

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: February 22, 2017

From: Chuck Iley, County Administrative Officer
(Department Head - please type)

Phone Ext. x470

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>February 28, 2017</u>	

Department Head Signature

Agenda Title: Tree Removal on County Roadways

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Progress report by Ed Struffenegger, Registered Professional Forester, regarding dead tree removal along County roadways.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate) _____ Staffing Impacts _____

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Committee Review? Name _____ N/A

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman Counsel
 Auditor GSA Director
 CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 2/28/17 Time _____ Item # 5

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___
 Ayes: _____ Resolution _____ Ordinance _____ Other: _____
 Noes: _____ Resolution _____ Ordinance _____
 Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____ Department _____ For meeting of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____		

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
 Date: February 22, 2017

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>February 28, 2017</u>	

From: Richard M. Foster, Chairman Phone Ext. x470
 (Department Head - please type)

Department Head Signature _____

Agenda Title: Panther Fuels Reduction and Forest Health Project

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 Discussion and possible action relative to the subject project and the Environmental Assessment prepared by the Amador District of the Eldorado National Forest.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____
 Staffing Impacts _____

Is a 4/5ths vote required? Yes No

Committee Review? Name _____ N/A

Committee Recommendation: _____

Contract Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Resolution Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Ordinance Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Comments: _____			

Request Reviewed by:

Chairman [Signature] Counsel GB
 Auditor JOR GSA Director [Signature]
 CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 2/28/17 Time _____ Item # 6

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____
 Noes: _____ Resolution _____ Ordinance _____
 Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____		



File Code: 1950
Date: February 16, 2017

Dear Interested Party:

The Amador District of the Eldorado National Forest has prepared an Environmental Assessment (EA) for the Panther Fuels Reduction and Forest Health Project. A comment period is being provided for this EA pursuant to 36 CFR 218.22 and is intended to provide those interested in or affected by this action an opportunity to make their concerns known prior to a decision being made by the Responsible Official on the alternatives analyzed in detail. Those submitting timely, specific written comments will be eligible to file during the objection period which will be provided for this project prior to decision (36 CFR 218.5(a)).

The project area is located between Panther Creek Road and Ellis Road, south of Highway 88 and north of the 2004 Power Fire footprint in Amador County, CA. The legal description is T8N, R15E, Sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31. The project proposes a combination of strategic fuel treatment areas and commercial harvest units with the goal of creating fuel conditions resembling those created under historic fire return intervals. Actions are proposed to establish, create, and maintain key fuel break areas along important ridges and roads within the project area. Proposed activities include commercial and pre-commercial thinning, tractor piling, and prescribed burning, as well as improvements to existing roads within the project boundary.

The Environmental Assessment is available for review at <https://www.fs.usda.gov/project/?project=41236> or www.fs.usda.gov/projects/eldorado/landmanagement/projects. For more information or to obtain a hard copy of the EA, please contact Jennifer DeWoody, NEPA Planner, at (530) 647-5382 or via email at jadewoody@fs.fed.us.

How to Comment and Timeframe

Comments concerning this action will be accepted for 30 calendar days following publication of this notice in the Mountain Democrat, the newspaper of record. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this proposal. Those wishing to comment should not rely upon dates or timeframe information provided by any other source (36 CFR 218.24(c)(2)). Extensions to the length of the comment period cannot be granted (36 CFR 218.25(a)(1)(iv)). Individuals and organizations wishing to be eligible to object must meet the information requirements of 36 CFR 218.25(a), including specific written comments as defined in 218.2 regarding the proposed project, along with supporting reasons (218.25 (a)(3)(iii)). The commenter is responsible to provide the literature cited in their comment, as well as the full citation and explanation of how each piece of literature cited applies to the proposed action. Each individual or representative from each entity submitting timely and specific written comments regarding this project must either sign the comments or verify identity



AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: December 13, 2012

From: Richard M. Forster, Chairman
(Department Head - please type)

Phone Ext. x470

- Regular Agenda
- Consent Agenda
- Blue Slip
- Closed Session

Meeting Date Requested:
February 28, 2017

Department Head Signature _____

Agenda Title: Community Development Agency

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Update by Mr. Aaron Brusatori, Community Development Director, regarding the recent storms and damages to County roadways and necessary ongoing road closures.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Committee Review? Name _____ N/A

Committee Recommendation:

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Comments: _____

Request Reviewed by:

Chairman _____ Counsel _____
Auditor _____ GSA Director _____
CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 2/28/17 Time _____ Item # 7

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____
Completed by _____
of _____

A new ATF is required from _____
Department _____
For meeting _____
of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
Clerk or Deputy Board Clerk

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
February 28, 2017	

To: Board of Supervisors
 Date: December 13, 2012

From: Richard M. Forster, Chairman Phone Ext. x470
 (Department Head - please type)

Department Head Signature _____

Agenda Title: General Services Administration

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 Discussion and possible action relative to a report by the Projects Ad Hoc Committee regarding prioritizing of projects and General Service Administration staffing levels.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____ Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Committee Review? N/A <input type="checkbox"/> Name _____ Committee Recommendation: _____	Comments: _____ _____

Request Reviewed by:

Chairman _____ Counsel _____
 Auditor _____ GSA Director _____
 CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 2/28/17 Time _____ Item # 8

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____
 Noes _____ Resolution _____ Ordinance _____
 Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____		

GENERAL SERVICES ADMINISTRATION

MAIL: 12200-B Airport Road, Jackson, CA 95642

LOCATION: 12200-B Airport Road, Martell, CA

PHONE: (209) 223-6744 FAX: (209) 223-0749 E-MAIL: jhopkins@amadorgov.org



SUMMARY MEMORANDUM

TO: Board of Supervisors

FROM: Jon Hopkins, GSA Director *Hop*

DATE: February 23, 2017

SUBJECT: Projects (Capital, Special & Maintenance) Update and Staffing
For Discussion and Possible Action

On January 24, 2007 the Board discussed outstanding Capital Improvement Projects, Special Projects and Maintenance Projects making one funding commitment of \$50,000.00 to make repairs to the Pine Grove Town Hall referring all other matters to the Projects Adhoc Committee. On February 23, 2007 the CAO, Staff and the Committee met to discuss project priorities, funding and staffing. Below is a list of GSA projects the Board approved using one-time monies during the Budget process:

Crew Quarters for Road Crew	\$ 150,000.00
Library Repairs	\$ 400,000.00
DA Office HVAC	\$ 126,000.00
DA Office Exterior (3% completed)	\$ 200,000.00
Probation Office Carpet	\$ 30,000.00
Small Projects (GSA carpet, Pine Grove Town Hall siding or paint)	\$ 400,000.00
Total	\$1,306,000.00

Below is the current recommended updated GSA projects listed in priority:

D.A. elevator shaft roof	\$ 100,000.00
County wide intrusion/card access system	\$ 82,000.00
Library Repairs	\$ 400,000.00
Pine Grove Town Hall repairs	\$ 50,000.00
Roof Tie-Off to clean PV panels, roof and gutters (Cal-OSHA required)	\$ 20,000.00
Probation Carpet	\$ 30,000.00
D.A. HVAC	\$ 150,000.00
I. T. leak	\$ 100,000.00
Public Works Crew Quarters	\$ 200,000.00
DA Office Exterior	\$ 174,000.00
Total	\$1,306,000.00

Please note: Some of the projects listed above are based upon utilizing in-house labor and a philosophy of getting to them as staffing is available.

In regards to staff levels, consideration of returning volunteer furloughed staff back to full time status is an option. This would return approximately 624 total hours to the Facilities budget working a 9/80 schedule.

The following lists remain and are what was presented to the Board on January 24, 2007, and what the Projects Adhoc Committee considered in addition to the first list above.

Projects that have arisen since the funding above has been approved are:

1. Jail Project (geotech, surveying, locating utilities, 911 command unit) - Ongoing until 2020.
2. Jail Intercom and control panel system replacement – 95% design completion
3. Jail camera system – 0%
4. Jail Demising wall – 0%
5. Jail window bars – 10%
6. Jail Fire control panel and system replacement – 10%
7. Bird mitigation – on going
8. Airport Hangar 3 renovations – 80%
9. Conference room C & Board Chambers projector/screen/lights – 15%
10. Pine Grove Town Hall parking – on going
11. GSA Print Shop Floor removal – 50%
12. County wide intrusion/card access system – 0% (\$81,000.00)
13. Water tanks – 90%
14. Health and Human Services leaks and other repairs – 6 pending
15. I.T. leak – 0%
16. Motor Pool leaks – 0%
17. Volcano high speed internet project on Airport Road – 75%
18. Elections transportation and set up – possibly will occur next year (2 guys 3days)
19. Sand bag monitoring - TBD
20. D.A. remove & re-roof elevator shaft roof (requires engineer & SHPO) – 0%
21. Museum Quilt hanging in CAC – 0%
22. I.T. sever air curtain – 80%

Deferred Maintenance Projects (does not include special projects & includes using staff):

1. Roof Tie-Off to clean PV panels, roof and gutters (Cal-OSHA required)	\$ 16,500.00
2. Window Cleaning at CAC	\$ 5,000.00
3. Slurry seal and strip at CAC	\$ 30,000.00
4. Cleaning walls at CAC	
5. Clean up efflorescence on brick and sealing brick	\$ 60,000.00
6. Rip Rap placement under Library for erosion control	\$ 15,000.00
7. Probation stain and repair trim	\$ 12,000.00
8. Probation windows need repair, windows do not operate (some fallout)	\$ 18,000.00
9. Repair and slurry seal GSA/AG/Warehouse parking	\$ 8,000.00
10. Repair broken tile in restroom	\$ 100.00
11. Corporation yard paving	unknown
12. Corporation Yard water leak	unknown
13. Corporation Yard electrical switch gear replacement (we have switch gear)	\$200,000.00
14. Motor pool roof, replace screws and caulk	\$ 1,000.00
15. D.A. interior painting, carpet, railings, doors	\$ 45,000.00
16. D.A. communications pull box water intrusion	\$ 15,000.00
17. D.A. re-roof hatch area and install overflow	\$ 3,000.00
18. D.A. replace asphalt concrete curb & repair embankment	\$ 20,000.00
19. D.A. modify basement drainage to prevent annual flooding	\$ 3,000.00
20. D.A. remove & re-roof elevator shaft roof (requires engineer & SHPO)	\$ 45,000.00
21. D.A. Slurry seal parking and re-stripe	\$ 12,000.00
22. S.O. Clean, repaint exterior gas piping and replace pads & platforms	\$ 60,000.00
23. S.O. slurry seal driveway & parking	\$ 5,000.00
24. S.O. exterior painting	\$ 40,000.00
25. S.O. electrical, communications, mechanical & plumbing clean-up	unknown
26. Chew Kee Store stucco and gutter	\$ 6,500.00
27. Parks, various issues (scout hut is closed)	unknown
28. Overall grounds maintenance (sprinklers, valves weeding, trimming, etc.)	unknown

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
February 28, 2017	

To: Board of Supervisors

Date: December 13, 2012

From: Richard M. Forster, Chairman
(Department Head - please type)

Phone Ext. x470

Department Head Signature _____

Agenda Title: Assembly Bill 174-California Transportation Commission Rural Representation Act

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to approval of the Chairman's signature on a letter of support regarding Assembly Bill 174, as it relates to requiring one voting member of the California Transportation Commission to reside in a county with a population of less than 100,000.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? N/A

Name A

Committee Recommendation:

Comments:

Request Reviewed by:

Chairman _____ Counsel _____

Auditor _____ GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 2/28/17 Time _____ Item # 9

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____ Department
Completed by _____	For meeting of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
Clerk or Deputy Board Clerk

Save

CAPITOL OFFICE
Room 4158
Sacramento, CA 95814
(916) 319-2005
FAX (916) 319-2105

Assembly California Legislature

FRANK BIGELOW
ASSEMBLYMEMBER, 5TH DISTRICT



DISTRICT OFFICE
33 C Broadway
Jackson, CA 95642
(209) 223-0505
FAX (209) 762-8262

COMMITTEES
Vice Chair, Appropriations
Vice Chair, Governmental
Organization
Banking and Finance
Insurance
Water, Parks & Wildlife

AB 174: CALIFORNIA TRANSPORTATION COMMISSION RURAL REPRESENTATION ACT

COAUTHORS: AGUIAR-CURRY, CABALLERO, DAHLE, GALLAGHER, MATHIS, WOOD

IN BRIEF:

AB 174 would require one voting member of the California Transportation Commission to reside in a county with a population of less than 100,000.

EXISTING LAW:

Currently, the California Transportation Commission consists of 11 voting members, and 2 Members of the Legislature who are appointed as non-voting ex-officio members. Of the 11 voting members, 9 are appointed by the Governor, one is appointed by the Senate Committee on Rules, and one is appointed by the Speaker of the Assembly.

THE ISSUE & AUTHOR'S STATEMENT:

The California Transportation Commission's mission is to be a unified voice for transportation issues in California; however every current member of the California Transportation Commission resides in a county with a population over one million people. It is impossible for the Commission to meet their mission as a unified voice for transportation issues in California without a representative from a small rural county of under 100,000 people.

THE SOLUTION:

AB 174 will ensure the voices of small, rural California counties are heard on the Commission. Our rural roads are crumbling and polka dotted with pot holes. Shovel-ready projects to update our infrastructure keep receiving the red line. The time has come to ensure our issues have a voice and a vote.

SUPPORT:

PENDING

CONTACT:

Katie Masingale, Office of Assemblyman Bigelow
(916) 319-2005 or Katie.Masingale@asm.ca.gov

[INSERT HEADING]

MONTH DAY, 2017

Assemblyman Frank Bigelow
P.O. Box 942849
Sacramento, CA 94249-0005
Re: Support for AB 174

RE: SUPPORT FOR AB 174 (BIGELOW)

Dear Assemblyman Bigelow:

I/we write to support AB 174, which would require one voting member of the California Transportation Commission to reside in a county with a population of less than 100,000.

The California Transportation Commission's mission is to be a unified voice for transportation issues in California; however all eleven members of the California Transportation Commission currently reside in a county with a population over a million. It is impossible for the Commission to meet their mission as a unified voice for transportation issues in California with this formation.

[INSERT A PARAGRAPH HIGHLIGHTING HOW AB 174 WILL BE A BENEFIT]

AB 174 will ensure the voices of small, rural California counties are heard on transportation issues. Without rural representation on the Commission, it is impossible for the Commission to meet their mission as a unified voice for transportation issues in California. Our rural roads are crumbling and polka dotted with pot holes. Shovel-ready projects to update our infrastructure keep receiving the red line. The time has come to ensure our issues have a voice and a vote.

It is for the reasons stated above that we enthusiastically support AB 174.

Sincerely,

[SIGNATURE]

NAME
TITLE

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: February 22, 2017

From: Greg Gillott
(Department Head - please type)

Phone Ext. 366

- Regular Agenda
- Consent Agenda
- Blue Slip
- Closed Session

Meeting Date Requested:
02/28/17

Department Head Signature 

Agenda Title: Urgency Ordinance Regarding Marijuana Related Activities

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action regarding adoption of an urgency ordinance regarding marijuana cultivation and related activities, in light of the passage of Proposition 64 by voters.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? N/A


Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman 

Counsel 

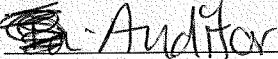
Auditor 

GSA Director 

CAO _____

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)



FOR CLERK USE ONLY

Meeting Date 2/28/17

Time _____

Item # 10

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____

A new ATF is required from _____
Department _____
For meeting _____
of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

Completed by _____

ATTEST: _____
Clerk or Deputy Board Clerk



GREGORY G. GILLOTT
County Counsel

JENNIFER K. MAGEE, DEPUTY
GRACE L. PAK, DEPUTY
ANGELA R. CREACH, PARALEGAL
JULIE BROWN, LEGAL SECRETARY

STAFF REPORT

TO: Board of Supervisors

FROM: Gregory Gillott, County Counsel
Grace Pak, Deputy County Counsel

DATE: February 22, 2017

RE: Proposition 64 and County Marijuana Regulation Issues

RECOMMENDATION:

As directed by the Board at its February 14, 2017 meeting, staff has prepared for adoption an Interim Urgency Ordinance temporarily prohibiting commercial nonmedical marijuana activity and outdoor cultivation of nonmedical marijuana on the grounds of a private residence, within the unincorporated area of Amador County, to the full extent authorized under State law.

BACKGROUND:

On November 8, 2016, the voters of the State of California enacted Proposition 64, known as the Control, Regulate and Tax Adult Use of Marijuana Act (the "AUMA"), which establishes a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana for use by adults 21 years and older.

Commercially, the AUMA creates a State licensing system which will authorize business to legally cultivate, distribute, transport, store, manufacture, process, and sell nonmedical marijuana, with such licenses to be issued no later than January 1, 2018. However, State licensing authorities cannot approve an application for a State license if approval of the State license will violate the provisions of any local ordinance or regulation.

Recreationally, the AUMA generally allows adults 21 years of age or older to possess, process, transport, purchase, obtain, or give away to persons 21 years or older certain amounts of marijuana and to plant, cultivate, harvest, dry, or process up to six (6) marijuana plants in their private residences. However, local authorities may enact and enforce "reasonable regulations"

STAFF REPORT

TO: Board of Supervisors
DATE: February 22, 2017
PAGE: 2
RE: Proposition 64 and County Marijuana Regulation Issues

regarding the six marijuana plants, including the complete prohibition of outdoor planting, cultivating, harvesting, drying, and/or processing.

The County's current regulations presently prohibit commercial activities related primarily to medical marijuana, as do most cities within the County. The State has yet to fully establish the regulatory scheme for nonmedical commercial marijuana. Finally, the federal government has not sanctioned the cultivation, sale, or possession of nonmedical marijuana and, in fact, classifies marijuana as a Schedule 1 Drug under the Federal Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*

Significant concerns have been raised regarding the impacts that possession, planting, cultivation, harvesting, drying, processing, distributing, transporting, storing, manufacturing, and sale of nonmedical marijuana may have on public health, safety, and welfare in the County, including, without limitation, protection of environmental resources and neighborhood quality; youth exposure, education and outreach; proper security and safety measures; and increased crime and nuisance.

POSSIBLE ACTION REGARDING URGENCY ORDINANCE:

In order to avoid the immediate threat to the public health, safety, and welfare which will result from unregulated, commercial, nonmedical marijuana activity and outdoor cultivation for personal use and to allow the Board sufficient time to study and consider local regulation of nonmedical marijuana activity, it is recommended that the Board establish a temporary moratorium on:

- All commercial and/or industrial use involving nonmedical marijuana, including, without limitation, the manufacture, processing, testing, labeling, storing, distribution, wholesale, and retail within the unincorporated area of the County; and
- Outdoor planting, cultivating, harvesting, drying, and/or processing of nonmedical marijuana.

A purposed urgency ordinance is attached for your consideration. A 4/5ths vote is required. It is further recommended that the Board schedule a noticed public hearing within forty-five (45) days from adoption of the urgency ordinance to consider whether to extend the moratorium.

AN INTERIM URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF AMADOR PROHIBITING COMMERCIAL NONMEDICAL MARIJUANA ACTIVITES AND OUTDOOR CULTIVATION OF NONMEDICAL MARIJUANA WITHIN UNINCORPORATED AMADOR COUNTY

The Board of Supervisors of the County of Amador ordains as follows:

SECTION 1. FINDINGS RELATED TO URGENCY. The Board of Supervisors finds and declares as follows:

A. On November 8, 2016, California voters passed Proposition 64, the “Adult Use of Marijuana Act” (“AUMA”), which establishes a comprehensive regulatory scheme to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing and sale of non-medical marijuana for use by adults 21 years and older.

B. The AUMA creates a state licensing system which will authorize businesses to legally cultivate, manufacture, process, store, distribute, transport and sell nonmedical marijuana and marijuana products with such licenses to be issued by the state no later than January 1, 2018, unless it violates the provisions of any local ordinances or regulations.

C. The AUMA permits a county to enforce reasonable regulations for the cultivation of nonmedical marijuana for personal use, including prohibiting outdoor cultivation and banning nonmedical commercial marijuana activities.

D. Significant concerns regarding the negative effects to the health, safety, and welfare of the public from unregulated medical and nonmedical marijuana activities include increased crime and associated violence, the nuisance presented by the strong odor of marijuana plants as they begin to flower to neighboring properties and the risk of burglary or robbery posed by the smell which can alert persons to the location of the valuable plants, as well as, the adverse environmental impacts from cultivation practices. In 2014, there was a robbery and attempted murder associated with a marijuana processing operation in Plymouth and in 2016, there was a marijuana related home invasion robbery. In neighboring Calaveras County, there has been a substantial increase in marijuana related crimes since the adoption of their 2016 urgency ordinance which allowed commercial medical marijuana cultivation and other uses.

E. There is an immediate need to prevent unregulated nonmedical marijuana grows and activities in the County, which has the potential to impact the health, safety, aesthetic, and community welfare of residents and businesses and this interim ordinance is necessary to prevent the potential for nonmedical outdoor marijuana cultivation to be grandfathered in the unincorporated areas of the County.

F. Regarding medical marijuana, Chapters 19.84 and 19.86 of the Amador County Code already prohibit medical marijuana dispensaries and commercial marijuana activities including cultivation, distribution, manufacture, nurseries, and laboratories, respectively.

G. The Federal Controlled Substances Act (21 USC §§ 801 et seq.) classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, transport, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substance Act does not exempt the cultivation, manufacture, distribution, dispensation, transportation, or possession of marijuana for medical purposes.

H. The California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentrations of marijuana in locations without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

I. With respect to nonmedical marijuana activities authorized by AUMA, the Board of Supervisors finds that they present a current and immediate threat to the public health, safety, or welfare of Amador County residents until additional staff review has been completed and any necessary local regulations or code revisions have been adopted and made effective. It is the intent of this Ordinance to prohibit nonmedical marijuana activities to the fullest extent permitted by State law.

SECTION 2. DEFINITIONS.

For purposes of this Ordinance, the following words and phrases have the following meanings:

(a) "Indoor cultivation" shall mean cultivation inside a private residence or inside a fully enclosed and secure accessory structure to a private residence in accordance with Health and Safety Code section 11362.2(b)(2).

(b) "Marijuana" shall mean both "marijuana" as defined in Health and Safety Code section 11018 and "marijuana products" as defined in Health and Safety Code section 11018.1

(c) "Medical marijuana" shall mean marijuana used for medical purposes in accordance with Health and Safety Code section 11362.7 et seq.

(d) "Nonmedical" or marijuana shall mean marijuana not used for medical purposes in accordance with Health and Safety Code section 11362.7 et seq.

(e) "Outdoor cultivation" shall mean any cultivation that is not defined as indoor cultivation in Health and Safety Code section 11362.2(b)(2).

(f) "Private residence" shall mean "private residence" as defined in Health and

Safety Code section 11362.2(b)(5).

SECTION 3. PROHIBITED USES.

(a) Any commercial or industrial use involving marijuana including but not limited to manufacture, processing, laboratory testing, labeling, storing, wholesale, distribution and retail is prohibited in all zoning districts in unincorporated Amador County.

(b) Outdoor planting, cultivating, harvesting, drying, curing, or processing of marijuana plants for nonmedical use is prohibited in all zoning districts in unincorporated Amador County.

SECTION 4. EXEMPTIONS.

(a) Indoor planting, cultivation, harvesting, drying, or processing of marijuana plants for nonmedical use is limited to six (6) or fewer plants per private residence at one time and must be entirely for the personal use of a resident who is twenty-one (21) years of age or older.

(b) This Ordinance does not affect the rights of individuals as established by State law to possess or use medical marijuana subject to a valid doctor's recommendation.

(c) It is not a violation of this Ordinance for any person employed by a licensed marijuana delivery service to travel on public roads within unincorporated areas of the County for the purpose of delivering marijuana to persons located in a city or county where the delivery of marijuana is not prohibited.

SECTION 5. STATEMENT OF URGENCY

The Amador County Board of Supervisors finds that there is a current and immediate threat to the public safety, health and welfare of the County that requires the enactment of a prohibition on nonmedical marijuana activities as set forth in Section 1 of this Ordinance.

SECTION 6. SEVERABILITY

If any provision of this Ordinance is declared to be invalid, unlawful or unconstitutional by a court of competent jurisdiction, such invalidity, unlawfulness, or unconstitutionality shall not affect other ordinance provisions provided that they can be implemented without the invalid provision and severed from the remaining provisions of this Ordinance.

SECTION 7. CEQA.

This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to sections 15060(c)(2) and 15061(b)(3). In addition to the foregoing general exemptions, the following categorical exemptions apply: sections 15308 and 15321.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage by a four-fifths vote of the Board of Supervisors based upon the findings that this Ordinance is adopted pursuant to California Government Code section 65858 for the protection of the public safety, health, and welfare and shall remain in effect for forty-five (45) days from the date of its adoption unless extended pursuant to Government Code section 65858. The Clerk of the Board is hereby directed to publish this Ordinance as required by law.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 28th day of February 2017, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD FORSTER
Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: February 22, 2017

From: Brian Oneto, District V Supervisor
(Department Head - please type)

Phone Ext. x470

- | | |
|-------------------------------------|----------------|
| <input checked="" type="checkbox"/> | Regular Agenda |
| <input type="checkbox"/> | Consent Agenda |
| <input type="checkbox"/> | Blue Slip |
| <input type="checkbox"/> | Closed Session |

Meeting Date Requested:

February 28, 2017

Department Head Signature _____

Agenda Title: Rural County Representatives of California

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Update by Supervisor Brian Oneto regarding the January 2017 Rural County Representatives of California Board of Director's Meeting.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman [Signature]

Counsel GE

Auditor JOR

GSA Director Ap

CAO _____

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 2/28/17 Time _____ Item # 14

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____
Completed by _____

A new ATF is required from _____
Department _____
For meeting _____
of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
Clerk or Deputy Board Clerk

Save

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: February 22, 2017

From: Jennifer Burns, Clerk of the Board
(Department Head - please type)

Phone Ext. x470

- | | |
|-------------------------------------|----------------|
| <input checked="" type="checkbox"/> | Regular Agenda |
| <input type="checkbox"/> | Consent Agenda |
| <input type="checkbox"/> | Blue Slip |
| <input type="checkbox"/> | Closed Session |

Meeting Date Requested:
February 28, 2017

Department Head Signature _____

Agenda Title: Minutes

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Review and possible recommendation relative to to approval of the January 24, 2017 Board of Supervisors Meeting Minutes.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____ Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Committee Review? Name _____ N/A <input type="checkbox"/>	Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Committee Recommendation: _____	Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	Comments: _____

Request Reviewed by:

Chairman <u>Jan</u>	Counsel <u>GB</u>
Auditor <u>JOR</u>	GSA Director <u>Hop</u>
CAO _____	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date <u>2/28/17</u>	Time _____	Item # <u>12</u>
Board Action: Approved Yes ___ No ___	Unanimous Vote: Yes ___ No ___	
Ayes: _____	Resolution _____ Ordinance _____	Other: _____
Noes: _____	Resolution _____ Ordinance _____	
Absent: _____	Comments: _____	

Distributed on _____	A new ATF is required from _____ Department _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____	For meeting of _____	

Save