

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, January 28, 2014

REGULAR MEETING

9:02 a.m.: Chairman Baugh 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 Giacomini
District No. 4 - Supervisor Schappell
District No. 5 - Supervisor Baugh

County Executive Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Administrative Board Clerk - Candice Martin
Administrative Board Clerk - Linda Mekelburg

ANNOUNCEMENT

Chairman Baugh announced the February 4, 2014 Board of Supervisors meeting had been canceled due to lack of agenda items and the item regarding reduced immunization services in Burney had been pulled at the request of the department.

INVOCATION

Invocation was given by Pastor Dave Honey, Good News Rescue Mission.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

PRESENTATIONS

CALIFORNIA DROUGHT DESIGNATION

Public Works Director Pat Minturn gave a report regarding California's drought designation.

PUBLIC COMMENT PERIOD - OPEN TIME

Dolores Lucero and General Eagle Clark alleged that illegal activity has occurred in local government.

Christine Knoch immunization services need to continue in the Burney area.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Baugh noted that the item regarding a budget in the California Multijurisdictional Methamphetamine Enforcement Task Force budget had been pulled for discussion.

CONSENT CALENDAR

By motion made, seconded (Schappell/Kehoe), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended (Supervisor Giacomini abstained from voting on the minutes of January 17, 2014 due to the fact she was not present for that meeting):

Adopted Resolution No. 2014-008, which pursuant to Government Code sections 27640 and 27641, reappoints Rubin E. Cruse, Jr. as County Counsel for a four-year term at Step F of the position classification, effective March 15, 2014, and in accordance with Government Code section 27641.1, waives the residence qualification in Government Code section 24001. (Administrative Office)

(See Resolution Book No. 55)

Approved the minutes of the meeting held on January 14 and 17, 2014, as submitted. (Clerk of the Board)

Replaced the annual audit of the Cottonwood Cemetery District with a biennial audit, in accordance with Government Code section 26909(b). (Clerk of the Board/Auditor-Controller)

Adopted Resolution No. 2014-009, which approves the conflict of interest code for the Shasta Lake Fire Protection District. (Clerk of the Board/County Counsel)

(See Resolution Book No. 55)

Approved and authorized the Chairman to sign the Microsoft Program Signature Form for Microsoft Select Plus Enrollment, which will allow Shasta County to continue to purchase licensing for Microsoft products at a discounted rate. (Information Technology)

Approved and authorized the Chairman to sign an amendment to the agreement with BI Incorporated for the provision of Global Positioning Satellite (GPS) electronic monitoring devices and services modifying Exhibit A to reflect rate changes and add a tiered payment system; and retaining the maximum compensation of \$361,500 and the term of the agreement through June 30, 2013, with two automatic one-year renewals. (Probation)

Approved and authorized the Chairman to sign an amendment to the agreement with Wright Education Services which adds Moral Reconciliation Therapy programs for adult inmates in the jail; adds a Batterer's Intervention program for adult offenders referred by the Probation Department; and retains the maximum compensation of \$511,500 and the term through June 30, 2013, with two automatic one-year renewals. (Probation)

Approved a retroactive grant agreement with the California Board of State and Community Corrections for Shasta County to receive \$84,649 for the period November 1, 2013

through June 30, 2014 to assist the Probation Department to further develop and implement evidence-based practices as part of the State's Best Practices Approach Initiative; ratified the former Chief Probation Officer's signature on the agreement; and approved a budget amendment increasing appropriations and revenues by \$84,649 in the Juvenile Probation budget. (Probation)

For the Hawthorne Avenue Widening Project approved and authorized the Chairman to sign a right-of-way contract with Charles D. McGowan, Sharon G. Liubakka, Bonnie M. Hollister, and Wendell D. McGowan (0.08 acres at \$2,000); and accepted an easement deed conveying one parcel of project right of way. (Public Works)

Accepted an easement deed and convey a right-of-way parcel from Caltrans for a portion of Lewiston Road. (Public Works)

Approved a budget amendment increasing appropriations by \$600,000 and revenues by \$200,000 in the Solid Waste Disposal Administration budget, to be offset by fund balance, to fund Clover Fire repairs at the West Central Landfill. (Public Works-Solid Waste)

For the Domestic Hot Water System Upgrades project, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications, and directed the Public Works Director to advertise for bids; and authorized the opening of bids on or after March 6, 2014 at 11:00 a.m. (Public Works/Jail)

Adopted Resolution No. 2014-010, which authorizes the Resource Management Department to apply for City/County Payment Program funds in the amount of \$28,049 on behalf of the County of Shasta and the Cities of Anderson and Shasta Lake for Fiscal Year 2013-14 for beverage container recycling and litter abatement programs; appoints the Director of Resource Management as the agent for Shasta County for the purpose of the grant; and authorizes expenditures during Fiscal Years 2013-14 and 2014-15. (Community Education Section)

(See Resolution Book No. 55)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

CALIFORNIA MULTIJURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TASK FORCE (CAL-MMET) BUDGET AMENDMENT

At the recommendation of Sheriff Tom Bosekno and by motion made, seconded (Moty/Kehoe), and unanimously carried, the Board of Supervisors approved a budget amendment increasing appropriations by \$444,918 in the California Multijurisdictional Methamphetamine Enforcement Task Force (Cal-MMET) budget, to be offset by use of Sheriff's Cal-MMET Restricted Federal Asset Forfeiture Fund Balance, to facilitate the final disbursement of prior-year asset forfeiture funds to participating agencies to disburse funds held and received as of the end of 2013 related to dissolution of the multi-agency task force; and authorized Purchasing to work with the Sheriff's Office to dispose of equipment and assets no longer needed by any participating agency of the North State Initiative (NSI) Cal-MMET, in accordance with Administrative Policy 5-201, *Disposition of Surplus Property*. (Sheriff)

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Executive Officer (CEO) Larry Lees had no legislative update.

Supervisor Moty recently attended a Northern California Water Association meeting.

Supervisor Baugh recently attended a Rural Counties Representatives of California (RCRC) meeting, a Northern Rural Training and Employment Contortion (NorTEC) meeting, and a PSA II Area on Aging Commission meeting.

Supervisor Kehoe recently attended a Redding Area Bus Authority (RABA) meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE/SHERIFF/PUBLIC WORKS

ADULT REHABILITATION CENTER CONDITIONAL FUNDING AWARD

In response to questions by Supervisor Giacomini regarding ongoing funding, Sheriff Tom Bosenko stated that in the future after grant money has been exhausted, General Fund, AB109 funding, and other similar funding will be used to cover expenditures.

Northeastern Building and Construction Trades Council Representative Tom Curato congratulated Tom Bosenko for securing funds and stated this is a needed facility that will provide jobs within the county.

Dolores Lucero stated she does not agree with public money used for a building to help criminals better their lives.

Tony Dorn expressed support of the project.

In response to questions by Supervisor Kehoe, CEO Lees stated that Shasta County can afford the required matching funds. For ongoing costs, County needs will be prioritized.

By motion made, seconded (Moty/Giacomini), and unanimously carried, the Board of Supervisors accepted a conditional funding award from the California Board of State and Community Corrections in the amount of \$20,000,000 through the Senate Bill 1022 Adult Local Criminal Justice Facilities Construction Financing Program; established a capital project fund in the amount of \$2.5 million and a Fiscal Year 2013-14 project budget with appropriations in the amount of \$500,000, to be offset with project fund balance; and authorized the issuance of a Request For Proposals (RFP) for architectural services; and authorized initial studies pursuant to the California Environmental Quality Act (CEQA).

SUPPORT SERVICES

MEMORANDUM OF UNDERSTANDING: SUPERIOR COURT OF CALIFORNIA PERSONNEL RULES, CHAPTER 6 CHIEF PROBATION OFFICER JOB CLASSIFICATIONS SPECIFICATIONS ORDINANCE INTRODUCTION RESOLUTION NO. 2014-011 RESOLUTION NO. 2014-012

Director of Support Services Angela Davis stated currently the probation officer is appointed by the courts and recommended changing the appointment to be a Board of Supervisors appointment.

CEO Lees clarified that the Board of Supervisors would be the direct supervisors of the Chief Probation Officer position, but some of the duties could be delegated to the CEO.

In response to questions by Supervisor Giacomini, Ms. Davis stated that the Superior Court supports this decision and the County had a collaborative effort with the courts.

Tracy Castello expressed his concerns that politicizing this position would cause issues within the Probation department.

By motion made, seconded (Moty/Giacomini), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which adds a chapter to the Shasta County Code to provide that the Chief Probation Officer will be appointed by the Board of Supervisors; adopted Resolution No. 2014-011, which amends the *Personnel Rules*, Chapter 6, Section 6.11, *Department Heads*, effective March 9, 2014 to reflect that the Chief Probation Officer will serve at the pleasure of the Board of Supervisors; adopted Resolution No. 2014-012, which amends the Chief Probation Officer job classification specification effective March 9, 2014; and approved and authorized the Chairman to sign a memorandum of understanding with the Superior Court of California-County of Shasta concerning input from the Superior Court on the Chief Probation Officer and the Probation Department.

(See Resolution Book No. 55)

ADMINISTRATIVE OFFICE

AGREEMENT: INTER-MOUNTAIN FAIR HERITAGE FOUNDATION LEASE AND OPERATION OF INTERMOUNTAIN FAIRGROUNDS

Administrative Analyst Megan Dorney presented the staff report and recommended approval of the agreement. Until 2010-11 the State of California provided an average of approximately \$200,000 per fiscal year. With the loss of the State funding, the Fair has used fund balance to continue operations, and CEO Lees has negotiated with the Heritage Foundation regarding management of the Intermountain Fair. The Heritage Foundation has requested to extend the proposed agreement until June 30, 2017, with two one-year options to renew.

Heritage Foundation President Elana Alba stated the original intent of the Foundation was to promote the Fair and keep it running. With support and sponsorship from the community the Foundation is certain it can operate the Fair and help it thrive.

Craig Knoch lives in the Intermountain area and said the Fair is the heart of the community, and it needs to stay functional for the families in the area.

Heritage Foundation Vice President Jerry McDaniel explained that the Foundation currently has over 125 sponsors, and a management plan for day to day operations, as well as a management plan for the Fair itself.

Supervisor Kehoe requested that the Heritage Foundation provide a report to the Board of Supervisors in one year.

Supervisor Giacomini clarified that in item 3.1, the change from 2016 to 2017.

By motion made, seconded (Giacomini/Schappell), and unanimously carried, the Board of Supervisors approved and authorized the County Executive Officer (CEO) to sign an agreement with the Inter-Mountain Fair Heritage Foundation from the date of signing through June 30, 2017, with two optional one-year extensions in the amount of \$1 per year to lease the Intermountain Fairgrounds and assume the management and operation of the Intermountain Fair, and an advance payment of \$350,450 to operate and manage the Intermountain Fair and Fairgrounds; and approved and authorized the CEO or his/her designee to sign amendments (including retroactive) and other agreement-related documents, in accordance with Administrative Policy 6-101, as amended.

PUBLIC WORKS

BURNEY BRANCH LIBRARY NEEDS ASSESSMENT
GODFREY'S ASSOCIATES, INC.

Public Works Director Pat Minturn presented the staff report regarding a preliminary design of the Burney Library.

Friends of the Intermountain Library representative Ed Siegel and Cathy Coleman supported building an updated Burney Library.

By motion made, seconded (Giacomini/Kehoe), and unanimously carried, the Board of Supervisors accepted a written report from Godfrey's Associates, Inc. regarding the needs assessment for the Burney Branch Library.

WORKSHOP

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE

HATCHET RIDGE COMMUNITY BENEFIT FUNDS

Cathy Coleman supported funds to be used for building a new Burney library

Pat Thomason supported purchasing land for a new fire hall and using the current fire hall for a new Burney library if funds cannot be provided for a new library.

Christine Knoch supported using funds for public safety, the hospital, and the Heritage Foundation.

Keith Courtright opposed the funds being used for public safety, a library, or the hospital; he suggested the funds being used to benefit the Little League and the children of the community.

In response to questions by Supervisor Kehoe, Sheriff Tom Bosenko stated additional law enforcement coverage in the Eastern Shasta County area is needed.

Ed Siegel disagreed with the use of one-time funds in a manner that is not the preference of residents.

Tracy Castello opposed the use of guns.

Jerome Venus said the current law enforcement is sufficient; however it is not being performed in an effective manner.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions:

1. Approved a grant for community public safety, as follows:
 - a. \$100,000 per Fiscal Year Grant to the Sheriff's Burney Substation for three years, commencing in FY 2014-15;
 - b. \$50,000 one-time start-up costs to purchase one 4 Wheel Drive Fully Outfitted Patrol Vehicle; and

- c. \$100,000 annually through the budget process for community public safety;
2. Directed the County Executive Officer to prepare the necessary grant agreements; and
3. Authorized the Auditor-Controller to establish assigned fund balance reserves in the Resource Management Hatchet Ridge Community Benefit Agreement Fund.

By motion made, seconded (Moty/Schappell), and unanimously carried, the Board of Supervisors took the following actions:

1. Approved a grant for community learning, as amended, as a \$400,000 one-time grant for a new Burney Library Project Capital Campaign, to be awarded to the Friends of the Intermountain Library upon completion of successful fund-raising;
2. Directed the County Executive Officer to prepare the necessary grant agreements; and
3. Authorized the Auditor-Controller to establish assigned fund balance reserves in the Resource Management Hatchet Ridge Community Benefit Agreement Fund.

By motion made, seconded (Giacomini/Moty), and unanimously carried, the Board of Supervisors took the following actions:

1. Approved a grant for community promotion as a \$50,000 one-time grant to the Intermountain Fair Heritage Foundation;
2. Directed the County Executive Officer to prepare the necessary grant agreements; and
3. Authorized the Auditor-Controller to establish assigned fund balance reserves in the Resource Management Hatchet Ridge Community Benefit Agreement Fund.

11:19 a.m.: Supervisor Giacomini recused herself as she was a former Mayers Memorial Hospital Board, and has family members employed at Mayers Memorial Hospital, and she left the Chambers.

Mayors Memorial Hospital CEO Matthew Rees stated the hospital needs to provide medical care and is in dire need of an ambulance.

By motion made, seconded (Moty/Schappell), and unanimously carried, the Board of Supervisors took the following actions:

1. Approved a grant for community healthcare as a \$400,000 one-time grant for the Mayers Memorial Hospital District Capital Campaign;
2. Directed the County Executive Officer to prepare the necessary grant agreements; and
3. Authorized the Auditor-Controller to establish assigned fund balance reserves in the Resource Management Hatchet Ridge Community Benefit Agreement Fund.

11:27 a.m.: Supervisors Giacomini returned to the Chambers.

SCHEDULED HEARINGS

HEALTH AND HUMAN SERVICES

HEALTH AND HUMAN SERVICES AGENCY-BUSINESS AND SUPPORT DIVISION

BEILENSON PUBLIC HEARING

IMMUNIZATION SERVICES- BURNEY REGIONAL OFFICE

Chairman Baugh announced that the matter regarding a Beilenson public hearing has been pulled from the agenda at the request of the department.

PUBLIC WORKS

TRACT MAP NO. 1986

LAUREL GLEN ESTATES PERMANENT ROAD DIVISION

This was the time set to conduct a public hearing to regarding Tract Map No. 1986, Laurel Glen Estates Permanent Road Division (west Redding area). John Sandhofner presented the staff report. The Notice of Public 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.

Administrative Board Clerk Candice Martin provided the results of the tabulation of the ballots, as required by Proposition 218. One ballot was received in favor.

By consensus, the Board of Supervisors continued the matter to a future Board of Supervisors meeting to consider formation of the Permanent Road Division.

11:32 a.m.: The Board of Supervisors recessed.

11:45 a.m.: The Board of Supervisors reconvened.

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 13-005

MEDICAL MARIJUANA CULTIVATION

RESOLUTION NO. 2014-013

ORDIANCE NO. SCC 2014-02

This was the time set to conduct a public hearing to regarding Zone Amendment No. 13-005, which would restrict medical marijuana cultivation in the unincorporated areas of Shasta County. Resource Management Director Richard Simon presented the staff report and recommended approval of the matter. The Notice of Public Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened.

Dr. Terrance Malee, Rob McDonald, Lisa Gluth, Tracy Castello, Rodney Jones, Dolores Lucero, James Benno, Susan Bryant, Kimberly Gowd, Jermone Venus, Mel Thomas, Shari Houser, Cathy Cresser, Marilyn Jay, Jeanette Pringle, Curtis Keaton, Jessica Lunsford,

Michael Scheibli, and Tammi Brazil opposed greater restrictions on medical marijuana cultivation.

1:08 p.m.: The Board of Supervisors recessed.

1:22 p.m.: The Board of Supervisors reconvened.

Gary Wilson, Rachelle, and Cathy Cresser opposed greater restrictions on medical marijuana cultivation.

Jerome Venus stated some people want marijuana for recreational use.

Sheriff Thomas Bosenko, Nancy Wallen, Mary Summerson, Dwayne Little, Dale Fletcher, Bob Burger, Mel Moses, Dave Honey, Floyd Slack, Andrew Deckert, Peter Scales, Michele Lambert, Gary DeVine, Judith Slack, Elizabeth Healy, Joann Owen, Cathy Grindstaff, Irwin Fust, and Henry Lopez were in support of greater restrictions on medical marijuana cultivation.

Dolores Lucero stated the Board of Supervisors has the responsibility to follow the law.

No one else spoke for or against this matter, and the public hearing was closed.

2:35 p.m.: The Board of Supervisors recessed.

2:45 p.m.: The Board of Supervisors reconvened.

In response to questions by Supervisor Moty, Mr. Simon stated that the provisions for accessory structures and setbacks are currently in the existing County Code. Changes to the current ordinance are side yard and rear yard setbacks and establishing a minimum for structures intended for cultivation.

In response to questions by Supervisor Moty, County Counsel Rubin E. Cruise stated that it is legal for local governing bodies to regulate medical marijuana cultivation under local ordinances. Current laws do not establish a comprehensive right or access to marijuana or override local law enforcement.

In response to questions by Supervisor Giacomini, Mr. Simon explained that structures must be glass or glass-like to constitute a permanent structure. Individuals cannot camp on property; they must have a legal residence on the property with water and septic access.

In response to questions by Supervisor Kehoe, Sheriff Tom Bosenko said by the Sheriff's Office has seen an increase in crime from those trafficking marijuana under the guise of growing for medicinal purposes. He also stated that a ban of outdoor cultivation would assist the Sheriff's office enforcement efforts.

Supervisor Moty made a motion to approve the proposed ordinance with the following changes:

1. Establish a plant limit of twelve plants
2. A total ban on outdoor cultivation
3. Patient must have a legal residence on the parcel
4. Establish a 12 plant which limit applies to the parcel, regardless the number of people residing on the parcel or have recommendations; and
5. All setbacks remain as listed

Supervisor Giacomini seconded the motion.

Supervisor Moty requested that a recess be taken so staff can bring back a copy with revisions to proposed ordinance incorporated.

In response to questions by CEO Lees, Mr. Simon requested clarification on the plant size limit per parcel.

Supervisor Moty clarified his motion was for a 12 plant limit, regardless of the number of people residing on the parcel or the parcel size.

3:19 p.m.: The Board of Supervisors recessed.

4:00 p.m.: The Board of Supervisors reconvened.

By motion made, seconded (Moty/Giacomini), and unanimously carried, the Board of Supervisors took the following actions:

1. Adopted Resolution No. 2014-013, with the following conditions added:
 - a. A plant limit of 12 plants per parcel, regardless of parcel size or number of people residing on parcel;
 - b. A total ban on outdoor cultivation;
 - c. The patient must have a legal residence on the parcel; and
 - d. All setback requirements remain.
2. Found the project exempt from the California Environmental Quality Act (CEQA) and consistent with the Shasta County General Plan; and
3. Introduced, waived the reading of, and enacted Ordinance No. SCC 2014-02, which amends Shasta County Code Sections 17.88.320, *Medical Marijuana Cultivation*, and 17.88.140, *Accessory Buildings and Uses*, with the following conditions added:
 - a. A plant limit of 12 plants per parcel, regardless of parcel size or number of people residing on parcel;
 - b. A total ban on outdoor cultivation;
 - c. The patient must have a legal residence on the parcel; and
 - d. All setback requirements remain.

(See Resolution Book No. 55)
(See County Code Ordinance Book)

4:11 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy