

# BUTTE COUNTY BOARD OF SUPERVISORS

## MINUTES

AUGUST 19, 2008



### County Supervisors

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

C. Brian Haddix, Chief Administrative  
Officer and Clerk of the Board

Bruce Alpert, County Counsel

Called to order at 9:05 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Dolan, Yamaguchi, Kirk, and Chair Josiassen. Also present: C. Brian Haddix, Chief Administrative Officer, Bruce Alpert, County Counsel and Kathleen Moghannam, Assistant Clerk of the Board.

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

Observation of a Moment of Silence.

0819-001 **CORRECTIONS AND/OR CHANGES TO THE AGENDA.**

1. Budget Transfer - approval is requested for a budget transfer totaling \$1,104 from Contingencies as detailed in the agenda report for expenses associated with repairs of the fire protection system in County Service Area 128 - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

THE DEPARTMENT OF PUBLIC WORKS REQUESTED THIS ITEM BE REMOVED FROM THE AGENDA. NO ACTION WAS TAKEN BY THE BOARD.

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**CONSENT AGENDA**

- 0819-002
1. Resolutions (2) Confirming Proposition 4 Appropriation Limit Calculations for the County of Butte and all special districts under the control of the Board of Supervisors for Fiscal Year 2008/2009 - action requested - ADOPT RESOLUTIONS 08-105 and 08-106 AND AUTHORIZE THE CHAIR TO SIGN. (Auditor-Controller)
  2. County Service Area Service Charges - In order to levy service charges in various county service areas, it is necessary to accomplish several prerequisite steps - action requested - DIRECT THAT A REPORT OF SERVICE CHARGES BE PREPARED IN ACCORDANCE WITH GOVERNMENT CODE SECTION 25210.77(a) AND FILED WITH THE CLERK OF THE BOARD; DIRECT PUBLIC HEARING TO BE SET FOR SEPTEMBER 23, 2008 AT 9:50 a.m.; AND DIRECT PUBLIC NOTICE OF HEARING BE GIVEN IN ACCORDANCE WITH GOVERNMENT CODE SECTION 6066. (Auditor-Controller)
  3. Adoption of Tax Rates - consideration of a resolution to adopt various ad valorem tax rates for Fiscal Year 2008/2009 as required by State law - action requested - ADOPT RESOLUTION 08-107 AND AUTHORIZE THE CHAIR TO SIGN. (Auditor-Controller)

4. Fiscal Year ~~2008/2009~~ 2007/2008 Final Budget Transfers - the department has prepared the final budget transfers for Fiscal Year ~~2008/2009~~ 2007/2008. The transfer clears deficit appropriations and makes transfers needed to close out the fiscal year - action requested - APPROVE BUDGET TRANSFERS B-407 (4/5 vote required) APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Auditor-Controller)
5. The Bernice B. Schumer Revocable Trust - approval is requested for a lease to house the Live Spot Program at 2120-A Robinson Street in Oroville. The Live Spot Program is a comprehensive youth program designed to build the skills/capacity of young people, provide opportunities for meaningful youth engagement and involvement in pro-social activities and reduce/prevent gang involvement/delinquency. The term of the agreement is from September 1, 2008 to August 31, 2013. The lease rate of ~~\$.085~~ \$.85 per square foot for the 5,800 square foot building results in a lease rate of \$4,930 per month for year one with 3% annual adjustments. This lease is funded with Mental Health Services Act (MHSA) revenue (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
6. Butte County Probation Department - approval is requested for an agreement between Behavioral Health and Probation for the provision of services related to the Drug Court Program. The term of the agreement is July 1, 2008 through June 30, 2009 with a maximum amount payable of \$54,064 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
7. J. Gregory Long, D.O. - amendment - approval is requested for an amendment to the agreement with J. Gregory Long, D.O. for the provision of psychiatric services. The amendment decreases the maximum amount payable by \$95,000 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
8. Ed Becker, Trustee - approval is requested for a recast lease agreement with Ed Becker, Trustee for the properties located at 965, 975, 985, and 995 Spruce Street, Gridley, CA comprised of approximately 4,712 square feet which is utilized for the Gridley Behavioral Health Community Counseling Center. The term of the agreement is September 1, 2008 through August 31, 2018 with initial monthly lease payment of \$4,523.52 with annual increases based on the Consumer Price Index capped at 3% for ten years - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

9. Resolution Recognizing the Continuing Existence of Local Emergency Declarations - approval is requested for a resolution recognizing the continuance of the local emergency declarations for the June 2008 Firestorm (Ophir-Humboldt fires) which began on June 10, 2008, and the June 2008 Butte Lightning Complex which began on June 21, 2008 - action requested - ADOPT RESOLUTION 08-108 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
10. City of Chico - approval is requested for an agreement with the City of Chico to provide funding for extended hours at the Chico Branch of the Butte County Library. The term of the agreement is July 1, 2008 through June 30, 2009 with a maximum amount payable of \$171,172 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Chief Administrative Office)
11. Transfer of the Butte County Courthouse and the Juvenile Court Facility - Pursuant to Senate Bill (SB) 1732 and Assembly Bill 1491, the County has been negotiating with the Judicial Council of California and the Administrative Office of the Courts (AOC) to transfer the Butte County Courthouse and Juvenile Court space from the County to the State. The Butte County Courthouse is currently occupied 100% by the Court. The proposed agreement transfers the responsibility of maintaining the Courthouse to the State until 2014, at which point the title of the building will also be transferred to the State. The Juvenile Court is housed in the old County Juvenile Hall and occupies a small percentage of the building. The County will retain the title to the old Juvenile Hall, but the proposed agreement transfers the responsibility of maintaining the Juvenile Court-occupied space to the State - action requested - 1) APPROVE TWO TRANSFER AGREEMENTS FOR BOTH THE BUTTE COUNTY COURTHOUSE AND THE JUVENILE COURT FACILITY AND THE JOINT OCCUPANCY AGREEMENT FOR THE JUVENILE COURT FACILITY AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; 2) PURSUANT TO GOVERNMENT CODE 66428(a)(2) FIND THAT PUBLIC POLICY DOES NOT NECESSITATE THE FILING OF A PARCEL MAP FOR THE CREATION OF THE NEW SUPERIOR COURT PARCEL BEING CONVEYED; AND 3) AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS TO CONVEY THE NEWLY CREATED COURTHOUSE PROPERTY TO THE STATE OF CALIFORNIA. (Chief Administrative Office)

12. Resolution Agreeing to a Tax Split for the Sonntag Territory Annexation to the Town of Paradise - consideration of a resolution which would agree to tax split with the Town of Paradise regarding the Sonntag Territory Annexation. The proposed allocation of future property tax revenue is 56% to the Town and 44% to the County effective July 1, 2008 - action requested - ADOPT RESOLUTION 08-109 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
13. Manpower - amendment - approval is requested for an amendment to the agreement with Manpower Inc. to provide staffing services for the Elections Department. The amendment extends the term of the agreement through December 31, 2008 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17124) (Clerk-Recorder)
14. Dennis D. Diver & Associates - amendment - approval is requested for an amendment to the agreement with certified forensic accountant, Dennis D. Diver & Associates for the provision of investigating and preparing economic crime cases for prosecution. The amendment extends the term of the agreement to June 30, 2009 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15408)(District Attorney)
15. Dale T. Fry dba Backgrounds and More - amendment - approval is requested for an amendment to the agreement with Dale T. Fry for pre-employment background checks and polygraphs. The amendment extends the term of the agreement through June 30, 2009 and increases the maximum amount payable by \$4,100 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15673)(District Attorney)
16. Resolution Authorizing the District Attorney's Real Estate and Fraud Investigation Program - consideration of a resolution which will establish a fee and implement a program for the investigation and prosecution of real estate fraud. The program will be funded by a \$2.00 fee which will be paid on recorded documents related to real estate transactions, including deeds of trust, assignments of deeds of trust, reconveyances, and notices of default. California Government Code 27388 authorizes the imposition of this fee - action requested - ADOPT RESOLUTION 08-110 and B-11 AND AUTHORIZE THE CHAIR TO SIGN. (District Attorney)

17. Department of Child Support Services (CSS) - approval is requested for a Plan of Cooperation (POC) with CSS for the provision of services required under Title IV-D of the Social Security Act. The term of the agreement is July 1, 2008 through June 30, 2009 with a maximum amount payable of \$29,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Employment and Social Services)
18. Accept Unanticipated Revenue - approval is requested to accept and appropriate \$16,733.13 in funds received from the Department of Motor Vehicles. This revenue is from initial and renewal fees for California "Kids" vehicle license plates - action requested - APPROVE BUDGET TRANSFER B-12 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.(Employment and Social Services)
19. Youth for Change - amendment - approval is requested for an amendment to the agreement with Youth for Change for the provision of a family facilitator. The amendment extends the term of the agreement through June 30, 2009 and increases the maximum amount payable by \$72,804 (department budget) - action requested -APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16054)(Employment and Social Services)
20. Northern Valley Catholic Social Services (NVCSS) - amendment - approval is requested for an amendment to the agreement with NVCSS for the provision of a family facilitator. The amendment extends the term of the agreement through June 30, 2009 and increases the maximum amount payable by \$78,300 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16404)(Employment and Social Services)
21. Accept Unanticipated Revenue - approval is requested to accept \$3,375 from the Northern Circle Indian Housing Authority and the Mooretown Rancheria to purchase needed equipment for the Palermo Fire Station - action requested - APPROVE BUDGET TRANSFER B-13 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.(Fire)
22. Notice of Completion - West Jail Facility Energy Conservation Measures - All contract work has been completed. The work consisted of installation of HVAC units at 33 County Center Drive - action requested - ACCEPT CONTRACT WORK; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND AUTHORIZE THE RECORDING OF THE NOTICE OF COMPLETION. (General Services)

23. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: GENERAL SERVICES - requests to add one position of Administrative Analyst, Senior; Administrative Analyst; or Administrative Analyst, Associate. This position was approved in the Fiscal Year 2008/2009 budget. General Services also requests to move one position of Auditor-Accountant, Associate; Auditor-Accountant; or Accounting Specialist from budget unit 020-003 to 060-002. This position was transferred to General Services as part of the recommendations of the Finance Management Options Committee. LIBRARY - requests one flexibly staffed position of Library Assistant to Library Assistant, Senior or Library Assistant - action requested - ADOPT RESOLUTION 08-111 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)
24. Assessments.com - approval is requested for a sole source agreement with Assessments.com for the provision of software and a training program designed to evaluate the criminogenic risk factors and treatment needs of juvenile probationers. Funding will be provided by the Youthful Offender Block Grant (YOBG). The term of the agreement is July 1, 2008 to June 30, 2010 with a maximum amount payable of \$145,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE FIXED ASSET PURCHASE OF RELATED SOFTWARE INCLUDED IN THE AGREEMENT. (Probation)
25. Chico Unified School District (CUSD) - approval is requested for two separate agreements with CUSD for the department to provide two half-time Probation Officers to assist with the Focus on the Future program and Truancy programs. The contract period for both agreements is July 1, 2008 through June 30, 2009. The maximum amount payable for the agreement for Focus on the Future program is \$40,086 (department budget) and the maximum amount payable for the Truancy program is \$39,617 (department budget) - action requested - APPROVE AGREEMENTS (2) AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Probation)
26. Butte County Children and Families Commission (BCCFC) - approval is requested for an agreement with BCCFC for the Oral Health Initiative Coordination program. The term of the grant agreement is July 1, 2008 through June 30, 2013 with a maximum amount payable of \$125,671 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contact No. X17358)(Public Health)

27. Contract Change Order for the Construction of the Aguas Frias Road Bridge across Butte Creek, County Project No. 23201-95-1 - approval is requested for this change order which provides for increased funding for requiring the contractor to install a mandatory construction joint in each of the seven case-in-drilled-hole (CIDH) concrete piles. This contract change order results in an overall increase to the contract of \$12,400 - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
28. Contract Change Order for the Skyway Lookout Point Parking and Pedestrian Viewing Facility, County Project No. 51261-2-2005-1 - approval is requested for this change order for increased funding for replacing metal beam guard rail, wood posts and wood blocks that were destroyed during the Humboldt Fire at the Skyway Lookout Point parking and pedestrian viewing facility. This contract change order results in an overall increase to the contract of \$30,112.62 - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
29. Adoption of an Ordinance Amending Section 20-133 of Chapter 20 of the Butte County Code - consideration of an ordinance which will amend the Butte County Code to be in alignment with the Fire Safe Regulations adopted by the California Department of Forestry and Fire Protection pursuant to Public Resources Code Section 4290 - action requested - ADOPT ORDINANCE 3988 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 8-5-2008 [item 4.05])(Public Works)
30. Adoption of an Ordinance Amending Chapter 26 of the Butte County Code - The proposed ordinance amends the Butte County Code to require urban improvements for all new buildings, provides for an in-lieu fee for future improvement in urban areas, and allows for the postponement of improved installation for a period of up to five years. The related resolution establishes Standard Estimating rates for calculation of in-lieu fee or bonding of improvements - action requested - ADOPT ORDINANCE 3989 AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT THE RESOLUTION 08-112 ESTABLISHING ESTIMATING RATES TO COINCIDE WITH THE ADOPTION OF THE ORDINANCE. (From 8-5-2008 [Item 5.01])(Public Works)

- 31. Speedway Avenue Extension Project, County Project No. 50255C-99-1 and the associated State Route 99 Frontage Road Extension Project, County Project No. 50255C-2005-1 - approval is requested for the transfer of a portion of APN 040-303-070 to the owners of APN 040-030-085 as partial compensation for the County acquisition of a portion of their property - action requested - ADOPT RESOLUTION 08-113 AUTHORIZING THE PROPERTY MANAGER TO PREPARE AND EXECUTE ALL NECESSARY DOCUMENTS FOR TRANSACTION AND AUTHORIZING THE TRANSFER OF PARCEL H; AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
- 32. Fiscal Year 2008 Inmate Welfare Expenditure Report - Pursuant to Penal Code Section 4025(e), submitted is the annual Inmate Welfare Expenditure Report - action requested - ACCEPT FOR INFORMATION. (Sheriff-Coroner)
- 33. Keefe Commissary Network - approval is requested for an agreement with Keefe Commissary Network for the provision of commissary services for the inmate population of the jail. The recently completed Request for Proposal (RFP) process received four responses of the six vendors solicited and Keefe Commissary network was selected due to level of service, reputation, and the highest commission rate offered among the respondents. The term of the agreement is September 1, 2008 through August 31, 2011 - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)
- 34. Approval of Letter to the Delta Vision Blue Ribbon Task Force - approval is requested for letter commenting on the draft Delta Vision Strategic Plan that was first released on June 18, 2008 by the Delta Vision Blue Ribbon Task Force. The Task Force was created by the Governor to develop a recommendation and strategic plan to address the problems facing the Delta - action requested - APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)
- 35. Resolution Recognizing September 2008 as Prostate Cancer Awareness Month - action requested - ADOPT RESOLUTION 08-114 AND AUTHORIZE THE CHAIR TO SIGN. (Supervisor Connelly)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE CORRECTIONS AS READ INTO RECORD AND WITH THE EXCEPTION OF ITEM 3.29 WHICH WAS REMOVED FROM THE AGENDA.

M 2

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

CHAIR JOSIASSEN READ THE RESOLUTION RECOGNIZING SEPTEMBER 2008 AS PROSTATE CANCER AWARENESS MONTH.

REGULAR AGENDA

0819-003 Boards, Commissions and Committees.

- 1. Appointments to Listed Vacancies. (NONE)
- 2. Board Member or Committee Reports. (NONE)

0819-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

C. BRAIN HADDIX, CHIEF ADMINISTRATIVE OFFICER REPORTED THE STATE BUDGET HAS NOT BEEN PASSED YET.

HE REPORTED THAT THE BUTTE COUNTY BOOTH AT THE CALIFORNIA STATE FAIR RECEIVED AN AWARD FOR BEST USE OF SPECIAL EFFECTS IN ADDITION TO A GOLD MEDAL HONOR.

HE ALSO REPORTED THAT THE GOVERNOR SENT A LETTER TO THE PRESIDENT OF THE UNITED STATES REQUESTING A MAJOR FEDERAL DISASTER FOR THE STATE OF CALIFORNIA BEGINNING MAY 22, 2008.

0819-005 Update of General Plan 2030 Process by Director-Development Services.

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES. HE REVIEWED THE GENERAL PLAN 2030 PROCESS. THE BOARD DID SCHEDULE THEIR NEXT GENERAL PLAN 2030 STUDY SESSION FOR MEETING SERIES #5 FOR WEDNESDAY JANUARY 21, 2009 AND THURSDAY, JANUARY 22, 2009.

- 1. Butte County General Plan 2030 - Format and Outline of the Draft General Plan - submitted is information on the organization and draft outline of General Plan 2030, including the work of the Butte County Planning Commission and the Citizen's Advisory Committee - action requested - PROVIDE DIRECTION AND APPROVE A DRAFT OUTLINE FOR THE GENERAL PLAN, INCLUDING OPTIONAL ELEMENTS.

MOTION: I MOVE TO APPROVE A DRAFT OUTLINE FOR THE GENERAL PLAN AS RECOMMENDED, INCLUDING OPTIONAL ELEMENTS.

M 2

VOTE: 1 Y 2 Y 3 Y 4 N 5 Y (MOTION CARRIED 4-1)

0819-006 Update Regarding Upcoming Butte County Code Amendments.

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

0819-007 Information Systems Computer Use and Ethics Policy and Procedures - submitted for approval is the County of Butte Information Systems Policies and Procedures - Computer Use and Ethics Policy - action requested - ADOPT POLICY AS SUBMITTED. (Chief Administrative Office)

PRESENTATION BY MARION REEVES, BUTTE COUNTY COMPLIANCE OFFICER.

MOTION: I MOVE TO ADOPT POLICY AS SUBMITTED.

2 M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

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RECESS: 10:24 A.M.

RECONVENE: 10:30 A.M.

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**PUBLIC HEARINGS AND TIMED ITEMS**

0819-008 Public Hearing - Resolution Approving Community Development Block Grant (CDBG) Application - consideration of a resolution approving an application for a CDBG Planning and Technical Assistance Grant in the amount of \$70,000 for a Palermo Wastewater and Drainage Study - action requested - ADOPT RESOLUTION 08-115 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)

PRESENTATION BY DAN BLAIR, SENIOR MANAGEMENT ANALYST.

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PUBLIC HEARING OPENED: 10:38 A.M.

PUBLIC HEARING CLOSED: 10:39 A.M.

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

M 2

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

0819-009 Public Hearing - Zoning Code Amendment ZCA07-0002 - consideration of a ZCA to modify a previously approved Planned Unit Development (PUD). The parcel is located at 2280 Durham-Dayton Highway in Durham, APN 040-630-013, which includes the W.W. Durham House. The Butte County Planning Commission recommends the proposed amendment which will include additional uses - action requested - ADOPT RESOLUTION 08-116 MAKING FINDINGS AND ADOPTING THE NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPT ORDINANCE 3990 MODIFYING THE PREVIOUSLY APPROVED PUD. (Development Services)(3401)(1:26:35)

PRESENTATION BY STACEY JOLLIFFE AND MARK MICHELENA FROM DEPARTMENT OF DEVELOPMENT SERVICES.

PUBLIC HEARING OPENED: 10:46 A.M.  
PUBLIC HEARING CLOSED: 11:03 A.M.

MR. NED VERNOGA AND MR. FUHRING ADDRESSED THE BOARD.

MOTION: I MOVE TO ADOPT RESOLUTION MAKING FINDINGS AND ADOPTING THE NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPT ORDINANCE MODIFYING THE PREVIOUSLY APPROVED PUD.

M 2

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

0819-010 Public Hearing - Tonriha Subdivision - On June 24, 2008, the Board adopted a resolution of intent to establish the Butte County Permanent Road Division Zone 001 and to impose parcel charges for lighting and road maintenance and to set a protest hearing/ballot proceeding. The current owner of the property has already provided a ballot in favor of the service charges - action requested - OPEN PUBLIC HEARING AND ASK FOR COMMENTS OR PROTESTS TO THE ESTABLISHMENT OF THE PROPOSED SERVICE CHARGES; REQUEST BALLOT RESULTS FROM THE CLERK OF THE BOARD; AND

1. IF A MAJORITY OF BALLOTS ARE IN FAVOR OF THE ESTABLISHMENT OF SERVICE CHARGES, APPROVE THE FORMATION OF ZONE 001 TO IMPOSE ANNUAL ASSESSMENTS FOR STREET LIGHTING AND ROAD MAINTENANCE SERVICES;

-OR-

2. IF CURRENT OWNER OF THE PROPERTY WITHDRAWS PREVIOUSLY SUBMITTED BALLOT OR PROTESTS, DENY THE REQUEST TO ESTABLISH SERVICE CHARGES. (Public Works)

PRESENTATION BY TOM BLIXT OF PUBLIC WORKS.

PUBLIC HEARING OPENED: 11:05 A.M.  
PUBLIC HEARING CLOSED: 11:05 A.M.

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THE CLERK OF THE BOARD VERIFIED THAT ONE BALLOT IN FAVOR OF THE ASSESSMENT HAS BEEN RECEIVED, AND THERE HAS NOT BEEN A REQUEST TO WITHDRAW THAT SUBMITTED BALLOT. NO PROTESTS WERE RECEIVED.

MOTION: I MOVE TO APPROVE THE FORMATION OF ZONE 001 TO IMPOSE ANNUAL ASSESSMENTS FOR STREET LIGHTING AND ROAD MAINTENANCE SERVICES.

2 M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

0819-011 Timed Item - Butte County Wireless Communication Facilities - The Department of Development Services requests Board direction regarding a potential amendment to the existing wireless communication facilities ordinance of the Butte County Code (BCC 24-262) - action requested - PROVIDE DIRECTION TO STAFF.(Development Services)

PRESENTATION BY STACEY JOLLIFFE, PRINCIPAL PLANNER WITH DEVELOPMENT SERVICES AND BY SCOTT FRIEND WITH PACIFIC MUNICIPAL CONSULTANTS. (2:29:00)

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PUBLIC HEARING OPENED: 11:30 A.M.  
PUBLIC HEARING CLOSED: 11:41 A.M.

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KEN CROUSE, ALAN HEINE, ARLENE WARD, AND JERRY JAZMADARIAN ADDRESSED THE BOARD.

MOTION: I MOVE TO HAVE THE DEPARTMENT BRING BACK AN AMENDMENT TO THE EXISTING WIRELESS COMMUNICATION FACILITIES ORDINANCE TO ESTABLISH A USE PERMIT PROCESS.

2 M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

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REGULAR AGENDA

0819-012 Request to Restore Positions Deleted in the Fiscal Year 2008/2009 Budget - the Department requests to restore six Behavioral Health Counselor positions and two Behavioral Health Counselor, Senior positions due to an increase in the 2008/2009 Mental Health Services Act allocation. This restoration would reduce the number of layoffs from nineteen to eleven. Approval is also requested to accept unanticipated revenue as detailed in the agenda report- action requested - RESTORE EIGHT POSITIONS AS DETAILED IN AGENDA REPORT; AND APPROVE BUDGET TRANSFER B-14 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)

PRESENTATION BY ED WALKER, INTERIM DIRECTOR OF BEHAVIORAL HEALTH.

MOTION: I MOVE TO RESTORE EIGHT POSITIONS AS DETAILED IN AGENDA REPORT; AND APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.

2 M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

THE BOARD CONFIRMED A PUBLIC WORKSHOP REVIEWING THE SPECIFICS OF THE BEHAVIORAL HEALTH BUDGET WILL BE HELD AT THE SEPTEMBER 9, 2008 BOARD OF SUPERVISORS MEETING. THE WORKSHOP IS SCHEDULED TO BEGIN AT 2:00 P.M. (2:39:06)

0819-013 Approve Cash Advance - approval is requested for a cash advance of up to \$930,000 from the General Fund to the Social Services Fund 0020 to cover the negative cash position of DESS at the end of Fiscal Year 2007/2008 due to reduced cash receipts to DESS. These receipts include a combination of a decrease in realignment revenues which was identified as a concern during the mid year review and an unanticipated delay in state reimbursements for Medi-Cal and IHSS contract payments at the end of FY 2007/2008. The advance will be paid back with the receipt of accrued 2007/2008 receivables of approximately \$4 million that will be received in the first half of this Fiscal year - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

PRESENTATION BY CATHI GRAMS, DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES.

MOTION: I MOVE TO APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

2 M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

0819-014 Approve Cash Advance - At the June 24, 2008 Board of Supervisors meeting, a cash advance of \$4 million from the General Fund to the Behavioral Health Fund was approved. Because \$1,388,327 in anticipated billing revenue for Fiscal Year (FY) 2007/2008 was received after June 30, 2008, the department requests the cash advance be increased to a total of \$5.35 million. This would allow for closure of the FY 2007/2008 year-end process. Approval of this action would allow for the \$1,388,327 to be immediately paid back to the General Fund - action requested - APPROVE CASH ADVANCE OF UP TO \$5.35 MILLION FROM THE GENERAL FUND INTO THE BEHAVIORAL HEALTH FUND. (Behavioral Health)(2:51:05)

PRESENTATION BY ED WALKER, INTERIM DIRECTOR OF BEHAVIORAL HEALTH.

MOTION: I MOVE TO APPROVE CASH ADVANCE OF UP TO \$5.35 MILLION FROM THE GENERAL FUND INTO THE BEHAVIORAL HEALTH FUND.

M 2

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

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

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**CLOSED SESSION**

0819-015 **THE BOARD RECESSED AT 12:13 P.M. TO CLOSED SESSION REGARDING:**

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FIVE CASES:

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100).
2. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION (NIGC); CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA; AND
3. VANELLA OIL V. BUTTE COUNTY; BUTTE COUNTY SUPERIOR COURT CASE NO. 142273;
4. JONES V. COUNTY OF BUTTE, ET AL. (CONSENT DCREE); BUTTE COUNTY SUPERIOR COURT CASE NUMBER 084429;
5. GIBSON V. COUNTY OF BUTTE; SUPERIOR COURT CASE NO. 138022.

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/INTERIM DIRECTOR
10. INFORMATION SERVICES DIRECTOR
11. LIBRARY DIRECTOR
12. PUBLIC HEALTH DIRECTOR
13. PUBLIC WORKS DIRECTOR
14. WATER AND RESOURCE CONSERVATION DIRECTOR.

**THE BOARD RECONVENED AT 1:30 P.M. FROM CLOSED SESSION REGARDING:**

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FIVE  
CASES:

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100).
2. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION (NIGC);  
CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA; AND
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COUNTY SUPERIOR COURT CASE NUMBER 084429;
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PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING:  
GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

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3. CHIEF ADMINISTRATIVE OFFICER
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10. INFORMATION SERVICES DIRECTOR
11. LIBRARY DIRECTOR
12. PUBLIC HEALTH DIRECTOR
13. PUBLIC WORKS DIRECTOR
14. WATER AND RESOURCE CONSERVATION DIRECTOR. (No Announcements)

PUBLIC HEARINGS AND TIMED ITEMS

0819-016 Timed Item - Fire Department Standards of Response Cover Study (SOC) - The department will provide a study session regarding the SOC related to deployment standards, career staffing, training, communications, and station locations for the career portion of the Fire Department. A workshop on the volunteer portion of the Fire Department at a later date - action requested - ADOPT BUTTE COUNTY FIRE DEPARTMENT PRIORITIES; AND ADOPT THE BUTTE COUNTY FIRE DEPARTMENT DEPLOYMENT PERFORMANCE STANDARDS FOR INCLUSION IN THE BUTTE COUNTY GENERAL PLAN. (Fire)(\*\*877)

PRESENTATION BY BUTTE COUNTY FIRE CHIEF HENRY BRACHIAS, CHIEF GEORGE MORRIS AND STU GARY, OF CITYGATE ASSOCIATES.

MOTION: I MOVE TO ADOPT BUTTE COUNTY FIRE DEPARTMENT PRIORITIES; AND ADOPT THE BUTTE COUNTY FIRE DEPARTMENT DEPLOYMENT PERFORMANCE STANDARDS FOR INCLUSION IN THE BUTTE COUNTY GENERAL PLAN.

2 M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

PUBLIC COMMENT (None)

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 2:50 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, SEPTEMBER 9, 2008 AT 9:00 A.M.

\_\_\_\_\_  
CURT JOSIASSEN, CHAIR  
BUTTE COUNTY BOARD OF SUPERVISORS

ATTEST:

C. Brian Haddix, Chief Administrative Officer and Clerk of the Board

By: \_\_\_\_\_