

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

MAY 8, 2007



County Supervisors

Bill Connelly, District 1
Jane Dolan, District 2
Maureen Kirk, District 3
Curt Josiassen, District 4
Kim Yamaguchi, District 5

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board

Bruce Alpert, County Counsel

Called to order at 9:07 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Josiassen, Yamaguchi, Kirk and Chair Dolan. Also present: Paul McIntosh, Chief Administrative Officer, Bruce Alpert, County Counsel and Kathleen Moghannam, Associate Clerk of the Board.

Pledge of Allegiance to the Flag of the United States of America.

Observation of a Moment of Silence.

CORRECTIONS AND/OR CHANGES TO THE AGENDA. (NONE)

CONSENT AGENDA

- 0709-001
1. Resolution Recognizing May 2007 as Mental Health Month - action requested - ADOPT RESOLUTION 07-085 AND AUTHORIZE THE CHAIR TO SIGN.
 2. Youth for Change - approval is requested for an agreement with Youth for Change for the provision of services associated with the Mental Health Services Act Link program. Services will include acquisition and operation of a Multi-Service Center for youth ages 14-24 who are experiencing mental health issues related to homelessness and a 6-Bed Shelter for homeless youths ages 14-17. Youth for Change's Proposal was chosen based on program content and price. The term of the agreement is March 1, 2007 through June 30, 2007, with a maximum payable of \$390,973 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 3. Modesto Residential Living Center, LLC - amendment - approval is requested for an amendment to the agreement with Modesto Residential Living Center, LLC, a residential board and care home facility for Behavioral Health clients. The term of the agreement is December 11, 2006 through June 30, 2007. The amendment increases the maximum payable to \$26,875 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16344)

- 0709-001 4. Robert D. Barram, Ph.D. - amendment - approval is requested for an amendment to the agreement with Robert D. Barram, Ph.D. He provides medical services in the field of psychology for minor clients of Behavioral Health. The term of the agreement is August 1, 2006 through June 30, 2007. The amendment increases the maximum payable to \$30,406.20 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16154)
5. Housing Authority of The County of Butte - amendment - approval is requested for an amendment to the agreement with the Housing Authority for the provision of housing assistance to consumers participating in the Adult System of Care. Additional funding in the amount of \$30,000 through the Mental Health Services Act will be used to support housing services for homeless/mentally ill South County clients. The long term goal is for consumers to maintain permanent housing as independently as possible. The Department of Behavioral Health will reimburse the Housing Authority \$50 per unit for basic housing quality inspections which will verify housing is safe and sanitary. The term of the agreement is July 1, 2006 through June 30, 2007, with a maximum payable of \$90,000 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. 16133)
6. Code Enforcement Advisory Committee - Supervisor Connelly submits a recommendation for the vacant position for District One - action requested - APPOINT T. C. DENNIS AS DISTRICT ONE CODE ENFORCEMENT ADVISORY COMMITTEE BOARD MEMBER.
7. Budget Transfers and Fixed Asset Purchase - a special project was funded in the Fiscal Year 2006/2007 Adopted Budget to upgrade the communications and data infrastructure in the Emergency Operations Center. The \$100,000 in expenditures for the project was budgeted in the Communications budget, but a \$100,000 transfer from General Fund was not completed. This item provides the funding necessary to implement the upgrades. Approval is also requested for the fixed asset purchase of wireless access switching equipment in the amount of \$14,000 - action requested - APPROVE TWO BUDGET TRANSFERS B-377 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE OF WIRELESS ACCESS SWITCHING EQUIPMENT.

- 0709-001 8. Retirement of Toccoy Dudley, Director of Water and Resource Conservation - Toccoy Dudley has announced his intention to retire effective June 30, 2007. He will be on vacation effective June 1, 2007 through his retirement date. Mr. Dudley has been invaluable to Butte County and his tenure has been productive. The Chief Administrative Officer (CAO) has begun recruitment for a new department director, but it is anticipated that the new director will not be able to join the agency until August at the earliest. Therefore, it is recommended that the CAO act as the interim Director of Water and Resource Conservation -action requested - ACKNOWLEDGE THE RETIREMENT OF TOCCOY DUDLEY AS DIRECTOR OF WATER AND RESOURCE CONSERVATION EFFECTIVE JUNE 30, 2007; APPOINT CAO AS INTERIM DIRECTOR EFFECTIVE JUNE 1, 2007; AND AUTHORIZE THE CAO TO APPOINT DESIGNEES WITH THE DEPARTMENT AS APPROPRIATE.
9. Authorization for Payment of Unauthorized Purchases - approval is requested for authorization of payment of a Field Purchase Order (FPO) totaling \$8,155.43 payable to Hewlett-Packard. The County Elections Office purchased 7 computers and 9 computer monitors from Hewlett-Packard exceeding the department FPO limit of \$2,500. These purchases circumvent the County's Purchasing authority and requires Board approval of unauthorized purchases - action requested - AUTHORIZE PAYMENT OF FPO TOTALING \$8,155.43.
10. Budget Transfer - on July 25, 2006, the Board authorized an amendment to a third party EIR agreement for West Coast Environmental and Engineering (consultant) and Meridian Aggregates (applicant) increasing the amount of the consultant's agreement by \$23,221.20 which was funded by a check from the applicant. The funds were erroneously made part of the General Fund at the close of the Fiscal Year 2005/2006 instead of being designated for the intended purpose. The budget transfer is requested to correct the error - action requested - APPROVE BUDGET TRANSFER B-378 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
11. Butte County Abandoned Vehicle Abatement Service Authority Report - the department submits the "Service Authority Report on the Effectiveness of the Joint Powers Authority" for Fiscal Year (FY) 2003/2004 through FY 2005/2006 in accordance with the by-laws of the Abandoned Vehicle Abatement Joint Powers Authority - action requested - ACCEPT FOR INFORMATION.
12. Budget Transfer and Fixed Asset Purchase - approval is requested for the purchase of modular furniture for \$5,303.27 (department budget) - action requested - APPROVE BUDGET TRANSFER B-379 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT AND APPROVE FIXED ASSET PURCHASE OF MODULAR FURNITURE.

- 0709-001 13. Budget Transfer - approval is requested for a transfer of \$25,000 to provide appropriation for a contract with William S. Curry to assist the department with the completion of a number of pending projects including the preparation for a presentation on the first solar project and on-going litigation - action requested - APPROVE BUDGET TRANSFER B-380 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
14. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: TREASURER-TAX COLLECTOR - deletes one position of Account Clerk, Senior and adds one flexibly staffed position of Account Clerk, Account Clerk, Senior, Accounting Specialist. SHERIFF - adds one sunset position of Deputy Sheriff to start May 1, 2007 and end April 30, 2009. This position will be funded by the Department of Justice. The Sheriff also requests to delete two flexibly staffed positions of Information Systems Technician, Information Systems Technician, Associate and add two flexibly staffed positions of Information Systems Technician, Information Systems Technician, Senior, Information Systems Analyst, Associate - action requested - ADOPT RESOLUTION 07-086 AND AUTHORIZE THE CHAIR TO SIGN.
15. California Department of Forestry and Fire Protection (CDF) - approval is requested for a contract with CDF for the provision of fire protection for the unincorporated area of Butte County. The term of the agreement is July 1, 2006 through June 30, 2007 with a maximum amount payable of \$13,242,006 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X11590)
16. Butte County Department of Behavioral Health - approval is requested for a Memorandum of Understanding with the Butte County Department of Behavioral Health for the provision of funding certain expenses for Live Spot, Oroville's Youth Center. The funding will cover salaries of Live Spot staff, site visits with minors, and monthly off-site events. The term of the agreement is July 1, 2006 through June 30, 2007, with a maximum amount payable to the Behavioral Health Department of \$9,500 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE A BUDGET TRANSFER B-382 ACCEPTING AND APPROPRIATING DEPARTMENT FUNDS AS DETAILED IN THE AGENDA REPORT.

17. Butte County Department of Behavioral Health - amendment - approval is requested for a Memorandum of Understanding with the Butte County Department of Behavioral Health for the provision of Juvenile Justice Coordinating Council funding for Live Spot, Oroville's Youth Center. The term of the agreement is July 1, 2005 through June 30, 2007, with a maximum amount payable to the Behavioral Health Department of \$50,000. This is an increase of \$25,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE A BUDGET TRANSFER B-381 ACCEPTING AND APPROPRIATING DEPARTMENT FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. X159958)
18. Budget Transfer and Fixed Asset Purchase - approval is requested for the purchase of modular furniture for two Public Health programs as follows: \$30,000 to replace furniture in the California Childrens Services offices in Chico and \$45,000 to provide furnishings for the Senior Health Improvement Program at the new building at 82 Table Mountain Blvd, Oroville (department budget) - action requested - APPROVE BUDGET TRANSFER B-383 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED PURCHASES OF MODULAR FURNITURE.
19. Waiver of Fees - approval is requested to waive approximately \$700 in Environmental Health Fees. GEI Consultants will be performing a number of soil borings in the Feather River Levee, located within Maintenance Area 7 of Butte County. The exploratory geotechnical drilling program will assess the stability of the levee that provides protection for agriculture in Butte County and Yuba City - action requested - FIND THAT THE PROJECT IS IN THE PUBLIC INTEREST AND APPROVE A WAIVER OF ENVIRONMENTAL HEALTH FEES.

- 0709-001 20. Budget Transfer and Fixed Asset Purchases - approval is requested to purchase a heavy-duty equipment transport trailer and a 4x4 tractor loader/backhoe for use in maintaining the levees within County Service Area 25, known as the Shasta Union Drainage Area. The two purchases total \$110,000. In prior years, the County equipment was rented by CSA 25 for levee maintenance, but the rental equipment is not always readily available during times of need. Flood fighting and maintenance activities within CSA 25 require immediate access to machinery that can operate within the narrow ditches and levees. The new equipment would also be rented out by Public Works for use in other CSAs or for road operations, thereby producing some rental income for CSA 25. There are sufficient funds available for these purchases in the fund - action requested - APPROVE BUDGET TRANSFER B-385 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVED FIXED ASSET PURCHASES OF TRANSPORT TRAILER AND 4X4 LOADER/BACKHOE.
21. Resolution Declaring Intention to Lease Property and Sell Aggregate - consideration of a Resolution of Intent to lease the Almond Avenue Pit which is located adjacent to and south of Almond Avenue, identified as APNs 025-130-047, 025-130-048, and 025-130-035. The County also intends to sell the aggregate on site for a minimum of \$.40 per ton of material. Bids will be opened at a public meeting of the Board of Supervisors on June 26, 2007 at 10:00 A.M. In accordance with California Government Code Section 25539, the acceptance of any bid shall be subject to approval by the Board of Supervisors. Acceptance or rejection of all bids shall be made during the August 14, 2007 Board of Supervisors meeting - action requested - ADOPT RESOLUTION 07-087 AND AUTHORIZE THE CHAIR TO SIGN.
22. Contract Change Order No. 2 for Phase 2, Final Closure of Modules 1 and 3 at the Neal Road Sanitary Landfill - County Project No. 757-5857 - approval is requested for Contract Change Order No. 2 with Wood Bros, Inc. The change order provides funding for the following: 1) additional drainage facilities; 2) Extra Work performed during the drilling of the Landfill Gas Extraction Wells and Vadoze Zone Wells; 3) increase in Contract Items at Contract Unit Prices; and 4) decrease in Contract Items at Contract Unit Prices. This contract change order results in a \$24,802.74 decrease to the contract - action requested - APPROVE CONTRACT CHANGE ORDER NO. 2 AND AUTHORIZE CHAIR TO SIGN.

- 0709-001 23. Notice of Completion for Phase 2, Final Closure of Modules 1 and 3 at the Neal Road Sanitary Landfill - County Project No. 757-5857 - Wood Bros., Inc. has completed all of the contract work for Phase 2 which consisted of constructing a landfill closure cap and installing landfill gas components pursuant to California Code of Regulation Title 27 - action requested - ACCEPT CONTRACT WORK; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND AUTHORIZE THE RECORDING OF THE NOTICE OF COMPLETION.
24. Letter of Support for Senate Bill (SB) 286 - approval is requested for a letter addressed to State Senator Sam Aanestad supporting SB 286. In November 2006, the voters of California passed Proposition 1B which will provide funding for transportation projects statewide. The main points of SB 286 promote timely and efficient use of Proposition 1B funds - action requested - AUTHORIZE CHAIR TO SIGN LETTER OF SUPPORT FOR SENATE BILL 286.
25. Budget Transfer - approval is requested for an additional appropriation of \$45,102.20 for the purchase of a striping truck. On December 12, 2006, the Board approved the fixed asset purchase of a striping truck and the appropriation of \$395,000 for the purchase based on estimates from Spring 2006. After all bids were received, the lowest bid came from Easy Liner at a total purchase price of \$440,102.20, therefore requiring the additional appropriation - action requested - APPROVE BUDGET TRANSFER B-384 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
26. Resolution Recognizing May 15, 2007 as Peace Officers' Memorial Day and the Week of May 13-19, 2007 as Police Week - action requested - ADOPT RESOLUTION 07-088 AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT ALL COUNTY GOVERNMENT FLAGS TO BE FLOWN AT HALF-STAFF ON MAY 15, 2007.

- 0709-001 27. Budget Transfer - Extradition Account - approval is requested for a transfer of \$40,000 to the extradition account maintained by the Sheriff's Office. Through legislation, the State of California intended to reimburse counties for the cost of extradition of defendants with active warrants. The State has consistently under-funded the reimbursement account causing counties to be obligated for expenses longer than anticipated or budgeted. The Department of Corrections continues to reimburse prior year expenses with current year funding. This budget transfer is requested to continue operations now and into the near future. The State owes Butte County a total of \$55,000 to the Extradition Account and another \$5,000 to the revolving account, but reimbursement is not anticipated prior to the State's adoption of their Fiscal Year 2007/2008 budget in October 2007 - action requested - APPROVE BUDGET TRANSFER B-388 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
28. Budget Transfer and Fixed Asset Purchases - approval is requested for the purchase of a dish machine and heater booster for the Butte County Jail. The jail division currently leases a dish machine for \$250 per month with an agreement to purchase a minimum of \$300 in chemicals. The Sheriff's office has determined it is more cost effective to purchase a dish machine and sign a contract for supplies that includes maintenance services. The existing heater is old and no longer heats water to the required temperature. The Sheriff's Office intends to go to bid for the fixed asset purchases and to find a supplier for chemicals and service. The estimated costs are \$12,335 for the dish machine and \$7,400 for the heater booster (department budget) - action requested - APPROVE BUDGET TRANSFER B-386 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASES OF DISH MACHINE AND HEATER BOOSTER.
29. Annual Statement of Investment Policy - approval is requested, pursuant to Government Code Sections 27133 and 53601, for the Annual Statement of Investment Policy which sets forth policies regarding the investment of surplus funds and funds under the custodianship of the Treasurer. The policy has been reviewed by the Butte County Treasury Oversight Committee and will become effective July 1, 2007 - action requested - APPROVE ANNUAL STATEMENT OF INVESTMENT POLICY.
30. Monthly Investment Report - submitted is the Monthly Investment Report dated March 30, 2007 in accordance with the Butte County Statement of Investment Policy dated July 1, 2006 - action requested - ACCEPT FOR INFORMATION.

- 0709-001 31. Introduction of An Ordinance Amending Butte County Code Section 2-166 Delegating Investment Authority to the Butte County Treasurer-Tax Collector - pursuant to Government Code Section 53607, approval is requested for an ordinance which will delegate investment authority to the Treasurer-Tax Collector for Fiscal Year 2007/2008. This ordinance will replace No. 3935 which expires June 30, 2007 - action requested - WAIVE READING OF THE ORDINANCE.
32. Budget Transfer - approval is requested for a budget transfer of \$4,500 to cover the cost of replacing computer server that provides title companies access to the Megabyte Property Tax System. The existing server is more than five years old and must be replaced as soon as possible - action requested - APPROVE BUDGET TRANSFER B-390 ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.
33. Budget Transfer - approval is requested for a budget transfer of \$21,500 to cover the costs associated with an office reconfiguration project. The goal of the project is to better utilize office space and to improve the ergonomic design of several work stations. Additional workstation parts will need to be purchased and an outside contractor hired to reconfigure the work areas - action requested - APPROVE BUDGET TRANSFER B-389 ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.
34. Recommendation for Appointment to the Butte County Water Advisory Committee (WAC) - the department submits a recommendation for the City of Chico at-large representative to the WAC - action requested - APPOINT ANN SCHWAB TO A TERM TO END JANUARY 11, 2009.
35. Kennedy/Jenks Consultants, Engineers and Scientists - amendment - approval is requested for an amendment to the contract with Kennedy/Jenks Consultants for the creation and implementation of the Basin Management Objective Information Center (BMOIC). The implementation of the BMOIC as defined in the original Scope of Work has been completed, but there is additional funding left from the grant. The department plans to utilize the remaining funds to expand the BMOIC to enhance internal capabilities and encompass available corresponding data from Glenn and Tehama Counties. The term of the agreement amendment is from May 15, 2007 through March 1, 2008, with a maximum payable of \$29,000 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15837)
36. Resolution Recognizing May 7, 2007 National Children's Mental

Health Awareness Day in Butte County - action requested -
ADOPT RESOLUTION 07-089 AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA.

M 2

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

PRESENTATION OF RESOLUTION RECOGNIZING MAY 2007 AS MENTAL HEALTH MONTH TO DR. BRADFORD LUZ.

PRESENTATION OF RESOLUTION OF RECOGNIZING MAY 15, 2007 AS PEACE OFFICERS' MEMORIAL DAY AND THE WEEK OF MAY 13-19, 2007 AS POLICE WEEK TO SHERIFF PERRY RENIFF.

REGULAR AGENDA

0709-002 Boards, Commissions and Committees.

- 1. Appointments to Listed Vacancies. (NONE)
- 2. Board Member Appointments to Local Agency Formation Commission (LAFCo) - action requested - APPOINT TWO REGULAR MEMBERS AND ONE ALTERNATE MEMBER TO LAFCo TO FOUR-YEAR TERMS ENDING MAY 2011. (371)

MOTION: I MOVE TO REAPPOINT SUPERVISORS DOLAN AND CONNELLY AS REGULAR MEMBERS AND SUPERVISOR YAMAGUCHI AS ALTERNATE TO TERMS TO END MAY 2011.

2 M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

3. Board Member or Committee Reports.

SUPERVISOR KIRK REPORTED THAT SHE RODE THE B-LINE BUS SERVICE FOR FOUR HOURS ON "SPARE THE AIR DAY" ON FRIDAY MAY 4, 2007.

SUPERVISOR YAMAGUCHI REPORTED THAT HE ATTENDED A MEETING IN SUSANVILLE, CA WITH THE SIERRA NEVADA CONSERVANCY.

SUPERVISOR CONNELLY REPORTED THAT HE MET WITH THE OROVILLE VETERAN'S HALL BOARD COMMITTEE. HE COMPLIMENTED THE JANITORIAL STAFF THAT THE HALL IS LOOKING VERY CLEAN.

SUPERVISOR DOLAN REPORTED THAT SHE ATTENDED THE MORNING PORTION OF THE PUBLIC WORKS SPRING CONFERENCE. (488)

0709-003 Sacramento Valley Integrated Regional Water Management Plan (Sac Valley IRWMP) - consideration of a resolution that supports the IRWMP. The County submitted a consolidated application with the

Joint Exercise of Power to receive funding under Proposition 50 in June 2006. Under the guidelines of the grant, the County must support the IRWMP to be eligible to accept the funding. After a motion to support the IRWMP failed on November 21, 2006, the Board of Supervisors voted unanimously to refer the discussion back to the Water Commission. Subsequently, the approval for funding the application at \$12.5 million has been obtained from the funding agencies with \$2.9 million designated for Butte County projects. At their April 3, 2007 meeting, the Water Commission voted unanimously to recommend the Board of Supervisors support the IRWMP - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT STAFF TO PARTICIPATE IN THE PROPOSITION 50 GRANT AWARD.

