

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 17, 2013

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 Giacomini
District No. 4 - Supervisor Schappell
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

INVOCATION

Invocation was given by Pastor Jim Harkabus, Shasta County Law Enforcement Chaplaincy.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

DECLARATION OF LOCAL EMERGENCY

CLOVER FIRE

RESOLUTION NO. 2013-088

Sheriff Tom Bosenko explained the Clover Fire devastated approximately 8,000 acres, destroyed 68 residences and 128 outbuildings, and damaged 5 residences and 10 outbuildings, with one confirmed death. Numerous residents were evacuated. Extensive damage was done to the Shasta County Landfill and to approximately 6,000 feet of guardrail on Clear Creek Road. Approximately \$1 million in damages has been identified, with additional damage to be discovered and evaluated.

A fire management assistance grant had been requested and approved by the Governor's office. The Director of Emergency Services declared a local emergency on September 12, 2013.

By motion made, seconded (Moty/Giacomini), and unanimously carried, the Board of Supervisors adopted Resolution No. 2013-088, which ratifies a proclamation declaring a local emergency due to the fires burning in Shasta County.

SEPTEMBER 2013 EMPLOYEE OF THE MONTH
COMMUNITY EDUCATION SPECIALIST II MARC DADIGAN
RESOLUTION NO. 2013-089

At the recommendation of Director of Health and Human Services Agency Donnell Ewert and by motion made, seconded (Giacomini/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2013-089, which recognizes Community Education Specialist II Marc Dadigan as Shasta County's Employee of the Month for September 2013.

(See Resolution Book No. 54)

PRESENTATIONS

UPDATE: WHISKEYTOWN NATIONAL PARK

Whiskeytown National Park Superintendent Jim Milestone said the special event, celebrating the 50th anniversary of Whiskeytown Dam, is scheduled for September 28, 2013. Shasta Historical Society Executive Director Christine Stokes stated the Historical Society is seeking photographs or newspaper articles of Whiskeytown Dam to be scanned and added to the collection.

PUBLIC COMMENT PERIOD - OPEN TIME

Compass ShiningCare Executive Director Joanne McCarley issued invitations to the upcoming Gatekeepers' Shining Affair event to honor individuals who have made a difference in the lives of the older adults in the community by recognizing risks and providing direction to available services.

Cheri Beck issued invitations to the 75th anniversary celebration of the construction of Shasta Dam.

Ronald James thanked the Board of Supervisors for receiving responses from the County to a letter he had recently submitted referencing enforcement of ordinances regarding growth of medical marijuana.

Rob McDonald stated that reports show that cannabis has been proven to help various diseases.

CONSENT CALENDAR

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

Eliminated two imprest cash accounts, inactive for over twenty years, which still remain active in the general ledger, and grant relief from accountability to the Sheriff in the amount of \$850 and to the Health and Human Services Agency Director in the amount of \$1,000. (Auditor-Controller)

Approved and authorized the Chairman to sign the County Claims List totaling \$72,117.69 requiring special board action. (Auditor-Controller)

Replaced the annual audit of the Cottonwood Fire Protection District with a biennial audit. (Auditor-Controller/Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with Liebert Cassidy Whitmore to provide county labor relations and consultation services from the date of signing through July 31, 2016, with two automatic one-year renewals. (Support Services-Personnel)

Adopted Salary Resolution No. 1428, which implements salary adjustments for seven Professional Peace Officers Association classifications pursuant to the Memorandum of Understanding approved by the Board of Supervisors on August 13, 2013 increasing salaries by two percent effective October 1, 2013; increasing salaries by three percent effective August 1, 2014; and increasing salaries by two percent effective August 1, 2015. (Support Services-Personnel)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign an agreement with Definiti Healthcare Management at various rates to provide medical bill review services for the Workers' Compensation Unit within Risk Management for the period October 1, 2013 through September 30, 2014, with two automatic one-year renewals. (Support Services-Risk Management)

Approved and authorized the Chairman to sign an agreement with RehabWest, Inc. at various rates to provide utilization review services for the Workers' Compensation Unit within Risk Management for the period October 1, 2013 through September 30, 2014, with two automatic one-year renewals. (Support Services-Risk Management)

Approved and authorized the Chairman to sign the retroactive California Department of Health Care Services (DHCS) Medi-Cal Targeted Case Management (TCM) Provider Participation Agreement (PPA) #45-1318 and associated documents for the period July 1, 2013 through June 30, 2018; approved and authorized the Chairman to sign a retroactive agreement with the Shasta County Child Abuse Prevention Coordinating Council in the amount not to exceed the claimable Federal Financial Participation (FFP) reimbursement for the provision of TCM services for the term July 1, 2013 through June 30, 2018; and authorized the HHSA Director or his/her designee to execute prospective and retroactive amendments to the DHCS Medi-Cal TCM PPA #45-1318 that result in a change in compensation of no more than \$10,000 of the annual gross claimable FFP reimbursement amount, the Contractor's Release Form at the end of the contract term, other related documents that do not result in a substantial or functional change of the original intent of the agreement, and all such amendments to the agreement shall otherwise comply with requirements of Administrative Policy 6-101, *Shasta County Contracts Manual*. (Health and Human Services Agency (HHSA)-Business and Support Services)

Approved and authorized the Chairman to sign a renewal agreement with the Shasta County Child Abuse Prevention Coordinating Council in an amount not to exceed \$64,431 to provide up to 1.5 full-time equivalent (FTE) staff to provide Parent Partner services to Juvenile Probation programs from the date of signing through June 30, 2014. (Probation)

Approved a budget amendment to re-budget \$235,000 in the Roads budget and authorize the use of fund balance to purchase a water truck. (Public Works)

Approved and authorized the Public Works Director to sign an agreement with Taber Consultants, Inc. in an amount not to exceed \$64,000 to provide geotechnical services for the Spring Creek Road at Fall River Bridge Replacement project from the date of signing through December 31, 2014. (Public Works)

Approved and authorized the Chairman to sign a 10-year no-cost lease with the Federal Aviation Administration for the radio facilities at the Fall River Mills Airport for the period October 1, 2013 through September 30, 2023. (Public Works)

9:44 a.m.: The Board of Supervisors recessed and convened as the Shasta County In-Home Supportive Services Public Authority Governing Board.

SPECIAL DISTRICTS/OTHER AGENCIES

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD

CONSENT CALENDAR

By motion made, seconded (Baugh/Moty), and unanimously carried, the Shasta County In-Home Supportive Services Public Authority Governing Board approved and authorized the Chairman to sign an agreement with Liebert Cassidy Whitmore in an amount not to exceed \$30,000 to provide labor relations and consultation services from the date of signing through June 30, 2016, with two automatic one-year renewals. (In-Home Supportive Services Public Authority)

9:45 a.m.: The Shasta County In-Home Supportive Services Public Authority Governing Board adjourned and convened as the Shasta County Board of Supervisors.

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

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

Supervisor Moty recently attended a Sierra-Sacramento Valley Emergency Medical System Board meeting and a Shasta Regional Transportation Agency (SRTA) meeting.

Supervisor Kehoe recently attended a Redding Area Bus Authority (RABA) meeting and a Local Agency Formation Commission (LAFCO) meeting.

Supervisor Baugh recently attended an Area Agency on Aging, PSA 2, Executive Board meeting and a Local Agency Formation Commission (LAFCO) meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

MEDICAL MARIJUANA RESOLUTION NO. 2013-090

County Executive Officer (CEO) Larry Lees explained the resolution states Shasta County's intent to amend the current ordinance as it relates to growing medical marijuana. The current ordinance needs some clarification. If approved, the resolution will be forwarded to the

Planning Commission for their consideration and recommendation to the Board of Supervisors for possible changes. The public will have opportunity to provide comment.

Sheriff Tom Bosenko states the Sheriff's Office investigates crimes as it relates illegal growth of marijuana. Many Shasta County residents grow marijuana for medicinal use and attempt to comply with the Compassionate Use Act; however, others grow marijuana illegally, which causes significant increases in land abuse, including stream diversion, water thefts, and use of pesticides, herbicides, and rodenticides, which impact the water when washed into streams.

CEO Lees stated the issue at hand is to consider prohibiting or limiting cultivation in some areas, limiting the number of plants grown, and establishing the violations as misdemeanors.

Joann Owen, Henry Cuenca, Cheri Beck, Peter Scales, David Honey, and Pamela Minor opposed marijuana usage as it leads to further illegal drugs.

Michael Smith supported prohibiting marijuana grows in certain districts, as the grows are prolific in Shasta County because the ordinances are too permissive.

Lynda Kelbaugh, Joe Crowe, Shirley Straub, and Steve Boyd opposed allowing the growth of marijuana because of the excessive use of water and herbicide applications.

Paul Stout and Nisa Donnelly stated local businesses and citizens should be involved in the planning of future medical marijuana code changes.

Jess Brewer said there are no collectives in town.

Sheriff Tom Bosenko supported the proposed amendments and said increased staffing is needed to assist the one code enforcement offer with enforcement.

10:56 a.m.: The Board of Supervisors recessed.

11:10 a.m.: The Board of Supervisors recessed

Jeannette Pringle stated that medical marijuana should be made by labs and sold in pharmacies.

Jerry Aldridge stated pesticides used in the marijuana grows have affected water and animals.

Stephen Goldsmith stated that twenty states have passed laws, and the County should prosecute illegal marijuana grows.

Shasta County Chemical People Director Betty Cunningham supports the resolution of intent to consider amendments to the current code, prohibiting cultivation in all or some areas, limiting the number of plants and cultivation, and establishing violations as misdemeanors.

Sobering Choice representative Cathy Grindstaff favored the adoption of a more restrictive ordinance regarding the medical marijuana grows.

Bernard Bryan said that Proposition 215 prevents changes to the ordinance.

Rosemary Smith, Rodney Jones, Eugene Roinick, and Matthew Meyer stated citizens should be involved in the planning of future medical marijuana code changes.

Rob McDonald said the ordinance is not in compliance with state law.

Patrick Kirchen presented information about pesticides use in marijuana grows, which affect users.

Sherrie Housier and James Benno stated Proposition 215 provides parameters for the growth and usage of medical marijuana.

Hillary Criner said the regulations for marijuana grows in the City of Redding are more lenient.

Marcia Jones is a cancer survivor and uses medical marijuana to assist with pain issues.

James Okey stated pollution by pesticides and stream depletion are not only caused by marijuana growers.

Rob Logan said that Shasta County needs to enforce existing laws.

Terry Hopper stated there may be a need for a limited number of dispensaries.

Gayle Martin, Dave Martin and Sherri McLaughlin said that nearby marijuana grows create unsafe neighborhoods.

Mike Barbre stated property values near his residents have been decimated by illegal marijuana grows yet there are legitimate reasons for the use of medical marijuana.

Supervisor Giacomini inquired about the possibility of having a permit for legal medical marijuana grows.

Director of Resource Management Rick Simon advised that over 300 complaints were received this year; of these, 73 illegal grows were brought into compliance with the law. Enforcement action is continuing.

Supervisor Baugh said that profiteers have misused the medical marijuana ordinance and that it is worth exploring the use of permits for future changes to the ordinance.

County Counsel Rubin E. Cruse, Jr. stated that court action has advised that a permitting process is unlawful because it is construed to violate federal law.

By motion made, seconded (Baugh/Giacomini), and unanimously carried, the Board of Supervisors adopted Resolution No. 2013-090, which directs the consideration of amendments to the Shasta County Code, Title 17, *Zoning*, to further regulate the cultivation of marijuana for medical purposes, including but not limited to prohibiting cultivation in all or some areas; limiting cultivation to within fully enclosed, detached accessory structures; limiting the number of plants; establishing violations as misdemeanors; and requiring permits for areas of growth.

(See Resolution Book No. 54)

SUPPORT SERVICES

DEPUTY SHERIFFS' ASSOCIATION
MEMORANDUM OF UNDERSTANDING
RESOLUTION NO. 2013-091
SALARY RESOLUTION NO. 1429

At the recommendation of Director of Support Services Angela Davis and by motion made, seconded (Moty/Giacomini), and unanimously carried, the Board of Supervisors adopted Resolution No. 2013-091, which approves a successor comprehensive Memorandum of Understanding (MOU) with the Deputy Sheriffs' Association (DSA-DSS/DAI) covering the

period January 1, 2013 through August 31, 2016; and adopted Salary Resolution 1429, which implements salary adjustments for seven DSA-DSS/DAI classifications increasing salaries by two percent effective September 22, 2013, increasing salaries by three percent effective October 5, 2014, increasing salaries by two percent effective October 4, 2015, and increasing salaries by two percent effective March 20, 2016.

(See Resolution Book No. 54)

(See Salary Resolution Book)

CLOSED SESSION ANNOUNCEMENT

Chairman Kehoe announced that the Board of Supervisors would recess to a Closed Session to confer with its Labor Negotiators, County Executive Officer Larry Lees, Personnel Director Angela Davis, and Labor Consultant Becker and Bell, to discuss 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.

1:49 p.m.: The Board of Supervisors recessed to Closed Session and convened as the In-Home Supportive Services Public Authority Governing Board.

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD

CLOSED SESSION ANNOUNCEMENT

The Board of Supervisors recessed and convened as the In-Home Supportive Services (IHSS) Public Authority Governing Board to confer with its Labor Negotiators, County Administrative Officer Larry Lees, Health and Human Services Agency Branch Director Leanne Link, IHSS Public Authority Senior Staff Services Analyst Tim Brendler, Labor Consultant Becker and Bell, to discuss: California United Homecare Workers of America, pursuant to Government Code section 54957.6.

1:49 p.m.: The IHSS Public Authority Governing Board recessed to Closed Session.

1:50 p.m.: The IHSS Public Authority Governing Board recessed and reconvened in Open Session with all Supervisors, County Administrative Officer/Clerk of the Board Larry Lees, and County Counsel Rubin Cruse, Jr. present.

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin Cruse, Jr. reported that the IHSS Public Authority Governing Board met in Closed Session to discuss labor negotiations; however, no reportable action was taken.

1:51 p.m.: The IHSS Public Authority Governing Board adjourned, and the Shasta County Board of Supervisors reconvened.

REPORT OF CLOSED SESSION ACTIONS

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

1:51 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy