

# BUTTE COUNTY BOARD OF SUPERVISORS

## MINUTES

OCTOBER 7, 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 9:14 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.

**CORRECTIONS AND/OR CHANGES TO THE AGENDA.**

0822-001 **ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.**

1. Anderson & Associates, Inc. - amendment - approval is requested for an amendment to the agreement with Anderson & Associates, Inc. for the provision of temporary workers to assist with data entry associated with the software conversion from Insyst to Avatar. The amendment extends the term of the agreement through January 31, 2009 and increases the maximum amount payable by \$50,383.82 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

RUDY JENKINS REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

2. Notice of Completion - Paradise Veterans Memorial Hall Remodel - All contract work has been completed in accordance with the plans and specifications - 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)

SUPERVISOR YAMAGUCHI REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

3. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows:

BEHAVIORAL HEALTH-GENERAL SERVICES - requests that one (1) position of Mental Health Clinician or Mental Health Clinician, Intern (Class Codes 4133/4134) with a sunset date of September 30, 2008 be extended to June 30, 2009. The department has received additional funding from the Butte County Office of Education to cover the costs of the position. This change will leave the total allocated positions unchanged in budget unit 541-011 at 312.75.

BEHAVIORAL HEALTH-DRUG TREATMENT - requests to delete one (1) position of Supervisor, Behavioral Health Counselor (Class Code 4141) and add one (1) position of Supervisor, Mental Health Clinician (Class Code 4131). This position will be associated with the Proposition 36 program and is needed to allow greater flexibility with supervision needs within the department. This change will leave the total allocated positions unchanged in budget unit 541-013 at 6.

DISTRICT ATTORNEY - requests to add one (1) position of Investigative Assistant (Class Code 7018) with a sunset date of June 30, 2009. This position is one hundred percent (100%) funded in the MOU with the Department of Child Support Services to conduct their process service. This change will increase the total allocated positions in budget unit 320-001 from 82.5 to 83.5.

PROBATION - requests that one (1) position of Probation Officer III, II, I (Class Codes 5513/5514/5515) with a sunset date of September 30, 2008 be extended to September 30, 2010 and one (1) position of Probation Technician (Class Code 5517) with a sunset date of September 30, 2008 be extended to September 30, 2010. The funding for these positions will come from the Office of Traffic and Safety. These changes to be effective October 1, 2008. This change will leave the total allocated positions unchanged in budget unit 430-001 unchanged at 99.

CLERK-RECORDER - requests to flexibly staff one (1) position of Information Systems Analyst or Information Systems Analyst, Associate (Class Codes 1335/1336) to one (1) position of Information Systems Analyst, Senior or Information Systems Analyst or Information Systems Analyst, Associate (Class Codes 1334/1335/1336). This position is split fifty percent (50%) in County Clerk-Elections Registration division and fifty percent (50%) in the County Clerk-Recorder division. This change will allow the position to manage the more complex technical support functions within the two divisions of the department. The department is also requesting to add one (1) position of Information Systems Analyst, Senior or Information Systems Analyst or Information Systems Analyst, Associate (Class Codes 1334/1335/1336) to the County Clerk-Elections Registration division. This change will allow the position to manage the more complex technical support functions within the two division of the department including the technical support functions for the elections. This change will increase the total allocations in budget unit 130-001 from 9.55 to 10.55.

SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE B, ELECTED OFFICERS - adjusts the salaries for the following classifications to include the CPI Index of 3.73% to be effective July 1, 2008:

<u>Annual Salary</u>	<u>Class Code</u>	<u>Class Title</u>
\$123,770	210	Assessor
\$130,036	215	Auditor-Controller
\$120,752	230	Clerk-Recorder
\$174,885	235	District Attorney
\$162,398	225	Sheriff-Coroner
\$117,807	220	Treasurer-Tax Collector

SALARY PLAN FOR CLASSIFIED POSITIONS - adjusts as prescribed in the Salary Ordinance to be effective July 1, 2008. The salaries for the classifications that are linked to them will be adjusted as follows and also to be effective July 1, 2008:

REFERENCE K, NON-REPRESENTED CLASSIFICATIONS - Assistant Assessor (Class Code 1201) - from Range 71 to Range 72; Assistant Auditor-Controller (Class Code 1251) - from Range 74 to Range 75; Assistant County Clerk-Recorder (Class Code 1131) - from Range 70 to Range 71; Assistant County Clerk-Registrar of Voters (Class Code 1141) - from Range 70 to Range 71; Chief Deputy District Attorney (Class Code 7001) - from Range 86 to Range 88.

SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE A, APPOINTED DEPARTMENT HEADS - adjusts the salary for the following classification to reflect the employment contract approved at the September 23, 2008 Board of Supervisors meeting for the Director-Human Resources to be effective September 9, 2008: Minimum Annual Salary - \$119,815; Median Annual Salary - \$133,128; and Maximum Annual Salary - \$146,441.

SALARY PLAN FOR CLASSIFIED POSITIONS - The salaries for the classifications that are linked to the Director-Human Resources will be adjusted as follows and also to be effective September 9, 2008:

REFERENCE K, NON-REPRESENTED CLASSIFICATIONS - Assistant Director, Human Resources (Class Code 1321) - from Range 69 to Range 73; Labor Relations Officer (Class Code 1322) - from Range 69 to Range 73 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

C. BRIAN HADDIX, CHIEF ADMINISTRATIVE OFFICER AND RUDY JENKINS BOTH REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

CONSENT AGENDA

- 0822-002
1. Resolution Regarding Wildfires and the Threat to the Health and Safety of California Citizens - consideration of a resolution that urges the State of California to actively work with the federal government to immediately reduce the threat of catastrophic wildfire on federally owned lands and watersheds 2008 - action requested - ADOPT RESOLUTION 08-132 AND AUTHORIZE THE CHAIR TO SIGN. (Supervisor Yamaguchi)
  2. 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 08-133 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
  3. NBS - amendment - approval is requested for an amendment to the agreement with NBS for the provision of financial advisor services. The amendment expands the Scope of Work to include a cost allocation analysis, a feasibility analysis related to the Capital Improvement Program (CIP), and services related to the formation of an initial Services Community Facilities District. The amendment increases the maximum amount payable by \$20,000 (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. X17071)
  4. Reissue Time-Expired Check - approval is requested to reissue time-expired check number 1505-674770 in the amount of \$2,001.60 issued September 15, 2004. The Auditor-Controller has verified that the check is time expired and has not been reissued - action requested - DIRECT AUDITOR-CONTROLLER TO REISSUE TIME-EXPIRED CHECK. (County Counsel)
  5. Budget Transfer and Fixed Asset Purchase - approval is requested for a budget transfer in the amount \$6,500 as detailed in the agenda report. Approval is also requested for a fixed asset purchase of a new scanner/printer which will be used to produce courtroom trial exhibits and graphics - action requested - APPROVE BUDGET TRANSFER B-57 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE THE \$6,350.27 FIXED ASSET PURCHASE OF A NEW SCANNER/PRINTER. (District Attorney)

6. California Department of Forestry and Fire Protection - approval is requested for a grant agreement with the State for the Volunteer Fire Assistance Program covering the period of July 1, 2008 through June 30, 2009 with a maximum amount receivable of \$20,000. The grant requires a County match of \$20,000. These funds will be used for the purchase of three thermal imagining cameras which will be placed in the fire stations in Berry Creek, Concow, and Paradise - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; APPROVE RELATED BUDGET TRANSFER B-58 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; APPROVE FIXED ASSET PURCHASE OF THERMAL IMAGINING CAMERAS; AND ADOPT RELATED RESOLUTION 08-134 AND AUTHORIZE THE CHAIR TO SIGN. (Fire)
7. Notice of Completion - Courthouse Basement Infill Project - All contract work has been completed in accordance with the plans and specifications - 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)
8. Notice of Completion - Gridley Veterans Memorial Hall Remodel - All contract work has been completed in accordance with the plans and specifications - 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)
9. Notice of Completion - Information Systems and Department of Agriculture Parking Lots - All contract work has been completed in accordance with the plans and specifications - 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)
10. Adoption of a Salary Ordinance - the department has prepared a salary ordinance which incorporates changes from the Proposed Budget for Fiscal Year 2008/2009. The following is a summary of the proposed ordinance: SECTION 1: SUBJECT AND SHORT TITLE - Identifies the subject of the ordinance as determining salaries and positions, and that it shall be known as the "Salary Ordinance." SECTION 2 THROUGH 56: ALLOCATED POSITIONS - Identifies the number of positions and appropriate classifications authorized for each designated department or budget unit, by budget unit number and department name. The proposed changes in these sections are as follows: SECTION 57: SALARY PLAN FOR CLASSIFIED POSITIONS - Identifies the classified positions and the appropriate salary designation per classification by employee association unit. All salary tables now have the adjusted salaries that became effective on October 7, 2007. This is the effective date of the last cost of living adjustment (COLA) agreed upon with the respective bargaining units. SECTION 58: SALARY

PLAN FOR ELECTED AND APPOINTED OFFICIALS - Identifies the appropriate salary designation for appointed and elected officials. Reference C, Board of Supervisors' Members reflects the salary after January 1, 2007. SECTION 59 PAYMENT OF SALARIES AND WAGES - Specifies salary and wage policies shall be in accordance with the Merit System Ordinance and Resolution, and when salaries are to be paid. SECTION 60: REPEAL - Repeals the existing Salary Ordinance No. 3968, all amendments thereto, and any and all other inconsistent ordinances. SECTION 61: SEVERABILITY - The invalidity of any part of the ordinance shall not affect the remaining parts. SECTION 62: EFFECTIVE DATE AND PUBLICATION - The Salary Ordinance shall be in effect as of October 7, 2008. Within fifteen (15) days after its passage, a summary shall be published with names of those supervisors voting for and against it, a certified copy of the full text shall be posted in the Office of the Clerk of the Board of Supervisors - action requested - ADOPT ORDINANCE 3991 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 9-23-08 [Item 3.20])(Human Resources)

11. Side Letter Agreement with Communications Workers of America (CWA) - approval is requested for a Side Letter Agreement with CWA on behalf of Nicole Nava, who is an Employment Case Manager, Senior for the Department of Employment and Social Services. Ms. Nava has been offered and accepted a temporary position to provide services to the State of California through the California Statewide Automated Welfare System (ISAWS) Migration Program while maintaining her status as a Butte County Employee - action requested - APPROVE SIDE LETTER AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE AUDITOR TO MAKE PAYMENTS TO MS. NAVA IN ACCORDANCE WITH ~~LONG~~ SHORT TERM ASSIGNMENT ALLOWANCE PROVISIONS AS STATED IN THE AGREEMENT APPROVED BY THE BOARD OF SUPERVISORS IN AUGUST 2007. (Human Resources)
12. South Feather Water and Power Agency - approval is requested for a agreement with South Feather Water and Power Agency to continue to lease vault and tower space at their Sunset Hill location. The term of the agreement is October 1, 2008 through September 30, 2012 with an annual rent amount of \$650 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Information Systems)
13. Library Donations - pursuant to Government Code Section 25355, donations of \$1,487 from the Oroville Friends of the Library; \$3,000 from the Chico Friends of the Library; \$100 from the Durham Elementary Class of 2017; \$3,000 from Target; \$133.50 from an anonymous source have been received for Books; \$471.60 from the Paradise Friends of the Library has been received for operations - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)

14. Library Donation for the 2008-2009 Book in Common - pursuant to Government Code Section 25355, a donation of 260 copies of this year's Book in Common, Three Cups of Tea has been received from the book's author, Greg Mortensen - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTER OF APPRECIATION. (Library)
15. Waste Recovery West - amendment - approval is requested for an amendment to the agreement with Waste Recovery West for the provision of services related to the transportation and disposal/recycling of waste tires. The amendment extends the term of the agreement through September 30, 2009 and increases the maximum amount payable by \$20,000. Approval is also requested for a related budget transfer from retained earnings in the amount of \$16,000 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-59 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Public Works)
16. Project Development - amendment - approval is requested for an amendment to the agreement with Project Development to assist with negotiations between the County and Ameresco related the Landfill Gas to Energy Project. The amendment increases the maximum amount payable by \$6,060 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16668)(Public Works)
17. Resolution of Intent to Vacate a Portion of 6<sup>th</sup> Street and Shasta Avenue in Thermalito - consideration of a resolution that gives notice of a Public Hearing to vacate a portion of the public right of way on 6<sup>th</sup> Street and Shasta Avenue - action requested - ADOPT RESOLUTION WHICH SETS PUBLIC HEARING FOR NOVEMBER 4, 2008 AT 10:00 A.M. AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
18. Monthly Investment Report - submitted is the Monthly Investment Report dated August 29, 2008, in accordance with the Statement of Investment Policy dated July 1, 2008 - action requested - ACCEPT FOR INFORMATION. (Treasurer/Tax Collector)
19. Butte County Indian Gaming Community Benefit Committee - action requested - REAPPOINT DISTRICT 1 SUPERVISOR, BILL CONNELLY AND DISTRICT 4 SUPERVISOR, CURT JOSIASSEN TO TERMS TO END JUNE 30, 2012. (Other Departments and Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE CORRECTION TO ITEM 3.14 AS READ INTO RECORD AND WITH EXCEPTION OF ITEMS 3.01, 3.11, AND 3.13 WHICH WERE REMOVED FOR DISCUSSION ON THE REGULAR AGENDA.

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

REGULAR AGENDA

0822-003 Boards, Commissions and Committees.

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

SUPERVISOR YAMAGUCHI REPORTED ON HIS ATTENDANCE AT THE REGIONAL COUNCIL OF RURAL COUNTIES (RCRC) MEETING.

SUPERVISOR KIRK REPORTED THAT SHE ATTENDED A PUSH CART RACE SPONSORED BY COMMUNITY ACTION AGENCY. (4:07)(100)

0822-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

C. BRIAN HADDIX, CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT TO THE BOARD REGARDING THE APPEAL TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR A MAJOR FEDERAL DISASTER DECLARATION FOR THE STATE OF CALIFORNIA RETROACTIVE TO MAY 22, 2008. THE ORIGINAL REQUEST MADE BY THE STATE OFFICE OF EMERGENCY SERVICES WAS DENIED ON SEPTEMBER 5.

MR. HADDIX ALSO REPORTED THAT REVENUES IN THE STATE OF CALIFORNIA ARE DECLINING WHICH MAY ULTIMATELY DELAY PAYMENTS TO CALIFORNIA COUNTIES. HE REPORTED THAT BUTTE COUNTY AND THE CALIFORNIA STATE ASSOCIATION OF COUNTIES IS WORKING TO PROTECT PROPOSITION 1A AND PROPOSITION 42 PAYMENTS.

- 1. Discussion on State Propositions 2 and 6 - action requested - ACCEPT FOR INFORMATION; PROVIDE DIRECTION TO STAFF AS NEEDED.

C. BRIAN HADDIX PROVIDED A REPORT ON PROPOSITION 2.

COLLEEN CECIL, EXECUTIVE DIRECTOR OF THE BUTTE COUNTY FARM BUREAU ADDRESSED THE BOARD REGARDING THE BUREAU'S OPPOSITION TO PROPOSITION 2.

RICHARD PRICE, THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE ADDRESSED THE BOARD. (21:46)(660)

MOTION: I MOVE TO DIRECT THE CHIEF ADMINISTRATIVE OFFICER TO DRAFT A LETTER IN OPPOSITION OF PROPOSITION 2.

M 2

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

CLOSED SESSION

0822-005 THE BOARD RECESSED AT 9:50 A.M. TO CLOSED SESSION REGARDING:

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FOUR 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;
- 3. FIRST RESPONDER V. COUNTY OF BUTTE, BUTTE COUNTY SUPERIOR COURT CASE NO. 137303;
- 4. CHARLES TERRY V. COUNTY OF BUTTE, BUTTE COUNTY GRIEVANCE NO. 08-01-09.

PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING: GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

- 1. AGRICULTURAL COMMISSIONER
- 2. BEHAVIORAL HEALTH DIRECTOR/INTERIM 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.

THE BOARD RECONVENED AT 10:00 A.M. FROM CLOSED SESSION REGARDING:

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FOUR 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;
- 3. FIRST RESPONDER V. COUNTY OF BUTTE, BUTTE COUNTY SUPERIOR COURT CASE NO. 137303;
- 4. CHARLES TERRY V. COUNTY OF BUTTE, BUTTE COUNTY GRIEVANCE NO. 08-01-09.

PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING: GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

1. AGRICULTURAL COMMISSIONER
2. BEHAVIORAL HEALTH DIRECTOR/INTERIM 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.

0822-006 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (CONTINUED FROM 0822-004)

1. Discussion on State Propositions 2 and 6 - action requested - ACCEPT FOR INFORMATION; PROVIDE DIRECTION TO STAFF AS NEEDED.

C. BRIAN HADDIX, CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT ON PROPOSITION 6.

MIKE RAMSEY, BUTTE COUNTY'S DISTRICT ATTORNEY ADDRESSED THE BOARD REGARDING HIS SUPPORT OF PROPOSITION 6.

PERRY RENIFF, BUTTE COUNTY'S SHERIFF ADDRESSED THE BOARD REGARDING HIS SUPPORT OF PROPOSITION 6.

MOTION: I MOVE TO DIRECT THE CHIEF ADMINISTRATIVE OFFICER TO DRAFT A LETTER IN SUPPORT OF PROPOSITION 6.

M 2

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

PUBLIC HEARINGS AND TIMED ITEMS

0822-007 Continued Public Hearing - Two appeals of the Planning Commission's Approval of UP07-0006 (Roberta Kirshner/Barry R. Kirshner Wildlife Foundation) - A continued hearing on the Planning Commission's approval to expand an existing wild and exotic animal park allowed by UP 98-09 and 01-10, modification of UP98-09 and finding that the violations of UP 98-09 and 01-10 were rectified through a building permit and approval of UP07-0006. One appeal requests expansion of the use permit and one appeal requests action be taken on the violations - action requested - STAFF RECOMMENDS THE BOARD UPHOLD THE PLANNING COMMISSION'S DECISION, WHICH WILL: 1) DENY THE APPEAL BY THE APPLICANT; 2) DENY THE APPEAL BY JOHN HOPTOWIT, A NEIGHBOR; 3) ADOPT A MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA; AND 4) APPROVE UP07-0006 WITH FINDINGS AND CONDITIONS. (From 9-9-08 [Item 5.02])(2029)(45:42)

SUPERVISOR KIRK REPORTED EX PARTE COMMUNICATION WITH THE NEIGHBORS OF THE FACILITY, THE KIRSHNERS, JOHN HOPTOWIT, AND REPORTED SHE HAS VISITED THE SITE. SHE ALSO REPORTED SHE RECEIVED A PACKET OF INFORMATION FROM MR. HOPTOWIT. ALL SUPERVISORS RECEIVED THE SAME PACKET.

SUPERVISOR YAMAGUCHI REPORTED EX PARTE COMMUNICATION WITH A GROUP OF THE NEIGHBORS.

SUPERVISOR DOLAN REPORTED EX PARTE COMMUNICATION WITH THREE NEIGHBORS AND THAT SHE HAS VISITED THE SITE AT LEAST FOUR TIMES IN THE PAST.

SUPERVISOR JOSIASSEN REPORTED THAT HE HAS VISITED THE SITE IN THE PAST, AND HAS HAD EX PARTE COMMUNICATION WITH ROBERTA KIRSHNER AND MULTIPLE NEIGHBORS.

SUPERVISOR CONNELLY REPORTED EX PARTE COMMUNICATION WITH NEIGHBORS.

CHUCK THISTLEWAITE, PLANNING MANAGER WITH DEVELOPMENT SERVICES PROVIDED A REPORT TO THE BOARD.

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PUBLIC HEARING OPENED: 10:20 A.M.  
PUBLIC HEARING CLOSED: 11:22 A.M.

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THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: JOHN HOPTOWIT, PHYL MANNING, ANGIE SHELTON, MELISSA CARHART, (2111)(1:00:33), ROD THOMPSON, ROBERTA KIRSHNER, ED MCLAUGHLIN, CLARA CHESTNUT, DAVE MAIN, CHRISTOPHER SHELTON, (\*368)(1:41:00), AND REBECCA CANTRELL.

MOTION: I MOVE TO ALLOW TWENTY-FOUR BUSES PER YEAR; FIFTEEN VOLUNTEERS PER DAY; TEN VISITOR VEHICLES PER DAY; REQUIRE THE FACILITY BE CLOSED ON MONDAYS AND THURSDAYS; ALLOW TWENTY-THREE POUNDS OF NEW ANIMALS WHICH WOULD BE TWO HEDGEHOGS, ONE FERRET, ONE SKUNK, TWO FOXES; REQUIRE THERE IS A SPECIFIC AGREEMENT FOR BUSES REGARDING WHERE BUSES CAN PARK AND TURN AROUND; REQUIRE DEPARTMENT OF DEVELOPMENT SERVICES REVIEW THE USE IN MARCH 2010; AND REQUIRE REVIEW OF ALL VISITOR LOGS, VOLUNTEER LOGS, AND BUS LOGS. (1:57:28)(\*925)

M

VOTE: 1 N 2 N 3 Y 4 N 5 N (THERE WAS NO SECOND TO THIS MOTION)

MOTION: I MOVE TO ALLOW THE CURRENT USE PERMIT TO REMAIN AS IT IS.

M

VOTE: 1 N 2 N 3 N 4 N 5 Y (THERE WAS NO SECOND TO THIS MOTION)

MOTION: I MOVE TO DIRECT COUNTY COUNSEL TO DETERMINE IN THIRTY DAYS IF THE BOARD IS ABLE TO REVOKE THE CURRENT USE PERMIT, BUT MAKE THE REVOCATION EFFECTIVE AT SOME DATE IN THE FUTURE.

M 2

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

BRUCE ALPERT, COUNTY COUNSEL INFORMED THE BOARD THAT HE WOULD BE ABLE TO BRING BACK THE REQUESTED INFORMATION AT THE NOVEMBER 4, 2008 REGULAR BOARD OF SUPERVISORS MEETING.

RECESS: 11:45 A.M.  
RECONVENE: 10:50 A.M.

0822-008 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

SOLID WASTE MANAGER, BILL MANNEL REPORTED THAT A FINE LEVIED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) IN 2004 WAS THE RESULT OF REPORTING ERRORS AT THE NEAL ROAD LANDFILL AND NOT FOR AIR QUALITY STANDARDS OF THE CLEAN AIR ACT. THE COUNTY INSTALLED GAS COLLECTION AND CONTROLLED SYSTEM BEFORE THE REQUIRED DEADLINE BUT DID SO PRIOR TO SUBMITTING TEST RESULTS TO THE EPA SHOWING THE NEED FOR SUCH A SYSTEM.

0822-009 Disaster Recovery Operations Center (DROC) - report on matters relating to the June and July 2008 fires in Butte County. On September 9, 2008, the Board of Supervisors requested additional information on the following: 1) Camping Issues; 2) Alternate/Waterless Toilets; 3) Parcel Issues - Easement and Legal Lot Determinations; 4) Non-conforming Uses/Non-permitted Structures; 5) Payments for County Fees - action requested - ACCEPT FOR INFORMATION AND DIRECT STAFF AS NEEDED. (Disaster Recovery Operations Center)

PETE CALARCO, SECTION PLANNING CHIEF OF THE DISASTER RECOVERY OPERATIONS CENTER PROVIDED A REPORT. (\*1630)(2:17:41)

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: BONNIE MASARIK, AMANDA PYLE, BRENDA RIGHTMYER, DOT MORRIS, AND DAVID MASARIK.

0822-010 Resolution Recognizing the Cohasset Community Association - consideration of a resolution recognizing the Cohasset Community Association as representative of the Cohasset Community - action requested - ADOPT RESOLUTION 08-136 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office on behalf of Supervisor Kirk)

PRESENTATION BY SHARI MCCRACKEN, DEPUTY ADMINISTRATIVE OFFICER.

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)

0822-011 Waiver of Permit Fees - consideration of request to waive approximately \$900 in permit fees for the Cohasset Community Association. PG&E has donated \$5,000 to the Association for the purchase of two generators to be used for heating/cooling, food storage, and water service in the event of power outages - action requested - PURSUANT TO BUTTE COUNTY CODE SECTION 1-18, FIND THAT IT IS IN THE PUBLIC INTEREST TO WAIVE THE FEE; AND APPROVE WAIVER FOR THE INSTALLATION OF GENERATORS AND RELATED TRANSFER SWITCHES. (Chief Administrative Office on behalf of Supervisor Kirk)

PRESENTATION BY SHARI MCCRACKEN, DEPUTY ADMINISTRATIVE OFFICER.

MOTION: I MOVE TO FIND THAT IT IS IN THE PUBLIC INTEREST TO WAIVE THE FEE; AND APPROVE WAIVER FOR THE INSTALLATION OF GENERATORS AND RELATED TRANSFER SWITCHES.

M 2

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

PUBLIC COMMENT

0822-012 GARY C. SHALLENBERGER, TOM KELLY, AND GERI BENEDICT ADDRESSED THE BOARD REGARDING ESCAPE ROUTES IN THE UPPER RIDGE AREA. (3:14:25)(\*\*570)

0822-013 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

1. Anderson & Associates, Inc. - amendment - approval is requested for an amendment to the agreement with Anderson & Associates, Inc. for the provision of temporary workers to assist with data entry associated with the software conversion from Insyst to Avatar. The amendment extends the term of the agreement through January 31, 2009 and increases the maximum amount payable by \$50,383.82 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

RUDY JENKINS ADDRESSED THE BOARD AND REQUESTED BEHAVIORAL STAFF PERFORM THIS WORK ON OVERTIME.

ED WALKER, DIRECTOR OF BEHAVIORAL HEALTH STATED HE WOULD LOOK INTO STAFF'S ABILITY TO PERFORM THIS WORK DURING OVERTIME.

MOTION: I MOVE TO APPROVE THE AGREEMENT AMENDMENT SO THE SERVICES CAN BE AVAILABLE IF NECESSARY AND DIRECT THE DEPARTMENT TO INVESTIGATE WHETHER THE DEPARTMENT CAN USE CURRENT EMPLOYEES.

2 M

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

- 2. Notice of Completion - Paradise Veterans Memorial Hall Remodel - All contract work has been completed in accordance with the plans and specifications - 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)

SUPERVISOR YAMAGUCHI PULLED THIS ITEM TO INDICATE THAT SOME VETERANS IN PARADISE HAVE INFORMED HIM THAT THEY FEEL THERE ARE A FEW MORE IMPROVEMENTS NEEDED TO THE FACILITY. HE WILL PROVIDE A LIST OF CONCERNS TO GENERAL SERVICES.

MOTION: I MOVE TO ACCEPT CONTRACT WORK; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND AUTHORIZE THE RECORDING OF THE NOTICE OF COMPLETION.

2 M

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

- 3. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows:

BEHAVIORAL HEALTH-GENERAL SERVICES - requests that one (1) position of Mental Health Clinician or Mental Health Clinician, Intern (Class Codes 4133/4134) with a sunset date of September 30, 2008 be extended to June 30, 2009. The department has received additional funding from the Butte County Office of Education to cover the costs of the position. This change will leave the total allocated positions unchanged in budget unit 541-011 at 312.75.

BEHAVIORAL HEALTH-DRUG TREATMENT - requests to delete one (1) position of Supervisor, Behavioral Health Counselor (Class Code 4141) and add one (1) position of Supervisor, Mental Health Clinician (Class Code 4131). This position will be associated with the Proposition 36 program and is needed to allow greater flexibility with supervision needs within the department. This change will leave the total allocated positions unchanged in budget unit 541-013 at 6.

DISTRICT ATTORNEY - requests to add one (1) position of Investigative Assistant (Class Code 7018) with a sunset date of June 30, 2009. This position is one hundred percent (100%) funded in the MOU with the Department of Child Support Services to conduct their process service. This change will increase the total allocated positions in budget unit 320-001 from 82.5 to 83.5.

PROBATION - requests that one (1) position of Probation Officer III, II, I (Class Codes 5513/5514/5515) with a sunset date of September 30, 2008 be extended to September 30, 2010 and one (1) position of Probation Technician (Class Code 5517) with a sunset date of September 30, 2008 be extended to September 30, 2010. The funding for these positions will come from the Office of Traffic and Safety. These changes to be effective October 1, 2008. This change will leave the total allocated positions unchanged in budget unit 430-001 unchanged at 99.

CLERK-RECORDER - requests to flexibly staff one (1) position of Information Systems Analyst or Information Systems Analyst, Associate (Class Codes 1335/1336) to one (1) position of Information Systems Analyst, Senior or Information Systems Analyst or Information Systems Analyst, Associate (Class Codes 1334/1335/1336). This position is split fifty percent (50%) in County Clerk-Elections Registration division and fifty percent (50%) in the County Clerk-Recorder division. This change will allow the position to manage the more complex technical support functions within the two divisions of the department. The department is also requesting to add one (1) position of Information Systems Analyst, Senior or Information Systems Analyst or Information Systems Analyst, Associate (Class Codes 1334/1335/1336) to the County Clerk-Elections Registration division. This change will allow the position to manage the more complex technical support functions within the two division of the department including the technical support functions for the elections. This change will increase the total allocations in budget unit 130-001 from 9.55 to 10.55.

SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE B, ELECTED OFFICERS - adjusts the salaries for the following classifications to include the CPI Index of 3.73% to be effective July 1, 2008:

<u>Annual Salary</u>	<u>Class Code</u>	<u>Class Title</u>
\$123,770	210	Assessor
\$130,036	215	Auditor-Controller
\$120,752	230	Clerk-Recorder
\$174,885	235	District Attorney
\$162,398	225	Sheriff-Coroner
\$117,807	220	Treasurer-Tax Collector

SALARY PLAN FOR CLASSIFIED POSITIONS - adjusts as prescribed in the Salary Ordinance to be effective July 1, 2008 The salaries for the classifications that are linked to them will be adjusted as follows and also to be effective July 1, 2008:

REFERENCE K, NON-REPRESENTED CLASSIFICATIONS - Assistant Assessor (Class Code 1201) - from Range 71 to Range 72; Assistant Auditor-Controller (Class Code 1251) - from Range 74 to Range 75; Assistant County Clerk-Recorder (Class Code 1131) - from Range 70 to Range 71; Assistant County Clerk-Registrar of Voters (Class Code 1141) - from Range 70 to Range 71; Chief Deputy District Attorney (Class Code 7001) - from Range 86 to Range 88.

SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE A, APPOINTED DEPARTMENT HEADS - adjusts the salary for the following classification to reflect the employment contract approved at the September 23, 2008 Board of Supervisors meeting for the Director-Human Resources to be effective September 9, 2008: Minimum Annual Salary - \$119,815; Median Annual Salary - \$133,128; and Maximum Annual Salary - \$146,441.

SALARY PLAN FOR CLASSIFIED POSITIONS - The salaries for the classifications that are linked to the Director-Human Resources will be adjusted as follows and also to be effective September 9, 2008:

REFERENCE K, NON-REPRESENTED CLASSIFICATIONS - Assistant Director, Human Resources (Class Code 1321) - from Range 69 to Range 73; Labor Relations Officer (Class Code 1322) - from Range 69 to Range 73 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

RUDY JENKINS REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA TO DISCUSS THE BEHAVIORAL HEALTH PORTION OF THIS ITEM.

ED WALKER ANSWERED QUESTIONS FROM THE BOARD.

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)

0822-014 Update of General Plan 2030 Process by Director-Development Services.

THIS ITEM WAS NOT DISCUSSED AT THIS MEETING. THE BOARD WILL BE PROVIDED UPDATES AT THE OCTOBER 21 BOARD OF SUPERVISORS MEETING.

0822-015 Update Regarding Upcoming Butte County Code Amendments.

THIS ITEM WAS NOT DISCUSSED AT THIS MEETING. THE BOARD WILL BE PROVIDED UPDATES AT THE OCTOBER 21 BOARD OF SUPERVISORS MEETING.

CLOSED SESSION

0822-016 **THE BOARD RECESSED AT 1:23 P.M. TO CLOSED SESSION REGARDING:**

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FOUR 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;
3. FIRST RESPONDER V. COUNTY OF BUTTE, BUTTE COUNTY SUPERIOR  
COURT CASE NO. 137303;
4. CHARLES TERRY V. COUNTY OF BUTTE, BUTTE COUNTY GRIEVANCE NO.  
08-01-09.

PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING:  
GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

1. AGRICULTURAL COMMISSIONER
2. BEHAVIORAL HEALTH DIRECTOR/INTERIM 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.

**THE BOARD RECONVENED AT 5:27 P.M. FROM CLOSED SESSION REGARDING:**

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FOUR 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;
3. FIRST RESPONDER V. COUNTY OF BUTTE, BUTTE COUNTY SUPERIOR  
COURT CASE NO. 137303;
4. CHARLES TERRY V. COUNTY OF BUTTE, BUTTE COUNTY GRIEVANCE NO.  
08-01-09.

PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING: GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

1. AGRICULTURAL COMMISSIONER
2. BEHAVIORAL HEALTH DIRECTOR/INTERIM 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.

ONE ANNOUNCEMENT: BRUCE ALPERT, COUNTY COUNSEL REPORTED THAT THE BOARD VOTED UNANIMOUSLY TO SETTLE THE CLAIMS BY CHARLES TERRY. A COPY OF THE SETTLEMENT AGREEMENT IS AVAILABLE UPON REQUEST.

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 5:27 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, OCTOBER 21 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: \_\_\_\_\_