

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

OCTOBER 21, 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 9:08 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.

- 0823-001 1. 2009 Board Meeting Calendar - action requested - AMEND AS NEEDED; APPROVE AND ADOPT 2009 BOARD MEETING CALENDAR. (Chief Administrative Office)

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL RETURN ON THE NOVEMBER 4, 2008 BOARD OF SUPERVISORS AGENDA.

2. Southside Oroville Community Center - Report by the Private Industry Council (PIC) on the activities, services, fiscal situation, and condition of the Southside Oroville Community Center - action requested - ACCEPT FOR INFORMATION. (Private Industry Council)

THIS ITEM WAS REMOVED FROM THE AGENDA AS THE DIRECTOR OF THE PRIVATE INDUSTRY COUNCIL IS ILL. THIS ITEM WILL RETURN ON A FUTURE AGENDA.

CONSENT AGENDA

- 0823-002 1. Budget Transfer - approval is requested to accept \$29,521 in unanticipated revenue from the California Department of Food and Agriculture to fund extra-help positions for the pest detection program - action requested - APPROVE BUDGET TRANSFER B-71 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Agriculture)

2. Northern Valley Catholic Social Services (NVCSS) - approval is requested for an agreement with NVCSS for the provision of services related to the Connecting Circles of Care Program. In addition to services, NVCSS will provide office space, office equipment/supplies, and program supplies. The term of the agreement is October 1, 2008 through June 30, 2009 with a maximum amount payable of \$632,466 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
3. Department of Alcohol and Drug Programs (ADP) - Drug Court Program - approval is requested for a revenue agreement with ADP for the provision of the Drug Court Program. The term of the agreement is January 1, 2009 through December 31, 2009 with a maximum amount receivable of \$126,643 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R41073)(Behavioral Health)
4. Department of Alcohol and Drug Programs (ADP) - Integrated Dependency Drug Court Program - approval is requested for a revenue agreement with ADP for the provision of the Integrated Dependency Drug Court Program which focuses on parents whose substance abuse contributes to child abuse and/or neglect. The term of the agreement is January 1, 2009 through December 31, 2009 with a maximum amount receivable of \$238,946 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R41072)(Behavioral Health)
5. Department of Alcohol and Drug Programs (ADP) - Drug Court Partnership Project - approval is requested for a revenue agreement with ADP for the provision of the Drug Court Partnership Project in which participants receive a continuum of substance abuse treatment services in addition to required program treatment. The term of the agreement is January 1, 2009 through December 31, 2009 with a maximum amount receivable of \$126,270 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R41072)(Behavioral Health)

6. 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 08-138 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
7. Approval of Minutes - action requested - APPROVE MINUTES OF SEPTEMBER 23, 2008 AND OCTOBER 7, 2008. (Chief Administrative Office)
8. Resolution to Rescind Resolution 83-166A - consideration of a resolution that will allow CSA 26 to retain its storm drainage maintenance authority in the Thermalito Sewer and Drainage District - action requested - ADOPT RESOLUTION 08-139 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
9. 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 study that will recommend the best option for an oversight district addressing onsite wastewater disposal systems. The amendment increases the maximum amount payable by \$34,000. Approval is also requested for a budget transfer from Contingencies in the same amount - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET TRANSFER B-69 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. X17071)(Chief Administrative Office)
10. Superior Court of California, County of Butte - approval is requested for an agreement with the Superior Court of California, County of Butte for the provision of the Dispute Resolution Program. With the agreement, the Court will expand its dispute resolution services to include mediation for landlord/renter disputes and eviction cases. The term of the agreement is September 1, 2008 through August 31, 2009 with a maximum amount payable of \$46,497. Sufficient revenue exists to fund this program through the collection of civil filing fees, therefore there is no net impact to the County's general fund - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET TRANSFER B-70 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)

11. Tim Snellings - amendment - approval is requested for an amendment to the employment agreement with Tim Snellings, Director of Development Services. The amendment extends the term of the agreement through October 30, 2011. Beginning October 31, 2008, the adjusted annual base salary will be \$135,823 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL. (Chief Administrative Office)
12. Public Defender Consortium of Attorneys - amendments - approval is requested for amendments to the agreements with the following individual attorneys in the Public Defender Consortium for the provision of Indigent Defense Services: Leo Battle, Rochelle Forbis, Denny Forland, Jodea Foster, Braddon Hatch, Phillip Heithecker, Dennis Hoptowit, Eric Ortner, Robert Radcliffe, Ronald Reed, Jesus Rodriguez, William Short, Steven Stapleton, Steven Trenholme, Tracy Tully-Davis, and F.L. Willis, Jr. Each amendment extends the term of each agreement through December 31, 2011 and calls for cost of living increases of 1% in 2009, 2% in 2010, and 3% in 2011. The amendment also increases the fund for investigative services to be used by the consortium by \$28,800 - action requested - APPROVE AGREEMENT AMENDMENTS (16) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Chief Administrative Office)
13. Budget Transfer - approval is requested for a budget transfer in the amount of \$2,500 as detailed in the agenda report. The additional funds requested by the Fish and Game Commission are for a contract with Snow Goose Productions to film a documentary on Fish and Game Wardens. The request for funding came to the County from the Commission after the County had adopted its Final Budget - action requested - APPROVE BUDGET TRANSFER B-68 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)
14. Butte County District Attorney - amendment - approval is requested for an amendment to the agreement with the District Attorney for the provision of child support investigative services and legal process services. The process service component of this agreement is currently staffed as an extra-help position because the State of California tentatively planned to establish a statewide process service contract. That statewide process was not established. The amendment will convert the extra-help position to a sunset position and will increase the maximum amount payable by \$24,063 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET TRANSFER B-72 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. X17200)(Child Support Services)

15. Air Quality Management District - 2008 Biennial Notice and Conflict of Interest Code Amendment - pursuant to Government Code Section 87306.5(a), Board approval is requested for the 2008 Biennial Notice and Conflict of Interest Code Amendment for the Air Quality Management District. The amended code revises the titles of existing positions. The amended code and report have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORT; AND APPROVE AMENDED CONFLICT OF INTEREST CODE. (County Counsel)
16. Oroville City Elementary School District - 2008 Biennial Notice and Conflict of Interest Code Amendment - pursuant to Government Code Section 87306.5(a), Board approval is requested for the 2008 Biennial Notice and Conflict of Interest Code Amendment for the Oroville City Elementary School District. The School Board adopted a new Conflict of Interest Code on August 27, 2008. The amended code and report have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORT; AND APPROVE AMENDED CONFLICT OF INTEREST CODE. (County Counsel)
17. Manzanita Elementary School District - 2008 Biennial Notice and Conflict of Interest Code Amendment - pursuant to Government Code Section 87306.5(a), Board approval is requested for the 2008 Biennial Notice and Conflict of Interest Code Amendment for the Manzanita Elementary School District. The District adopted a new Conflict of Interest Code on March 14, 2007. The amended code and report have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORT; AND APPROVE AMENDED CONFLICT OF INTEREST CODE. (County Counsel)
18. Local Agency Biennial Conflict of Interest Code Report - Non-Exempt School Districts - pursuant to Government Code Section 87306.5(b), approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following non-exempt school districts: Bangor Unified School District, Biggs Unified School District, Butte County Office of Education, Chico Unified School District, Durham Unified School District, Feather Falls School District, Golden Feather Union School District, Gridley Unified School District, Oroville Union High School District, Palermo Union School District, Paradise Unified School District, Pioneer Union Elementary School District, and Thermalito School District. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS. (County Counsel)

19. Local Agency Biennial Conflict of Interest Code Report - Non-Exempt Agencies - pursuant to Government Code Section 87306.59(b), approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following non-exempt agencies: Butte County Association of Governments, Berry Creek Community Services District, Buzztail Community Services District, Chico Area Recreation and Park District, Durham Irrigation District, Durham Recreation and Park District, El Medio Fire District, Feather River Recreation and Park District, Lake Madrone Water District, Lake Oroville Public Utility District, Paradise Recreation and Park District, Richardson Springs Community Services District, Reclamation District No. 833, Richvale Irrigation District, Richvale Sanitary District, Rock Creek Reclamation District, and Sewerage Commission-Oroville Region. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS. (County Counsel)

20. Local Agency Biennial Conflict of Interest Code Report - Non-Exempt Agencies - pursuant to Government Code Section 87306.5(b), approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following non-exempt agencies: Butte County Housing Authority, Butte County Children and Families Commission, Butte Creek Drainage District, Butte County Resource Conservation District, Butte Water District, Durham Mosquito Abatement District, Gridley-Biggs Cemetery District, Kimshew Cemetery District, Oroville Cemetery District, Oroville Mosquito Abatement District, Paradise Cemetery District, Richvale Recreation and Park District, Sacramento River Reclamation District, and Thermalito Irrigation District. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS. (County Counsel)

