

ANDERSON VALLEY COMMUNITY SERVICES DISTRICT
Minutes of the Regular Board of Director's Meeting
September 21, 2011

Approved as corrected 10/19/2011 (Corrections noted in red, page 1 & 4)

1. **Call to Order and Roll Call:** Meeting called to order by Chair **Paget**: 5:30 p.m. Board members present: K. **Wilder**, D. **Paget**, V. **Hanelt**, K. **McKenna** and A. **LaCampagne**. Staff Members present: J. **Andrews**, C. **Wilson** and J. **Clark**.

2. **Recognition of Guests and Hearing of the Public:** Laura **Hamburg**, Chiah Rodrigues, Jamie Beatty, Carole Brodsky, Beverly Dutra, Colleen Schenck, Terry Ryder, Susan Bridge-Mount, Mary Darling, Neil Darling, Mark Fontaine, Ellen Fontaine, Marvin Dutra, Barbara Scott, Pastor Dave Kooyers, Pastor Eric Peterman, Shauna Espinoza, Heidi Knotts Gundling, Henry Gundling, Mark Scaramella/AVA, Ginger Valen, Janet Breger, Walden Valen, Julie Honegger, Larry Mailliard, Carlos Espinosa, Bill Nobles, John Lewallen, Lynda McClure, Torrey Douglass, David Severn, Mitzi Wagner, Bob Sites, Fred Martin, Troy Kreienhop, Tamara Baxman, and Edward Carsey.

Paget – Welcomed all and said the CSD has no jurisdiction in this matter concerning the proposed Marijuana Dispensary, not within our power to do anything pro or con. Wanted to set up some ground rules, Laura **Hamburg** will be allowed ten minutes to speak and everyone else three minutes ó if someone else says the same thing you want to say, please just second it, don't repeat. **Hamburg** will be allowed another ten minutes after the public has had their say.

Hamburg - thanked all for being here, understands initial issues are revealing strong beliefs, we all know people who are ill and using marijuana but talking about it is uncomfortable but would like to find a common ground. **Hamburg** noted that the Board of Supervisors did not pass a Marijuana Dispensary Moratorium at their meeting yesterday. Says she has been listening to our objections concerning the location and says she will not dispense cannabis here. The Board of Supervisors did not feel an emergency existed in the moratorium issue. **Hamburg** feels this is an incredible source of medicine and a terrific source of income for the county. **Hamburg** spoke briefly of her own Grandmother in Missouri who had cancer ó marijuana helped her transition from this life. Her own Mother is now on her second round of chemotherapy ó per the 9.31 program, a person can grow marijuana and she can use it but one cannot transport or deliver to her ó has to be dispensed. **Hamburg** said we are here and we want to ask you how we can work together, legally and safely. Introduced her partners and a friend:

Chia Rodrigues ó asked gathering to help them find a new home in Anderson Valley.

Jamie Beatty ó marijuana farmer under 9.31

Carole Brodsky ó journalist and friend

Hamburg distributed handouts: Study ó Crime in surrounding area increased after closure of LA medical marijuana dispensaries (by Associated Press, published September 29 ó no year indicated) and How Safe is Cannabis. Copies attached to original minutes.

Following is an overview of questions/opinions/comments from the following guests ó S. Bridge-Mount, M. Fontaine, C. Schenck, L. McClure, J. Breger, T. Kreienhop, G. Valen, L. Mailliard, T. Baxman, B. Dutra, B. Nobles, S. Espinoza, H. Knotts Gundling, T. Douglass, T. Ryder, M. Darling, N. Darling, H. Gundling, B. Scott, B. Sites, and E. Fontaine. Questions and/or comments will be noted with the response from **Hamburg**:

- What are your plans for the ambulance barn? Nothing personal but you are coming from outside our community, feels you are trying to cram it down our throats. **A.** Can serve patients now with information.
- Objects to any form of marijuana next to church and restaurants ó hopes a valid permit is issued.

- You say you will not be dispensing cannabis, what about any other byproduct of cannabis? Rodrigues said they would not be able to dispense any byproducts.
- Meeting reminds one of the 50's ó McCarthyism re communism ó whole issue just fizzled out. Feels this will too.
- Doesn't agree with comparison to McCarthyism ó majority of people voted to have access to medical marijuana ó 25 plants in backyards ó does not feel it's right to try to push through without a hearing from all in the community ó asked if you will be selling pipes, bongos, etc., your answer is "you don't know." Need to slow down, don't play on emotions. **A.** Would be wonderful to have a pharmacy here but we don't ó pipes, devices ó there are other items like vaporizers, etc. ó do not need to smoke
- Why so many plants? ó one lb. of plant to make two oz. of liquid ó does take a lot of plants to make the medicine.
- Has covered issue for last three years ó astounded at what has been learned ó majority of people here believe medical marijuana has a value ó studies done on medical use of marijuana shows that 72% agree adults should be able to use medical marijuana. Issue is not going to go away, no other way to put it.
- Does believe in medical marijuana but does not know how a small town with very little law enforcement can feel comfortable with a dispensary in the middle of town ó good spot would be at the Clinic, confidentiality of patient records, doctors credentials, etc. Problem with credibility, lack of sufficient law enforcement and populations of the valley. **Hamburg** reiterated they would not be dispensing cannabis at the location ó understands we don't want it on main street. She says she has been working with the Sheriff's Department on security and she knows how important it is to listen to feedback. Says a recent Rand Survey shows more crime occurred after dispensaries closed. Business permit had been applied for, request by Bible Church to deny permit was turned down, not enough justification to deny, currently winding its way through Building and Planning.
- Did the application indicate it was for a marijuana dispensary? **A.** Listed as alternative healing, there is a certain liability to the County if marijuana is listed.
- Objects to putting it on main street - why not put it in your home - your living room, not ours. **A.** Has already said they will not be dispensing marijuana here.
- Would like to invite her to put it in her own home - has a good friend who has been advised she was too far gone for chemotherapy, starting using marijuana and was advised that tumors had reduced to half the original size, doesn't have transportation to have to go to Ukiah for her marijuana.
- **Hamburg** had stated at the Board of Supervisors meeting that her application had been cleared and approved for a business license but Planning and Building has said nothing has been approved as yet. **A.** Perhaps she did "misspeak", application has cleared Planning and now is going through Building.
- Commends **Hamburg** for speaking like a true politician - will not be dispensing marijuana at this time, but what about two years later - will you be selling marijuana as the laws change - playing the laws - politicians ploy to get in the front door.
- Objects to advertising - adolescents brains are still developing - if teens see as a medicine, it's harmful misinformation.
- Kids already desensitized to marijuana, alcohol, etc., all bad for growing kids. San Jose has put a cap on dispensaries and their population is a million. Huge criminal aspect to marijuana, especially here in the valley, **Guerrero's** recently robbed and home invasions frequent in October, why take the chance? The criminal element is here. Takes a whole agency to govern alcohol, absolutely nothing on marijuana. **A.** Cannabis is a medicine, not

for children, can't do pros and cons on all vices - believes in dispensing information - real talent pool in Anderson Valley, offer marijuana legally and affordably, some of the most successful pot farmers are here in Anderson Valley.

- So many medical marijuana cards are falsely obtained - have formed an agency to keep kids in school and to keep marijuana from being a "gateway" drug - very harmful for kids to see - feel if it is dispensed as okay for medical use, it can't be that bad. The issue of protecting the kids in this valley is our biggest concern, it's not okay, we don't want a dispensary here.
- Has two kids in school - while a lot of people recognize medical use of marijuana, there are not enough laws in force to protect our families and we're still facing threats of cutting law enforcement in the valley.
- Any plans for delivering any cannabis? **A.** No, will maintain the location to dispense information, there will not be any cannabis at any time.
- Did not answer the question of why not dispense at our local Clinic. **A.** Would like to go there if space was available.
- Landlord would be susceptible to losing property if Feds raided the dispensary - if at clinic would probably not be raided. Any landlord in town would be crazy to rent for such a use.
- Question on how do you justify your business next to a church, a family restaurant and the fairgrounds? **A.** Location not important, offering information at this time.
- What qualifies you to sell marijuana? **A.** Does not have any qualifications. **Rodriguez** - partner in the cooperative, it's patient to patient, do not sell any products - will follow every law California has.
- Marijuana dispensary a good idea but not in Boonville, does not want the children exposed. He could go out and come back in twenty minutes with marijuana. Sounds like this would be directed more towards bay area visitors, not locals. Anderson Valley is strongly against.
- Believes medical marijuana is useful but does not think we have a need for a dispensary in the valley, may be legalized in California but we don't have enough law enforcement to control problems - plenty already in county - no need to have a dispensary when it is readily available elsewhere.
- Survey done in the Fort Bragg area showed 85% of patients used Mendocino County addresses.
- Stressing obeying laws in place - permits - but your advertisements give directions to reach Boonville coming from the South and also the North, indicating you are inviting tourists coming here to purchase marijuana. The valley has a very strong protectiveness towards our children.
- Not fair for Anderson Valley to ask residents or tourists to go to Ukiah. It was noted by another that the party speaking is the wife/partner of the landlord of the proposed dispensary.

PUBLIC HEARING CLOSED

Comments from the Board of Directors:

LaCampagne - we have two bars and a liquor store - almost everyone raised their hands when asked if they approve of medical marijuana. Is torn, if sick she would like to have a local relationship. Liquor causes so many tragedies - nicest people at the Sierra Nevada World Music Festival where "use" is prevalent. Some issues with license - medical marijuana is not going away - if we do it in a controlled manner - is on the fence about the issue - people object at this level but its going to happen - likes idea of hooking up with the clinic.

Hanelt -Agrees that medical marijuana is useful but would never go to a dispensary - if it is medicine, let it be regulated like medicine, protected like medicine, would not have the criminal element. Does not

make sense to her to have a dispensary.

Wilder - understands the need for medical marijuana in some cases but issuance of cards is out of control, it's a joke. Everyone is growing but there is a total lack of any kind of regulation. Another glaring issue is the Feds - reason marijuana is not listed on applications is that it is against federal law. When one takes an oath of office, you can't swear to obey some laws but not others.

Hamburg - Thanked everyone for coming tonight and expressing their opinions - different night than she thought it would be - hearing we do not want dispensary anywhere here - does not believe that - part of families want to be able to safely go into a dispensary - a particularly grown and specifically made product - best medicine made in Mendocino County - Herbalists are trained people who dispense - why can't we be the leaders in this issue.

Wilson - talking to Supervisor McCowen and assisting in setting up meeting in the valley for creating an ordinance, contact him if you would like to contribute to this.

Paget - Thanked everyone for expressing their opinions and **Hamburg** for coming to our meeting.

BREAK: 7:10 P.M.

Scaramella: Even though the CSD has no say one way or the other, **you** did send a letter to Planning and Building, and **you** did invite **Hamburg** here to see if she could convince us to reconsider our stand against issuing a business license.

RECONVENED: 7:15 P.M.

3. Approval of Minutes: Page 2, line 5, change to read: **Paget** offered that when you weigh the differences between alcohol and marijuana, she sees no “more” harm in marijuana “than in alcohol” and does not think we would be risking losing our polling place at the Fairgrounds. Page 4, No. 14. Policies and Procedures, a. after last paragraph add: “**Paget requested reviewing Budget since Personnel was not ready for review yet.**” *Motion by Hanelt to approve minutes as corrected, seconded by McKenna and passed by unanimous vote.*

4. Correspondence Received:

- Emil Rossi's letter - **Paget** asked if all Board members were in agreement to respond to the letter, response was yes - **Andrews** directed to respond to the letter.
- Letter from Department of Planning and Building - **Paget** said she thought the letters addressed to Board should be answered by the Board - requests on future letters that an e-mail be sent to Board members advising a letter has been received pertaining to (briefly describe) and is available for your review if you are interested.

5. Changes or Modifications to Agenda: Discussion on since we had invited **Hamburg** to respond to our questions, do we want to reconsider the letter we sent to Planning and Building. **Paget** asked for the item to be added to the agenda under No. 15. **Dó** stated an individual who voted approval to start with can add to the agenda without a motion. Motion by **Hanelt** to add to the agenda, seconded by **McKenna**. Discussion revealed no urgency to act on this subject and consensus was to add to next month's agenda under Old Business. Motion withdrawn by **Hanelt**.

6. New Business:

- a. GSRMA - Workers' Compensation Resolution - Notation at the end of the August 2011 letter referred to a resolution to have non-emergency volunteers listed as “employees” for coverage by Workers' Compensation. Discussion on the need to specify which types of volunteers are covered - Lookout Volunteers - volunteers who will be working on new Holmes Ranch station - parent volunteers - who do we want to cover? Although we would not be paying anything now, **Andrews** said there would be an increased cost over time. **LaCampagne** said any sponsor or

non-safety/emergency volunteer that is working on a sanctioned activity should be covered - employees for that purpose only. **Paget** suggested **Andrews** work with the GSRMA representative to get the correct wording for the resolution. **Wilson** thought we should draft a resolution - contact GSRMA for boilerplate wording. **Wilder** said the insurance companies deal with these resolutions all the time, get the correct wording from them so we only have to do once. **Andrews** will be following up.

- b. Historical Museum Insurance - **Paget** said they insure the museum. **Wilson** - lease says they are absolutely responsible for the insurance. **Paget** asks if anyone felt the need to question them on the issue. **Wilder** - verify only. **Paget** - obtain a copy of the insurance and remove from the agenda.
- c. Website for AVCSO - **McKenna** - See attached information sheet submitted by **McKenna**. **McKenna** said she has looked into several other sites - various information is provided. **Hanelt** asked if this would increase our noticing requirements - **Scaramella** responded no, it would not. **Wilder** thought it would be a good way to get information out to the public, beneficial to the community with information on the Airport. Question on where funding would come from - cost would be approximately \$100 per year. **McKenna** said she would be willing to maintain it. **Paget** - needs to be referred back to the Budget Committee to identify funding. ***Motion by Wilder to investigate possibility of establishing a web site. Motion seconded by McKenna and passed by unanimous vote.***

7. **General Manager's Report:** Copy attached.

- Will be closing books for last FY soon. Still looking for a new auditor.
- Has enrolled for an advanced Excel course in October. Completed 90-minute CSDA Webinar in August on "Rules of Order and Facilitating Board Protocols."
- Boating and Waterways - First invoice from AV Land Trust has been submitted.
- Benefit Assessment - changes have been submitted to the County and have been implemented. Increase annually on these changes should be around \$3,825.

8. **Fire Chief's Report:** Copy attached. Information only, no action required. **Hanelt** asked if all of the narrow banding has been completed. **Wilson** said there were some issues with the repeaters and they will probably have one more round of reprogramming.

9. **Fire Protection Committee Report:** Copy of minutes attached. **Scaramella** asked if the old rescue unit had been disposed of yet - response was no. **Wilson** - authorized to get rid of the old rescue as it was having transmission problems - turned out to be a very minor repair - has another old unit (7441 - utility) and would like authorization to dispose of it if it looks like a better choice - would ask blue book value/OBO. ***Motion by Hanelt to authorize the Chief to dispose of 7441 if he determines it would be the better choice, seconded by Wilder and passed by unanimous vote.***

10. **Budget Committee Report:**

a. Budget Chairperson Report & Recommendations

- (1) Committee Recommendation on "Cycled" Program. Propose to use the Recreation operating account and establish a budget and template to track instead of establishing a separate checking account. **Andrews** - with the tracking system it has to be assigned to a specific line item. **McKenna** - Started out asking for two things, the special account and the grant - Budget Committee would like to review the grant before taking any action on that request. ***Motion by Hanelt to establish a "Cycled" Revenue and Expense budget in the Recreation books, seconded by Wilder and passed by unanimous vote.***

b. Request for New Expenditures (if any) None

11. **Airport Committee Report:** Copy of minutes attached. Due to illness, **Jim Nickless** has stepped down from Chair of the Airport Committee and the Budget Committee. **Jerry Bowers** will be taking over for **Nickless**. **Fred Martin** said he had some friends flying in to Boonville and noted there were

no notices or postings that tie-down fees are required. **Wilder** said it is posted in large letters in several different places. Noted runway pavement inspection had been completed by Meade-Hunt and they reported it was in very good shape.

12. Recreation Committee Report: No meeting.

13. Personnel Committee Report: No meeting.

14. Policies and Procedures Committee Report:

- a. Approval of Series 3000 - Loss Control and Out-of-District Billing. **Loss Control** - reviewed - question by **Scaramella** if this process is still associated with a reduction of our insurance - response was yes, *Motion by Wilder to approve the Loss Control policy as written and discussed, motion seconded by McKenna and passed by unanimous vote.* **Out-of-District Billing** - **Scaramella** asked if there was any recovery for accidents involving DUI's. **Wilson** said it had been tried in the past but never came to anything - refer to one place, told to refer to another, too many hoops to jump through. **Scaramella** said he would check with the CHP and try to get some more information on it. *Motion by Hanelt to accept as written, seconded by McKenna and passed by unanimous vote.*
- b. Review Series 3000 - Budget Committee. **Paget** asked board members to review the Budget procedure as it will be up for approval next month. Personnel will be available for review. **Wilder** noted that the Airport P&P had not been approved as yet. **Clark** referred to last month's minutes where *LaCampagne motioned to accept the policy, including the Airport Access Agreement as presented by Wilder - motion was seconded by Hanelt and passed with four aye votes - Wilder abstained.* Discussion revealed that evidently they did not mean to approve it so it will be sent back to **Paget** for distribution and further review.

15. Old Business:

- a. Endorsement Letter - Measure A. **Hanelt** asked if the CSD wanted to endorse a tax increase. **Scaramella** said we would not normally endorse any tax increase. No motion to write an endorsement letter - no action taken. It was pointed out that individuals could endorse if they so pleased.
- b. Proposed Policy for Removal of District Records from District Facilities - **Hanelt**. This issue has been referred back to the P&P Committee. Add to next month's agenda.
- c. Authorization to Expand Letters re SRA to Include State Senate and Assembly - moot point - the issue is dead for this legislative year.

16. Any Special Item Not on the Agenda but Approved Unanimously by the Board or Legally Required or Authorized for Immediate Action - none.

17. Concerns of the Directors:

LaCampagne - None except we need to skip the Closed Session item.

Wilder - CSD needs to buy latest version of Windows.

Hanelt - None.

McKenna - None

Paget - E-mail from Gene **Herr** saying the Cycled budget was not in the proper format - **Herr** is not a voting member of the Budget Committee - spent a hour trying to reformat per **Herr's** opinion - thinks the tail is wagging the dog - wait until Board approves before spending staff time on these things.

18. Closed Session - Litigation re **S.M. Wallace's** Unemployment Claim, Case No. 3756416 - not necessary

19. Adjournment: Meeting adjourned 8:55 p.m.

Joanie **Clark**
Secretary/Clerk