

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, October 5, 2004

REGULAR MEETING

9:03 a.m.: Chairman Hawes 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 Fust
District No. 3 - Supervisor Hawes
District No. 5 - Supervisor Clarke

District No. 4 - Supervisor Wilson - Absent

County Administrative Officer - Doug Latimer
County Counsel - Karen Jahr
Deputy Clerk of the Board - Tazina Otis
Deputy Clerk of the Board - Linda Mekelburg

INVOCATION

Invocation was given by Pastor David Stark, Grace Presbyterian Church.

PLEDGE OF ALLEGIANCE

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

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled for clarification the item regarding claims list resolution and amended Administrative Policy 2-201 authorizing County Administrative Officer (CAO) Doug Latimer or his designee to approve claims for services in the amount of \$200 or less per occurrence without an approved personal services agreement.

In response to a question from Supervisor Kehoe regarding how the \$200 approval amount was determined, CAO Latimer explained that, in meeting with the Auditor-Controller's office, it was determined that the \$200 amount would cover most items on the list. If it is noticed that certain vendors are being utilized more consistently, the CAO will suggest a personal services agreement be obtained.

CONSENT CALENDAR

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

Adopted Policy Resolution No. 2004-5, which amends Administrative Policy 2-201, *Authorizing the County Auditor to Approve Certain Claims*; and adopted Resolution No. 2004-133, which authorizes the reimbursement of specialty items and services through the issuance of vouchers and authorizes the Auditor-Controller to process payment for such purposes. (Administrative Office)

(See Resolution Book No. 45)

Authorized the issuance of checks totaling \$12,977.13 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on September 21, 2004, as submitted. (Clerk of the Board)

Acted on behalf of County Service Area (CSA) No. 2 - Sugarloaf Water, enacted Ordinance No. 630, which repeals Resolution No. 2001-191 and increases the basic bi-monthly water rate for CSA No. 2 - Sugarloaf Water from \$40 to \$58 effective November 1, 2004, as introduced September 21, 2004. (Clerk of the Board)

(See General Ordinance Book)

Authorized the Director of Housing and Community Action Programs to sign and submit a grant application and any subsequent amendments to the California Department of Corporations in the amount of \$3,000 to provide funding through the Retired and Senior Volunteer Program to administer the Seniors Against Investment Fraud Program in Shasta County. (Housing and Community Action Programs)

For Laverne Lane Permanent Road Division in the Happy Valley area, received the petitions for formation and activation, affidavit verifying petition information, improvement and maintenance cost estimate, County Surveyor's report, and parcel charge report; and set a public hearing for November 23, 2004 at 9 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

For Crowley Creek Ranchettes Permanent Road Division in the west Cottonwood area, received the petitions for formation and activation, affidavit verifying petition information, maintenance cost estimate, County Surveyor's report, and parcel charge report; and set a public hearing for November 23, 2004 at 9 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

Authorized the Director of Public Works to sign a Notice of Completion for the 2004 Slurry Seal Project and record it within 10 days of completion. (Public Works)

Acted on behalf of County Service Area (CSA) No. 17 - Cottonwood Sewer, adopted Resolution No. 2004-134, which requests initiation of LAFCO proceedings to annex three parcels into the CSA. (Public Works)

(See Resolution Book No. 45)

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: U.S. FOREST SERVICE UPDATE ON BEAR FIRE RECOVERY EFFORTS

U.S. Forest Service Shasta Lake District Ranger Kristy Cottini gave an update regarding operations on the Bear Fire recovery efforts. The Bear Fire burned 10,484 acres of which 3,515 acres were on Shasta-Trinity National Forest and 6,969 acres were on private land. The Burned Area Emergency Response (BAER) Program addresses emergency situations through its key goals of protecting life, property, and critical natural and cultural resources, with a one-year

duration. The treatments include culvert cleaning and replacement, drainage control structures, fencing in the Klikapudi meadow, noxious weed control on dozer lines, storm patrol, hazard signs, and monitoring.

The Bear Fire Recovery Plan will identify and prescribe restoration treatments and activities which will address public safety, developed sites and trails, visuals, high use recreation areas, resource protection, timber values, and fuels reduction with a one- to five-year duration. The treatment components are hazard tree removal, commercial salvage, fuel reduction, vegetation restoration, recreation facility restoration, boundary line restoration, environmental education, area closures, archeological inventory, and monitoring.

Mike Hupp, District Ranger for Mt. Shasta and McCloud, proposed that moving forward with a 250-acre harvest under a categorical exemption would be the fastest way to recover timber value.

BOARD MATTERS

PROCLAMATION: NATIONAL 4-H WEEK

By motion made, seconded (Kehoe/Fust), and unanimously carried, the Board of Supervisors adopted a proclamation designating October 3-9, 2004 as National 4-H Week in Shasta County.

REAPPOINT CSAC REPRESENTATIVE

By motion made, seconded (Fust/Kehoe), and unanimously carried, the Board of Supervisors reappointed Supervisor Hawes as the Board representative to the California State Association of Counties (CSAC) and Supervisor Clarke as the alternate.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on specific legislation of importance to Shasta County, explaining that Governor Schwarzenegger vetoed several bills that would have cost taxpayers more money.

Supervisors reported on issues of countywide interest.

PUBLIC WORKS

BUDGET AMENDMENT

At the recommendation of Deputy Public Works Director Dan Kovacich and by motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors approved a budget amendment in the amount of \$30,000 increasing appropriations and revenues in Budget Unit 00207, Solid Waste Administration, and Budget Unit 17300, Miscellaneous General, to recover costs associated with the Bear and French Fires clean-up efforts.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

GENERAL PLAN AMENDMENT NO. 03-006/ZONE AMENDMENT NO. 03-020

CHERYL TAPPAN, COTTONWOOD AREA

GENERAL PLAN AMENDMENT NO. 03-009/ZONE AMENDMENT NO. 03-026

HUGH STEPHENS, COTTONWOOD AREA

GENERAL PLAN AMENDMENT NO. 03-010/ZONE AMENDMENT NO. 03-027

CARYL LYNN WESTLUND, HAT CREEK AREA

GENERAL PLAN AMENDMENT NO. 04-006/ZONE AMENDMENT NO. 04-008

KENNETH ELWOOD AND ELIZABETH ELWOOD PONCE, IGO AREA

RESOLUTION NO. 2004-135

This was the time set to conduct a public hearing and consider taking action on the following general plan amendments and zone amendments:

1. General Plan Amendment No. 03-006 and Zone Amendment No. 03-020, Cheryl Tappan (Cottonwood area), which would amend the Planned Development (PD) District as enacted in Ordinance No. 378-1704;
2. General Plan Amendment No. 03-009 and Zone Amendment No. 03-026, Hugh Stephens, which would rezone approximately five acres in the Cottonwood area from a Community Commercial District combined with a Design Review (C-2-DR) District to a One-Family Residential District combined with a Building Site Minimum per Recorded Map (R-1-BSM) District;
3. General Plan Amendment No. 03-010 and Zone Amendment No. 03-027, Caryl Lynn Westlund, which would rezone approximately 84 acres in the Hat Creek area from an Unclassified (U) District to a Limited Agriculture District combined with a Building Site Minimum per Recorded Map (A-1-BSM) District; and
4. General Plan Amendment No. 04-006 and Zone Amendment No. 04-008, Kenneth Elwood and Elizabeth Elwood Ponce, which would rezone approximately 320 acres in the Igo area from an Unclassified (U) District and Limited Agricultural combined with a Mobile Home and Building Acreage Minimum of 40 Acres (A-1-T-BA-40) District to an Exclusive Agricultural combined with an Agricultural Preserve (EA-AP) District.

Assistant Director of Resource Management Rick Barnum presented the staff report and recommended approval of the projects. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the project, and the public hearing was closed.

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors took the following actions:

1. Adopted the California Environmental Quality Act (CEQA) determination of a negative declaration with a de minimis finding of significance for General Plan Amendment No. 03-006/Zone Amendment No. 03-020 (Cheryl Tappan) and General Plan Amendment No. 03-010/Zone Amendment No. 03-027 (Caryl Lynn Westlund), with the findings as specifically set forth in Planning Commission Resolutions No. 04-013, 04-014, and 04-076;
2. Adopted the CEQA determination of a mitigated negative declaration with a non-de minimis finding of significance for General Plan Amendment No. 03-009/Zone

- Amendment No. 03-026 (Hugh Stephens), with the findings as specifically set forth in Planning Commission Resolution No. 04-078;
3. Found General Plan Amendment No. 04-006/Zone Amendment No. 04-008 (Kenneth Elwood and Elizabeth Elwood Ponce) categorically exempt in conformance with CEQA, with the findings as specifically set forth in Planning Commission Resolutions No. 04-103 and 04-104;
 4. Adopted Resolution No. 2004-135, which approves the following General Plan Land Use Element map changes as recommended by the Planning Commission;
 - a. General Plan Amendment No. 03-006: From Urban Residential - 8 units per acre (UR-8) to Commercial (C) land use designation;
 - b. General Plan Amendment No. 03-009: From Commercial (C) to Suburban Residential, 3 units per acre (SR-3) land use designation;
 - c. General Plan amendment No. 03-010: From Full-Time Agricultural Cropland to Part-Time Agricultural, 10-Acre Minimum Parcel Size (A-cg-10) land use designation; and
 - d. General Plan Amendment No. 04-006 (Elwood): From Rural Residential "B" (RB) to Agricultural-Grazing (A-G) land use designation;
 5. Adopted the rezoning findings as specifically set forth in the various Planning Commission Resolutions;
 6. Introduced and waived the reading of four ordinances which approve Zone Amendment No. 03-020, Zone Amendment No. 03-026, Zone Amendment No. 03-027, and Zone Amendment No. 04-008.

(See Resolution Book No. 45)

CLOSED SESSION ANNOUNCEMENT

Chairman Hawes announced that the Board of Supervisors would recess to Closed Session to discuss real estate negotiations pursuant to Government Code Section 54954.2.

Chairman Hawes also announced that the In-Home Supportive Services (IHSS) Public Authority Governing Board would convene in Closed Session to confer with its Labor Negotiators, County Administrative Officer Doug Latimer and Director of Support Services Joann Davis, to discuss United Domestic Workers of America, pursuant to Government Code Section 54957.6.

9:52 a.m.: The Board of Supervisors recessed to Closed Session.

11:15 a.m.: The Board of Supervisors recessed from Closed Session, and the IHSS Public Authority Governing Board convened in Closed Session.

11:45 a.m.: The IHSS Public Authority Governing Board recessed from Closed Session.

1:30 p.m.: The IHSS Public Authority Governing Board reconvened in Open Session with Supervisors Kehoe, Fust, Hawes, and Clarke, Assistant County Counsel Mike Ralston, and Administrative Board Clerks Linda Mekelburg and Tazina Otis present.

AFTERNOON CALENDAR

REPORT OF IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC

AUTHORITY GOVERNING BOARD CLOSED SESSION ACTIONS

Assistant County Counsel Mike Ralston reported that the In-Home Supportive Services (IHSS) Public Authority Governing Board met in Closed Session to discuss labor negotiations; however, no reportable action was taken. He noted that for purposes of correcting the record, the labor negotiators for the IHSS Public Authority Governing Board were Gene Bell and Ken Field.

1:31 p.m.: The IHSS Public Authority Governing Board adjourned, and the Board of Supervisors reconvened.

REPORT OF BOARD OF SUPERVISORS CLOSED SESSION ACTIONS

Assistant County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss real estate negotiations; however, no reportable action was taken.

SCHEDULED WORKSHOP

COURTS/ADMINISTRATIVE OFFICE

SENATE BILL 1732 COURT FACILITIES TRANSFER PROGRAM (TRIAL COURT FACILITIES ACT OF 2002)

CAO Latimer explained that the local courts requested the Board of Supervisors receive a presentation on the Court Facilities Transfer Program. Presiding Judge Monica Marlowe introduced consultant Dan Feldman of Colliers Seeley International and legal advisor Pamela J. Privett of Weston Benshoof. She also introduced Assistant Presiding Judge William Gallagher, Judge Stephen Baker, Court Executive Officer Susan Null, and Assistant Court Executive Officer Melissa Fowler-Bradley.

Ms. Privett and Mr. Feldman explained that Senate Bill 1732 (Escutia) provides for the transfer of responsibility for funding and operation of trial court facilities from counties to the State during the period July 1, 2004 through June 30, 2007.

Shasta County's courthouse contains approximately 79,973 square feet. Currently, the County occupies approximately 35,445 square feet, and the Court occupies approximately 44,528 square feet. Under Senate Bill 1732, the courthouse is considered a shared-use building. Transfer of responsibility may occur without transfer of title, and the County may charge the State "reasonable rent" for additional space occupied by the Court.

The Courts currently have plans to construct a new courthouse, and the proposed site is on the three parcels south of the current courthouse and east of the Jail. Should the County desire to have exclusive ownership and use of the current courthouse after the Courts relocate to the new courthouse, the Courts' equity rights in the current courthouse would need to be valued and purchased by the County.

The Courts proposed the following transition plan:

1. The Courts would occupy the basement and first floor of the courthouse when the County relocates to the Administration Center, with the Law Library remaining in the Courthouse.
2. The County and Courts would complete the transfer of responsibility for any offsite County-leased space.
3. Offsite County- and Court-leased space would be consolidated into the courthouse.
4. County, Courts, and Administrative Office of the Courts (AOC) would enter into an interim agreement to set occupancy percentages at current levels.
5. Transfer of responsibility (but not title) would be as follows:
 - a. County would retain title
 - b. Transfer would relate only to current Courts space (second and third floors)
 - c. Courts would lease basement and first floor.
6. The Courts lease of basement and first floor would be a full-service gross lease.
7. The value of the Courts' equity rights in the courthouse would be determined and set at the current amount; that value would then be amortized into monthly payments over the anticipated lease term for the basement and first floor.
8. Under Government Code section 70342(a), the County could charge "reasonable rent" to the Courts.
9. No out-of-pocket payments would be made; accounting would offset the monthly rent installments against the monthly equity payments until all equity is paid.
10. Once the transfer is made, the State would become responsible for funding and operation of the Courts space transferred and the pro-rate portion of common areas and shared building components of the courthouse.
11. Once the Courts relocate to the newly constructed courthouse, exclusive possession and use of the current courthouse would revert to the County, provided the County purchases the fair market value of the Courts' equity rights in the courthouse.

Ms. Privett explained that in order to accomplish the above plan, the County and AOC need to:

1. Work together to determine the seismic rating of the courthouse and resolve any issues.
2. Measure the courthouse to determine County and Courts occupancies.
3. Determine valuation of the Courts' equity rights on the second and third floors.
4. Conduct standard real estate due diligence on title and environmental issues.
5. Determine which County-occupied space, other than Law Library, would remain in the courthouse.
6. Confirm Court and County financial obligations for offsite leased space and determine which leases can be terminated.
7. Enter into an interim agreement to set square footage allocations for courthouse space between the County and Courts.

Mr. Feldman informed the Board of Supervisors that if no course of action is taken, the process of transfer of responsibility from the County to the State will continue to progress under SB 1732 guidelines. Once the new courthouse is built, the Courts will vacate the current courthouse. If the County does not want the courthouse back, the State will inventory it and determine other possible uses for the facility.

Presiding Judge Marlowe expressed her hope that the Courts will be able to continue using the Board of Supervisors Chambers as a small claims courtroom 1½ days per week and requested that consideration be given to keeping jurors and court reporters as close as possible to the courthouse. She also explained that the Countywide Court Facilities Master Plan, which has been approved by the Judicial Council, recommends a new courthouse with 16 courtrooms be built (with future expansion to 25 courtrooms). In response to a question from Supervisor Fust, Presiding Judge Marlowe explained that, according to a judicial-needs study, Shasta County should have 16 judges instead of 9. Therefore, building a new four-story courthouse is planned, preferably on the three parcels to the south of the current courthouse and east of the jail. Supervisor Fust pointed out that the additional judges will also require additional District Attorney, Public Defender, Probation, and Sheriff's Office staff. Presiding Judge Marlowe noted this has been included in the master plan, and the first choice for the site is at the corner of Placer and Court Streets. The plan, however, does not address the cost to the County for the additional staff required to balance the additional judges. She stressed the importance of discussing these issues at this point in time to resolve them.

Supervisor Hawes pointed out that the County does not currently have the resources to purchase the two parcels not owned by the County. Presiding Judge Marlowe confirmed that the current proposal is to have the County purchase the two parcels and gift them to the State. If this is not acceptable, the Courts will focus elsewhere.

Assistant Presiding Judge William Gallagher added that not all the judge positions will immediately affect the County; the positions will be allocated to such areas as civil and family law court and will be created over several fiscal years. He also noted that Shasta County has been underserved in the judicial area for many years.

Supervisor Fust explained that the Board of Supervisors looks at the total picture and is worried about creating an imbalance in the number of County attorneys and the number of judges. Judge Gallagher agreed that there always seems to be an imbalance but observed that the Courts believe they should push forward in attempts to obtain more judgeships.

By consensus, the Board of Supervisors directed that staff continue negotiations.

2:38 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy