

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, February 9, 2010

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 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
Chief Deputy Clerk of the Board - Glenda Tracy
Administrative Board Clerk - Linda Mekelburg

INVOCATION

Invocation was given by Supervisor Baugh.

PLEDGE OF ALLEGIANCE

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

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Kehoe stated that the item regarding the Elk Trail Water Improvement Project was pulled for discussion at the request of Wendy Peet.

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, as amended:

Approved a budget transfer in the amount of \$250,000 from Reserve for Contingency to Services and Supplies in the Conflict Public Defense budget. (Administrative Office)

Approved and authorized the Chairman to sign the County Claims List totaling \$22,660.81 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on February 2, 2010, as submitted. (Clerk of the Board)

Adopted Resolution No. 2010-017, which approves the Conflict of Interest Code of the Redding School of the Arts. (Clerk of the Board)

(See Resolution Book No. 51)

Adopted Salary Resolution No. 1373, which deletes the Library Clerk III position from the Shasta County Salary Plan; deletes one Library Clerk III position in the Law Library budget; and deletes the Library Clerk III classification from the Shasta County job classification list. (Support Services)

(See Salary Resolution Book)

Adopted Salary Resolution No. 1374, which deletes one Accountant Auditor I/II position and adds one Accountant Auditor III position in the Sheriff’s Office budget effective February 14, 2010. (Sheriff)

(See Salary Resolution Book)

For the East Redding Bike Lanes Project - Phase 2, approved and authorized the Chairman to sign a right-of-way contract with Azizollah Barzin and Alene L. Barzin, Trustees of the Barzin Trust (0.06 acres at \$5,800); and accepted one easement deed from the Barzin Trust conveying parcel of project right of way. (Public Works)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

**AGREEMENT: PACE CIVIL, INC.
ENGINEERING SERVICES FOR THE ELK TRAIL
WATER IMPROVEMENT PROJECT**

Public Works Director Pat Minturn stated that the Elk Trail area has been annexed into County Service Area No. 6-Jones Valley Water. An engineer’s report is necessary to allocate costs for the Elk Trail Water Improvement Project, so a Request for Proposal was issued. The committee panel unanimously ranked PACE’s proposal first.

Wendy Peet opposed the project because she has good water on her property, and the extra charge will put a strain on her household.

Mr. Minturn advised that the Jones Valley water system was last updated in 1999; therefore, it will need to be brought up to current standards.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with PACE Civil, Inc. in an amount not to exceed \$1,048,400 to provide engineering services for the Elk Trail Water Improvement Project; and approved and authorized the Public Works Director to sign amendments to the agreement in an amount not to exceed \$100,000. (County Service Area No. 6-Jones Valley Water)

REGULAR CALENDAR

BOARD MATTERS

PRESENTATIONS

WESTERN SHASTA RESOURCES CONSERVATION DISTRICT UPDATE

Western Shasta Resource Conservation District (Western Shasta RCD) Project Coordinator Lorna McLeod gave an update on the Shasta West Watershed Management Plan.

The mission of the Western Shasta RCD is to collaborate with willing landowners, government agencies, and other organizations to facilitate the conservation or restoration of the Western Shasta County's natural resources.

The Shasta West Watershed focuses on educational outreach, fuelbreak construction along Highway 299, identifying and developing plans for modification of fish barriers, creek cleanup and restoration, and invasive species management.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees explained that "2-1-1" is a free, easy-to-remember telephone number that connects people to essential community information and services. By consensus, the Board of Supervisors approved and authorized Chairman Kehoe to sign the letters to U.S. Senator Barbara Boxer and U.S. Senator Dianne Feinstein supporting a statewide 2-1-1 system to provide citizens with a disaster response and health and human services support system.

Supervisors Moty and Hartman recently attended a California State Association of Counties (CSAC) training regarding water issues.

Supervisor Baugh hosted the president and vice president of Regional Council of Rural Counties (RCRC).

Supervisor Hawes recently attended a meeting of the Sacramento Valley Basinwide Air Pollution Control Council.

Supervisor Kehoe recently attended a meeting at the Shasta County Emergency Food and Shelter Program.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

FISCAL YEAR 2009-10 MID-YEAR BUDGET REPORT

Administrative Fiscal Chief Bebe Palin presented the Fiscal Year 2009-10 Mid-Year Budget Report. The County is preparing for budget reductions caused by the continuing national economic crisis and the State's poor fiscal outlook. Shasta County real property values and the property tax revenue continue to decline.

Ms. Palin requested that positions that have been vacant 18 months be considered for deletion. Supervisor Moty commented that, if needed in the future, the departments can come before the Board of Supervisors and request that the position be reinstated.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors accepted an update on the status of the Fiscal Year 2009-10 Budget; directed departments to make spending adjustments to stay within approved net county cost contained in the Fiscal Year 2009-10 Budget, as adjusted; and approved the budget principles recommended for the Fiscal Year 2010-11 Proposed Budget.

AUDITOR-CONTROLLER

**GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB)
STATEMENT NO. 54**

Auditor-Controller Connie Regnell provided information regarding Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. The five components of fund balance are Nonspendable, Restricted, Committed, Assigned, and Unassigned, which provide the constraints that control how specific amounts can be spent. Ms. Regnell discussed the differences between the different components.

SUPPORT SERVICES-PERSONNEL DIVISION

**MEMORANDUM OF UNDERSTANDING
SHERIFFS ADMINISTRATION ASSOCIATION
RESOLUTION NO. 2010-018**

At the recommendation of Director of Support Services Michelle Schafer and by motion made, seconded (Hartman/Moty), and unanimously carried, the Board of Supervisors adopted Resolution No. 2010-018, which approves a successor comprehensive Memorandum of Understanding with the Sheriffs Administrative Association for the period February 9, 2010 through December 31, 2011.

(See Resolution Book No. 51)

LAW AND JUSTICE

DISTRICT ATTORNEY

**REAL ESTATE FRAUD PROSECUTION TRUST FUND COMMITTEE
APPOINTMENT: MARY SPENCE**

District Attorney Jerry Benito discussed the Real Estate Fraud Prosecution Trust Fund Committee that was established by Resolution No. 2009-022 in accordance with Government with Government Code section 27388 on April 7, 2009.

By motion made, seconded (Moty/Hawes), and unanimously carried, the Board of Supervisors appointed Mary Spence to the Real Estate Fraud Prosecution Trust Fund Committee.

10:29 a.m.: The Board of Supervisors recessed.

10:46 p.m.: The Board of Supervisors reconvened.

SCHEDULED HEARINGS**RESOURCE MANAGEMENT****PLANNING DIVISION****MEDICAL MARIJUANA DISPENSARIES****ZONE AMENDMENT NO. 09-010****MEDICAL MARIJUANA CULTIVATION****ZONE AMENDMENT NO. 09-011**

This was the time set to conduct a public hearing to consider the request to approve Zone Amendment No. 09-010, Medical Marijuana Dispensaries (Countywide area), and Zone Amendment No. 09-011, Medical Marijuana Cultivation (Countywide area), which would regulate the location and operation of medical marijuana dispensaries and medical marijuana cultivation within the unincorporated area of Shasta County. Senior Planner Lisa Losier 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.

Ms. Losier stated the location and operation of medical marijuana dispensaries and medical marijuana cultivation need to be regulated. The Compassionate Use Act of 1996 and Senate Bill 420 (Medical Marijuana Program) were established to enable persons who are in need of marijuana for medical purposes to obtain and use it under limited, specific circumstances without being subject to criminal prosecution under certain statutes.

A use permit is currently required for the establishment of a Medical Marijuana Dispensary. These permits are subject to term limitations and annual monitoring fees. Under the proposed ordinance, each dispensary will be required to have a plan of operation addressing how the dispensary will meet and maintain all development and operational standards. Dispensary locations will be controlled to prevent over-concentration and to protect sensitive uses, such as schools and libraries.

Zoning permits will be required for cultivation by qualified patients and primary caregivers. The cultivation area will be limited according to parcel size and must be screened from public view.

Ms. Losier requested that the projects be found categorically exempt from the California Environmental Quality Act (CEQA), with the findings as specifically set forth by the Planning Commission; that the finding be adopted to amend the Zoning Plan Text; and that two ordinances regarding Zone Amendment No. 09-010, Medical Marijuana Dispensaries (Countywide area), and Zone Amendment No. 09-011, Medical Marijuana Cultivation (Countywide area) be approved, introduced and the reading waived.

The public hearing was opened, at which time the following individuals spoke:

Joel Ankerich opposed the proposed ordinances because of the limited space to grow the medicinal marijuana and requested a committee be formed to discuss the needs of the patients.

James Benno, Debra Miller, James Hall, and Shawn O'Meara stated the proposed restrictions violate their civil rights.

Douglas Bennett expressed a concern for growers, patients, and caregivers and offered to serve as a facilitator on a committee to receive input and avoid possible litigation.

Peter Scales spoke in opposition of marijuana usage.

Gina Munday addressed the expensive cost of the zoning permit.

Rodney Jones, Tom LeVasseur, Robert Walker, and mental health care provider Barbie Olsen said they would like to see a committee be formed to allow input by County staff, growers, and patients to develop regulations that will be sufficient for all.

Jeremy Maughs opposed to the proposed ordinances because of the limited space to grow the medicinal marijuana and suggested the marijuana be sold with a tax.

Family Tree Collective representative Hillary Criner stated that medical marijuana has been proven to help cancer and hepatitis patients. The proposed limited growing area is insufficient.

Jim Eagle and Frank Augusta requested reconsideration of the restrictions on the size of the growing area of medical marijuana.

Janet Payne stated her concern of the fencing specifications to be placed around the medical marijuana gardens.

Darryl Walter said there is a problem with the growing of the medical marijuana and perhaps a farmer could handle this.

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

Ms. Losier advised that the area for outside cultivation for properties that are smaller than one acre is 60 square feet, and the area for properties that are larger than one acre is 240 square feet. The cost of a use permit for a dispensary is approximately \$3,200. The cost for a cultivation zoning permit is approximately \$320.

In response to a question by Supervisor Kehoe, Ms. Losier confirmed that the Planning Commission conducted a public hearing, and public testimony took place.

12:02 p.m.: The Board of Supervisors recessed.

12:06 p.m.: The Board of Supervisors reconvened.

In response to questions by Supervisor Baugh, Senior Deputy County Counsel Rubin Cruse stated it is not a violation of the Compassionate Use Act of 1996 or the Medical Marijuana Program Act for local regulation concerning dispensaries or cultivation. Ms. Losier discussed the processes for approval of use permits and zone amendments that are currently in place and would also apply to medical marijuana dispensaries.

Supervisor Moty discussed the effects of marijuana cultivation and its effect on other members of the public by occurrences that may take place without standards being set and followed. Supervisors discussed the possibility of an ordinance to impose a 45-day moratorium.

County Counsel Mike Ralston stated a moratorium was not agendaized and suggested continuing the public hearing so staff can present alternatives for the Board of Supervisors' consideration.

By motion made, seconded (Moty/Hawes), and unanimously carried, the Board of Supervisors continued the public hearing to February 23, 2010, at 9:00 a.m., or as soon thereafter as may be heard with the option to consider a moratorium.

CLOSED SESSION ANNOUNCEMENT

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

1. 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.

12:44 p.m.: The Board of Supervisors recessed to Closed Session.

12:52 p.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.

12:52 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy