

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 13, 2018

REGULAR MEETING

9:00 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 Rickert
- District No. 4 - Supervisor Morgan
- District No. 5 - Supervisor Baugh

- County Executive Officer - Larry Lees
- County Counsel - Rubin E. Cruse, Jr.
- Administrative Board Clerk - Trisha Boss
- Administrative Board Clerk - Kristin Gulling-Smith

INVOCATION

Invocation was given by Pastor Janet Chapman, First Christian Church

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

MARCH 2018 EMPLOYEE OF THE MONTH
SHASTA COUNTY SHERIFF DEPARTMENT
INVESTIGATIVE TECHNICIAN DARLENE PEREA
RESOLUTION NO. 2018-023

At the recommendation of the Employee Recognition Committee and by motion made, seconded (Moty/Rickert), and unanimously carried, the Board of Supervisors adopted Resolution No. 2018-023, which recognizes Shasta County Sheriff's Office, Investigative Technician Darlene Perea, as Shasta County's Employee of the Month for March 2018.

(See Resolution Book No. 60)

PRESENTATIONS

PRESENTATION
2017 SHASTA MOSQUITO AND VECTOR CONTROL DISTRICT ANNUAL REPORT

Shasta Mosquito and Vector Control District (District) Manager Peter Bonkrude presented the District's annual report for 2017. He provided an overview of various programs and services provided by the District.

PUBLIC COMMENT PERIOD - OPEN TIME

Jesse spoke in regards to concerns of an abandoned house across the street from his residence.

Russ Wade spoke regarding concerns with carbon emissions.

Monique Welin spoke regarding mental health and psychosocial crisis.

CONSENT CALENDAR

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

Approved the minutes of the meeting held on March 6, 2018, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign a retroactive agreement with John H. Hagar for \$250 per hour plus miscellaneous expenses with no maximum compensation, to provide legal services beginning October 6, 2017, for five years or until the completion of all cases or matters assigned, and terminates the previous Legal Services Agreement that commenced on October 29, 1991. (County Counsel)

Adopted Resolution No. 2018-024 which amends the Shasta County Personnel Rules, Chapter 14, Leaves of Absence, and Appendix A Forms. (Support Services-Personnel)
(See Resolution Book No. 60)

Approved and authorized the Chairman to sign a retroactive renewal agreement with BHC Heritage Oaks Hospital, Inc., in an amount not to exceed \$450,000 to provide inpatient psychiatric hospitalization services for the period July 1, 2017, through June 30, 2020. (Health and Human Services Agency-Adult Services)

Approved and authorized the Chairman to sign an amendment, effective the date of signing, to the agreement with Securitas Security Services USA, Inc., to modify existing security service hours, add additional service locations which increases maximum compensation in Fiscal Year (FY) 2017-18 from \$500,000 to \$530,000, in FY 2018-19 from \$535,000 to \$595,000, and in FY 2019-20 from \$575,000 to \$640,000, increasing the total maximum compensation by \$155,000 from \$2,605,200 to \$2,760,200 during the entire term of the agreement, and retaining the term July 9, 2015, through June 30, 2020. (Health and Human Services-Business and Support Services)

Approved and authorized the: Chairman to sign retroactive renewal Certification Statements with the Children's Medical Services branch of the California Department of Health Care Services in support of program plans and budgets for the Child Health and Disability Prevention Program in the amount of \$331,405; the California Children's Services Program in the amount of \$1,642,108; the Health Care Program for the Children in Foster Care in the amount of \$237,583; and for the Monitoring and Oversight of Foster Children Treated with Psychotropic Medication in the amount of \$38,236 for a total of \$2,249,332 for the period of July 1, 2017, through June 30, 2018; and Health and Human Services Agency (HHSA) Director, or any HHSA Branch Director or Deputy Branch Director, as designated by the HHSA Director, limited authority to execute prospective and retroactive amendments to the program

plans and budgets that result in a net change of no more than \$224,933 and other minor, non-monetary amendments as necessary, providing all such amendments shall otherwise comply with Administrative Policy 6-101, *Shasta County Contracts Manual*. (Health and Human Services Agency-Public Health)