PRESENTATION MADE BY TOCCOY DUDLEY, DIRECTOR OF WATER AND RESOURCE CONSERVATION AND VICKI NEWLIN, ASSISTANT DIRECTOR OF WATER RESOURCE CONSERVATION. (553)

THE CHAIR OF THE WATER COMMISSION, MARK KIMMELSHUE ALSO MADE A PRESENTATION TO THE BOARD REGARDING HOW THE COMMISSION CAME TO THEIR DECISION TO SUPPORT THE PLAN. (2027)(2314)

THE FOLLOWING INDIVIDUALS SPOKE IN OPPOSITION OF THE IRWMP: BARBARA VLAMIS (2695) AND MICHAEL JACKSON.

THE FOLLOWING INDIVIDUALS SPOKE IN FAVOR OF THE PLAN: SUSAN STRACHAN AND ERNIE OHLIN. (*226)

RECESS: 10:45 a.m.

RECONVENE: 10:52 a.m.

0709-003 CONTINUED

THE FOLLOWING INDIVIDUALS SPOKE IN OPPOSITION OF THE PLAN: ROSALIE CARTWRIGHT (*417), BRUCE SMITH, JIM BROBECK, (*730), AND NORA TODENHAGEN (*1191).

THIS ITEM WAS CONTINUED UNTIL 1:30 p.m. IN ORDER FOR TIMED ITEMS AND PUBLIC HEARING ITEMS TO BE HEARD.

PUBLIC HEARINGS AND TIMED ITEMS

0709-004 Timed Item - Stewardship Council Programs - the Land Conservation Manager and the Youth Investment Manager for the Stewardship Council will make a presentation regarding some of the opportunities available through the Stewardship Council and how they may benefit Butte County. The Council is a private non-profit organization. One of its primary goals is to ensure that over 140,000 acres of watershed lands throughout California are conserved for a broad range of beneficial public values - action requested - ACCEPT FOR INFORMATION. (Water and Resource Conservation)(*1405)(*2064)

PRESENTATION BY ELISE HOLLAND WITH THE LAND STEWARDSHIP COUNCIL.

0709-005 Public Hearing - consideration of an Ordinance Amending Article VII of Chapter 3 of the Butte County Code Adjusting Specific Gate Fees at the Neal Road Sanitary Landfill - Neal Road Landfill gate fees fund landfill operations and associated programs. In recent years, staff and solid waste committee developed an approach to review program expenses annually and adjust gate fees accordingly in order to minimize increase to landfill customers. A \$2.00 gate fee increase is requested for Fiscal Year 2007/2008 - action requested - ADOPT ORDINANCE 3963 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works) (*2100)(*2132)(*2550)

PRESENTATION BY MIKE CRUMP, DIRECTOR OF PUBLIC WORKS AND BILL MANNEL, SOLID WASTE MANAGER.

PUBLIC HEARING OPENED: 11:46 a.m.

PUBLIC HEARING CLOSED: 11:47 a.m.

MOTION: I MOVE TO ADOPT ORDINANCE 3963 AND AUTHORIZE THE CHAIR TO SIGN.

M 2

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0709-006 Public Hearing - consideration of an Ordinance Amending Chapter 31, entitled "Solid Waste Collection, Management and Recycling," of the Butte County Code by adding Definitions Thereto, Increasing the Waste Diversion Goal and Requiring Solid Waste Collector Licensees to Offer Curbside Collection of Recyclable Materials in Identified Recycling Zones -Butte County, in conjunction with the Town of Paradise and the Cities of Biggs and Gridley, make up the Butte Regional Waste Management Authority (Authority). The Authority was formed in part to simplify reporting of AB939 compliance to the California Integrated Waste Management Board (CIWMB). As reported previously, the Authority has not achieved the diversion goals mandated by the state and submitted a Time Extension Request and Plan of Correction (SB1066) that detailed additional diversion programs to be implemented in the Authority's area. Public Works has evaluated diversion program options that would be consistent with those proposed to the CIWMB in the Authority's Plan of Correction. Staff has proposed an ordinance amendment to Chapter 31 establishing provisions that licensed solid waste collectors offer curbside recycling programs in urban unincorporated areas identified as Recycling Zones. The proposed amendment also increases the diversion requirement criteria for licensees seeking annual licence renewal from 20 to 30 percent - action requested - WAIVE READING OF THE ORDINANCE. (Public Works) (*2566)(*2904)(*2981)(**1)

PRESENTATION BY MIKE CRUMP, DIRECTOR OF PUBLIC WORKS AND BILL MANNEL, SOLID WASTE MANAGER.

PUBLIC HEARING OPENED: 11:58 a.m.
 PUBLIC HEARING CLOSED: 12:20 p.m.

RESIDENT, SHAWNA MCDONALD SPOKE AND INDICATED THAT SHE IS IN FAVOR OF GREEN WASTE AND BOTTLE AND CAN PICKUP IN UNINCORPORATED AREA.

MOTION: I MOVE TO NOT TAKE ACTION AT THIS TIME; TO DIRECT THE DEPARTMENT TO REFER THIS ITEM BACK TO THE SOLID WASTE COMMITTEE TO DISCUSS DIFFERING DIVERSION RATES, IMPLEMENTATION DATES AND AREAS, EXEMPTIONS FOR SMALLER COMPANIES, AND MANDATORY GREEN WASTE COLLECTION; AND TO HAVE ITEM BACK BEFORE THE BOARD AT A LATER DATE. (**400)

2 M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0709-007 Project Report Regarding the Substance Abuse Mental Health Services Administration (SAMHSA) and Connecting Circles of Care (CCOC) - presentation regarding the SAMHSA CCOC grant which is designed to create and expand services for Severally Emotionally Disturbed Children - action requested - ACCEPT FOR INFORMATION. (**591)

PRESENTATION OF RESOLUTION RECOGNIZING MAY 8, 2007 AS NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY TO DR. MICHAEL CLARK.

PRESENTATION REGARDING CONNECTING CIRCLES OF CARE BY DR. MICHAEL CLARK, ROSALYN HUSONG FROM FEATHER TRIBAL HEALTH, AND SUSAN BURKE FROM ROWELL FAMILY EMPOWERMENT OF NORTHERN CALIFORNIA. (**749)(**1062)

0709-008 Public Hearing - Tentative Subdivision Map (TSM) 05-08 (Richard Ball) - consideration of an appeal of a Planning Commission approval of an application for a TSM to divide a 4.25-acre parcel into 17 residential lots ranging in size from 6,500 to 9,909 square feet, and a detention pond. All lots will be serviced by public sewer and water. The property is located on the west side of 18th Street, Oroville, approximately 750 feet north of Grand Avenue in the Thermalito Area. Access to the proposed subdivision will be from 18th Street - action requested - ADOPT RESOLUTION DENYING THE APPEAL, ADOPTING THE MITIGATED NEGATIVE DECLARATION WITH FINDINGS, AND APPROVING THE TSM WITH CONDITIONS. (Development Services) (**1084)**2159)

PRESENTATION BY STACEY JOLLIFFE, PLANNER FOR DEVELOPMENT SERVICES. SHE INFORMED THE BOARD THAT THE INITIAL STUDY PROVIDED IN THE ORIGINAL AGENDA PACKET WAS THE INCORRECT STUDY. THE CORRECT STUDY WAS PROVIDED TO THE BOARD AT THE BOARD MEETING.

PUBLIC HEARING OPENED: 12:50 p.m.
PUBLIC HEARING CLOSED: 1:12 p.m.

THE APPELLANT, DELMAR SNYDER SPOKE REGARDING HIS OPPOSITION.

MICHAEL EVANS SPOKE ON BEHALF OF THE APPLICANT.

MOTION: I MOVE TO MAKE A MOTION OF INTENT TO: 1) DENY THE APPEAL, 2) DECREASE THE LOTS TO 16, 3) ESTABLISH THE ROAD WOULD BE UNDER THE PERMANENT ROAD DIVISION, 4) INCLUDE AN AIRPORT LAND USE COMMISSION OVERRIDE, 5) ESTABLISH ONE WAY DIRECTION ON THE COURT, AND 6) TO COME UP WITH SOME SORT OF PUBLIC MECHANISM TO WOULD PAY FOR MAINTENANCE. (**2280)(**2353)

M 2

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

SUPERVISOR CONNELLY REQUESTED THAT THE BOARD CONSIDER WAIVING THE APPEAL FEE THAT WAS PAID BY THE APPELLANT PER THE APPELLANT'S REQUEST. THAT ITEM WILL BE BROUGHT BACK ON THE MAY 22, 2007 BOARD AGENDA.

0709-009 CLOSED SESSION

RECESS: THE BOARD RECESSED AT 1:15 TO A CLOSED SESSION CONFERENCE WITH ACTUAL LITIGATION PURSUANT TO

GOVERNMENT CODE SECTION 54956.9 (a): 1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100); 2. FIRST RESPONDER V. NORCAL EMS, COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT 137303. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (C) - ONE POTENTIAL CASE. CONFERENCES WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SEC. 54956.8:
PROPERTY: A.P. NO. 012-041-004
AGENCY NEGOTIATOR: BRUCE ALPERT
NEGOTIATING PARTY: LESA FRANCO
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;
PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING: GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: 1. AGRICULTURAL COMMISSIONER; 2. BEHAVIORAL HEALTH DIRECTOR; 3. CHIEF ADMINISTRATIVE OFFICER; 4. CHIEF PROBATION OFFICER; 5. CHILD SUPPORT SERVICES DIRECTOR; 6. COUNTY COUNSEL; 7. DEVELOPMENT SERVICES DIRECTOR; 8. EMPLOYMENT AND SOCIAL SERVICES DIRECTOR 9. HUMAN RESOURCES DIRECTOR; 10. INFORMATION SERVICES DIRECTOR; 11. LIBRARY DIRECTOR; 12. PUBLIC HEALTH DIRECTOR; 13. PUBLIC WORKS DIRECTOR; 14. WATER AND RESOURCE CONSERVATION DIRECTOR. (**2470)

RECONVENE:

THE BOARD RECONVENED AT 2:05 FROM A CLOSED SESSION CONFERENCE WITH ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a): 1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100); 2. FIRST RESPONDER V. NORCAL EMS, COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT 137303. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (C) - ONE POTENTIAL CASE. CONFERENCES WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SEC. 54956.8:
PROPERTY: A.P. NO. 012-041-004
AGENCY NEGOTIATOR: BRUCE ALPERT
NEGOTIATING PARTY: LESA FRANCO
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT
PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING: GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: 1. AGRICULTURAL COMMISSIONER; 2. BEHAVIORAL HEALTH DIRECTOR; 3. CHIEF ADMINISTRATIVE OFFICER; 4. CHIEF PROBATION OFFICER; 5. CHILD SUPPORT SERVICES DIRECTOR; 6. COUNTY COUNSEL; 7. DEVELOPMENT SERVICES DIRECTOR; 8. EMPLOYMENT AND SOCIAL SERVICES DIRECTOR 9. HUMAN RESOURCES DIRECTOR; 10. INFORMATION SERVICES DIRECTOR; 11. LIBRARY DIRECTOR; 12. PUBLIC HEALTH DIRECTOR; 13. PUBLIC WORKS DIRECTOR; 14. WATER AND RESOURCE CONSERVATION DIRECTOR. (NO ANNOUNCEMENTS)

REGULAR AGENDA CON'T

0709-003 Sacramento Valley Integrated Regional Water Management Plan (Sac Valley IRWMP) - consideration of a resolution that supports the IRWMP. The County submitted a consolidated application with the Joint Exercise of Power to receive funding under Proposition 50 in June 2006. Under the guidelines of the grant, the County must support the IRWMP to be eligible to accept the funding. After a motion to support the IRWMP failed on November 21, 2006, the Board of Supervisors voted unanimously to refer the discussion back to the Water Commission. Subsequently, the approval for funding the application at \$12.5 million has been obtained from the funding agencies with \$2.9 million designated for Butte County projects. At their April 3, 2007 meeting, the Water Commission voted unanimously to recommend the Board of Supervisors support the IRWMP - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT STAFF TO PARTICIPATE IN THE PROPOSITION 50 GRANT AWARD. (**2490)

THIS IS CONTINUATION OF THE DELIBERATION OF THIS ITEM WHICH WAS STARTED AT 9:20 a.m.

MR. ED CRADDOCK SPOKE IN SUPPORT OF THE PLAN. (**2558)

MOTION: I MOVE TO ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVISIONS TO THE RESOLUTION TO ADDED A ADDITIONAL "NOW THEREFORE BE IT RESOLVED" WITH LANGUAGE THAN INDICATES THAT BUTTE COUNTY DESIRES TO BE A PARTICIPANT IN THE DEVELOPMENT OF THE GOVERNANCE STRUCTURE FOR THE IMPLEMENTATION OF THE IRWMP.

2 M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

RECESS: 2:55 p.m.

RECONVENE: 3:00 p.m.

0709-010 Update of General Plan 2030 Process by Director-Development Services. TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES, GAVE AN UPDATE ON THE GENERAL PLAN 2030 PROCESS. HE REVIEWED FUTURE MEETINGS, THE GENERAL PLAN 2030 WEBSITE, WORK ON THE BACKGROUND REPORT WHICH WILL BE IMPORTANT TO THE EIR LATER ON, AND OTHER INFORMATION RELATED TO GENERAL PLAN 2030, INCLUDING THAT MEETING SERIES NUMBER 2 IS BEGINNING. (**1116)(**1240)

0709-011 Butte County General Plan 2030 - Existing Conditions and Issue Identification - Board of Supervisors Study Session to review and build upon all of the information that has been received from the General Plan 2030 Public Workshop held on March 15, 2007, the Citizens Advisory Committee held on December 7, 2006, and the Planning Commission Study Session held on April 13, 2007. This is the fourth meeting in the first Workshop Series - action requested - RECEIVE AND CONSIDER ALL INFORMATION, INCLUDE ANY ADDITIONAL ISSUES AS APPROPRIATE, AND PROVIDE DIRECTION TO STAFF FOR THE UPCOMING MEETING SERIES. (Development Services)(***1326)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES REGARDING THE MEETINGS HELD TO DATE.

PRESENTATION BY DAVID EARLY, CONSULTANT WITH DESIGN, COMMUNITY & ENVIRONMENT. HE GAVE UPDATES ON THE THIRTEEN GUIDING PRINCIPLES FOR THE GENERAL PLAN UPDATE. (**1952)(**2927)(***1)

0709-012 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, REPORTED ON SENATE BILL 431 WHICH WOULD SEPARATE OUR COURT EMPLOYEES FROM OUR PERS CONTRACT. THE BILL PASSED THE SENATE APPROPRIATIONS BY A 14-0 VOTE. IT IS EXPECTED TO BE ON THE SENATE CONSENT AGENDA. WE ARE WAITING FOR THE MAY REVISE OF THE BUDGET.

0709-013 Discussion Regarding Right to Farm Ordinance - During recent discussions on Program 2.2 of the Agricultural Element of the Butte County General Plan, the Board requested County Counsel review the Right to Farm Ordinance contained in Chapter 35 of the Butte County Code and bring back a stronger ordinance for Board consideration. County Counsel reviewed 17 similar ordinances enacted in numerous California counties with significant agricultural production and policies of protection of agricultural lands. The current Chapter 35, Protection of Agricultural Land ordinance was originally adopted in July 1981 and is very limited in scope and protection for agricultural lands, therefore County Counsel has drafted an entirely new Chapter 35 - action requested - RECEIVE COMMENTS FROM THE PUBLIC; PROVIDE DIRECTION TO COUNTY COUNSEL ON THE NEWLY PROPOSED ORDINANCE; AND DIRECT COUNTY COUNSEL TO RETURN TO BOARD FOR ADOPTION OF FINAL ORDINANCE. (****1562)(****1631)

MOTION: I MOVE TO DIRECT THAT THE ORDINANCE RETURN FOR ADOPTION.

M 2

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0709-014 Items Removed from the Consent Agenda for Board Consideration and Action. (NONE)

RECESSED AT 4:55 AS THE BUTTE COUNTY BOARD OF SUPERVISORS AND CONVENED AS THE BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY BOARD.

BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES
PUBLIC AUTHORITY BOARD
AGENDA
MAY 8, 2007

1.00 Call to Order - Butte County Board of Supervisors
Room, 25 County Center Drive, Oroville.

2.00 Public Comment

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board is prohibited from taking action on any item not listed on the agenda.

3.00 CLOSED SESSION

3.01 * CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOV.
CODE SECTION 54957.6:

AGENCY NEGOTIATOR: JEANNE GRAVETTE
EMPLOYEE ORGANIZATION: CUHW

Adjournment

Adjourn as the Butte County In-Home Supportive Services Public Authority Board and Reconvene as the Butte County Board of Supervisors.

0709-014

PUBLIC COMMENT

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda. (NONE)

0709-009

CLOSED SESSION

RECESS :

THE BOARD RECESSED AT 4:55 TO A CLOSED SESSION CONFERENCE WITH ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a): 1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2102); FIRST RESPONDER V. NORCAL EMS, COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT 137303. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (C) - ONE POTENTIAL CASE. CONFERENCES WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SEC. 54956.8:

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NEGOTIATING PARTY: LESA FRANCO
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT; PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING: GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: 1. AGRICULTURAL COMMISSIONER; 2. BEHAVIORAL HEALTH DIRECTOR; 3. CHIEF ADMINISTRATIVE OFFICER; 4. CHIEF PROBATION OFFICER; 5. CHILD SUPPORT SERVICES DIRECTOR; 6. COUNTY COUNSEL; 7. DEVELOPMENT SERVICES DIRECTOR; 8. EMPLOYMENT AND SOCIAL SERVICES DIRECTOR
9. HUMAN RESOURCES DIRECTOR; 10. INFORMATION SERVICES DIRECTOR; 11. LIBRARY DIRECTOR; 12. PUBLIC HEALTH DIRECTOR; 13. PUBLIC WORKS DIRECTOR; 14. WATER AND RESOURCE CONSERVATION DIRECTOR.

RECONVENE :

THE BOARD RECONVENED AT 5:20 FROM A CLOSED SESSION CONFERENCE WITH ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a): 1. LAKE

OROVILLE INTERVENTION (FERC PROJECT 2100); FIRST RESPONDER V. NORCAL EMS, COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT 137303. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (C) - ONE POTENTIAL CASE. CONFERENCES WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SEC. 54956.8:

PROPERTY: A.P. NO. 012-041-004
AGENCY NEGOTIATOR: BRUCE ALPERT
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9. HUMAN RESOURCES DIRECTOR; 10. INFORMATION SERVICES DIRECTOR; 11. LIBRARY DIRECTOR; 12. PUBLIC HEALTH DIRECTOR; 13. PUBLIC WORKS DIRECTOR; 14. WATER AND RESOURCE CONSERVATION DIRECTOR.

IT WAS ANNOUNCED THAT COUNTY COUNSEL, BRUCE ALPERT'S CONTRACT WAS EXTENDED BY FOUR YEARS. NO ADDITIONAL ANNOUNCEMENTS.

ADJOURNMENT THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 5:25 p.m., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, MAY 22, 2007, AT 9:00 A.M.

JANE DOLAN, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board