

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, June 7, 2005

**REGULAR MEETING**

9:00 a.m.: Chairman Kehoe called the Regular Session of the Board of Supervisors to order on the above date with the following present:

District No. 1 - Supervisor Kehoe  
District No. 2 - Supervisor Cibula  
District No. 3 - Supervisor Hawes  
District No. 4 - Supervisor Hartman  
District No. 5 - Supervisor Clarke

County Budget Officer - Kim Pickering  
County Counsel - Karen Jahr  
Deputy Clerk of the Board - Linda Mekelburg  
Deputy Clerk of the Board - Tazina Otis

**INVOCATION**

Invocation was given by Pastor Pauline Bowen, Trinity United Methodist Church.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance to the Flag was led by Supervisor Hartman.

**INTRODUCTIONS**

Introductions of the Members of the Board, County staff, elected officials, and county department heads were made.

**CONSENT CALENDAR**

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar:

Authorized the issuance of warrants totaling \$7,751.70 requiring special board action.  
(Auditor-Controller)

Adopted Resolution No. 2005-59, which approves an amendment to Appendix A, Designated Positions, of the Conflict of Interest Code for the Anderson Fire Protection District.  
(Clerk of the Board)

(See Resolution Book No. 46)

Appointed Ivan Keys to the Pine Grove Cemetery District Board of Directors for a four-year term to March 2009. (Clerk of the Board)

Adopted Resolution No. 2005-60, which amends Personnel Rules Chapter 21, *Travel and Other Expenses*, to add trainers to the list of non-County employees who qualify for expense reimbursements. (Support Services)

(See Resolution Book No. 46)

Adopted Resolution No. 2005-61, which amends Personnel Rules Chapter 27, *Electronic Assets and Information Security Policy*, to update and expand on security for the County's electronic assets. (Support Services)

(See Resolution Book No. 46)

Approved and authorized the Chairman to sign an amendment to the agreement with Bridges to Community, Inc. increasing the maximum annual compensation by \$775 (for a maximum annual compensation of \$36,415) to provide an augmentation program for residential care home services from the date of signing through June 30, 2006. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the agreement with Crestwood Behavioral Health, Inc. increasing the maximum annual compensation by \$9,400 (for a maximum annual compensation of \$67,800) to provide special treatment programs and enhanced services from the date of signing through June 30, 2005, with two automatic one-year renewals. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the agreement with New Directions to Hope increasing the maximum annual compensation by \$60,000 (for a maximum annual compensation of \$312,000) to provide mental health services for Medi-Cal eligible youth from the date of signing through June 30, 2005, with an option to renew for two additional one-year terms. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the agreement with ValueOptions, Inc. in an amount not to exceed \$25,000 to provide administrative services related to the California Counties Medi-Cal Out-of-County Care Program for the period July 1, 2005 through June 30, 2006, with an option to renew for five additional one-year terms. (Mental Health)

Approved and authorized the Chairman to sign a renewal agreement with Carolyn F. Furnish, M.F.T. in an annual amount not to exceed \$20,000 to provide mental health services to Medi-Cal beneficiaries for the period July 1, 2005 through June 30, 2006, with two one-year renewals. (Mental Health)

Approved and authorized the Chairman to sign a renewal agreement with Sheela Stocks, Ph.D. in an annual amount not to exceed \$20,000 to provide mental health services to Medi-Cal beneficiaries for the period July 1, 2005 through June 30, 2006, with two one-year renewals. (Mental Health)

Approved the appointment of Kenneth Clark, R.N. at Step "E" as a Staff Nurse II. (Mental Health)

Approved and authorized the Chairman to sign an agreement with Northern Valley Catholic Social Service in an amount not to exceed \$150,000 to provide nonresidential alcohol and other drug treatment services from the date of signing through June 30, 2006. (Mental Health-Alcohol and Drug Programs)

Approved and authorized the Chairman to sign a renewal agreement with the California Department of Health Services in an amount not to exceed \$187,916 to continue Childhood Lead Poisoning Prevention Program activities for the period July 1, 2005 through June 30, 2008; and granted the Public Health Director limited contract authority to execute future amendments to the contract which result in a net change of no more than 10 percent of the total dollar value of the contract and other minor, nonmonetary amendments as necessary. (Public Health)

Approved and authorized the Chairman to sign an amendment to the contract with Shasta County Private Industry Council, Inc. increasing the total compensation by \$6,703 (for a

total of \$61,719) for Fiscal Year 2004-05 to maintain the mandated level of service in the WorkFirst program. (Social Services)

Approved and authorized the Chairman to sign an agreement with North State Security, Inc. in the amount of \$124,222 to provide security services to five Department of Social Services locations and the Administration Center parking structure for the period July 1, 2005 through June 30, 2006. (Social Services)

Approved and authorized the Chairman to sign an agreement with Thomas Wright, dba Wright Education Services in the amount of \$18,000 to provide anger management and domestic violence treatment services to clients of the Children and Family Services Division for the period July 1, 2005 through June 30, 2006. (Social Services)

Approved and authorized the Chairman to sign the following renewal agreements with Gerry Blasingame, M.F.C.C. in amounts not to exceed \$3,000 to provide: Adult psychological and sex offender treatment services from the date of signing through June 30, 2006; and juvenile psychological and sex offender treatment services from the date of signing through June 30, 2006. (Probation)

Approved and authorized the Chairman to sign the following renewal agreements with Wright Education Services, Thomas R. Wright, L.C.S.W. from the date of signing through June 30, 2006: In an amount not to exceed \$5,120 to provide violence/anger management training/counseling for minors referred by the Probation Department; in an amount not to exceed \$5,120 to provide violence/anger management training/counseling for minors referred by the Juvenile Hall; and in an amount not to exceed \$5,760 to provide violence/anger management training/counseling for minors placed at the Crystal Creek Regional Boys' Camp. (Probation)

Adopted Resolution No. 2005-62, which authorizes the Chairman and the Chief Probation Officer to sign a U.S. Department of Justice, COPS Secure Our Schools Grant application and contract for the continuation of the grant. (Probation)

(See Resolution Book No. 46)

Approved and authorized the Chairman to sign an amendment to the agreement with Kent Dacre, dba Kent's Investigations increasing maximum compensation by \$34,000 (for a maximum compensation of \$64,000) to provide pre-employment polygraph examinations for the Sheriff's Office and extending the term to June 30, 2007. (Sheriff)

Adopted Resolution No. 2005-63, which authorizes the Sheriff to submit a renewal application to the California Office of Emergency Services in the amount of \$224,592 to continue funding for the Shasta Interagency Narcotics Task Force for the period July 1, 2005 to June 30, 2006. (Sheriff)

(See Resolution Book No. 46)

For the Fall River Mills Airport Expansion Project Phase 1, approved plans and specifications and direct the Public Works Director to advertise for bids; and authorized opening of bids on or after July 14, 2005 at 11:00 a.m. (Public Works)

**REGULAR CALENDAR**

**BOARD MATTERS**

**JUNE 2004 EMPLOYEE OF THE MONTH**  
**DEPUTY SHERIFF JAMES PERLA**  
**RESOLUTION NO. 2005-64**

At the recommendation of Sheriff Jim Pope and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2005-64, which recognizes Deputy Sheriff James Perla as Shasta County's June 2005 Employee of the Month.

(See Resolution Book No. 46)

**PROCLAMATION: NATIONAL SAFETY MONTH**

At the recommendation of Human Resources Analyst Jonathan Hill and by motion made, seconded (Hawes/Cibula), and unanimously carried, the Board of Supervisors adopted a proclamation which designates June 2005 as National Safety Month in Shasta County.

**GENERAL GOVERNMENT**

**ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

**LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Budget Officer Kim Pickering presented an update on specific legislation of importance to Shasta County, noting that the Budget Conference Committee has met and reviewed the state budget; however, most issues relating to counties, such as repayment to counties of vehicle license fees and rural and small counties law enforcement funding, remain unresolved.

Ms. Pickering informed the Board of Supervisors that at the May 17, 2005 City of Shasta Lake City Council meeting, the City Council approved a supplemental appropriation in the amount of \$10,000 as a requested share from the City to assist in the funding of the proposed residential alcohol and drug detoxification facility. By consensus, the Board of Supervisors directed that the Chairman sign a letter to the City of Shasta Lake thanking them for their support and advising them of the updated status of the proposed detoxification facility.

Supervisor Hartman recently received a request from the City of Shasta Lake for a letter of support for a planning and technical assistance grant. By consensus, the Board of Supervisors directed that the Chairman sign a letter supporting the City of Shasta Lake's planning and technical assistance grant application.

Supervisor Hawes noted that Shasta County hosted the most recent meeting of the Sacramento River Conservation Area Forum.

Supervisors reported on issues of countywide interest.

**ADMINISTRATIVE OFFICE**

9:28 a.m.: Supervisor Cibula recused himself due to a conflict of interest as he has real estate holdings in the immediate vicinity of the Jail and the Administration Center, and he left the room.

**BUDGET AMENDMENT**

At the recommendation of County Budget Officer Kim Pickering and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors approved budget amendments utilizing Accumulated Capital Outlay reserves to fund a Jail kitchen floor and plumbing upgrade project in the amount of \$500,000, and replacement of the Courthouse chiller in the amount of \$110,000.

**CLERK OF THE BOARD**

**SKATEBOARDS, BICYCLES, AND SIMILAR DEVICES AT  
THE ADMINISTRATION CENTER ON COUNTY PROPERTY  
ORDINANCE NO. SCC 2005-4**

By motion made, seconded (Clarke/Hartman), and unanimously carried, the Board of Supervisors enacted Ordinance No. SCC 2005-4, which amends Chapter 8.60 of the Shasta County Code to prohibit the riding of skateboards, bicycles, and similar devices on County property other than roads, as introduced May 24, 2005.

(See Shasta County Code Ordinance Book)

9:35 a.m.: Supervisor Cibula returned to the room.

**ADMINISTRATIVE OFFICE**

**BUDGET AMENDMENT**

At the recommendation of County Budget Officer Kim Pickering and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors approved the following budget amendments in accordance with year-end budget projections: Increase appropriations and revenue in the Public Administrator budget by \$5,000; transfer \$420,000 in appropriations from Unallocated Expenditures in General Revenue to the Public Defender (\$400,000), Purchasing (\$10,000), and Community Action Agency (\$10,000) budgets; and increase appropriations in the Trial Courts budget by \$150,000 to fund the Undesignated Fee transfer to the State.

**AUDITOR-CONTROLLER**

**BUDGET AMENDMENT**

At the recommendation of Auditor-Controller Rick Graham and by motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors approved budget adjustments increasing appropriations for Public Health by \$94,308 and Resource Management-Building Division by \$1,535 for Fiscal Year 2003-04 contract retentions on Land Building and Improvement projects that were not accrued appropriately during Fiscal Year 2003-04.

**HEALTH AND WELFARE**

**MENTAL HEALTH-ALCOHOL AND DRUG PROGRAMS**

**BUDGET TRANSFER**

At the recommendation of Alcohol and Drug Program Administrator David Reiten and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors approved a budget transfer for Budget Unit 422 (Alcohol and Drug Programs) that increases revenues and appropriations by \$39,210, adjusts various line items to reflect revised revenue and spending patterns, and aligns the budget with the Auditor-Controller's General Ledger.

**SOCIAL SERVICES**

**BUDGET AMENDMENT**

At the recommendation of Social Services Director Sher Huss and by motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors approved a budget amendment in the Public Guardian budget increasing Services & Supplies by \$87,539 and Cost Applied by \$87,539 to reflect changes realized in the midyear report.

**PUBLIC WORKS**

9:44 a.m.: Chairman Kehoe recused himself due to a conflict of interest as he owns property in the immediate vicinity of the Orange Avenue property, and he left the room. Vice-Chairman Clarke presided.

**GREG AND KIM WASHBURN PURCHASE OF  
ORANGE AVENUE PARCEL OF REAL PROPERTY  
RESOLUTION NO. 2005-65**

At the recommendation of Deputy Public Works Director Scott Wahl and by motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2005-66, which accepts the bid of Greg and Kim Washburn in the amount of \$55,747.98 for the purchase of the Orange Avenue parcel of real property, Assessor's Parcel No. 105-170-003, and approves and authorizes the Chairman to sign a deed for the real property purchase.

(See Resolution Book No. 46)

9:46 a.m.: Chairman Kehoe returned to the room and presided.

**OTHER DEPARTMENTS**

**COUNTY FIRE**

**FIRE SAFETY INSPECTOR AND TYPIST CLERK III  
SALARY RESOLUTION NO. 1269**

At the recommendation of Deputy Fire Warden Kelly Dreesman and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted Salary Resolution No. 1269, which adds one Fire Safety Inspector and one half-time Typist Clerk III in the County Fire budget; and approved job specifications for the Fire Safety Inspector job classification.

(See Salary Resolution Book)

**SCHEDULED HEARINGS****HEALTH AND WELFARE****MENTAL HEALTH-ALCOHOL AND DRUG PROGRAMS****MEDICAL MARIJUANA IDENTIFICATION PROGRAM**

Alcohol and Drug Program Administrator David Reiten presented an update on the implementation of the Medical Marijuana Identification Program, noting that in 1996, California voters passed the Compassionate Use Act, and in 2003, voters approved Senate Bill 420, the Medical Marijuana Identification Card Program. He explained the proposed application process and discussed the responsibilities of the County, which include reviewing the application, collecting fees, photographing the applicant and caregiver, and further processing the application. He also explained the calculation basis for the identification card fee, which is proposed at \$53 for non-Medi-Cal applicants and \$27 for Medi-Cal applicants, noting that a small fee has been added to non-Medi-Cal applicants to subsidize the reduced fee for Medi-Cal applicants.

This was also the time set to conduct a public hearing and consider establishment of a Medical Marijuana Identification Card application fee schedule. Alcohol and Drug Program Administrator David Reiten presented the staff report and recommended approval of the proposal. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the proposed fee schedule, and the public hearing was closed.

Supervisor Hawes moved that the Board of Supervisors introduce and waive the reading of an ordinance establishing a Medical Marijuana Identification Card application fee schedule. Supervisor Cibula seconded the motion.

Supervisors discussed further the calculation basis for the fee schedule.

Mr. Reiten noted that the application form will not request the condition for which the card is requested, and Alcohol and Drug Programs is working with the Department of Health Services and other agencies in implementing Shasta County's program.

Undersheriff Larry Schaller noted that when the Compassionate Use Act was passed, law enforcement requested guidelines to assist in enforcing the laws, including identification cards. He explained that the Sheriff's Office, like the Drug Enforcement Agency and other agencies, focuses on commercial growers of marijuana, not smaller growers. However, he noted that there is a conflict between federal and state law regarding enforcement of marijuana laws. With a recent Supreme Court ruling regarding the conflict between state and federal laws, he expects further clarification of the law from the State Attorney General's Office.

Based on Undersheriff Schaller's statement, Supervisor Cibula withdrew his second of Supervisor Hawes' motion.

In response to a question from Supervisors Kehoe regarding whether the identification program will allow his department to operate more efficiently, Undersheriff Schaller noted that the identification card program is consistent with the interagency law enforcement protocol and policy.

Based on Undersheriff Schaller's response, Supervisor Clarke seconded Supervisor Hawes' motion.

District Attorney Jerry Benito noted that he in no way suggests that law enforcement believes marijuana is a medicine; however, this is the law, and the Alcohol and Drug Program is required to make the cards available. He noted that not having identification other than a photograph on the card is a problem. He explained that the recent Supreme Court ruling indicates that federal law prohibiting distribution, use, and possession of marijuana still exists, and persons possessing marijuana subject themselves to federal prosecution; state law does not protect them from such prosecution.

Supervisors Hartman and Clarke noted that they do not agree with the idea of the program but do understand that it is required.

Supervisors discussed further the cost of the cards and the possible subsidization of cost recovery by taxpayers. Mr. Reiten explained that the cost of the cards has been adjusted by \$6.40 to recover the cost not covered by the State; should it not, the fee schedule will be brought back to the Board of Supervisors to adjust the rate upward to do so.

By motion made and seconded (Hawes/Clarke), the motion was amended to include requesting County Counsel to review the public disclosure aspects of the identification card program. By a vote of four to one, the Board of Supervisors approved introducing and waiving the reading of an ordinance establishing a Medical Marijuana Identification Card application fee schedule, and requested County Counsel to review the public disclosure aspects of the identification card program. Supervisor Cibula voted no based on the speculative basis of the fee calculation.

## **PUBLIC HEALTH**

### **REVISED PUBLIC HEALTH FEE SCHEDULE**

This was the time set to conduct a public hearing and consider adopting a revised fee schedule for the Public Health Department. Public Health Director Marta McKenzie presented the staff report and recommended approval of the proposed fee schedule. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the proposal, and the public hearing was closed.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which repeals Ordinance No. 624 and establishes a revised fee schedule for the Public Health Department.

## **PUBLIC WORKS**

### **TIPPING FEES: SISKIYOU COUNTY LANDFILLS** **RESOLUTION NO. 2005-66**

This was the time set to consider continuing parcel charges for Shasta County residents using Siskiyou County landfills to cover the tipping fees. Deputy Public Works Director Dan Kovacich presented the staff report and recommended approval of the request. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the item, and the public hearing was closed.

By motion made, seconded (Hartman/Hawes), and carried, the Board of Supervisors adopted Resolution No. 2005-66, which continues parcel charges for Shasta County residents using Siskiyou County landfills to cover the tipping fees.

(See Resolution Book No. 46)

**WORKSHOP****PUBLIC WORKS****RESOURCE ADVISORY COMMITTEE**  
**EDUCATIONAL FILM PROJECT**

Deputy Public Works Director Dan Kovacich introduced Emmett Burroughs, who discussed and presented a film completed by the local Resource Advisory Committee explaining the purpose of the Committee and showcasing some projects recently completed in Shasta County using Title II timber receipt funds.

**CLOSED SESSION ANNOUNCEMENT**

Chairman Kehoe announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled Hedrick v. Shasta County Public Defender, et al.; Hinton v. Homen, et al.; and Holloway v. County of Shasta, pursuant to Government Code Section 54956.9, subdivision (a).

11:12 a.m.: The Board of Supervisors recessed to Closed Session.

11:30 a.m.: The Board of Supervisors recessed from Closed Session.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, Assistant County Counsel Michael Ralston, County Budget Officer Kim Pickering, Deputy Clerk of the Board Linda Mekelburg, and Deputy Clerk of the Board Tazina Otis present.

**AFTERNOON CALENDAR****REPORT OF CLOSED SESSION ACTIONS**

Assistant County Counsel Michael Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation. On unanimous votes, the Board of Supervisors referred the defense of the County in the matters of Hedrick v. Shasta County Public Defender and Holloway v. County of Shasta to the law firm of Gary Brickwood. No other reportable action was taken.

**PUBLIC WORKS****SALE OF THE ASH CREEK ROAD (FORMER BALLS FERRY PARK SITE) PROPERTY**

This was the time set to conduct a bid opening for the sale of the Ash Creek Road property at the former Balls Ferry Park site, Assessor's Parcel No. 057-520-002 (Anderson area) and consider accepting the written or oral bids for the property.

The following bids were opened:

William M. Grossen	\$160,000.00
Paul E. Workman	\$116,000.00
Charles H. Marx	\$100,000.00
Rod Byrd	\$185,000.00

Ernie Glynn Sr.	\$120,750.00
Robert Kearns	\$151,101.00
Lon M. Tatum	\$106,000.00
Judy Semingson	\$112,000.00
Carol Hoy	\$100,000.00
Insurance Pension Trust Stan Potkotter-Trustee	\$102,281.00
James Roger Lee	\$180,000.00

All bidders provided a check for a \$5,000 deposit.

The bidding was opened to accept oral bids in increments of 5 percent over the highest written bid. The following bids were accepted:

Robert Kearns	\$194,250.00
Linette Calvo	\$203,962.50
Robert Kearns	\$214,160.63
Linette Calvo	\$224,868.66
William M. Grossen	\$236,112.09
Linette Calvo	\$247,917.69
William M. Grossen	\$260,313.58
Judy Semingson	\$273,329.26
Linette Calvo	\$286,995.72
Judy Semingson	\$301,345.51

No one else offered any oral bids, and the bidding was closed.

By motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors ratified the high bid of Judy Semingson at \$301,345.51. Supervisor Cibula voted no as he objected to the sale of park property without a plan in place to replace the parkland.

1:48 p.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

H. DOUGLAS LATIMER  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy