

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, November 6, 2012

REGULAR MEETING

9:02 a.m.: Chairman Moty 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 Executive Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Glenda Tracy
Administrative Board Clerk - Linda Mekelburg
Typist Clerk - Candice Martin

INVOCATION

Invocation was given by Senior Pastor Dann Farrelly, Bethel Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Paul Stout presented a trophy to Public Works Director Pat Minturn in appreciation and recognition of the work provided for the Elk Trail Water System Improvement Project.

Dolores Lucero questioned the legality of Supervisor Hartman serving as a member of the Board of Supervisors and working in an office representing the veterans. County Counsel Rubin E. Cruse, Jr. responded that Government Code section 1099 precludes elected officials from holding two public offices. Supervisor Hartman currently holds a public office as a supervisor; however, her position with California Department of Veterans Affairs is an employment position and, therefore, not considered a public office.

REGULAR CALENDAR

BOARD MATTERS

2011-12 SHASTA COUNTY EMPLOYEE SAFETY STAR AWARD WINNERS

Director of Support Services Michelle Schafer spoke about the significant decrease in on-the-job injuries due to the Shasta County Safety Program. Various departments' safety coordinators were recognized as the 2011-12 Shasta County Employee Safety Star Award winners.

PROCLAMATION: VETERANS AWARENESS WEEK

At the recommendation of Veterans Service Officer Bob Dunlap and by motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates the week of November 6-12, 2012 as Veterans Awareness Week in Shasta County. The proclamation was accepted by the Cuttlefish Base of the U.S. Submarine Veterans Inc.

**CERTIFICATE OF RECOGNITION
VETERANS DAY PARADE**

On behalf of the City of Shasta Lake, Supervisor Hartman will present a Certificate of Recognition honoring the Veterans Day Parade to be held in the City of Shasta Lake on November 10, 2012.

PRESENTATIONS

SHASTA-TRINITY NATIONAL FOREST

Shasta-Trinity National Forest Supervisor Sharon Heywood announced that 98.55 miles of roads are to change immediately from Maintenance Level (ML) 3 to ML2, which will allow highway-legal and non-highway legal vehicles on ML3 roads. The majority of comments received were in support of decision.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Moty announced that the items regarding the introduction of an ordinance to allow the expenditure of County funds for training and orientation of supervisors elect, the County Claims List, and ordinance which amends Department of Resource Management have been pulled for discussion.

CONSENT CALENDAR

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

Approved and authorized the Chairman to sign a retroactive agreement with the California Department of Food and Agriculture to reimburse Shasta County in an amount not to exceed \$50,941 for costs associated with the placement and servicing of pest detection traps for the period July 1, 2012 through June 30, 2013. (Agricultural Commissioner/Sealer of Weights and Measures)

Approved the minutes of the meeting held on October 23, 2012, as submitted. (Clerk of the Board)

Appointed Anderson Chief of Police Michael L. Johnson and Redding Chief of Police Robert Paoletti to the Remote Access Network (RAN) Board; and appointed Anderson Police Captain Robert Kirvin, Redding Police Captain Roger Moore, and Shasta County Assistant Chief Probation Officer Tracie Neal as alternates to the RAN Board. (Clerk of the Board)

Adopted the updated Injury and Illness Prevention Program Manual; and authorized the Director of Support Services to amend the Policy as necessary to reflect changes in Federal, State, and County requirements to maintain conformance with the Labor Code. (Support Services-Risk Management)

Approved a budget amendment transferring surplus assets in the amount of \$5,089 from the County Service Area (CSA) #17 Cottonwood Bond Sinking Administration fund to the CSA #17 Cottonwood Sewer Administration fund to close the bond sinking fund; and increasing appropriations by \$5,089 in the CSA #17 Cottonwood Sewer Administration fund, to be offset by the use of fund balance. (County Service Area No. 17-Cottonwood Sewer)

Approved and authorized the Chairman to sign agreements in the amount of \$240 annually to lease aircraft hangars at the Fall River Mills Airport for the period January 1, 2013 through December 31, 2015 with Stucco Supply Company of San Jose, Inc.; Louis Owens; Saber Zell; and Rex Horney. (Public Works)

Adopted Resolution No. 2012-123, which approves and authorizes the Chairman to sign a grant agreement with the California Department of Forestry and Fire Protection, Volunteer Fire Assistance Program in the amount of \$10,860 from the date of signing through August 31, 2013 to purchase 25 portable handheld narrow-band radios; and approved a budget amendment increasing appropriations and revenue by \$10,860 in the County Service Area #1-County Fire budget. (County Fire)

(See Resolution Book No. 53)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

ORDINANCE INTRODUCTION

TRAINING AND ORIENTATION OF SUPERVISORS-ELECT

In response to questions by Supervisor Kehoe, County Executive Officer (CEO) Larry Lees advised that the proposed Ordinance would allow Shasta County policies to be aligned with State Law, allowing newly elected members of the Board of Supervisors to attend training or consulting services. County Counsel Rubin E. Cruse, Jr. stated that the law requires the approval to come before the Board of Supervisors, which may be done on the Claims List.

By motion made, seconded (Kehoe/Hartman), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which adds a section to the Shasta County Code to allow the expenditure of County funds for training and orientation of supervisors-elect. (Administrative Office)

COUNTY CLAIMS LIST

In response to questions by Supervisor Kehoe, Auditor-Controller Connie Regnell explained that items appear on the Claims List because they are not viewed as normal and customary, or they do not comply with the approved policies and procedures. Administrative Analyst Megan Dorney stated the charges exceeded the amount of the agreement with companies for processing the animals from the Inter-Mountain Fair. Fair Manager Bob Macfarlane was not present to provide additional information. CEO Lees noted that the concern about the

“complimentary tickets” provided to individuals was discussed previously; however, these tickets were provided again for the 2012 Fair. Ms. Dorney stated the tickets are used to compensate volunteers that assist in the Fair. In response to questions by Supervisor Baugh, Ms. Dorney said that she will inquire as to the process of the Burney Lions Club being reimbursed \$266 for complimentary tickets and return with that information at a future Board of Supervisors meeting. Supervisor Kehoe requested County Counsel Rubin Cruse to review the procedure of providing complimentary tickets and advise the Board of Supervisors of its appropriateness.

By motion made, seconded (Hawes/Baugh) and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign the County Claims List for the processing charges only totaling \$2,960.55 requiring special board action. (Auditor-Controller)

AMENDMENT OF SHASTA COUNTY CODE CHAPTER 8.02
DEPARTMENT OF RESOURCE MANAGEMENT
APPOINTMENT OF THE AIR POLLUTION CONTROL OFFICER
APPOINTMENT OF THE BUILDING OFFICIAL
APPOINTMENT OF THE DIRECTOR OF ENVIRONMENTAL HEALTH
ORDINANCE NO. SCC 2012-09

Dolores Lucero and Cameron Frank requested no action to be taken on this matter until after the 2012 elections to allow the City of Shasta Lake City Council to reexamine their decision not to serve on the Air Pollution Control Board (APCB).

County Counsel Rubin Cruse explained the ordinance allows the APCB to determine if the Director of Resource Management may also serve as the Air Pollution Control Officer. CEO Lees advised that the ordinance was introduced October 23, 2012, and it is before the Board of Supervisors to be considered for enactment. The APCB was established in 1974 and had been made up of the five members of the Shasta County Board of Supervisors. Recently, because the cities of Redding and Anderson requested to serve as members of the APCB, the makeup of the APCB was changed to three members of the Board of Supervisors and one member each of the City Council of Redding and Anderson. The City of Shasta Lake City Council chose not to participate. The ordinance being considered for enactment is not related to the makeup of the APCB; it concerns the appointment of Air Pollution Control Officer, the Building Official, and the Director of Environmental Health.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors enacted Ordinance No. SCC 2012-09, which amends Shasta County Code Chapter 8.02, *Department of Resource Management*, regarding the appointment of the Air Pollution Control Officer; the appointment of the Building Official; the appointment of the Director of Environmental Health; and updating of various statutory references. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

10:12 a.m.: The Board of Supervisors recessed.

10:24 a.m.: The Board of Supervisors reconvened.

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Executive Officer (CEO) Larry Lees presented an update on specific legislation of importance to Shasta County, including California cities who have recently filed bankruptcy. Shasta County continues to be careful not to spend funds that are not available.

At the recommendation of CEO Lees and by motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a letter to the California Board of Forestry and Fire Protection opposing ongoing efforts to implement ABX1-29 (Blumenfield) regarding State Responsibility Area fees.

Supervisor Hartman recently attended a Remote Access Network (RAN) board meeting.

Supervisor Baugh recently attended a Northern Rural Training and Employment (NoRTEC) meeting and an Area Agency on Aging PSA II Executive Board meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

SHASTA COUNTY CODE SECTION 17.88.320

MEDICAL MARIJUANA CULTIVATION

CEO Lees explained the difficulty in enforcing the medical marijuana cultivation laws has been due to the time factors of the cultivation period ending before County staff performs the necessary abatement procedures. Proposals to change this process include streamlining the administrative abatement process, additional funding for resources, use of peace officers for compliance checks, maximization of the assessment and collection of administrative fines consistent of legal requirements, and utilization criminal prosecution while abatement proceedings are occurring.

Director of Resource Management Russ Mull and Sheriff Tom Bosenko provided a report on Shasta County Code Section 17.88.320, *Medical Marijuana Cultivation*, and its impact in Shasta County.

Mr. Mull noted that 207 complaints have been reported. The ordinance sets parameters on the cultivation of medical marijuana in the unincorporated areas of Shasta County. Marijuana is planted in spring and harvested in September. Having only one code enforcement officer is not enough to handle the amount of code enforcement complaints, and it has often been necessary for law enforcement to accompany the code enforcement officer to investigate complaints of marijuana grows.

Sheriff Tom Bosenko said that a substantial number of calls have been referred to Code Enforcement. The current code enforcement officer is not a deputy; therefore, is not armed, as may be necessary. In order to have these violations enforced, there needs to be adequate staff.

Director of Shasta County Chemical People Betty Cunningham, Gerald Aldridge, Cathy Grindstaff, Dennis Owen, Joann Owen, Dolores Lucero, Cameron Frank, Robert Simmons, Sylvia Milligan, and Elizabeth Healy spoke of the need for additional resources to enforce the ordinance.

In response to questions by Supervisor Kehoe, Senior Deputy County Counsel David Yorton discussed the process necessary to abate marijuana grows that are not in compliance with County Code. Due process, which includes voluntarily abatement, having a hearing, or obtaining an order for compliance, is time consuming.

In response to questions by Supervisor Moty, Mr. Cruse advised that the California Supreme Court is currently has under its review if a local agency may completely ban dispensaries.

In response to questions by Supervisor Kehoe, CEO Lees confirmed that this matter would return to the Board of Supervisors for discussion on February 26, 2013.

Supervisor Baugh requested a complete review of the ordinance to determine if may be more restrictive.

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors approved strategies to potentially increase the effectiveness of enforcement of the medical marijuana cultivation ordinance by attempting to streamline the administrative abatement process while recognizing the requirements for due process; identifying any additional funds for resources, using peace officers for compliance checks, maximizing the assessment and collection of administrative fines consistent with legal requirements, having simultaneous criminal prosecution and abatement proceedings, and review of the ordinance to determine possible changes to be more restrictive.

SUPPORT SERVICES-RISK MANAGEMENT

SHASTA COUNTY WELLNESS TASK FORCE RESOLUTION NO. 2012-124

At the recommendation of Director of Support Services Michelle Schafer and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-124, which receives the 2011-12 annual safety and wellness program report; and disbands the Shasta County Wellness Task Force and allows the Director of Support Services to continue to provide direction to the County safety and wellness program.

(See Resolution Book No. 53)

CLOSED SESSION ANNOUNCEMENT

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

1. Confer with its legal counsel to discuss existing litigation entitled Anselmo, Reverage, Seven Hills Land and Cattle Co., LLC v. County of Shasta, et al., Anselmo, Reverage, Seven Hills Land and Cattle Co., LLC v. Russ Mull, et al.; and
2. Confer with its Labor Negotiators, County Executive 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.

Supervisor Hawes stated he would recuse from the two matters concerning Reverage Anselmo in light of the Shasta County cross-complaint against the State Department of Fish and Game and the Army Corps of Engineers because of a conflict of interest due to his ownership interest in a corporation that has financial dealings with Fish and Game and the Army Corps of Engineers.

12:10 p.m.: The Board of Supervisors recessed to Closed Session.

1:28 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Moty, Hartman, and Baugh, County Executive Officer/Clerk of the Board Larry Lees, and County Counsel Rubin Cruse, Jr. present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations; however, no reportable action was taken.

1:29 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy