

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, November 10, 2009

REGULAR MEETING

9:02 a.m.: Chairman Hawes 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 Moty
- District No. 3 - Supervisor Hawes
- District No. 4 - Supervisor Hartman
- District No. 5 - Supervisor Baugh

- County Administrative Officer - Larry Lees
- County Counsel - Mike Ralston
- Administrative Board Clerk - Linda Mekelburg
- Administrative Board Clerk - Valerie Ibarra

INVOCATION

Invocation was given by Supervisor Baugh.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

PROCLAMATION: CAREGIVER APPRECIATION MONTH

At the recommendation of Health and Human Services Agency Director of Adult and Children Services Dr. Mark Montgomery and by motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates November 2009 as Caregiver Appreciation Month in Shasta County. In-Home Supportive Services Advisory Board Chairman Ethel Webb accepted the proclamation.

CONSENT CALENDAR

By motion made, seconded (Hartman/Moty), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar (Supervisor Hawes abstained from the minutes of the November 3, 2009 meeting as he was not in attendance):

Approved and authorized the County Administrative Office to issue Requests for Proposals (RFP) to select a consultant to perform an independent financial and operations audit of the Sheriff's Office. (Administrative Office/Sheriff)

Approved final adjustments to the Fiscal Year 2008-09 budget, increasing appropriations and revenues by \$2,867,376. (Auditor-Controller)

Approved and authorized the Chairman to sign the County Claims List totaling \$5,421.62 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on November 3, 2009, as submitted. (Clerk of the Board)

Approved the proposed calendar for the Board of Supervisors meetings for 2010. (Clerk of the Board)

Appointed Robert Blankenship to the Anderson-Cottonwood Irrigation District Board of Directors, Division I in lieu of election for a term to December 2013. (Clerk of the Board)

Reappointed Steve Goedert and James Hawley to the Millville Fire Protection District Board of Directors in lieu of election for a term to December 2013. (Clerk of the Board)

Reappointed Boyd Taylor and appointed Larry Armstrong to the Burney Fire Protection District Board of Directors in lieu of election for a term to December 2013. (Clerk of the Board)

Reappointed Tom Engstrom and Charles Schultz to the Western Shasta Resource Conservation District Board of Directors in lieu of election for a term to December 2013. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with Sutter-Yuba Mental Health Services, a joint powers authority, in an annual amount not to exceed \$100,000 to provide psychiatric inpatient hospital services to Shasta County residents from the date of signing through June 30, 2010, with one automatic 90-day extension; and adopted Resolution No. 2009-107, which designates Sutter-Yuba Mental Health Services as a facility to provide 72-hour treatment and evaluation and 14-day intensive treatment pursuant to the Lanterman-Petris-Short Act. (HHS-A-Adult Services)

(See Resolution Book No. 50)

Approved and authorized the Chairman to sign a renewal agreement with the Butte County Department of Behavioral Health in an amount not to exceed \$10,000 (excluding transportation, legal, and interpreter services) to provide adult psychiatric inpatient care to Shasta County residents from the date of signing through June 30, 2010. (HHS-A-Adult Services)

Approved and authorized the Chairman to sign a retroactive agreement with Shasta Children and Families First Commission in the amount of \$65,480 for Shasta County to provide breastfeeding support activities for the period November 1, 2009 through June 30, 2010; retroactively approved and authorized the Director of Public Health to sign the grant application; and approved and authorized the Director of Public Health or his/her designee to sign amendments to the agreement which result in a net change of no more than 10 percent of the total dollar value and other minor, nonmonetary amendments as necessary. (HHS-A-Public Health)

Took the following action: (1) Approved and authorized the Chairman to sign: a retroactive agreement with the California Department of Public Health (CDPH) for Shasta County to receive Centers for Disease Control and Prevention (CDC) funding in a total amount

not to exceed \$1,100,502 for emergency preparedness and response activities in an amount not to exceed \$485,666 for CDC base and laboratory allocations for the period August 10, 2009 through August 9, 2010, in an amount not to exceed \$194,335 for the Hospital Preparedness Program (HPP) allocation for the period August 9, 2009 through June 30, 2010, in an amount not to exceed \$66,213 for a pandemic influenza allocation for the period July 1, 2009 through June 30, 2010, and in an amount not to exceed \$354,288 for a public health emergency response and HPP H1N1 allocation for the period July 31, 2009 through July 30, 2010; a “Non-Supplantation Certification” for receipt of emergency preparedness funding, and the “Certification Regarding Lobbying” form; (2) approved and authorized the Director of Public Health or his/her designee to sign future “Non-Supplantation Certification” forms and other related documents as required by CDPH during the term of the agreement, and amendments to the agreement which result in a net change of no more than 5 percent of the total dollar value and other minor, nonmonetary amendments as necessary; and (3) directed the Auditor-Controller to pay claims related to the agreement. (HHS-Public Health)

Approved and authorized the Chairman to sign a revised agreement previously approved August 25, 2009 with Caltrans in an amount not to exceed \$50,000 for the period June 15, 2009 through June 15, 2014 to purchase a small bus to provide Opportunity Center client transportation. (HHS-Regional Services-Opportunity Center)

Approved and authorized the Chairman to sign a corrected Equitable Sharing Agreement and Certification Affidavit outlining receipt and expenditure of federal asset forfeiture sharing funds during Fiscal Year 2008-09. (District Attorney)

For the East Redding Bike Lanes Project - Phase 2, approved and authorized the Chairman to sign right-of-way contracts with the Williams Family Trust (0.01 acres at \$500), Colleen A. Saunders (0.16 acres at \$12,500), Roger Medford (0.69 acres at \$11,200), and Mae Lois Turner (0.05 acres at \$5,000); and accepted four easement deeds from these owners conveying parcels of project right of way. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with Mead & Hunt, Inc. increasing compensation by \$78,292.46 (for a total compensation of \$1,660,292.46) to provide additional design and construction engineering services for the Fall River Mills Airport Expansion Project and retaining the term to September 25, 2011. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with RIOH Medical Group, Inc. increasing maximum compensation by \$35,001 (for a new total not to exceed \$85,000) to provide additional physical examinations for potential volunteer firefighters and retaining the term of October 15, 2008 through June 30, 2010. (County Fire)

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees had no legislative report.

Supervisors Kehoe and Baugh recently attended a Local Agency Formation Commission (LAFCO) meeting.

Supervisor Kehoe recently attended a Community Action Board meeting.

Supervisor Baugh recently attended a Regional Council of Rural Counties (RCRC) teleconference meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

PUBLIC SAFETY REVENUE SHORTFALL

Chief Fiscal Officer Bebe Palin presented an update on the continuing decline in revenue dedicated to public safety, which is approximately a 20 percent reduction to date and is estimated to be an approximate Fiscal Year 2009-10 shortfall of \$2.5 to \$3 million, in addition to a projected Fiscal Year 2010-11 shortfall of approximately \$5.5 million. All public safety revenue continues to drop dramatically, including the first-quarter Vehicle License Fee (VLF) revenue, which has decreased 27 percent statewide. General Fund discretionary revenues (taxes, penalties, and inter-governmental revenue) have also declined significantly.

CAO Lees noted four recent occurrences which account for the general revenue shortfall:

1. Loss of the Williamson Act, which amounts to approximately \$250,000;
2. Swap of VLF funds for state general fund revenue, which has not met the state's projections of no impact but has instead been a reduction;
3. Continued decline of Proposition 172 funds--approximately 20 percent for Fiscal Year 2009-10;
4. Overly optimistic projection by the state of their revenues.

Actions taken so far to cope with the shortfall include:

1. Requesting bargaining units to reopen negotiations in order to reduce expenses without eliminating additional positions;
2. Looking at ways to reduce expenses without reducing the public safety employment base;
3. Looking at ways to reduce CALPers pension costs.

In response to a question from Supervisor Moty, CAO Lees confirmed there will be no money left in the public safety reserves for Fiscal Year 2009-10.

RESOLUTION OF INTENT TO REGULATE MEDICAL MARIJUANA DISPENSARIES RESOLUTION NO. 2009-108

CAO Lees presented the staff report, noting that the subject of medical marijuana dispensaries is being returned to the Board of Supervisors in order to determine the direction to be taken. Several cities and counties in California have adopted ordinances banning medical marijuana dispensaries; however, many of these have been challenged in court and are being watched to see their outcomes. Current County zoning laws appear to provide some methods to regulate dispensaries, cooperatives, and collectives.

Senior Deputy County Counsel Rubin Cruse discussed the steps necessary to regulate medical marijuana dispensaries. The first step (required under State zoning law and the Shasta

County Code) is to adopt a resolution which expresses Shasta County's intent to consider amending the Shasta County zoning ordinances. The proposed ordinance will then proceed to the Shasta County Planning Commission, who will make a recommendation to the Board of Supervisors for final action. The resolution currently proposes a complete ban on dispensaries.

Supervisor Hartman expressed her disappointment that the process is not farther along. In response to a question from Supervisor Hartman, Mr. Cruse explained that the proposed resolution allows the process to move forward under the County Code and state zoning law.

In response to questions by Supervisor Moty, Director of Resource Management Russ Mull noted that dispensaries are considered similar to "clubs" and are permissible with a use permit or administrative permit only in Community Commercial (C-2), Office Commercial (C-O), or Mixed Use (MU) Districts.

Supervisor Baugh suggested the Board of Supervisors make a decision independently of any actions taken by the three incorporated areas and determine the County's own direction.

In response to a question by Supervisor Kehoe regarding staff time needed for any proposed ordinance, Mr. Mull explained that if an ordinance is considered a priority, staff time will be allocated to assure the task is completed. Depending on the amount of research of alternatives is required, the process could take four to six months, including one or two meetings of the Planning Commission.

Rodney Benson asked the Board of Supervisors to not place a complete ban on access to medical marijuana and suggested using permitting and zoning laws to regulate the substance.

Loren Brooks supported adoption of at least a moratorium and asked that some consideration be given to landlords whose tenants grow marijuana.

Trusted Friends Director Jess Brewer, 530 Collective Chief Executive Officer Jamie Kerr, and Safe Harbor Medical Collective Director of Operations Frank Augusta encouraged the Board of Supervisors to read the laws governing medicinal marijuana.

Janna Payne cited Drug Enforcement Agency studies which show increased drug use in teenagers in Alaska, where marijuana was a legal substance for 15 years.

Terry Taff asked that cultivation not be allowed freely in neighborhoods where people live.

Christopher Vigler, Barbara Lee, Leta Colthart, and James Roland discussed the benefits of medicinal marijuana usage.

Matthew Pease opposed a moratorium on medical marijuana dispensaries.

Shannon Park described the negative effect having a tenant growing medical marijuana had on her campground business.

Teresa Ladwig suggested charging an income tax to those selling to collectives and a sales tax to those purchasing from collectives.

Shasta Lake Mayor Gracious Palmer expressed her disappointment that Shasta County is not farther along on the medical marijuana issue and urged the Board of Supervisors to move forward.

10:36 a.m.: The Board of Supervisors recessed.

10:43 a.m.: The Board of Supervisors reconvened.

Supervisor Baugh made a motion to direct staff to bring back a complete ban on medical marijuana dispensaries in the unincorporated areas of Shasta County. The motion died for lack of a second.

Supervisor Moty noted he would like to see an ordinance which addresses where dispensaries are placed, gives landlords some options to preclude dispensaries on their property, deals with possible crime in the area, and deals with odors to other businesses. He also expressed concern that the proposed timetable of four to six months was too long and requested a process of no more than three months.

In response to questions from Supervisors, Mr. Mull expressed concern that three months may not be enough time to bring back an ordinance, considering the time frame required for legal notices for both the Planning Commission and the Board of Supervisors. He estimated they could place the matter on the Planning Commission agenda by the January meeting.

Supervisor Baugh requested clarification as to whether the proposed action included a ban on dispensaries; Supervisor Moty confirmed that it did not.

CAO Lees clarified that the intent was to bring an ordinance to the Board of Supervisors to amend the current zoning plan to regulate dispensaries, cooperatives, and collectives and to create some parameters, usage, rules, and regulations; should three months not allow adequate time for proper notices, a report will be provided that shows the progress to date. Supervisor Moty concurred.

By motion made, seconded (Moty/Hartman), and carried, the Board of Supervisors adopted Resolution No. 2009-108, which states Shasta County's intent to consider amendments to the Shasta County Code, Title 17, *Zoning*, to further regulate medical marijuana dispensaries, including placement of dispensaries, allowing landlords some option to preclude dispensaries on their property, dealing with odors to other businesses, and dealing with possible area crime issues; and directed staff to return to the Board of Supervisors within three months for action on the ordinance or to otherwise provide a progress report on the status of the ordinance. Supervisor Baugh voted no as he supports a total ban on medical marijuana dispensaries.

(See Resolution Book No. 50)

RESOLUTION OF INTENT TO REGULATE
CULTIVATION OF MEDICAL MARIJUANA
RESOLUTION NO. 2009-109

At the recommendation of County Administrative Officer Larry Lees and by motion made, seconded (Hartman/Keohoe), and unanimously carried the Board of Supervisors adopted Resolution No. 2009-109, which states Shasta County's intent to consider amendments to the Shasta County Code, Title 17, *Zoning*, to regulate the cultivation of marijuana for medical purposes, including but not limited to regulations as to location of the cultivation, size of the area used for cultivation, quantity of plants, and/or the use of fencing or other structures.

(See Resolution Book No. 50)

RESOLUTION OF INTENT TO REGULATE DEVELOPMENT OF HIGH
VOLTAGE ELECTRICAL TRANSMISSION AND DISTRIBUTION PROJECTS
RESOLUTION NO. 2009-110

CAO Lees presented the staff report and discussed the feasibility of regulating high voltage electrical transmission and distribution projects. The proposed ordinance will not have any impact on utility companies regulated by the Public Utilities Commission or under the Federal Energy Regulatory Commission, only on private entities.

Donna Caldwell, Ed Merrick, Lisa Hanaway, and Gary Cadd supported the proposed ordinance.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2009-110, which states Shasta County's intent to consider amendments to the Shasta County Code, Title 17, *Zoning*, to regulate development of electrical transmission and distribution lines, substations, and related facilities with a capacity of 200 kilovolts or greater or that are under the operational control of the California Independent System Operator, also known as high voltage electrical transmission and distribution projects.

(See Resolution Book No. 50)

OTHER DEPARTMENTS

COUNTY FIRE

KESWICK BASIN COMMUNITY WILDFIRE PROTECTION PLAN SHASTA/TRINITY UNIT FIRE MANAGEMENT PLAN

Western Shasta Resource Conservation District Fire Safe Program Manager Lee Delaney presented a report regarding the possible addition of the Keswick Basin Community Wildfire Protection Plan into the Shasta/Trinity Unit Fire Management Plan/Shasta County Communities Wildfire Protection Plan. The Wildfire Protection Plan contains five general management actions:

1. Develop a fire safe council for the Keswick area;
2. Develop an educational outreach plan specific to the Keswick area;
3. Contact absentee landowners;
4. Develop an evacuation plan for the Keswick area outside the City of Shasta Lake; and
5. Encourage formation of defensible space/fire-wise programs in neighborhoods;

By motion made, seconded (Hartman/Moty), and unanimously carried, the Board of Supervisors agreed to add the Keswick Basin Community Wildfire Protection Plan (Plan) to the Shasta/Trinity Unit Fire Management Plan/Shasta County Communities Wildfire Protection Plan (CWPP); approved and authorized the Chairman to sign an updated signature page for the CWPP; and approved and authorized the Chairman to sign a signature page for the Plan.

SCHEDULED HEARINGS

PUBLIC WORKS

PARCEL MAP NO. 05-040A
TERRI LEE TERRACE EMERGENCY FIRE ESCAPE ROAD
PERMANENT ROAD DIVISION
NORTHEAST REDDING AREA
ANNUAL PARCEL CHARGE REPORT FOR FY 2010-11
RESOLUTIONS NO. 2009-111 AND 2009-112

This was the time set to conduct a public hearing regarding the proposed Terri Lee Terrace Emergency Fire Escape Permanent Road Division (northeast Redding area).

Public Works Supervising Engineer Al Cathey presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the formation of the permanent road division, and the public hearing was closed. Mr. Cathey noted that in accordance with Proposition 218, the property owners must approve the requested parcel change, and he delivered the ballot to the Clerk of the Board for tabulation. The clerk opened the ballot; the vote was as follows:

FOR:	1
AGAINST:	0
BLANK BALLOTS:	0

By motion made, seconded (Hartman/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Parcel Map No. 05-040A, Terri Lee Terrace Emergency Fire Escape Permanent Road Division (northeast Redding area):

1. Adopted Resolution No. 2009-111, which forms the Division;
2. Adopted Resolution No. 2009-112, which confirms the annual parcel charge report for Fiscal Year 2010-11; and
3. Received the annual parcel charge report.

(See Resolution Book No. 50)

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 09-009 **CENTERVILLE COMMUNITY SERVICES DISTRICT** **WEST REDDING AREA**

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 09-009, Centerville Community Services District, which would rezone approximately 1.1 acres in the west Redding area from an Unclassified (U) District to a Public Facilities District. Assistant Director of Resource Management Rick Simon presented the staff report and recommended approval of the project. The Notice of hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time Centerville Community Services District General Manager Phil Browning spoke in support of the project. No one else spoke for or against the project, and the public hearing was closed.

By motion made, seconded (Moty/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 09-009, Centerville Community Services District, west Redding area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2009-052;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2009-039; and

3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 09-009, as requested.

CLOSED SESSION ANNOUNCEMENT

Chairman Hawes announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

1. Confer with its counsel to discuss existing litigation entitled Christine W. v. County of Shasta, pursuant to Government Code section 54956.9, subdivision (a); and
2. Confer with its Real Property Negotiator County Administrative Officer Larry Lees and the Administrative Office of the Courts regarding property located at 1500 Court Street, Redding, pursuant to Government Code section 54964.8; and
3. Confer with its Labor Negotiators, County Administrative Officer Larry Lees, Personnel Director Michelle Schafer, and Labor Consultant Becker and Bell, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriffs Association, Deputy Sheriffs Association-Correctional Officers, Sheriffs Administrative Association, Professional Peace Officers Association, Unrepresented Employees, United Public Employees of California-General Unit, United Public Employees of California-Professional Unit, and Teamsters-Trades and Crafts, pursuant to Government Code section 54957.6.

11:45 a.m.: The Board of Supervisors recessed to Closed Session.

1:40 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Moty, Hawes, Hartman, and Baugh, County Administrative Officer Larry Lees, County Counsel Mike Ralston, and Administrative Board Clerk Valerie Ibarra present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation and real property negotiations, as well as labor negotiations; by a unanimous vote, the Board of Supervisors assigned the matter of Christine W. v. County of Shasta to the law offices of Gary Brickwood. No other reportable action was taken.

1:41 p.m.: The Board of Supervisors recessed to reconvene on Friday, November 13, 2009 at 10:30 a.m.

November 13, 2009

10:30 a.m.: The Board of Supervisors reconvened with all Supervisors, County Administrative Officer/Clerk of the Board Larry Lees, and County Counsel Mike Ralston present; and recessed to Closed Session to discuss labor negotiations.

11:45 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer/Clerk of the Board Larry Lees, and County Counsel Mike Ralston present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss labor negotiations. No reportable action was taken.

11:46 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy