



**STATE OF CALIFORNIA, COUNTY OF SIERRA
BOARD OF SUPERVISORS
MINUTES
REGULAR MEETING**

Lee Adams, Chair, District 1

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The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on February 16, 2016 in the Loyalton Social Hall, in the Loyalton City Park, Loyalton, CA. This meeting was recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by Supervisor Roen

ROLL CALL

Present: Lee Adams, Supervisor, Chair, District #1
Peter W. Huebner, Supervisor, Vice-Chair, District #2
Paul Roen, Supervisor, District #3
Jim Beard, Supervisor, District #4
Scott A. Schlefstein, Supervisor, District #5

Staff: Michelle Burr, Chief Deputy Clerk-Recorder
Jim Curtis, County Counsel
Van Maddox, Auditor/Treasurer Tax-Collector
Tim Beals, Director of Planning and Transportation
Darden Bynum, Director of Health and Human Services
Laura Marshall, Assessor/IS Manager

APPROVAL OF CONSENT AGENDA

At the request of the Clerk, Consent Item 10.H. was pulled from the agenda.

- 10.H. Minutes from the regular meeting held on January 5, 2016. (CLERK-RECORDER)

The Board moved to approve the Consent Agenda.

APPROVED. Motion: Schlefstein/Beard/Unanimous Roll Call Vote: 4/0/1
(Supervisor Adams ABSENT)

10. CONSENT AGENDA

- 10.A. Resolution approving Boating Safety and Waterways Enforcement Financial Aid Program Agreement for fiscal year 2016/2017. (SHERIFF)

ADOPTED, Resolution 2016-011

APPROVED, Agreement 2016-014

- 10.B. Resolution approving amendment to agreement 2014-123 between the Department of Health Care Services and Sierra County Behavioral Health for Substance Use Disorder (SUD) services for fiscal year 2016/2017.
(BEHAVIORAL HEALTH)

ADOPTED, Resolution 2016-012

APPROVED, Agreement 2016-015

- 10.C. Approval of letter of endorsement confirming the hiring of Kathryn Hill, MFT, as Assistant Director for Behavioral Health. (BEHAVIORAL HEALTH)

- 10.D. Resolution approving the Sierra County Allocation Funding Application, (AFA) and the Scope of Work, (SOW) for the ongoing Maternal, Child and Adolescent Health (MCAH) Program for fiscal year 2015/2016 and authorizing Darden Bynum, Director, to sign documents regarding the AFA. (PUBLIC HEALTH)

ADOPTED, Resolution 2016-013

- 10.E. Approval of letter of support for Sierra Buttes Trail Stewardship regarding trail maintenance grant letter of support. (CHAIR ADAMS)

- 10.F. Approval of letter of support for Sierra Buttes Trail Stewardship for state Off Highway Vehicles (OHV) grant regarding Packsaddle trailhead, staging area, and multiple use trail. (CHAIR ADAMS)
- 10.G. Rescission of Sierra County Agreement No 2016-010 and approval of revised professional services agreement between Robert J. Shulman, Attorney at Law and the County of Sierra to correct the effective date of the agreement. (CLERK OF THE BOARD)

APPROVED, Agreement 2016-016

APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda as amended.

APPROVED. Motion: Roen/Schlefstein/Unanimous Roll Call Vote: 4/0/1 (Supervisor Adams ABSENT)

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:05 a.m. Vice-Chairman Huebner opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Beard reported that the location for the meeting with the Plumas Sierra Tele Communications has been moved from the Golden West to the City Center due to the number of people expected to attend.

Supervisor Schlefstein informed the Board of a couple of upcoming meetings; one on March 4, 2016 with the Mental Health Advisory Board at 9:30 a.m. at the Wellness Center; and the Plumas Sierra Action Agency will be meeting on March 17, 2016 he believes in Susanville.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Sheriff reported that they have implemented a new 911 system that includes a mapping program for 911calls. The calls will be plotted on the computer screen; and their address from where they are calling from will come up on a map.

The Sheriff also stated that his staff and the Assessor are working to implement all of the data to move forward with this system.

The Sheriff gave a brief update regarding the number of individuals that are getting stuck in the Bordertown Crystal Peak area over the weekend.

The Director of Transportation gave a brief summary of the topic of discussion during a meeting with the Forest Service and the Yuba River Ranger District. The Director, Supervisor Adams, County Staff Members, Supervisor Huebner, Ranger Hayden and members of her staff attended that meeting on February 11, 2016.

The Director expressed great concern regarding the Sheriff's statement in his report pertaining to individuals getting stuck at Bordertown Crystal Peak over the weekend. The Forest Service as an agency has significantly reduced funding to the county for Cooperative Law Enforcement services. The amount he thinks that was allocated from the Carson Range District for Humboldt-Toiyabe is \$1,500.00 and that was used in the first response the Sheriff made months ago. The Board has sent a letter to the Forest Service, Regional Forester the Forest Service Supervisors and it also extended a strong letter regarding the transient occupancy taxes. The Director went on to say as of today the Board has not received one response back regarding these letters.

The Director is encouraging the Board to bring this issue to the next meeting and taking a stronger stand than they have in the past.

The Director of Health and Human Services gave a summary regarding the three items that he has placed on the consent agenda.

At 9:13 a.m. Vice-Chair Huebner handed the meeting over to Chair Adams.

5. FOREST SERVICE UPDATE

Sierraville District Ranger Quentin Youngblood provided an update on various projects that are happening within the district including a pile burning program along Hwy 89 and Calpine. He also talked about a letter pertaining to the Plumas National Forest to continue the season of use and number of livestock permitted with a reduced number as per the last two years with the drought and a series of meetings regarding the Perazzo Meadows phase three project; the water shed restoration project. Ranger Youngblood stated with the awarding of the California Department of Fish and Wildlife funds; the amount was just over \$600,000 dollars. He will be meeting with the Truckee Watershed Council to formalize what the outreach and what the collaboration strategy looks like.

Ranger Youngblood went on to talk about a letter that they received from the Nevada Irrigation District requesting a hiatus from livestock grazing and are developing a comprehensive restoration strategy. They are working with Sierra County Fire Safe Council on a proposal for the prop one grants. Ranger Youngblood handed out a pre proposal to the Board, it is requesting just under \$250,000.00 dollars. He went on to discuss the information he handed out to the Board of Supervisors.

Ranger Youngblood continued providing information to the Board regarding various projects that the Forest Service is involved in throughout Sierra County.

Ranger Youngblood is requesting a letter of support from the Board of Supervisors.

Supervisor Roen made a motion of intent to provide a letter of support to be brought back to the next meeting.

By consensus of the Board a letter will be brought to the next meeting for approval.

Ranger Youngblood introduced Eli Ilano, new Tahoe Forest Supervisor. Mr. Ilano went on to talk about his former employment with the Tahoe National Forest and how he would like to create relationships with the Board and public in the future.

Mr. Ilano stated that Mr. Beals brought up some concerns that the county has related to Law Enforcement financial support as well as the transient occupancy tax. He went on to let the Board know that they have been working to increase the law enforcement agreement for many months and have sent over a draft agreement from the Tahoe National Forest. It raises the level of support to \$15,000.00 dollars as well as potentially an additional \$5,000.00 dollars above that bringing it to \$20,000.00 dollars, not sure if it has been signed yet. He went on to say that they were working on the agreement way before they received any letters because they knew that was a concern, so they have been working on improving that financial support. The transient occupancy tax has been a concern for many months and their office of general Counsel talked to the Board's County Counsel last fall about it and relayed that it's illegal and likely unconstitutional for them to pay that. But they have been trying to find other ways they can support the County, he is hoping that they can continue those conversations.

Mr. Ilano went on to say that they are developing a written response to the Board's letter, it takes time especially since it went to three national forests. In talking with you that you should know what that response is likely to look like, but I do want to work with you in finding a way to support the County on some of those issues.

Continued discussion ensued regarding the Transient Occupancy Tax.

County Counsel suggested having a conference call as a way to reactivate the issue.

6. PUBLIC WORKS / TRANSPORTATION - Tim Beals

- 6.A. Resolution of intent to vacate an unnamed alley, at the request of Jerome McCaffrey, as depicted in Book 15, Page of Assessor's Parcel Maps and as shown on attached Exhibit A to the resolution.

Director of Transportation stated that this is a request of the property owner Mr. McCaffrey who owns two lots that are bisected by an alley set in place since the town site was created. The Director referenced the map in the packet just following the resolution. There have been some abandonment procedures that have been approved by the Board of Supervisors in the past with respect to the alley on the west side just behind the fire station. The Director went on to say that Mr. McCaffrey has one piece of property, which has a proposed septic system on the opposite piece of property that makes the property next to highway 49 viable property and viable residence. This abandonment is part of the process, the streets and highway code which is a term for abandonment vacation proceedings requires a resolution of intent from the Board, puts the date out for public hearing in the future, the property is posted, notices of the public hearing are provided to the property owners immediately, and then the Board would conduct their hearing. If the hearing determines to vacate the alley then the resolution would be recorded to give constructive notice to all future property owners that the public street has been vacated.

Chair Adams clarified that this is the first step of a long process.

After a brief discussion of the item the Board moved to adopt the resolution of intent.

ADOPTED, Resolution 2016-014. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

6.B. Resolution authorizing application for grant funds from the California Department of Transportation Acquisition and Development Grant for a slurry seal project at SierravilleDearwater Airport and directing allocation of matching funds to be included in the fiscal year 2016 budget.

Director of Transportation explained that this item came before the Board several months ago and was discussed that a match would be required and would not take effect until the next fiscal year; which still is the case. The Director has been asked to submit a formal application with the division of aeronautics. That application requires a form of resolution which is attached, as part of the grant program once the resolution is adopted it certifies that the Board acknowledges and will provide a match of 10% to that project to have it completed. It is not committing the Board to the project; nor is it committing any resources at this point. It is just a certification that is acknowledging the requirement for the match and the Board is authorizing the application.

The Director stated that with the approval of this resolution two things must happen between now and the development of the project agreement. The Board will have to meet with the Finance Committee to recommend to the Board a source of revenue for the match. Once it is approved and the grant agreement is before the Board it is the expectation the project will begin the summer of 2016.

Chair Adams commented that this is way over due for the airport and suggested a direction to the Auditor as he is compiling the base line for next year's budget that he puts this in so it isn't forgotten and the Board will make an action to pull it back out.

After further discussion the Board moved to adopt the resolution authorizing application for grant funds from the California Department of Acquisition Development Grant for a slurry seal project at SierravilleDearwater Airport.

ADOPTED, Resolution 2016-015. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

6.C. Continued discussion and direction regarding request of Sierra County Land Trust for input into a grant application to the Sierra Nevada Conservancy for ultimate development of a land management plan for the Sierra Buttes-Lake Basin, specifically the Packer Lake Saddle, Sardine Lake, and Volcano Lake area.

The Director of Transportation stated that the only update he has received regarding this issue was that the Land Trust contacted the Nevada County RCD who was not fully opposed to carrying on the CEQA process, the manager of the district wanted it to be a decision by the Board and that Board has not met yet. The Director went on to say that he is not sure what the conclusion will be with respect of taking on the CEQA responsibilities.

The Director clarified that he hasn't received anything substantial since the second of February and this was disclosed at the board meeting. The Director is asking that this be a letter of support be put off until the next meeting. At the same time we can consider this along with the letter of support that Ranger Youngblood just requested. The Director will contact Laurie Oberholtzer at Land Trust to determine if there is a project that's moving forward and that this letter of support is critical.

Supervisor Roen gave an overview of the preliminary design that Ranger Youngblood presented to the Board.

The Director stated that there is a gap between February 2, 2016 and now; he will make sure that the gap is closed between now and the first.

Chair Adams stated that in the meeting he had with Ranger Hayden the other day there would be letters of support for trails including the Pack Saddle Trail. While there are two letters on the consent agenda today addressed on behalf of the Sierra Buttes Trail Stewardship the Forest Service would like similar letters. The Chair went on to say that he is assuming Ranger Hayden will be getting drafts for those letters of support for the next meeting.

After further discussion Chair Adams moved to continue this to the next meeting.

7.A. Resolution supporting renewal and expansion of pilot project regarding Off Highway Vehicles (OHV) opportunities. (CHAIR ADAMS)

Chair Adams stated that this issue was discussed during committee reports at the last Board meeting. He went on to give an over view regarding the pilot project and what it in tales. Chair Adams stated that this issue dates back to 2011 with assembly bill 628 by Connie Conway. It aloud for a pilot project in California under current vehicle code standards combined road ways for off highway vehicles and regular vehicular traffic that is limited to a maximum of 3 miles. Inyo County petitioned the legislature through assembly bill 628 to expand that to 10 miles in order to provide some connectivity for OHV opportunities on national forest land. The pilot project has been in place for 4 years, the law required that Inyo County report back to the legislature in January of this year. They have done that and they have requested that the legislature and governor continue the pilot project. Chair Adams went on to say that Mono and Sierra County showed an interest; and before the Board today is a resolution to put on record the interest of Sierra County and asking legislature to consider putting Sierra County into the bill. Senator Berryhill represents Mono, Inyo and several other Counties have drafted a bill to be heard in the legislature and this is to give to his office official support that we do want to be included.

After further discussion the Board moved to adopt the resolution in support of renewal and expansion regarding Off Highway Vehicles opportunities.

ADOPTED, Resolution 2016-016. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

6.D. Discussion and direction on continuation of water restrictions by State Water Resources Control Board.

The Director of Transportation referenced a newsletter from the state water control board that outlines the direction that the State of California will continue to pursue that was directed by the governor. What this means for Sierra County is that the water districts within the County need to be aware that those water restrictions have never been terminated; they continued so every water district should continue to maintain the 25 % reduction in use. For the County it specifically means Sierra Brooks Water System and the Kentucky Mine, the Public Works Department has filed the reports with the State Water Rights Control Board outlining the water consumption for 2015 they are comparing it to the water consumption made in 2013 and they are merging that into the state wide assessment on how the state is doing.

The Director went on to say that they are not going out after any particular districts as long as they conserve. The Sierra Brooks water system and the Kentucky Mine are the two water systems that the County has direct responsibility for. Those that have special districts within their supervisorial district this information should be shared with them so that they are aware of the current stage of these restrictions. The Director

explained that most of this applies to urban water suppliers which is not small water systems; there are no urban water suppliers in Sierra County. The Director stated that they would continue operating Sierra Brooks as though they are in water conservation mode. A letter will go out to all of the property owners to resolve any potential confusion but the restrictions that were amended by the Board by an ordinance for Sierra Brooks are still in place. They will continue routine inspections and will notify the individuals that are over the usage.

Supervisor Schlefstein asked the Director if he could give a short update on the Sierra Brooks water system improvement project.

The Director answered Supervisor Schlefstein's inquiry by stating that they have looked into everything they could with respect to the compliance with the Department of Fish and Wildlife and their requirements. The project from the land adjustments stand point is now pending before the state wildlife conservation board which is the agency that conducts the property transactions; he is expecting that to be approved. The Director went on to say that at this point he has not seen an agenda, he is expecting this to be on their agenda either in April or May. The Director went over what the process would be after it is approved. He went on to say that the project has to be a priority this summer for a number of reasons, he is placing it as a high priority project and it has to be in a position to be delivered this summer.

A brief discussion continued regarding the Sierra Brooks water system.

7. BOARD OF SUPERVISORS

- 7.B. Approval of MOU with Plumas County for services by Plumas County Veterans Service Office to veterans residing in Sierra County for fiscal year 2015/2016 and approval of certificates by County to California Department of Veterans Affairs to provide funding for veterans services in Sierra County. (CLERK OF THE BOARD)

Supervisor Roen gave a brief update regarding a meeting that the committee had with Mr. La Plante prior to that meeting they found a contract that had been facilitated but he doesn't think it had been approved by the Board. There was direction given to come back with a work plan and an amended agreement. Supervisor Roen stated that the Clerk has tried repeatedly to contact their office over the last week and has not received anything, other than the preexisting contract.

County Counsel explained the contract that is in the packet was signed without being submitted to be approved by the Board of Supervisors and fundamental provision of state law that the power rest with the Board as a body not as individuals and the contract will have to come back to board to be approved.

Further discussion ensued between Supervisor Roen and County Counsel regarding an amended contract and services provided to both sides of the County.

Supervisor Roen stated that there are two issues to address: one being what does the Board do regarding services that have been provided up until now and the other is; where do we go from here with the services.

County Counsel responded to Supervisor Roen's inquiry stating that the answer to number two is that it is up to Plumas County and the Veteran Service Office to provide some type of further agreement. With regards to the first issue it requires the Board to ratify the contract before the Auditor can give authority to pay for any invoices for services.

Chair Adams stated that what needs to be done is to clean up what has been done so far. There was a contract that was approved for 2014-2015 then there was a contract that was executed for 2015-2016 that never came before the Board. We have been operating under that agreement that was never approved by the Board.

Discussion ensued regarding the contract and providing reimbursement to veterans that would need to travel to Veteran Service Offices outside of Sierra County to get services.

The Auditor stated that there would need to be something in place that states the contract would be good until cancelled otherwise this issue would have to come back the Board for approval every year. He went on to talk about the funding at this time and where to get the \$11,500.00 to match what the state has cut.

Supervisor Roen stated that currently it would be half of that amount and questioned the last time that Mr. LaPlante came to Sierra County to provide services.

The Director of Health and Human Services responded to Supervisor Roen's inquiry stating that it was as late as last month.

Supervisor Roen stated that from that time forward services have been suspended because of what has been discussed. He went on to say that there needs to be a determination on what to do with the services that have been provided from last July until January.

Discussion ensued regarding a new contract to be drafted by Plumas County and brought to the Board for approval. And where does the additional funds come from for the services that have been provided up until this point.

Chair Adams made a suggestion regarding the two issues that are on the table with a way to move forward with the issue today, approve what was signed and make it legal. He went on to say that he likes the Auditor's idea of taking the \$7,900.00 from the Ag Budget; that would leave a balance of \$3,600.00 to make this whole for the year.

Chair Adams stated that he would take \$3,600.00 out of contingencies, that would give the County four months to have a discussion with Plumas County to see how they will proceed from now. Whether they get a contract from Plumas County that will provide services for veteran's County wide or do they default to the mileage. Chair Adams stated he is fine with either one as long as the veteran's County wide are taken care of and not just in one portion of the County.

Further discussion ensued regarding the form in which to make sure funding is available for the services that have been provided up until the end of last month for the west side of the County.

The Board moved to approve the agreement as amended; the Auditor to transfer \$7,900.00 from the Ag Commission fund to pay for Veteran Services Office services from July 1, 2015 to January 31, 2016. Term of agreement amended to July 1, 2015 to January 31, 2016.

APPROVED, Agreement 2016-017. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

8. COUNTY COUNSEL - James A. Curtis

8.A. Introduction and first reading of an Ordinance amending Sections 8.01.030; 8.01.040; and 8.01.080 of the Sierra County Code; adding Section 8.01.045 and repealing Section 8.01.250 of the Sierra County Code; and adding Chapter 8.02 pertaining to administrative penalties for public nuisances created by cultivation of medical marijuana in violation of Chapter 8.01 of the Sierra County Code.

Chair Adams gave an overview of this item stating that this item has been continued from the last meeting in respect to medical marijuana ordinance.

County Counsel stated the item has been before the board for a number of months. The last discussion with the board was an ordinance that was framed as an emergency ordinance that was brought up after what other jurisdictions were doing and was done in contemplations with the provisions of AB243. This was recently repealed by the adoption of AB21 as an urgency by the state legislature; there was a clause that said local jurisdictions need to have something on the books in terms of regulating or choosing to provide for commercial marijuana activities by the March 1, 2016 deadline otherwise the state would become the licensing authority.

County Counsel went on to talk about the revisions that were made to the ordinance follow the last meeting.

Chair Adams asked for clarification of section H of the ordinance from County Counsel. Where it says within 100 feet of certain locations, we have ex sized school, bus stop. He was under the impression from the last conversation they had dismissed

the idea of setbacks on indoor grows. He suggested to change that to cultivation to outdoor of marijuana is prohibited on any parcel.

Chair Adams went on to say that there have been several comments that have been made and presented as back ground within the packet. Some of the issues that individuals are concerned about are; the requirement of registration, the penalty assessment, the height limit on both ends and desiring to have some room on starter plants. Right now the limit is 10 plants. He stated that one other concern is the distance; State law for noncommercial grows limits a grower for personal medicinal grows to 100 square feet which is a 10 x 10 area. Chair Adams stated that under our present ordinance requiring those 100 square feet to be contiguous in some sort of rectangular square and the desire with this is instead of having 10 plants in a 100 square foot block. He went on to talk about the request of the Board as to what a good size limit would be to accommodate everyone.

Chair Adams stated that 2 years ago commercial grows were not legal in California; and the committee was charged with coming up with a policy that worked regarding personal grows of medicinal marijuana. The committee did not waver from that, in the recommendations from last year they believed that they were setting a standard that seemed appropriate for personal grows. It seems that the information they are getting from some individuals is that the 72 plants were in many instances far in access of what would be considered a personal grow. The state decided to limit a personal grow in California to 100 square feet. That is as far as the Board could go with personal grows; he believes it has been the intent of this Board to hold their decision making process to what they think appropriate for personal grows and just to have a reality check.

Discussion ensued with Supervisor Schlefstein and Chair Adams regarding the accompanying resolution and the advisory measure.

County Counsel clarified that the ordinance before them is to ban commercial activities, as a short term place holder until you get the advisory measure report back.

Supervisor Schlefstein went on to state that even if the public decided that they wanted commercial activities in Sierra County he doesn't think it is the appetite of the Board to allow anything like that in any residential areas.

Chair Adams went on to talk about the difference between the resolution item and the ordinance item that has been brought before the Board; and the proposed revisions for the ordinance.

Chair Adams opened the discussion up to the public and requested those who are wishing to speak to limit the time to three minutes per person.

Mr. Russell Rosewood, Calpine believes that the Board abused the people that need the marijuana for medical issues by making it impossible for people that don't live

in a house on 2 acres to grow a 10x10 foot plot for themselves. Mr. Rosewood feels that the 2 acre minimum is not sufficient, and feels that the Board should eliminate it from the ordinance.

Mr. James Linderborg, Gale's Orchard expressed that changing the fine from an immediate \$1000.00 fine to possibly a \$100.00 fine and then going with a \$1000.00 fine if the issue is abated is a better way of looking at the situation. Mr. Linderborg feels that the 3x3 boxes are a good idea to give people enough space to grow pot for themselves.

Mr. Don Yegge, Sierra Brooks feels that everyone confuses commercial with personal grow; they confuse cultivation of marijuana with the cultivation of medical marijuana. No one he has talked to is opposed to anyone having the medical marijuana because there are studies that show there are definite benefits for diseases. He does not believe that any commercial grows of anything should be in a residential area; commercial grows should be in commercial areas.

Ms. April Burns, Sierra Brooks thanked the Committee on behalf of all of the individuals that have been to the meetings from the beginning. Ms. Burns went on to say that she feels the Board has dealt with a lot from both sides and have tried to be somewhat in the middle and have done a good job with that. Ms. Burns stated that there are a lot of people in support of what the Board is doing and the new ordinance.

Mr. Charles McCaughan, Pike handed out letters, a Sierra Vista medical center report and a letter from Mary Addiego to the Board. Mr. McCaughan stated that he would like to see the Board go back to the original abatement procedure. Mr. McCaughan expressed that voting for commercial grows is the way it should be; let the people decide.

Mr. Tom Rowson, Sierra Brooks indicated that they need to find something reasonable, he feels 72 plants are not reasonable. Mr. Rowson went on to talk about the prop 215 issue and would like to work on this and take a vote on it so that it is clear to everyone what they will be able to grow this year.

Ms. Sarah Grew, Pike stated that this is an interesting transition time until the MRSA law takes effect which will be in 2018. Until then it is up to our County to make an ordinance that fits; as long as it falls within Prop 215. Ms. Grew explained that it is hard to determine on average of what one person might need to grow for the ailment they may have. Ms. Grew went on to talk about the amount of oil one person might need for their medical issues and how long it would last for them. Ms. Grew stated that the State is slowly moving towards commercial grows but that doesn't mean there will be these huge industrial grows. By eliminating that possibility in this county is really going to do a disservice for the citizens.

Ms. Pam Davis, Pike thanked everyone for relooking at the ordinance. Ms. Davis explained the things to consider are the canopy height, the plant count and registration, even though she is opposed to that she says it is something that needs to be

considered. Ms. Davis thinks that the fines are a little excessive, she also thinks that there should be an abatement. Ms. Davis stated that she is opposed to any type of ban, she thinks that prohibition only creates more problems. Ms. Davis went on to say that her husband is a cancer survivor and the one thing that kept him going through the pain and the radiation was his medical cannabis.

Ms. Becky Kinkead, Loyalton appreciates the work that has been put into revising the ordinance more than once; she supports the efforts and changes that the Board is proposing and also the additions that were mentioned today. Ms. Kinkead mentioned that at the last meeting a member from RCRC said it was important to have a transportation, is that a separate ordinance or is that included in this. Transportation or mobile deliveries is not defined in the list of definitions. She feels it should be addressed unless it is going to be addressed as a separate issue.

Chair Adams responded to Ms. Kinkead's inquiry regarding the mobile deliveries by stating that it does need to be declared specifically what they are allowing or prohibiting; the Board was planning on doing that but it might have been missed.

County Counsel went on to read the section in the ordinance that talks about the commercial cannabis activity.

Mr. Lester Strohbin, Gale's Orchard stated no registration period. Mr. Strohbin explained that in California there are 1,620 dispensaries created 570 million dollars in revenue. We would benefit from the revenue if we were to go commercial in certain parts of the county.

Mr. Jeff Toris, Loyalton recommends putting the measure for the medical marijuana on the ballot.

Supervisor Schlefstein clarified that the ballot measure would just be an advisory yes or no what does the public want so that the Board of Supervisors can address the issue. It is not a yes or no on whether it will be legal or not legal, it is just telling them if the public is in favor of it or not.

Supervisor Roen stated that is anyone's option to propose anything to put on the ballot they just have to create it.

Chair Adams expressed that what Supervisors Schlefstein and Roen have stated is a valid point. The ballot item the Board is considering is an advisory to us to give us information that does not preclude any group from putting something on that makes it immediately happen or over rides what we do.

Mr. Mark Marin, Mayor of Loyalton stated that he had friends that homes blew up because they were making oils; how will that be addressed. If they are making oil in their houses how will you over see this so that homes don't blow up.

Chair Adams explained that our ordinance is not necessarily dealing with oils or the processing of marijuana is has to do with the personal growing of marijuana. So although that is an interesting question he is not sure there is an answer to that or that it really matters either way to this Board; but he will leave it up to his colleagues to decide whether or not they need to know more on this subject.

Supervisor Schlefstein explained that it would open up a whole other door to regulatory oversight; and it is something that he isn't interested in discussing right now.

Supervisor Schlefstein went on to say that there are some highlights that people have written to the Board asking us to change and discuss. He would like to get an idea from the audience on a few of these things; fines, registration, the 2 acre question and plant height. Supervisor Schlefstein stated that he doesn't know anything about growing these plants so he doesn't know what the correct plant height is or any of that.

Supervisor Schlefstein continued talking about the \$1,000.00 fine and asking his constituents and the audience how they feel about it.

Chair Adams stated that the penalty came to us from a recent case law out of Fresno and is wondering if it would help the Board to have a representative of the Sheriff's Office explain what this process is about and why the \$1,000.00 was suggested.

County Counsel clarified the recent case law out of Fresno; what the regulations are and what that means for our County. County Counsel went on to remind the Board that inherent in this process is that the Enforcement Officer's do exercise discretion just like any cop writing a ticket for a traffic violation.

Supervisor Schlefstein questioned; then the ordinance is specific about discretion or is this a mandatory \$1,000.00 fine immediately.

County Counsel indicated that it creates the structure for the fine, and is going to leave the discretion to the Law Enforcement Officer whether or not to issue a citation.

Supervisor Schlefstein read the provisions in the ordinance regarding the citation process. He went on to say that he has received a lot of e-mails and phone calls regarding this and would like to get some feedback from the people in the audience on whether or not this is something that needs to be looked at, modified or left alone.

Chair Adams directed a comment to Detective Fisher regarding the intents because there is a profit noted to some cultivation that this administrative remedy is supposed to be immediate so that a plant couldn't disappear be cultivated and this was to try and encourage the profit making to go out of it.

Detective Mike Fisher followed up on County Counsel's comment regarding where the monetary value was derived from. Detective Fisher stated that if we look at an

average marijuana plant between 1 and 3 pounds of marijuana per plant. If marijuana is going to be diverted for nonmedical reasons and is going to be sold whether it be black market or once the cooperatives style grows sunset with the new laws that are coming an average marijuana plant producing 1 to 3 pounds could be valued anywhere between \$1,000.00 up to \$3,000.00.

Detective Fisher went on to say that if it is being diverted to the black market and being shipped out of California to a nonmedical marijuana state those prices could dramatically rise especially if it is high quality. That is where the initial administration fee of \$1,000.00 dollars was generated from was because they are dealing with commodity that is potentially worth a lot of money.

Supervisor Roen asked Detective Fisher to give a brief explanation about starter plants.

Detective Fisher explained that there are several different ways to cultivate marijuana from seedling or from clones, it comes down to a personal preference of the grower. Once the marijuana plant sprouts; at that point you cannot tell what sex it is whether it is male or female. Detective Fisher went on to say that there is a point during its growth that you can do what is called sexing the plant; make a determination as to determine whether it is a male plant or female plant. Male plants are not necessarily wanted for production of the actual marijuana bud or the flower, so the male plants are often removed from the garden.

Supervisor Roen asked at what stage can it be determined if there is a male plant in the mix.

Detective Fisher replied to Supervisor Roen's inquiry that it is at a fairly young age but we are not talking a week or two after it sprouts but we are also not talking about 4 feet.

Members of the audience commented approximately 8 weeks.

Chair Adams asked Detective Fisher if he would be willing to give an estimate on how big a plant has to be before it is sexed.

Detective Fisher stated that when they go out and find the large scale drug trafficking organizations in the forest usually the plants are anywhere from probably 8 inches up to about a foot and a half. There will be piles of those where they have gone through and sexed their plants and then discarded the males.

Chair Adams asked that if this Board was so desires to allow for some starters that are not within the plant count would it be reasonable to set the limit on 2 feet, that after 2 feet they would have to be gotten rid of.

Detective Fisher answered by stating it depends on the particular strain, they have encountered some strains of marijuana that the plants don't get much above 2 feet but are laid in marijuana bud or flower and ready to be harvest at a 1 1/2 to 2 feet tall.

Chair Adams stated that this is making it difficult to come up with a standard to allow starters and how big they should get, what's reasonable so that they are not necessarily going to be abused but it is also allowing people the ability to end up with 10 plants they can use.

Detective Fisher replied to Chair Adams comment stating he thinks a lot of is going to boil down to the Enforcement side of it. If there is a seed bed that is going with 11 plants in it and the plants are 6 to 8 inches high in his personal opinion is going to be a lot different by the end of August, end of September when the plants are 6 feet and there's 11 plants and all 11 are very healthy.

Detective Fisher went on to say that it is subjective; it really depends on how well someone can cultivate.

Detective Fisher also stated that last year they had several people that had both indoor and outdoor grows simultaneously; 72 plants outdoors and then upwards of anywhere from 30 to 60 plants indoors. No matter what the Board sets there are going to be those who follow it and those that hope we don't show up to do an ordinance check. So having the administrative penalty is a deterrent for those and for others it is not. Some of the things we are going to see if we start allowing more starter plants is an increase of marijuana being cultivated on public lands that are maintained by the Forest Service basically back into the forest.

Supervisor Schlefstein expressed that he would like to hear from a few more people in the audience as to what they think about the \$1,000.00 fine and maybe the registration.

Ms. Grew, Pike gave an explanation on how the plant works as far as the sexing process.

Chair Adams asked what is a reasonable height.

Ms. Grew answered there isn't one, but there is a time line. The plant works with light cycles.

Chair Adams responded stating that it will be tough for the Board to say your limit of your plant can't be older than such a time. If we are going to go down this road someone needs to give us a reasonable height; a suggestion is if you don't we probably aren't going to have starter plants.

Ms. Grew stated as far as the registration goes she is uncomfortable with it. She feels it is an infringement to personal privacy and medical privacy to require someone

who is growing for their own personal use and limit to a 10 x 10 place to have to register.

Ms. Suzie Shelton, Sierra Brooks, expressed that the fine should be the fine, and feels that it should be as it is.

Ms. Kinkead expressed that no matter what the amount of the fine is if you are out of compliance; the consequence needs be immediate. If there is a delayed consequence no one will pay attention to it.

Mr. Joel Armstrong, Loyaltan stated that there are some people that may be growing for illegal purposes in which a high fine is needed; he believes that a higher fine is needed and is in support of it.

Bell, Sierra Brooks expressed that this issue comes down to a personal privacy issue. She would like to look into zoning based upon what the laws are because in Sierra Brooks the zoning is rural residential. Bell went on to say that the ordinance is legislating which part of her house she can use for her growing, and that she has to have it in an uninhabitable part of her house.

Bell went on to say that she feels that maybe the current 1055 ordinance isn't the answer and maybe some people are abusing the system. But the new ordinance is also an unacceptable variation of the law because there's no compromise this is punishment and punitive treatment of people who are accessing of legal medicine.

Supervisor Schlefstein stated that the housing provision was taken out of the ordinance and would like to know where it still states that within the ordinance.

County Counsel responded to Bell's comment in regards to the legislation controlling which part of her house she can grow in. He stated that in the second sentence of sub section E, 8:01:040 still states this provision.

Chair Adams submitted to County Counsel that section E should be amended to keep the first sentence in so that it will read "indoor medicinal marijuana is allowed only in a legal structure that meets the definition of indoor is set forth".

Chair Adams went on to say that all of the testimony is helpful. It's difficult to come up with requirements that meet everybody's needs, this Board is struggling with this as a balancing act to give folks the ability to meet the spirit of prop 215. Chair Adams went on to offer some suggestions and see how his colleagues feel about this to try again to find a point of balance that not everyone is going to be happy with. Taking our current ordinance that is before us today with the couple of changes they have made already and realizing there is some reason for registration. Registration can be helpful to Law Enforcement but on the other hand he is hoping that this is going to be an enforcement on a complaint basis; either it is seen obvious from the air or neighbors are complaining.

Chair Adams suggested that they strike all registration requirements, second the penalty gets left where it is. He suggests that the height limit and starters; they allow one starter up to 2 feet for every legal plant you can have. If you are growing for 10 you can have 10 starters and once they are 2 feet tall they have to be ripped. Chair Adams went on to say if you are growing for 20 you can have 20 starters, and then on the distance we are limited to the 100 square feet. He is recommending that it is broken up into 3x3 plots, but all 10 plants have to be within 50 feet of each other.

Chair Adams continued to express that he realizes this isn't going to please everybody but it provides for the privacy concerns with the registration. The penalty is bringing about that we don't want profit to come into this; so count the 10 plants and the 10 little ones, the starters 10 up to 2 feet and hope that people get rid of them after 2 feet.

Chair Adams thinks that there should be in the ordinance a bullet point that says mobile delivery is here by prohibited if that is what we want. As it has been said before there is no doubt that we will be revisiting this again, it will probably be an annual occurrence. It is a big change from last year and I would submit if we adopt an ordinance similar to what was just described we can see how it is working at the end of the year.

Supervisor Beard questioned if we are not going to do anything but bring this ordinance back, when does the growing season start so the people growing know what the limits are when the season begins.

Chair Adams responded that what has been suggested to him is probably April, May, June depending on where you are within the County.

County Counsel stated that the ordinance cannot be adopted today the changes that have been described today must be made to the ordinance and brought back to another meeting to be adopted.

Chair Adams responded that there is still plenty of time to get this done before the growing season begins, we can bring it back to the second meeting in April.

County Counsel clarified that if we are back in the first meeting in March with the revisions to the draft ordinance; it would be the first reading and the vote will occur the second meeting in March and will be effective 30 from the adoption date.

Sheriff Tim Standley stated he thinks it would be appropriate that the 2 feet and/or by the time August 1st comes around from what he understands is a reasonable date for someone who decides to grow the particular strain that only gets 2 feet tall to eliminate the double plant issue.

Discussion ensued pertaining to starter plants and the strain of plants.

Continued discussion ensued pertaining to the height of plants, starter plants and the dates.

Chair Adams stated that some of the difficulty with this is trying to meet the nuisance thing of how much vegetation becomes a nuisance and also what our giant neighbor at our south is doing.

County Counsel reviewed the suggested changes to the ordinance that were given at the meeting.

After further discussion pertaining to the suggested changes; by consensus of the Board is to bring back the ordinance for an introduction and first reading with the proposed changes.

- 8.B. Resolution calling an election for an advisory measure on commercial marijuana activities in Sierra County and consolidating the election with the June 7, 2016, Statewide General Election.

County Counsel made a comment that there are some expressed definitions of commercial cannabis activity within the provisions of the bills that were adopted last year. It would be impossible for the County to try to redefine what; is already state law with regards to commercial activity. County Counsel went on to say that in reading the information it is all of growing of marijuana unless you fall within the perimeters of personal cultivation.

After further discussion the Board moved to adopt the resolution calling an election for an advisory measure on commercial marijuana activities in Sierra County.

ADOPTED, Resolution 2016-017. Motion: Schlefstein/Beard/Unanimous Roll Call Vote: 5/0

9. TIMED ITEMS

9.A. 10:00AM BOARD OF EQUALIZATION

Meeting of the Sierra County Board of Equalization

At 10:05 a.m., Chair Adams recessed the Regular Board meeting and reconvened as the Board of Equalization.

At 10:10 a.m., Chair Adams recessed the Board of Equalization meeting and reconvened as the Sierra County Board of Supervisors with all members present.

11. CORRESPONDENCE LOG

11.A. Letter from Sonoma County Juvenile Justice Commission regarding the closure of over half of all treatment facilities providing services for children and adolescents in California.

No action taken.

11.B. Letter from the American Lung Association announcing the release of the 14th annual State of Tobacco Control Report on February 3, 2016.

No action taken.

11.C. Letter from Sherrie Allen resigning from the Alleghany County Water District Board effective February 5, 2016.

No action taken.

ADJOURN

At 12:35 p.m., with no further business, Chair Adams adjourned the meeting.

LEE ADAMS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

MICHELLE BURR, DEPUTY
CLERK OF THE BOARD