21. Local Agency Biennial Conflict of Interest Code Report - Exempt Agencies - pursuant to Government Code Section 87300, approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following exempt agencies: Bangor Cemetery District, Drainage District No. 1, Drainage District No. 2, Drainage District No. 100, Drainage District No. 200, Pine Creek Cemetery District, Thompson Flat Cemetery District and the Upham Cemetery District. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS. (County Counsel)

22. Chico Urban Area Joint Powers Financing Authority - 2008 Biennial Notice and Updated Organizational Chart - pursuant to Government Code Section 87306.5(b), the Authority has reviewed its conflict of interest code and determined it is not in need of revision. The Authority, however, has provided an updated organizational chart. The report has been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORT. (County Counsel)
23. Amended Plan for Child Abuse Prevention, Intervention and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCAP), and Promoting Safe and Stable Families (PSSF) Programs - approval is requested for the Notice of Intent which identifies the Department of Employment and Social Services as the responsible public agency to administer CAPIT/CBCAP/PSSF funds. Approval is also requested for a resolution approving the amended plan for the CAPIT/CBCAP/PSSF programs. The amendment extends the term of the plan through June 30, 2011 - action requested - AUTHORIZE CHAIR TO SIGN THE NOTICE OF INTENT; AND ADOPT RELATED RESOLUTION 08-140 AND AUTHORIZE THE CHAIR TO SIGN. (Employment and Social Services)
24. Employee Relations, Inc. - amendment - approval is requested for an amendment to the agreement with Employee Relations, Inc. for the provision of background investigation services. The amendment extends the term of the agreement through October 31, 2010 and increases the maximum amount payable by \$10,000 annually (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16313)(Human Resources)
25. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows:

SALARY PLAN FOR CLASSIFIED POSITIONS - requests that the salary range for the Assistant Treasurer Tax-Collector classification (Class Code 1261) that is linked to the Treasurer Tax-Collector's salary be changed from Range 65 to Range 66.

SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE D, APPOINTED OFFICIALS WITH BI-WEEKLY RANGE ASSIGNMENTS - requests that the salary range for the Undersheriff (Class Code 6801) that is linked to the Sheriff-Coroner's salary be changed from Range 79 to Range 81.

PUBLIC HEALTH - requests to delete one vacant position of Account Clerk, Senior; Account Clerk; or Accounting Specialist and adds one position of Financial Technician, Senior or Financial Technician. This change will leave the allocated positions in budget unit 540-011 unchanged at 176.35 - action requested - ADOPT RESOLUTION 08-141 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

26. PeopleSupport Rapidtext, Inc. - amendment - approval is requested for this amendment for the provision of transcription services. The amendment extends the term of the agreement through June 30, 2009 and increases the maximum amount payable by \$5,000 (department budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X13973)(Probation)
27. California Department of Public Health (CDPH) - approval is requested for a revenue agreement with CDPH to provide funding for Butte County's Public Health Emergency Preparedness, Pandemic Influenza and Hospital Preparedness Program (HPP). The term of the agreement is July 1, 2008 through August 9, 2009 with a maximum amount receivable of \$538,132 (department budget) - action requested - APPROVE AGREEMENT AND EXHIBITS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)
28. Resolution Recognizing Leonard E. Riotto upon his Retirement from Butte County after Eighteen Years of Service - action requested - ADOPT RESOLUTION 08-142 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
29. Contract Change Order for Skyway Lookout Point Parking and Pedestrian Viewing Facility, County Project No. 51261-2-2005-1 - approval is requested for this change order which provides for increased funding for the construction of an additional foot path, for two metal beam guard rail end treatments, and for the increase in the engineer's estimate to cover an extra bench and asphalt concrete miscellaneous areas. This contract change order results in an overall increase to the contract of \$16,264.17 - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN. (Public Works)

30. Notice of Completion - Skyway Lookout Point Parking and Pedestrian Viewing Facility, County Project No. 51261-2-2005-1 - 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. (Public Works)
31. C.S.U. Chico Research Foundation - approval is requested for an agreement with C.S.U. Chico Research Foundation for the provision of the Recycling and Rubbish Exhibit (R.A.R.E) which educates Butte County residents on waste practices and recycling. The term of the agreement is October 1, 2008 through September 30, 2010 with a maximum amount payable of \$82,834 (department budget) - - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
32. Appriss - approval is requested for a sole source agreement with Appriss for the provision of the Victim Information and Notification Everyday (VINE) system which provides automated victim notification services. The term of the agreement is October 19, 2008 through October 19, 2011 with a maximum amount payable of \$43,884 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)
33. Resolution Continuing the Extension of the Trust Fund Established Pursuant to Resolution 98-161 and Providing Guidance for Disbursement - consideration of a resolution which will extend the term of the trust fund governing the exchange of property taxes for the dissolution of the Lime Saddle Community Services District until March 7, 2011 - action requested - ADOPT RESOLUTION 08-143 AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)
34. Letter to Department of Water Resources (DWR) Regarding the 2009 Drought Water Bank - authorization is requested for the Director of Water and Resource Conservation to submit a letter to DWR regarding local concerns associated with the implementation of the 2009 Drought Water Bank, specifically water transfer programs. The Butte County Water Commission reviewed the letter at their October 7 meeting and recommended the Board of Supervisors authorize the letter - action requested - APPROVE LETTER AND AUTHORIZE THE DIRECTOR OF WATER AND RESOURCE CONSERVATION TO SUBMIT TO THE DEPARTMENT OF WATER RESOURCES. (Water and Resource Conservation)

35. Resolution Proclaiming October 2008 as Domestic Violence Awareness Month - action requested - ADOPT RESOLUTION 08-144 AND AUTHORIZE THE CHAIR TO SIGN. (Other Departments or Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 3.07 WHICH WAS REMOVED FROM THE AGENDA.

2 M

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

THE RESOLUTION PROCLAIMING OCTOBER 2008 AS DOMESTIC VIOLENCE AWARENESS MONTH WAS PRESENTED TO ANASTACIA SNYDER, THE EXECUTIVE DIRECTOR OF CATALYST DOMESTIC VIOLENCE SERVICES.

PRESENTATION OF RESOLUTION RECOGNIZING LEONARD E. RIOTTO UPON HIS RETIREMENT FROM BUTTE COUNTY.

REGULAR AGENDA

0823-003 Boards, Commissions and Committees.

1. Appointments to Listed Vacancies. (NONE)

2. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI REPORTED THAT THE BUTTE COUNTY BEHAVIORAL HEALTH BOARD WILL NEED A NEW LAW ENFORCEMENT MEMBER AS THE CURRENT MEMBER, DAVE PANCHESSON HAS RETIRED AND HIS TERM WILL END IN DECEMBER OF THIS YEAR.

SUPERVISOR KIRK REPORTED THAT SHE SPOKE TO THE NEW DIRECTOR OF THE BUTTE COUNTY HOUSING AUTHORITY, ED MAYER, WHO INFORMED HER THE HOUSING AUTHORITY WILL BE OPENING UP THE LIST FOR SECTION 8 HOUSING IN THE NEXT FEW MONTHS. MR MAYER STATED THAT HE COULD PROVIDE A REPORT TO THE BOARD AT A FUTURE MEETING.

CHAIR JOSIASSEN REPORTED ON HIS ATTENDANCE AT A BIGGS-GRIDLEY HOSPITAL JPA MEETING. HE REPORTED THE JPA ALLOCATED WHAT WAS LEFT OF THE OF THE TAX INCREMENT TO THE EMERGENCY ROOM FUND. HE ALSO REPORTED THAT THE HOSPITAL HAS RAISED \$500,000 WITHIN THE COMMUNITY. (12:00)

0823-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

C. BRIAN HADDIX, CHIEF ADMINISTRATIVE OFFICER REPORTED ON HIS ATTENDANCE AT THE COUNTY ADMINISTRATIVE OFFICERS ASSOCIATION OF CALIFORNIA. MR. HADDIX REPORTED THAT MOST COUNTIES ARE EXPERIENCING DECREASED REVENUES AND INCREASED DEMAND FOR SERVICES. HE REPORTED THAT THE CHIEF FINANCIAL OFFICER WILL BE PROVIDING A DETAILED REPORT AND RECOMMENDATIONS AT NOVEMBER 4, 2008 BOARD OF SUPERVISORS MEETING.

MR. HADDIX REPORTED THAT TO THIS POINT, THE TOTAL COST OF THE OPHIR, HUMBOLDT AND BUTTE LIGHTENING COMPLEX FIRES THIS YEAR IS \$6,210,191. HE REPORTED AT UNDER THE CURRENT FEMA DISASTER DECLARATION THE COUNTY WILL BE REIMBURSED \$1,903,098. A DECISION HAS NOT BEEN MADE BY FEMA ON THE REQUEST FOR A MAJOR DISASTER DECLARATION WHICH WOULD PROVIDE MORE FUNDS FOR REIMBURSEMENT.

1. Discussion on State Proposition 5 - action requested - ACCEPT FOR INFORMATION; PROVIDE DIRECTION TO STAFF AS NEEDED.

MIKE RAMSEY, DISTRICT ATTORNEY ADDRESSED THE BOARD AND REQUESTED THE BOARD TAKE A POSITION OF OPPOSITION. HELEN HARBERTS AND JOHN WARDELL ADDRESSED THE BOARD. (43:02)

MOTION: I MOVE TO TAKE A POSITION OF OPPOSITION TO PROPOSITION 5.
2 M
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

SUPERVISOR CONNELLY PRESENTED A CERTIFICATE OF APPRECIATION TO KEVIN THOMPSON.

0823-005 Update of General Plan 2030 Process by Director-Development Services.

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

0823-006 Update Regarding Upcoming Butte County Code Amendments.

PRESENTATION BY PETE CALARCO, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES.

THE BOARD DIRECTED THAT THE CODE AMENDMENT FOR THE AGRICULTURAL BUFFER SETBACK APPLICABILITY AND THE AGRICULTURAL BUFFER GUIDELINES RETURN ON THE DECEMBER 16, 2008 BOARD OF SUPERVISORS AGENDA FOR DISCUSSION AND DIRECTION.

RECESS: 10:32 A.M.
RECONVENE: 11:45 A.M.

0823-007 Ameresco Butte LLC - approval is requested for a Landfill Gas Purchase Agreement and a Site Lease Agreement with Ameresco Butte LLC for the landfill gas utilization project - action requested - APPROVE AGREEMENTS (2) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)

PRESENTATION BY BILL MANNELL, SOLID WASTE MANAGER; JIM KENNELLY AND DICK GOODE ADDRESSED THE BOARD.

MOTION: I MOVE TO APPROVE AGREEMENTS (2) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

2 M

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

PUBLIC HEARINGS AND TIMED ITEMS

0823-008 Public Hearing - Introduction of Ordinance Amending Chapter 4 of the Butte County Code Relating to Animals - consideration of an ordinance which will amend Chapter 4 of the Butte County Code to address recurring problem related to barking dogs and regarding the humane treatment of cats - action requested - WAIVE THE READING OF THE ORDINANCE ~~AND AUTHORIZE THE CHAIR TO SIGN.~~ (Public Health)

PRESENTATION BY PHYLLIS MURDOCK, DIRECTOR OF PUBLIC HEALTH.

PUBLIC HEARING OPENED: 11:12 A.M.
PUBLIC HEARING CLOSED: 12:06 P.M.

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: LARRY GRUNDMANN, WENDELL VANTINE, PAMELA ALLEY, ED NORBRIGA, LINDA AMES, GEORGE MURILLO, AND LISA DUGGIN.

DISTRICT ATTORNEY, MIKE RAMSEY ANSWERED QUESTIONS OF THE BOARD.

MOTION: I MOVE TO WAIVE THE READING OF THE ORDINANCE MODIFYING CHAPTER 4 AND TO REQUIRE A TIME CERTAIN REVIEW OF THE AMENDED ORDINANCE AT THE FIRST BOARD MEETING IN JULY 2009. _

M 2

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

0823-009 Resolution to Restrict Parking Hours at Skyway Lookout Point - consideration of a resolution to restrict parking at the Skyway Lookout Point Parking and Pedestrian Viewing Facility to one-half hour before sunrise and one hour after sunset - action requested - ADOPT RESOLUTION 08-145 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

PRESENTATION BY MIKE CRUMP, DIRECTOR OF PUBLIC WORKS.

MOTION: I MOVE TO ADOPT THE RESOLUTION WITH AN AMENDMENT TO RESTRICT PARKING AT THE FACILITY TO ONE HOUR BEFORE SUNRISE AND TWO HOURS AFTER SUNSET AND AUTHORIZE THE CHAIR TO SIGN.

2 M

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)

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.

CLOSED SESSION

0823-010 **THE BOARD RECESSED AT 12:18 P.M. TO CLOSED SESSION REGARDING:**

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): THREE 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. BUTTE COUNTY V. TRENT CONSTRUCTION; YUBA COUNTY SUPERIOR COURT CASE NO. 07-0000271.

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.

THE BOARD RECONVENED AT 2:24 P.M. FROM CLOSED SESSION REGARDING:

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): THREE 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. BUTTE COUNTY V. TRENT CONSTRUCTION; YUBA COUNTY SUPERIOR COURT CASE NO. 07-0000271.

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.

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(b)(1) - ONE POTENTIAL CASE. (No Announcements)

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 2:24 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, NOVEMBER 4, 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: _____