
ILLEGAL CANNABIS CULTIVATION**

On Tuesday, June 8, 2021, on motion of Supervisor Rutherford, duly seconded by Supervisor Baca and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, In November 2016, California voters approved Proposition 64, known as “The Adult Use of Marijuana Act;”

WHEREAS, Among the many changes to state laws included in Proposition 64 is a provision which reduced illegal cannabis cultivation from a felony to a misdemeanor offense except in certain specific circumstances listed in Section 8.2(d), codified at section 11358 of the Health & Safety Code;

WHEREAS, Since the adoption of Proposition 64, an alternative illegal market exists to circumvent the legal process of cultivating and selling marijuana. Illegal grows avoid the normal regulatory process established by Proposition 64 and local ordinances designed to balance public safety and the economy. Irreversible environmental damage occurs every day at illegal grows using illegal pesticides and waterway diversion. Non-permitted water wells exist to ensure continued growth of illegal marijuana. Misdemeanor punishment alone is not a deterrent to any of these practices and fails to protect those who follow Proposition 64 from unfair labor practices.

WHEREAS, Since adoption of Proposition 64, the San Bernardino County Sheriff’s Department experienced a 224 percent increase in the seizure of illegal marijuana plants, a 620 percent increase in confiscated firearms that were discovered while executing search warrants at illegal cannabis farms, and a 463 percent increase in recovered illicit cannabis concentrate products;

WHEREAS, Commercial cannabis cultivation is prohibited in all unincorporated areas of the County of San Bernardino;

WHEREAS, Section 10 of “The Adult Use of Marijuana Act” specifies that amendments to provisions contained in Proposition 64 may be amended by a two-thirds vote of the California State Legislature;

WHEREAS, A core mission of the Board of Supervisors is to help protect the people of San Bernardino County.

NOW, THEREFORE, The Board of Supervisors of the County of San Bernardino strongly encourages introduction of legislation in the California State Legislature to increase the severity of criminal penalties for illegal commercial cannabis cultivation by making this offense a felony.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of June 8, 2021.

LYNNA MONELL
Clerk of the Board of Supervisors

By _____

Deputy