Approved and authorized the: Chairman to sign a retroactive California Department of Public Health Maternal, Child, and Adolescent Health Agreement Funding Application in an amount not to exceed \$411,342 that will allow Health and Human Services Agency (HHS) - Public Health to continue services to protect and improve the health of mothers, adolescents, children, and their families as directed by state and federal law for the period July 1, 2017 through June 30, 2018; and HHS Director, or any HHS Branch Director or Deputy Branch Director, as designated by the HHS Director, to sign prospective and retroactive amendments during the term of the agreement that result in a net change in maximum compensation of no more than \$41,000, and other documents related to the agreement that do not result in a substantial or functional change to the original intent of the agreement, and that otherwise comply with Administrative Policy 6-101, *Shasta County Contracts Manual*. (Health and Human Services Agency-Public Health)

Adopted Resolution No. 2018-024 declaring the termination of the March 6, 2018, proclamation of a local emergency and finding that the current conditions no longer warrant the need to continue the proclamation pursuant to Government Code 8630(d). (Sheriff)

Took the following actions regarding the “Ash Creek Road at Sacramento River Overflow Bridge Replacement Project,” Contract No. 703921: Found the geotechnical site investigation categorically exempt in conformance with the California Environmental Quality Act (CEQA) Guidelines Section 15306, Class-6-Information Collection; and approved and authorized the Chairman to sign a two-year agreement with Yeh and Associates Consultants, Inc., in an amount not to exceed \$61,486 to provide geotechnical services from the date of signing through March 11, 2020. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement, effective date of signing with Dokken Engineering to provide the Public Works Director or his/her designee the authority to approve amendments up to \$48,000 (10% of original total compensation), for a new total not to exceed \$530,000, to provide engineering and geotechnical services for the 2017 Storm Damage Projects, and retain the original term from date of signing through December 31, 2021. (Public Works)

Took the following actions regarding the “Gas Point Road Widening Project,” Contract No. 702976: Approved and authorized the Chairman to sign a right-of-way contract with Steve and Natalie Cox for right-of-way (0.11 acres at \$10,000) plus a Federal Highway Administration signing incentive of \$1,000; and accepted one Easement Deed conveying the right-of-way parcel. (Public Works)

Took the following actions regarding the “Gas Point Road at Park Drive Corridor Improvement Project,” Contract No. 702984: Approved and authorized the Chairman to sign an easement agreement with the Cottonwood Union School District for right-of-way (0.90 acres); and accepted one Easement Deed conveying the right-of-way parcel. (Public Works)

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 Kehoe recently attended the Mental Health, Alcohol and Drug Advisory Board meeting.

Supervisor Moty recently attended the Sierra-Sacramento Valley Emergency Medical System Board meeting.

Supervisor Rickert recently attended the Sierra Nevada Conservancy meeting.

Supervisor Baugh recently attended the Local Agency Formation Commission meeting.

Supervisors reported on issues of countywide interest.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS AND MEASURES

RESOURCE MANAGEMENT

SHERIFF

ORDINANCE NO. 739

MORATORIUM ON THE CULTIVATION OF HEMP UNINCORPORATED AREAS OF SHASTA COUNTY

This was the time set aside to conduct a public hearing to consider an uncodified urgency ordinance imposing a temporary moratorium on Industrial Hemp in the Unincorporated Areas of the County of Shasta. Agricultural Commissioner/Sealer of Weights and Measures Paul Kjos provided a presentation on the request to adopt an Urgency Interim Ordinance Establishing a Moratorium on the Cultivation of Industrial Hemp in the Unincorporated Areas of Shasta County. He requested time to assess the impact that this plant may have on the County due to the passage of Proposition 64. The production of hemp is prohibited for most people until the Industrial Hemp Advisory Board provides recommendations to the Secretary of Food and Agriculture and regulations are in place. The regulatory framework will be determined by the recommendations from the Industrial Hemp Advisory Board. The Notice of Hearing and the Notice of Publication are on file with the Clerk of the Board.

He explained the difference between cannabis and hemp is the amount of THC contained in the plant. Lab testing is the only way to determine the level of THC. Code exempts established Agricultural Research Institutions. A request has been made to the Advisory Board and the State for clarification on what constitutes an Agricultural Research institution; an answer has yet to be received. Until the regulations come out, an interim moratorium is being requested.

In response to questions by Supervisor Baugh, Mr. Kjos stated the definition of Agricultural Research Institution in the Food and Agricultural-Code is unclear.

In response to questions by Supervisor Morgan, Mr. Kjos stated that Shasta College does have an Agriculture Department and they would be able to grow industrial hemp. It is his opinion that this was the intention of Proposition 64, but needs clarity. It was his understanding that the Industrial Hemp Advisory Board has met a couple of times and in late 2018 the Advisory Board should have the framework for regulation, to be presented to the State.

Larry Lees, County Executive Officer explained that the County isn't giving legal recommendation to what the College can do. The moratorium would be based on what would be legally sustainable.

Rubin Cruse, County Counsel stated that he doesn't know if Shasta College intends to grow hemp; if the moratorium was put into place they wouldn't be able to, because they are in the unincorporated area of the County.

In response to questions by Supervisor Rickert, Mr. Kjos stated he was only aware of one hemp crop in California.

In response to questions by Supervisor Moty, Mr. Cruse explained that he will have to research what the time frames are for extensions of the moratorium.

Sheriff Tom Bosenko gave a presentation on the difficulty that Law Enforcement faces with differentiating hemp and marijuana which makes it difficult when investigating a crop. Currently, the lack of specific regulation by the State is causing great concern as anyone can claim that they are doing some kind of research on hemp. He stated that the cost of laboratory testing will also need to be taken into account since this is the only way for law enforcement to determine the THC content of a plant. He also expressed environmental concerns, safety concerns, and stated that the costs that will need to be taken into account are disposal, testing, licensing and labor.

In response to questions by Supervisor Kehoe, Sheriff Bosenko stated that enforcement of the moratorium would be a concern.

The public hearing was opened.

Johnathan Payne, with Ventura Research Group, spoke in favor of permitting hemp. He stated that this could bring a lot of revenue to Shasta County.

The public hearing was closed.

In response to questions by Supervisor Baugh, Mr. Cruse stated that the concern before the Board is the temporary moratorium. If approved the moratorium would be in effect for 45 days. It could then come before the Board for another public hearing to see if they want to extend the moratorium for an additional 22 months and 15 days based on the information available at that time.

In response to questions by Supervisor Kehoe, Mr. Cruse stated that County Counsel drafted the ordinance and to the best of his knowledge, it was accurate.

In response to questions by Supervisor Morgan, Mr. Cruse stated within the 45-day time period the moratorium will be brought back before the Board for further discussion.

By motion made, seconded (Morgan/Kehoe), and unanimously carried, the Board of Supervisors took the following actions; introduced, waived the reading of, and adopted Uncodified Urgency Interim Ordinance 739 of the County of Shasta Declaring a Temporary Moratorium on the Cultivation of Industrial Hemp Within the Unincorporated Areas of the County of Shasta (the "Urgency Interim Ordinance"); found that the Urgency Interim Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) for the reasons stated in the Urgency Interim Ordinance; directed the Agricultural Commissioner, the Director of Resource Management, and the Sheriff to assess the effects of unregulated cultivation of industrial hemp by "Established Agricultural Research Institutions" and others on the environment and on the health and safety of the citizens of Shasta County, and determine whether there are reasonable regulations to mitigate any identified adverse effects; and directed the Agricultural Commissioner, the Director of Resource Management, and the Sheriff to develop such reasonable regulations, if any, for consideration by the Planning Commission and the Board of Supervisors.

(See General Ordinance Book)

CLOSED SESSION ANNOUNCEMENT

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

Confer with legal counsel to discuss one case of anticipated litigation, pursuant to Government Code section 54956.9,(d)(4) *Initiation of Litigation: One Potential case.*

10:32 a.m.: The Board of Supervisors recessed to Closed Session.

10:58 a.m.: The Board of Supervisors returned from Closed Session and reconvened in Open Session with all Supervisors, County Executive Officer/Clerk of the Board Larry Lees, and County Counsel Rubin E. Cruse, Jr. present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin E. Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss Initiation of Litigation: One Potential Case: reportable action was taken:

As for one potential case for initiation of litigation, one potential case, the Board of Supervisors, by a 5-0 vote gave approval to legal counsel to initiate legal action, and the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the County's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize the County's ability to conclude existing settlement negotiations to its advantage.

There was no other reportable action.

11:00 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy