

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, JANUARY 24, 2024**

MINUTE ORDER NO. 5

**SUBJECT: CONTINUED ITEM FROM JANUARY 10, 2024 ITEM 2:
PLANNING & DEVELOPMENT SERVICES - AUTHORITY TO ACCEPT THE
CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS
PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT PROGRAM
FUNDS (DISTRICTS: ALL)**

OVERVIEW

On January 27, 2021 (4), the Board of Supervisors (Board) directed the Chief Administrative Officer (CAO) to develop a Socially Equitable Cannabis Program (SECP) for the unincorporated area, that would allow for a variety of cannabis uses, establish a cannabis permitting program that would prioritize social equity, access, and business opportunities, and help rectify the injustices caused by the War on Drugs. On October 26, 2022 (06), the Board acted to further consider and on November 16, 2022 (01), adopted ordinances authorizing the transfer of the cannabis licensing program from the Sheriff's Department to Planning & Development Services (PDS). In addition, Code Compliance continues to address unlicensed cannabis activities throughout the unincorporated areas of San Diego county.

In early 2023, Planning & Development Services (PDS) staff became aware of the Proposition 64 Public Health & Safety Grant Program administered by the California Board of State Community Corrections (BSCC). The program provides grant funds to local governments that assist with law enforcement, fire protection, or other programming to address public health and safety associated with the implementation of the Control, Regulation, and Tax Adult Use of Marijuana Act. Cannabis regulation is a relatively new activity for local governments throughout California as well as the State cannabis licensing entity, the Department of Cannabis Control, which is frequently updating cannabis regulations in response to new legislation and industry needs.

PDS staff applied for this grant program in April 2023 and recently received notification that our application was approved and awarded by the BSCC Board. The BSCC grant funds will enhance the new licensing program and related compliance activities at both licensed and unlicensed cannabis facilities.

This request is to authorize PDS to accept the grant from BSCC for the Proposition 64 Public Health and Safety Grant Program in the amount up to \$2,092,520 for the grant performance beginning May 1, 2023, and ending on April 30, 2028.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not a project pursuant to the California Environmental Quality Act (CEQA) Section 21065 and Guidelines Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment, and does not have a potential to result in a direct or indirect foreseeable physical change in the environment.

2. Authorize PDS to accept \$2,092,520 of one-time funds from the Board of State and Community Corrections for the grant project period beginning May 1, 2023, and ending on April 30, 2028.
3. Adopt a resolution titled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING DIRECTOR, PLANNING & DEVELOPMENT SERVICES, TO APPLY FOR AND ACCEPT FUNDS FROM THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT PROGRAM.
4. Authorize the Director of Planning & Development Services and/or designee to execute all required grant and grant-related documents, including any annual extensions, amendments, and/or revisions thereto that do not material impact or alter the services or funding level.
5. Establish appropriations of \$2,092,520 in PDS, Services & Supplies for enhancement of cannabis licensing and permitting activities based on Proposition 64 Public Health & Safety Grant. **(4 VOTES)**

EQUITY IMPACT STATEMENT

These grant funds will help support efforts to ensure a robust legal cannabis market within the unincorporated areas and the future Social Equity Program, which is addressing the impacts of the War on Drugs. Regulating cannabis facilities and addressing unlicensed cannabis activities support public health and safety in the unincorporated areas of San Diego county. The grant funds will directly support the Code Compliance Division, which conducts routine inspections to ensure these facilities operate in accordance with local ordinances.

SUSTAINABILITY IMPACT STATEMENT

The proposed action supports addressing unlicensed cannabis activities and their negative impacts on public health, safety, and natural resources. Unlawful cannabis cultivation has been shown to negatively impact the environment through the depletion of groundwater and the pollution of both surface and groundwater. Halting unlawful cultivation helps to ensure groundwater may continue to be utilized as a safe and sustainable resource in the future. Safe and sustainable groundwater is a necessity for residents of the unincorporated area its continued availability promotes the health and wellbeing of the community. The protection of both surface and groundwater quality is in alignment with the County of San Diego's Sustainability Goals. The proposed action and BSCC grant funds will support the Code Compliance Division's efforts to address unlawful cultivation.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2023-24 Operational Plan in the Department of Planning & Development Services (PDS). If approved, this request would result in estimated costs and revenue of up to \$2,092,520 for the grant term (five years) in Fiscal Years 2024-25 through Fiscal Year 2028-29. If approved, the recommendation will establish appropriations of \$2,092,520 in PDS, Services & Supplies. The funding source is the Proposition 64 Public Health & Safety Grant Program from the State of California, Board of State and Community Corrections (\$2,092,520). If accepted, the assigned award number from the Auditor and Controller will be 509520.

The Board approved a waiver of Board Policy B-29 for LUEG grants on June 24, 2020 (1), therefore a waiver is not requested as part of this action. If a grant is accepted, any unrecovered cost per Board Policy B-29 would be funded by existing General Purpose Revenue in PDS as determined by the nature of the project(s) or program(s).

There will be no change in the General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, on Consent, and adopted Resolution No. 24-007, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING DIRECTOR, PLANNING & DEVELOPMENT SERVICES, TO APPLY FOR AND ACCEPT FUNDS FROM THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT PROGRAM.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe

NOES: Desmond

State of California)
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter