

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, February 19, 2008

REGULAR MEETING

9:02 a.m.: Chairman Hartman 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 Cibula
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman
District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
County Counsel - Karen Jahr
Chief Deputy Clerk of the Board - Glenda Tracy
Deputy Clerk of the Board - Linda Mekelburg

MOMENT OF SILENCE

A moment of silence was observed in remembrance of former District 2 Supervisor Bob Bosworth, who passed away February 13, 2008.

INVOCATION

Invocation was given by Pastor Barry McGee, Cow Creek Community Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

George Passidakis, Cheryl Goldspring, and John Dixon spoke in opposition to the proposed re-entry facility.

Robert Pearce spoke in opposition to Senate Bill 516 (Aanestad), which creates a Shasta-Tehama County Watermaster District, and requested an unbiased watermaster board be comprised of individuals from the State Department of Water Resources.

BOARD MATTERS

**APPOINTMENT: JOHN WILSON
PLANNING COMMISSIONER, DISTRICT 2**

By motion made, seconded (Cibula/Kehoe), and unanimously carried, the Board of Supervisors appointed John Wilson to the Shasta County Planning Commission to fill an unexpired term to January 2009.

ITEMS PULLED FROM CONSENT CALENDAR

Agenda items pulled for discussion were the County claims list; the request to dissolve the Solid Waste Hearing Panel and establish a Solid Waste Independent Hearing Officer, and the amendment to the agreement with Wilkins, Underwood and Johnson; the request to designate the Chief Probation Officer as the County Financial Evaluation Officer for certain responsibilities; the use of tax increment funds from the SHASTEK Redevelopment Project for the Airport Road at Sacramento River Bridge project; the recognition of additional Title III (timber receipts) revenue to fund various pieces of equipment; and various actions regarding the Mental Health Accessible Parking project.

CONSENT CALENDAR

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

Approved a budget transfer in the amount of \$4,000 from the Roads Budget unit to the Information Technology budget unit for the purchase of one computer. (Auditor-Controller)

Approved a budget transfer in the amount of \$3,825 from the Sheriff-Boating Safety budget unit to the Fleet Management budget unit for the necessary equipment for an emergency vehicle. (Auditor-Controller)

Approved the minutes of the meeting held on February 5, 2008, as submitted. (Clerk of the Board)

Reappointed Larry "Skip" Willmore to the Inter-Mountain Fair Board of Directors for a five-year term to January 2013. (Clerk of the Board)

Adopted Salary Resolution No. 1347, which changes the position allocation for the Library Clerk III position from 3/4 time to full time. (Public Law Library)
(See Salary Resolution Book)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

COUNTY CLAIMS LIST

In response to questions by Supervisor Baugh, Auditor-Controller Connie Regnell advised that a repair done by Technical Safety Service on APEX Premeirs for Public Health was performed after the extension period of the contract, yet funds were available. By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign the County Claims List totaling \$7,219.08 requiring special board action. (Auditor-Controller)

SOLID WASTE HEARING PANEL
NUISANCE ABATEMENT HEARING OFFICER AGREEMENT

In response to questions by Supervisor Kehoe, Agency Staff Services Analyst Megan Dorney explained that the law firm of Wilkins, Underwood and Johnson provides Nuisance Abatement Hearing Officer legal services to the County. As the County has been unable to maintain a Solid Waste Hearing Panel, it is being proposed that the law firm provide the services as a Solid Waste Hearing Officer. The amendment to the contract to increase compensation by \$5,500 is for legal services as a Nuisance Abatement Hearing Officer.

Supervisor Kehoe expressed his concerns over the County changing from a volunteer hearing panel to acquiring paid legal services for this matter.

Director of Resource Management Russ Mull stated that in 1992, a Solid Waste Hearing Panel was established in accordance with state legislation. The County has never had an issue that requires a hearing before such a panel, and it has been difficult to maintain members to serve on the panel.

In response to questions by Supervisor Kehoe, Mr. Mull stated that the members of the Solid Waste Hearing Panel are required to complete forms and attend trainings.

Ms. Dorney advised that the funds for the Nuisance Abatement Hearing Officer legal fees is available in the budget.

By motion made, seconded (Baugh/Kehoe) and unanimously carried, the Board of Supervisors directed the two items be returned to the Board of Supervisors either separately or with further clarification. (Clerk of the Board)

COUNTY FINANCIAL EVALUATION OFFICER
RESOLUTION NO. 2008-024

In response to questions by Supervisors Kehoe and Baugh, Chief Probation Officer Brian Richart stated that cost recovery is handled by the Shasta County Superior Court collecting the various fees for the Probation Department. The Court determines if fees may be lessened or waived, often with direction from the Probation Department.

By motion made, seconded (Baugh/Kehoe) and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-024, which designates the Chief Probation Officer as the County Financial Evaluation Officer for certain sections of the Welfare and Institutions Code to determine financial responsibility for reimbursable costs of providing care, transportation, and legal assistance to delinquent youth. (Probation)

(See Resolution Book No. 49)

SHASTECH REDEVELOPMENT PROJECT
AIRPORT ROAD AT SACRAMENTO RIVER BRIDGE PROJECT
RESOLUTION NO. 2008-025

In response to questions by Supervisor Kehoe, CAO Larry Lees stated the money for the Shastec Redevelopment Project is in the General Fund.

Public Works Director Pat Minturn stated that the SHASTECH Redevelopment Project extends from Old Oregon Trail to North Street, on Airport Road. There is a critical funding need for the improvements requested.

By motion made, seconded (Baugh/Kehoe) and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-025, which makes the required findings to utilize tax increment funds from the SHASTECC Redevelopment Project for the Airport Road at Sacramento River Bridge project. (Public Works)

(See Resolution Book No. 49)

FEDERAL FOREST RECEIPTS FUNDS
TITLE III PROJECTS

In response to questions by Supervisor Kehoe, Public Works Director Pat Minturn explained that the dive team equipment is to be used by Shasta County Sheriff Boating Safety.

By motion made, seconded (Kehoe/Baugh) and unanimously carried, the Board of Supervisors recognized additional Title III (timber receipts) revenue in the amount of \$310,369; approved the use of \$34,287 from fund balance carryover funds; funded the following projects: Shasta County Sheriff-Emergency Services in the amount of \$121,487 for fire responder radios, Shasta County Probation in the amount of \$20,000 for chipper and work crew equipment, Shasta County Sheriff-Boating Safety in the amount of \$61,711 for dive team equipment, and Shasta County Fire Department in the amount of \$124,000 for a water tender for the Platina Volunteer Fire Company; funded an additional \$17,458 to the Shasta County Fire Department for the water tender; approved the purchase of fixed assets: the chipper and the water tender; and approved a budget amendment increasing appropriations and revenue in an aggregate amount of \$344,656 in the Title III, Probation, Sheriff-OES, Sheriff-Boating Safety, and County Fire budget units. (Public Works)

MENTAL HEALTH ACCESSIBLE PARKING PROJECT

In response to questions by Supervisor Baugh, Public Works Director Pat Minturn stated that the plans and specifications for the Mental Health building on Breslauer Way Accessible Parking project had not been attached to each board report because of the length of the documents. He would do so in the future. The entrance to the building is out of compliance with the Americans with Disabilities Act (ADA) requirements.

By motion made, seconded (Baugh/Kehoe) and unanimously carried, the Board of Supervisors found the Mental Health Accessible Parking project categorically exempt in conformance with the California Environmental Quality Act; approved plans and specifications, and directed the Public Works Director to advertise for bids; and authorized opening of bids on or after April 17, 2008 at 11:00 a.m. (Public Works)

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees had no report.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

FISCAL YEAR 2007-08 MID-YEAR BUDGET REPORT

Chief Fiscal Officer Bebe Palin presented the staff report, noting County department heads have operated within the parameters of the adopted Fiscal Year 2007-08 Budget. Some

departments will present mid-year revisions in the form of budget amendments. Many have to do with variations that are outside of their control, such as the State budget.

General revenue budget anticipates property tax growth of nine percent; however, sales tax is 9 percent below expectations; and Transient Occupancy Tax is seven percent below last year's levels. The Contingency Reserve may be reduced by approximately \$1 million to \$1.5 million will be taken from the General Fund to offset the cost for the extra elections and the change to paper ballots.

Public Safety departments utilized up to \$1.8 million in reserves from prior healthy years Proposition 172 sales tax receipts. There is a decline in these revenues and all Public Safety departments report making current year revenue reductions of up to eight percent of budgeted Proposition 172 revenue. To stay within the adopted budget, most will return to the Board of Supervisors with specific mid-year budget adjustments as necessary.

CAO Lees stated that other counties are also experiencing excessive downturns. It is anticipated for Shasta County to have jobs at risk. Due to the State budget deficit and delayed payments. Shasta County is over \$4 million short in revenue due to delayed payments from the State.

Ms. Palin stated the Controlled Hiring Process is being used to require departments to identify the secure long-term funding source for positions. No new programs or positions will be approved unless there is a clear revenue source to support it. Contracts with community providers and agencies will be evaluated to see if the services are needed or if they can be provided by County staff. There will be careful consideration made of all requests for fixed assets and computer equipment, approving only what is critical to operations or is fully revenue-supported.

By motion made, seconded (Baugh/Kehoe) and unanimously carried, the Board of Supervisors directed departments to make spending adjustments to stay within approved net County cost contained in the Fiscal Year 2007-08 Budget, as adjusted; and approved the budget principles recommended for the Fiscal Year 2008-09 Proposed Budget.

TREASURER-TAX COLLECTOR

QUARTERLY REPORT OF INVESTMENTS

At the recommendation of Treasurer-Tax Collector-Public Administrator Lori Scott and by motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors accepted the Quarterly Report of Investments for the quarter ending December 31, 2007.

SCHEDULED HEARINGS

PUBLIC WORKS

TRACT MAP NO. 1996 **CLOVER ROAD PERMANENT ROAD DIVISION** **CHURN CREEK BOTTOM AREA**

This was the time set for a public hearing regarding the formation of the proposed Clover Road Permanent Road Division (Churn Creek Bottom area). Public Works Supervising Engineer Al Cathey presented the staff report and recommended approval of the project. The Affidavit and 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 formation of the permanent road division, and the public hearing was closed. Mr. Cathey noted that in accordance with Proposition 218, the property owners must approve the requested parcel change, and he delivered the ballot to the Clerk of the Board for tabulation. The clerk opened the ballot; the vote was as follows:

FOR:	1
AGAINST:	0
BLANK BALLOTS:	0

By consensus, the Board of Supervisors continued the matter to a future Board of Supervisors meeting to consider formation of the Permanent Road Division.

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 05-038

DIANNA FLOWERS

ANDERSON AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 05-038, Flowers (Anderson area), which would rezone approximately 24.96 acres in the Anderson area from an Unclassified (U) District to a Limited Agricultural (A-1) District and/or other appropriate district, in conjunction with a two-parcel land division. Associate Planner Lisa Lozier presented the staff report and recommended approval of the project. 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 proposal, and the public hearing was closed.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-038, Dianna Flowers, Anderson area:

1. Adopted the California Environment Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2008-009;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2008-09;
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-038, as requested.

CLOSED SESSION ANNOUNCEMENT

Chairman Hartman announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled Snodgrass v. Hicks, Freeman v. Dean, and Mejia v. County of Shasta, pursuant to Government Code section 54956.9(a).

10:42 a.m.: The Board of Supervisors recessed to Closed Session.

10:55 a.m.: The Board of Supervisors recessed from Closed Session.

1:30 p.m.

AFTERNOON CALENDAR

1:40 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, Assistant County Counsel Mike Ralston, Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerk of the Board Linda Mekelburg present.

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation. By unanimous vote, the matter of Snodgrass v. Hicks was referred to the law office of Gary Brickwood. No other reportable action was taken.

WORKSHOP

LAW AND JUSTICE/PUBLIC WORKS

SHERIFF

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PROPOSED REENTRY FACILITY**

Nichols, Melburg & Rosetto representative Mike Lusso discussed studies which have been done showing lack of bed space in the Jail, an undersized Juvenile Hall with major risks, and an undersized Animal Shelter with numerous deficiencies. He described the multiple site options if the County were to relocate the Jail, the Juvenile Hall, and the Animal Shelter, and consider the option of building a reentry facility to reintegrate adult offenders into the community.

Mr. Lusso outlined the Public Safety and Offender Rehabilitation Services Act of 2007 (AB900):

Phase I includes state-funded lease-revenue bond financing up to \$750 million, conditionally available for construction or expansion of County jails in California.

Phase II will include financing up to \$470 million, available if and when at least 4,000 new local jail beds are completed with Phase I funding.

Phase III applies to small counties of population of less than 200,000, such as Shasta County. AB900 provides \$100 million for all 31 small counties and up to \$30 million is available per project. A county may only submit for one project, with up to \$30 million funding. Small counties must provide a minimum of 5 percent cash match and may request waiver of 20 percent in-kind match.

The AB900 bond financing is a competitive selection process with proposals due March 18, 2008. A 1,325 point system will be used to determine those counties whose application will be chosen, with 300 preference points being given to counties opting to locate a reentry facility locally.

If Shasta County elects to submit a proposal for the funds, a resolution must be included with the proposal for funding. The County must also fully staff and operate the facility within ninety days after project completion. For the 300 preference points, the resolution must identify the site location for the reentry facility.

Various sites in Shasta County have been considered for the new facilities. Amounts for construction and operating costs for these proposed facilities at different locations have also been considered.

California Department of Corrections and Rehabilitation (CDCR) representatives discussed to various issues. CDCR Division of Reentry County Liaison Janice Williams clarified certain issues. CDCR Office of Public and Employee Communications Community Outreach Director Kathy Prizmich and CDCR Division of Reentry Parole Administrator Cynthia Florez-DeLyon advised AB900 is designed to reduce recidivism. Currently, when inmates are released, they are provided \$200, less bus ticket costs, to return to their last county of residence. Parolee reentry status has shown that many return to crime. Records indicate that of 2,000 parolees that were returned to Shasta County, 646 were re-paroled. In 2008, 596 inmates released from prison will return to Shasta County. A reentry facility will reduce the risk of re-offending and provide for the needs of the parolees.

CDCR Division of Facilities, Planning, Construction and Management Facility Captain Chris Brown stated that the reentry facility will have a different design and will not look like a state prison. It will allow prisoners to adjust from cell life to apartment style living.

Ms. Prizmich and Ms. Florez-DeLyon stated that this facility will allow the residents to cook, clean, and learn skills that will introduce them into the community. The State is committed to pay for services in the last twelve months of individuals' incarceration. This will also allow them to reconnect with their families, prepare them to return to the community, and reduce the recidivism rate. There will be security, and the facility will be staffed by CDCR. A new goal will be to begin this type of training in the prisons from initial entry.

In response to questions by Supervisors, Ms. Prizmich stated that funds are available through AB900 and the State will continue to fund the program. She assured that the facility would not be changed to any other type of facility. AB900 confirms that only inmates from Shasta County would be sent to a reentry facility in this county. Low-risk, medium-risk, and high-risk offenders are all returning to Shasta County when released. AB900 funds will also be used to create additional bed space in prison.

3:10 p.m.: The Board of Supervisors recessed.

3:16 p.m.: The Board of Supervisors reconvened.

Sheriff Tom Bosenko stated that reentry facilities in other states have proven to reduce recidivism. An objective of the CDCR reentry system is to address overcrowding and to prepare a person who is being released onto parole to return to the originating community. There are currently approximately 1,300 parolees in Shasta County, with a shortage of parole officers and limited funding.

He spoke of the points in the proposed evaluation factors for application for a grant. The agreement does not agree to the construction of the reentry facility, only to consider its construction. As there are unanswered questions and many concerns, Sheriff Bosenko stated he does not support a secured reentry facility in Shasta County.

In response to questions by Supervisor Cibula, Sheriff Bosenko did not believe the AB900 funding will be sufficient to provide jail facilities.

The following individuals spoke in Public Comment time:

Dee Halls presented signatures from Friendly Hills Homeowners Association and Doug Laird presented signatures from southwest Redding area residents opposing a reentry facility in Shasta County.

Bob Weber, Dan Freitig, Steve Courtney, Pamela Hill, John Williams, Jerry Benito, Linda Solinick, Larissa Clements, Joe Weidenfeld, John Dixon, and Elin Klaseen spoke in opposition to a reentry facility in Shasta County.

Orlie Beer advised that he has been a volunteer chaplain in the Shasta County Jail and High Desert State Prison since 1999. He expressed doubts about the reentry facility; however, inmates need attention.

Bill Price and Victor Ogrey supported the reentry facility due to the need to start a program for rehabilitation.

Supervisor Kehoe moved that the County oppose inclusion of a State reentry facility in Shasta County's AB900 Jail grant application. Supervisor Hawes seconded the motion. Supervisor Kehoe requested a recess to pose a question to County Counsel.

4:19 p.m.: The Board of Supervisors recessed.

4:20 p.m.: The Board of Supervisors reconvened.

By unanimous vote, the Board of Supervisors opposed inclusion of a State reentry facility in Shasta County's AB900 Jail grant application.

4:21 p.m.: The Board of Supervisors recessed.

4:30 p.m.: The Board of Supervisors reconvened with Supervisors Hartman, Hawes, Baugh, and Kehoe present.

PUBLIC WORKS

PREFERRED BUILDING SITES

JAIL, JUVENILE HALL, ANIMAL CONTROL, FLEET MANAGEMENT,
FACILITIES MANAGEMENT, HHSA EXPANSION
OTHER COMPLEXES

Public Works Director Pat Minturn presented Master Plan Alternative #5C, proposing the preferred building sites for future facilities of the Jail, Juvenile Hall, Animal Control, Fleet Management, Facilities Management, Health and Human Services Agencies (HHSA) expansion areas, and other complexes.

He explained that the location of a proposed new jail would be adjacent to the existing facility, as it is easier to expand an existing facility and to staff it. If the jail is relocated to that vicinity, it is suggested that Fleet Management be relocated to the Sheriff's Honor Farm. It is proposed the HHSA have facilities in the northeast corner of the Breslauer Way facility. Facilities Management could be moved to the north end of the property.

4:36 p.m.: Supervisor Cibula returned.

The County Public Works shop would be placed at the south end of the Breslauer Way property, and the County Honor Farm would be at the southwest section of the property. The riverfront property would be left open. Portions of Juvenile Hall would be demolished, with some parts being retained. Animal Control would move to Clear Creek Road.

In response to questions by Supervisor Cibula, Mr. Lees said he would recommend that the Board of Supervisors select either the Breslauer site or the Clear Creek Road site for a potential Animal Control Shelter. The locations for the other facilities are still under consideration.

In response to questions by Supervisor Baugh, Mr. Minturn said the Jail would be a four- or five-level facility, approximately 60,000 square feet, possibly with secured parking on the ground floor. It would be an expansion of the existing jail. Facilities Management could be relocated immediately to a prefabricated metal building, with office space and maintenance bays. He emphasized the importance of the Juvenile Hall location for the safety of the young people residing there. Mr. Lees added that the proximity of the Juvenile Hall to a court room is important regarding the transport of the youth.

In response to questions by Supervisor Kehoe, Mr. Minturn stated that a potential site for a proposed court house is on Placer and Court Streets (Placer/Court), as is being discussed for the Jail, causing a potential conflict.

Bill Gregory of the Shasta County Cattleman's Association and a member of the Animal Control Blue Ribbon Citizens Committee opposed putting the animal shelter facility at the Clear Creek Road site due to the cost to bring sewage lines to the site. He favors locating the shelter on Breslauer due to accessibility.

Kris Bertelson-Williams and Another Chance Animal Welfare League representative Sandy Shelby supported the location at Eastside Road and Radio Lane due to better community access.

Morgan Hannaford opposed the Clear Creek Road site due to the cost to develop the land before construction may begin.

Jill Dinsmore stated that she represents the Board-appointed Animal Control Blue Ribbon Citizens Committee and stated that the Breslauer location would be a good location. The facility should be readily accessible, clean, and inviting. These factors encourage active participation of volunteers. A green facility could be constructed, which would lower the operating costs.

Suzanne Kane, a member of the Animal Control Blue Ribbon Citizens Committee, stated that the animal shelter should be near the Juvenile Hall to allow the youth to be involved.

Sheriff Bosenko stated that having the Jail at Placer/Court is the most logical and cost-effective location at this time. There are two other locations for the State courts to build upon. Homeowners have opposed the Jail being located on Breslauer Way. There is also a potential danger of a railroad derailment at the Breslauer site. If built at the Placer/Court site, the jail would continue to be near the current Courthouse location, the District Attorney's office, the Public Defender's office, and the Sheriff's office; and medical emergencies may be handled in a timely manner for inmates. He recommended the Placer/Court site for the jail facility as there would be cost savings on staff time and necessary travel. Both sites discussed for the animal shelter would be adequate for now and in the future.

By motion made, and seconded (Kehoe/Cibula) and unanimously carried, the Board of Supervisors approved the potential building site using Master Plan Option #5C, with Placer/Court for the Jail, with an option of keeping the Clear Creek and Breslauer sites open for further consideration.

SHERIFF/PROBATION

GRANT APPLICATION: JAIL CONSTRUCTION

GRANT APPLICATION: JUVENILE HALL CONSTRUCTION

RESOLUTION NO. 2008-026

Sheriff Tom Bosenko stated that funding has recently become available through AB900 to fund local county jails and through SB81 to fund juvenile halls. He and the Chief Probation Officer recommend the Board of Supervisors pursue the State funds for construction of a new County Jail and Juvenile Hall. He requested direction in the construction of a new animal shelter.

The Board of Supervisors approved General Fund designations on March 13, 2007 for \$1 million each for the Jail, Juvenile Hall, and roof refurbishment of various facilities throughout the County, \$3 million for the Animal Shelter, \$4 million for the Old Library Remodel, and \$100,000 for the Breslauer Master Plan. The Board of Supervisors contracted with Nichols, Melburg & Rossetto to prepare a facilities master plan.

The Board of Supervisors has selected a preferred layout of Option 5C, with an option toward keeping the Clear Creek and Breslauer sites open for further consideration.

AB900 funding allows counties to project needed bed space to 2011. Shasta County projects a need of an additional 221 Jail beds by 2011. If the County is awarded the funds needed through the AB900 grant, after the bonds are paid off, the ownership of the Jail will revert to the County.

Phase I funding will allow counties of similar size to compete for up to \$30 million per project. The AB900 grant fund requires counties to submit an application for Phase I in order to be considered for Phase II funding. Corrections Standards Authority (CSA) will execute up to seven agreements. AB900 grants will fund 75 to 95 percent of eligible costs.

The project delivery and construction agreement will set the construction funding and timeline. The County leases the site to the State during construction, and the County is given the right of entry during construction of the jail. The control of the jail site is transferred from CDCR to the State Public Works Board (SPWB) to facilitate bond financing by way of a site lease. A facility lease agreement allows CDCR to lease the jail from SPWB in exchange for lease payments. This revenue secures the lease-revenue bonds and lease payments, which are dependent upon annual state general fund allocations. In the event of a breach, SPWB may evict CDCR and re-let the jail facility. The facilities sublease agreement is between CDCR and the County, allowing the County to operate the Jail. In the event of a breach, CDCR may relet the Jail.

All applicable agreements must be executed before SPWB will obtain the lease-revenue funding, on a project-by-project basis. New jails must be fully staffed and operating within 90 days of completion of construction. Once the lease-revenue bonds are paid off, the jail will become County property.

It is estimated that the Jail facility will take approximately four to five years to construct. The total estimated cost for the project is \$32.3 million. County construction costs is estimated to be \$4 to \$10 million for a 221-bed facility located next to the current Jail, which includes the relocation of the County Fleet Management service station. The County can apply for a hardship waiver of the in-kind match of approximately \$6 million.

Estimated costs include salaries at approximately \$3.1 million; services and supplies at \$2.4 million; and A-87 costs of \$500,000, for an approximate total of \$6 million. There will be additional costs if built at another site, including power, sewage, and other necessary needs.

Sheriff Bosenko said the Shasta County Animal Control Shelter is approximately 55 years old, in a dilapidated condition, and there are health and safety concerns for the animals and staff. Needs assessment studies done in 2004 and 2007 recommended replacement of the facility.

Animal Control Program Manager Mayra Morris spoke of the antiquated condition of the animal control facility. She said the current shelter is too small and below standards, and the location is important for volunteerism.

In response to questions by Supervisor Cibula, Mr. Lees stated that because the County does not have the financial capabilities to do all the proposed projects, direction is being sought of the Board of Supervisors to prioritize which project, if any, should be approved and whether the County should proceed with the AB900 funding.

Chief Probation Officer Brian Richart stated that the Juvenile Hall facility has sections that are over 55 years old. The space available is less than one-half the need. Staff works in an unsafe and insufficient environment while attending at-risk youth. He asked the Board of Supervisors to direct the Probation Department to proceed with an application for grant funds to be used for the replacement of the Juvenile Hall. SB81 authorizes the funding of \$100 million statewide for the construction of additional bed capacity.

Priorities for a site to be selected include proximity to the Juvenile Court, the highest and best use of County property, avoidance of a phased construction project, avoidance of the construction of a multi-story facility for safety and security, and the possibility of sufficient space for outdoor recreation for the youth, with allowance for possible future expansion.

In response to questions by Supervisor Baugh, Sheriff Bosenko said County Counsel assured that the County is protected in the agreement, and even if the County submits an application for the grant, the County would be provided an opportunity to withdraw from the process.

In response to questions by Supervisor Baugh, Sheriff Bosenko said that there is a possibility that volunteers could be utilized at the Animal Control Shelter.

Sheriff Bosenko reiterated that the estimated cost to operate the new jail facility is approximately \$6 million. The Sheriff's Office budget is currently approximately \$40 million. If the expense for that staff was to be paid out of the current budget, it would eliminate patrol officers and detectives being available to investigate crime.

Potential funding sources for ongoing staffing and operational costs for a new 221-bed Jail would be to reduce the General Fund support for the public safety departments, which would severely impact the services provided. Additional potential funding sources would be to reduce General Fund support across the board to all departments; and to request funding assistance from the Cities of Redding, Anderson, and Shasta Lake, as a majority of the persons booked into the jail are city residents. Mr. Lees advised that he has met with the three city managers, informing them that this is a recommendation that would be included in today's staff report as at least 70 percent of individuals that occupy County Jail space come from the City of Redding.

Another option would be a County-wide tax. A tax for a specific item, such as jail staffing, requires a 2/3 majority vote. Mr. Bosenko added that other options for funding sources would be a Mello-Roos tax or the establishment of a special district.

In response to questions by Supervisor Kehoe, Mr. Lees stated that any augmentation for the costs of operating the Jail must come out of the General Fund budget. The current General Fund budget that is distributed to departments is approximately \$40 to \$45 million, of which approximately \$15 million is distributed to the Sheriff's budgets.

Morgan Hannaford asked the Board of Supervisors to consider building an environmentally friendly building for the animal shelter; the eligibility for funding, grants, and

rebates is enhanced by building a “green” building. Construction costs are offset by reduced operational costs.

Bill Gregory stated that he had visited an animal control facility in Eureka and there were volunteers working there.

Sheriff Bosenko stated that he highly recommends that the County apply for the grant for possible funding.

In response to questions by Supervisor Baugh, Sheriff Bosenko stated that he would prioritize the needs as a new Jail, then Juvenile Hall, and then Animal Shelter.

Supervisor Kehoe expressed his concerns over the financial capacity of Shasta County to pay the operational costs of the jail facility. He is willing to chair an exploratory committee to consider imposing a sales tax increase in Shasta County. He is inclined to pursue Phase II rather than Phase I funding. Also, a lawsuit has been filed in the Third Circuit Court of Appeals to stay the implementation of AB900, as it is alleged to violate certain civil rights standards under Article 16 of the State Constitution.

Supervisor Hawes said he is interested in proceeding with the needed animal control facility. He asked the value of the riverfront property owned by the County. Mr. Lees said the five-acre property on the river is worth approximately \$700,000 an acre. The City of Redding was interested at one time in turning that site into a park. Supervisor Cibula stated he would strongly disagree with selling the parcel on the river.

Sheriff Bosenko reminded the Board of Supervisors that the deadline to submit the grant application is March 18, 2008.

Nichols, Melburg & Rosetto representative Mike Lusso stated that due to the limited time frame, the County should apply for the grant for Phase I; should it be determined later the County is unable to fully and safely staff and operate the facility within 90 days after project completion, the County may withdraw the application or not accept the check when offered. The building will not be completed for four or five years.

Supervisor Baugh stated that the County needs to apply for Phase I.

In response to questions by Chairman Hartman, Mr. Lees stated that County Counsel has advised that the application is not a binding agreement to go forward with the total funding.

Supervisor Baugh moved that the Board of Supervisors direct staff to submit a grant application to the California Department of Corrections and Rehabilitation for Jail construction; to adopt a resolution which indicates the County’s intent to construct and staff a new Jail, and to form an exploratory committee to determine other financing options. Supervisor Hawes seconded the motion.

Under discussion, Supervisor Kehoe stated he cannot support the action because of the County’s financial ambiguities, as pointed out in the mid-year budget, and the State of California’s financial difficulties, which make this a highly risky situation.

In response to questions by Supervisor Cibula, Mr. Lusso reiterated that the grant application must be filed by March 18, 2008; proposals will be reviewed April 1-22, 2008; the recommendations package is finalized April 25-29, 2008; the recommendations are mailed to CSA the end of April; and briefings for counties who have received notice of conditional award will be conducted in June 2008.

Senior Analyst Julie Hope advised that there are seven agreements that will need to be entered into if the County is conditionally awarded the grant. The first one is the construction and project delivery agreement which will be used by the State Public Works Board to obtain financing. There is little opportunity to withdraw at that point; however, there are another six

agreements that need negotiation. If the County cannot negotiate any of the remaining agreements, there is a potential to withdraw from the process.

Sheriff Bosenko stated that if the County applies for the grant and is approved, the County has opportunity at that point to withdraw.

Mr. Lees clarified that the County only has enough capital funds for one of the projects; approving one project will mean declining to offer County funding for the other two.

Supervisor Cibula moved to amend the current motion that this matter be continued one week for additional information to be provided.

Supervisor Baugh withdrew his motion; Supervisor Hawes withdrew his second.

Supervisor Baugh seconded the motion to continue the matter over one week.

Supervisor Kehoe recognized that Sheriff Bosenko and Mr. Lusso had stated that time is of the essence. Sheriff Bosenko stated that the matter would be difficult to put over one week since the deadline to submit an agenda item had passed. Mr. Lees stated there is a possibility that the board report be accepted late; however, he needed clarification as to what type of additional information is sought.

In response to Supervisor Cibula's direction, Mr. Lees clarified that the additional board report would need to identify the potential costs, the ranges of each, and the total amount of capital available.

In response to questions by Supervisor Kehoe, Sheriff Bosenko and Mr. Lusso added that a one-week delay would cause difficulty for the Sheriff's Office to have enough time to submit the application.

In response to questions by Supervisor Baugh, Mr. Lees stated his office could return to the Board of Supervisors in one week, advising that there is \$9 million in capital. The potential costs are \$4 to \$10 million for the Jail, \$4 to \$10 million for the Juvenile Hall, and \$8 million for the Animal Shelter.

Supervisor Baugh withdrew his second to the motion to put the matter over one week. The motion died for a lack of a second.

By motion made, and seconded (Baugh/Hawes) and carried, the Board of Supervisors directed staff to submit a grant application to the California Department of Corrections and Rehabilitation for Jail construction; adopted Resolution No. 2008-026, which indicates the County's intent to construct and staff a new Jail; and formed an exploratory committee to determine other financing options. Supervisor Kehoe voted no.

(See Resolution Book No. 48)

ADJOURNMENT

Supervisor Baugh moved that the Board of Supervisors adjourn. Supervisor Hawes seconded the motion.

At the request of Supervisor Kehoe, Chairman Hartman requested Chief Probation Officer Brian Richart to comment regarding the priority of a grant application for new Juvenile Hall construction.

Mr. Richart confirmed that the issue regarding direction for possible construction of the Juvenile Hall was not as time sensitive as that of the Jail. He stated that he supports the application for the Jail, and he understands if the end result is that the Juvenile Hall has to be delayed. Construction of a new Juvenile Hall will make a difference in lives of young people. The application for Juvenile Hall will be due by August 2008.

The Board of Supervisors voted unanimously to adjourn the meeting.

7:35 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy