

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

JANUARY 27, 2009



County Supervisors

Bill Connelly, District 1
Jane Dolan, District 2
Maureen Kirk, District 3
Steve Lambert, District 4
Kim Yamaguchi, District 5

Gregory G. Iturria, Interim 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: Dolan, Kirk, Lambert, Yamaguchi, and Chair Connelly. Also present: 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.

CLOSED SESSION

0902-001 **THE BOARD RECESSED AT 9:13 A.M. TO CLOSED SESSION REGARDING:**

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER/INTERIM CHIEF ADMINISTRATIVE OFFICER.

THE BOARD RECONVENED AT 9:29 A.M. FROM CLOSED SESSION REGARDING:

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER/INTERIM CHIEF ADMINISTRATIVE OFFICER.

ANNOUNCEMENT OUT OF CLOSED SESSION: CHAIR CONNELLY ANNOUNCED THAT THE BOARD UNANIMOUSLY VOTED TO APPOINT GREG ITURRIA AS INTERIM CHIEF ADMINISTRATIVE OFFICER DUE TO THE RESIGNATION OF C. BRIAN HADDIX.

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

0902-002 Items Removed from the Consent Agenda for Board Consideration and Action.

1. Resolution Recognizing Chico Guild - North State Symphony's 50th Anniversary - action requested - ADOPT RESOLUTION 09-011 AND AUTHORIZE THE CHAIR TO SIGN. (Supervisor Kirk)(Board of Supervisors)

SUPERVISOR KIRK REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION.

2. Special Revenue Fund for Impact Fees - In order to simplify and better organize accounting systems for impact fees, staff recommends that a new special revenue fund be created for impact fees and to move monies associated from other operating funds into the new fund - action requested - DIRECT AND AUTHORIZE THE AUDITOR-CONTROLLER AND TREASURER-TAX COLLECTOR TO DO THE FOLLOWING: 1) ESTABLISH A NEW FUND EFFECTIVE JULY 1, 2008 AND PROVIDE THE BOARD WITH A DETAILED SCHEDULE SHOWING ALL RELATED ACCOUNTING TRANSACTIONS NO LATER THAN FEBRUARY 10, 2009 AND PROVIDE THAT NEW BUDGET UNIT NUMBERS BE CREATED UNDER A NEW FUND; AND 2) ALL CORRESPONDING ACCOUNTING BE MADE IN MAINTENANCE OF BALANCED ACCOUNTS FOR THE NEW FUND. (Chief Administrative Officer)

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

CONSENT AGENDA

- 0902-003
1. State Water Resource Control Board - amendment - approval is requested for an amendment to the agreement with the State regarding the Irrigated Lands Pilot Program. On August 4, 2008, the Governor issued a stop work order on the original agreement due to the State budget impasse. On October 16, 2008, the State issued a resume work letter. The amendment extends the term of the agreement through June 30, 2009 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Agriculture)
 2. Local Agency Improvement Fees - submitted is the Combined Report of Impact Fees or Local Agency Improvement Fees for Fiscal Year 2007/2008. Pursuant to Government Code Section 66006, this item has been on file and available for public inspection in the Chief Administrative Office. Final action on the report is now required - action requested - ACCEPT REPORT MAKING FINDINGS AS DETAILED IN THE AGENDA REPORT FOR EACH OF THE ACCOUNTS WITH REGARD TO PURPOSE, RELATIONSHIP, SOURCE AND AMOUNTS, AND TIMING AS SET FORTH IN GOVERNMENT CODE SECTION 66001(d). (Auditor-Controller)
 3. Youth for Change - approval is requested for an agreement with Youth for Change for the provision of multidimensional treatment foster care (MTFC) for seriously emotionally disturbed youth enrolled in the Connecting Circles of Care program. The term of the agreement is September 15, 2008 through June 30, 2009 with a maximum amount payable of \$214,707 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

4. Youth for Change - approval is requested for an agreement with Youth for Change for the provision of services associated with the Mental Health Services Act program for adolescents and transitional age youth in Butte County. The term of the agreement is July 1, 2008 through June 30, 2009 with a maximum amount payable of \$665,797.48 (department budget)- action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
5. Michael Clark, Ph.D. - approval is requested for an agreement with Michael Clark, Ph.D. for the provision of consultation and training services related to the Connecting Circles of Care program. The term of the agreement is January 27, 2009 through June 30, 2009 with a maximum amount payable of \$77,000 (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. Oroville Mosquito Abatement District - action requested - APPOINT SCOTT DAMON TO A TERM TO END DECEMBER 31, 2010. (Supervisor Connelly)(Board of Supervisors)
8. Durham Mosquito Abatement District - action requested - APPOINT LANCE SMITH TO A TERM TO END DECEMBER 31, ~~2008~~ 2010. (Board of Supervisors)
9. Ordinance Adding Section 1-17.5, Seal of the County of Butte, and Section 1-17.6, Use of the County Seal, to Chapter 1 of the Butte County Code - action requested -WAIVE THE READING OF THE ORDINANCE; AND UPON ADOPTION, DIRECT THE SEAL BE FILED IN THE OFFICE OF THE COUNTY CLERK. (Chief Administrative Officer)
10. Budget Transfer for Fish and Game Commission - approval is requested for a \$17,500 budget transfer from the Fish and Game Fund balance in for the purchase of deer collars. Expenditures from this fund must be used for the purpose of protecting, conserving, propagating, and preserving fish and wildlife - action requested -APPROVE BUDGET TRANSFER B-141 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Officer)

11. Special Revenue Fund for Impact Fees - In order to simplify and better organize accounting systems for impact fees, staff recommends that a new special revenue fund be created for impact fees and to move monies associated from other operating funds into the new fund - action requested - DIRECT AND AUTHORIZE THE AUDITOR-CONTROLLER AND TREASURER-TAX COLLECTOR TO DO THE FOLLOWING: 1) ESTABLISH A NEW FUND EFFECTIVE JULY 1, 2008 AND PROVIDE THE BOARD WITH A DETAILED SCHEDULE SHOWING ALL RELATED ACCOUNTING TRANSACTIONS NO LATER THAN FEBRUARY 10, 2009 AND PROVIDE THAT NEW BUDGET UNIT NUMBERS BE CREATED UNDER A NEW FUND; AND 2) ALL CORRESPONDING ACCOUNTING BE MADE IN MAINTENANCE OF BALANCED ACCOUNTS FOR THE NEW FUND. (Chief Administrative Officer)
12. Bartkiewicz, Kronick & Shanahan - amendment - approval is requested for an amendment to the agreement with Bartkiewicz, Kronick & Shanahan for the provision of legal services. The amendment increases the hourly reimbursement rates and adjusts the mileage rate to the applicable Internal Revenue Service (IRS) rate. The amendment is effective December 15, 2008 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (County Counsel)
13. Greenberg Traurig - approval is requested for an agreement with Kevin T. Collins of Greenberg Traurig for the provision of legal services. Mr. Collins, formerly of Best, Best, & Krieger represents the County in First Responder v. Northern California Emergency Medical Services, et al. This agreement transfers the County's representation by Mr. Collins from Best, Best, & Krieger to Greenberg Traurig - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (County Counsel)
14. Transfer of Equipment - approval is requested for the transfer of one computer from District Attorney's office to the Butte Interagency Narcotic Task Force (BINTF). The computer is not on the DA's fixed asset ledger and its market value is below \$50 - action requested - AUTHORIZE THE TRANSFER OF ONE COMPUTER TO BINTF. (District Attorney)
15. 2008/2009 Mid Year Budget Adjustment - Due to a reduction in the amounts received from three state grants and a decrease in the Indirect Cost Rate, approval is requested to reduce the affected revenues and appropriations by \$121,108 (including intrafund transfers) in order to balance the department's budget - action requested - APPROVE BUDGET TRANSFER B-142 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)

16. 2008/2009 Mid-Year Budget Adjustment - Due to anticipated delays in reimbursement from the State for the Child Abduction and Recovery Program, approval is requested to reduce appropriations for this state mandated program by \$68,077. The department will eliminate one currently unfilled position of legal secretary which is allocated for the program - action requested - APPROVE BUDGET TRANSFER B-143 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)
17. Northern California Youth and Family Programs -approval is requested for an agreement between Northern California Youth and Family Programs for the provision of the Emancipating Youth Stipends program. The term of the agreement is July 1, 2008 through June 30, 2009 with a maximum amount payable of \$23,247 - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET B-114 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Employment and Social Services)
18. Approval of Request for Proposals for Contract In-Home Supportive Services (IHSS) - approval is requested to authorize the Department of Employment and Social Services (DESS) to release a Request for Proposals for Contract Mode services for IHSS for a two-year period from July 1, 2009 through June 30, 2011. If approved by the Board, the department plans to release the RFP on January 30, 2009 - action requested - APPROVE RELEASE OF REQUEST FOR PROPOSALS. (Employment and Social Services)
19. BTD Properties - Agreement Assigning Lease -approval is requested for this agreement with BTD Properties, which recently purchased the property located at 592 Rio Lindo Avenue, Chico. This property is leased to the Butte County Department of Behavioral Health. The agreement relieves the obligations of the original owner and binds the new owner to the terms of the existing lease - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)

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

CHIEF ADMINISTRATIVE OFFICE - requests to flexibly staff a current position from Management Analyst, Principal/Management Analyst, Senior/Management Analyst/Management Analyst, Associate (Class Codes 1016/1017/1015/1018) to a flexibly staffed position of Deputy Chief Financial Officer/Management Analyst, Principal/Management Analyst, Senior/Management Analyst/Management Analyst, Associate (Class Codes 1001/1016/1017/1015/1018). The Department has an anticipated vacancy in the Finance/Risk Management Office and this change will allow the department greater flexibility when selecting a qualified candidate with the financial skills and experience they are going to need to fill this vacancy.

BEHAVIORAL HEALTH - requests to delete the following positions based on budget actions already taken. Additionally, the department is requesting changes to various classifications in order to increase flexibility and better meet the needs of the department. The changes are as follows:

DELETE FROM BUDGET UNIT 541-011 - Staff Nurse, Senior/Staff Nurse/Staff Nurse, Associate (Class Code 4036/4037/4039), Behavioral Health Education Specialist, Senior/Behavioral Health Education Specialist/Behavior Health Education Specialist, Associate (Class Code 4173/4174/4175), Behavioral Health Counselor, Senior/Behavioral Health Counselor/Mental Health Worker (Class Code 4143/4144/4157), Information Systems Analyst/Information Systems Analyst, Associate (Class Code 1335/1336) Administrative Coordinator (Class Code 4110), Manager, Behavioral Health Facilities) (Class Code 4112), Mental Health Clinician/Mental Health Clinician Intern (Class Code 4133/4134), Mental Health Clinician/Mental Health Health Clinician Intern (position to end 9/30/08) (Class Code 4133/4134), Supervisor, Mental Health Clinician (position to end 9/30/08) (Class Code 4131), Supervisor, Mental Health Clinician, (Class Code 4131) Assistant Behavioral Health Director, (Class Code 4101) Program Manager, Community Services (Class Code 4106), Manager, Support Services (Class Code 1051), Supervisor, Administrative Analyst (Class Code 1023), Supervisor, Nurse, (Class Code 4035) Manager, Psychiatric Health Facility (Class Code 4107), Program Manager, Clinical Services (Class Code 4105), Accountant (Class Code 1043), Supervisor, Behavioral Health Counselor (Class Code 4141).

IN ADDITION THE DEPARTMENT IS REQUESTING TO ADD THE FOLLOWING POSITIONS TO BUDGET UNIT 541-011 - Psychiatric Technician, Senior/Psychiatric Technician (Class Code 4154/4155) , Behavioral Health Counselor, Senior/Behavioral Health Counselor/Mental Health Worker (Class Code 4143/4144/4157), Supervisor, Mental Health Clinician (Class Code 4131). These changes will decrease the total allocated position in budget unit 541-011 from 310.75 to 280.75

FROM BUDGET UNIT 541-012 - Behavioral Health Counselor, Senior/Behavioral Health Counselor/Mental Health Worker (Class Code 4143/4144/4157), Supervisor, Behavioral Health Education (position to end 9/30/08)(Class Code 4171). These changes will decrease the total allocated position in budget unit 541-012 from 19.5 to 15.5.

~~HUMAN RESOURCES - The department is requesting to change the annual base salary for the Department Head listed below pursuant to Resolution 08-057 - Resolution of the county of Butte Benefits of Butte County Department Heads, that a new base salary shall be established upon the renewal or extension of an appointed department head's contract through survey of comparison counties. The Board of Supervisors approved a contract renewal for the following classification to be effective October 31, 2008 at the October 21, 2008 Board of Supervisors Meeting: Director, Development Services,(Class Code 175). Minimum Annual Salary \$122,241, Median Annual Salary \$135,823, Maximum Annual Salary \$149,406. This increase is pursuant to the legal agreement executed between the County and the Director, Development Services.~~

~~SALARY PLAN FOR CLASSIFIED POSITIONS - The salaries for the following classifications that are linked to department head salaries will be adjusted effective July 1, 2008 unless otherwise noted and as per Resolution 07-184, entitled Resolution Establishing Salary and Benefits for Non-Represented Classifications. With the exception of the Assistant Director, Development Services and the Assistant, Treasurer Tax-Collector, the following classifications are being adjusted based on the performance measures received by their respective department heads. The Assistant Director, Development Services salary is being adjusted due to the contract renewal received by the Director, Development Services and the Assistant Treasurer Tax-Collector is being adjusted to include the CPI increase that the Treasurer Tax-Collector received in July 2008.~~

~~REFERENCE K, NON-REPRESENTED CLASSIFICATIONS - Assistant Director, General Services (Class Code 4602) - from range 69 to 71, Assistant Director, Public Works (Class Code 4303 from range 75 to 77, Assistant Director, Water and Resource Conservation (Class Code 1011) - from range 69 to 72, Assistant Treasurer Tax Collector (Class Code 1261) - from range 66 to 67, Assistant Director, Development Services~~

~~(effective 10/31/08) - from range 73 to 76, Assistant Director, Public Health (Class Code 4009) - from range 75 to 74.~~

CLERK RECORDER - deletes one (1) vacant position of Information Systems Technician (Class Code 1344). This change will decrease the total allocations in budget unit 130-001 from 9.55 to 8.55.

EMPLOYMENT AND SOCIAL SERVICES - requests to delete the following positions due to decreases in state funding:

FROM BUDGET UNIT 570-001 - Account Clerk, Senior/Account Clerk (Class Code 1285/1286), Office Specialist, Senior/Office Specialist/Office Assistant (Class Code 1055/1056/1057). These changes will decrease the total allocated position in budget unit 570-001 from 163 to 158.

FROM BUDGET UNIT 570-003 - Supervisor, Employment and Eligibility (Class Code 5341), Employment and Eligibility Specialist (Class Code 5344 , Eligibility Specialist (Class Code 5346). These changes will decrease the total allocated position in budget unit 570-003 from 209 to 201.

FROM BUDGET UNIT 570-004 - Social Worker, Senior/Social Worker/Social Worker, Associate (Class Code 3333/3335/3336). These changes will decrease the total allocated position in budget unit 570-004 from 111 to 110.

FROM BUDGET UNIT 570-006 - Employment Case Manager, Senior/Employment Case Manager (Class Code 5353/5354). In addition the department is requesting to add the following positions to budget unit 570-006: Employment Case Manager, Senior/Employment Case Manager (position to end 07/31/10)(Class Code 5353/5354). These changes will decrease the total allocated position in budget unit 570-006 from 64 to 62. - action requested - ADOPT RESOLUTION 09-007 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

21. Oroville Branch Library Hours Adjustment for Flooring Project - authorization is requested for the closure of the Oroville Branch Library from February 12 through February 18 due to work related to an approved flooring project. The closure will be publicized in advance -action requested - AUTHORIZE THE OROVILLE BRANCH LIBRARY TO CLOSE FROM FEBRUARY 12 THROUGH FEBRUARY 18, 2009. (Library)
22. Butte County Library Advisory Board - action requested - APPOINT ALICE PATTERSON AND MICHAEL SPECCHIERLA TO TERMS TO END DECEMBER 31, 2012. (Library)

23. 2008/2009 Children's Medical Services Child Health and Disability Prevention (CHDP) and the California Children's Services (CCS) Program Joint Plan - submitted is the 2008/2009 Children's Medical Services CHDP/CCS Joint Plan which summarizes the overall program activities that will be accomplished within each program - action requested - APPROVE THE SUBMISSION OF THE 2008/2009 JOINT PLAN AND AUTHORIZE THE CHAIR TO SIGN THE PLAN DOCUMENT. (Public Health)
24. Information on Public Health Clinic Assessment - submitted is a report that assesses Butte County's Public Health clinics to determine how best to operate the clinics to achieve efficiencies while continuing to meet service demands in the community - action requested - ACCEPT FOR INFORMATION. (Public Health)
25. Statewide Wastewater Regulation Comments Related to Assembly Bill 885 - approval is requested for comments on the draft statewide on-site wastewater regulation, conditional waiver, and Draft Environmental Impact Report (DEIR). The State Water Resources Control Board released a revised draft of the regulation, conditional waiver, and DEIR on November 7, 2008. Public comment on these documents are due by February 9, 2009 - action requested - AUTHORIZE THE CHAIR TO SIGN COMMENT ON BEHALF OF THE BUTTE COUNTY BOARD OF SUPERVISORS. (Public Health)
26. Budget Transfer for County Service Area (CSA) 82 - approval is requested for a budget transfer in the amount of \$9,500 to cover the cost of emergency repairs of a main sewer line - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Public Works)
27. Kilkare Subdivision, APN 047-690-002 - Kilkare Subdivision is location on the northeast corner of Kilkare Lane and Meridian Road and is a private street subdivision comprised of 6-five acre lots. The developer provided performance bonds and a subdivision agreement to guarantee the construction of onsite improvements. The current subdivision agreement has expired, and the developer has requested to execute a new agreement to extend the deadline for construction of improvements through December 4, 2009. The department recommends approval of the agreement - action requested - APPROVE NEW SUBDIVISION AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

- 28. Resolution Exempting Hedstrom Way from Butte County Code Chapter 26, Sections 12 and 13.1 - consideration of a resolution exempting the private road named Hedstrom Way from the requirements to install curbs, gutters, and sidewalks - action requested - ADOPT RESOLUTION 09-008 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
- 29. Annexed County Service Area (CSA) Fund Balance Disbursements - approval is requested to appropriate \$118,062 from Contingencies into Department 181 as detailed in the agenda report. In fiscal years 2006/2007 and 2007/2008, there were numerous LAFCO approved annexations of CSAs into the City of Chico and City of Oroville. These annexations resulted in the dissolution of the CSAs involved. The requested appropriation is needed to process the two claim payments due to Chico and Oroville - action requested - APPROVE BUDGET TRANSFER B-145 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Public Works)
- 30. Authorize Release of Request for Proposals (RFP) - approval is requested for the department to release an RFP to provide for backup electrical power at the Neal Road Sanitary Landfill. The department will return to the Board with a recommendation of an award of contract upon review of the proposals - action requested - AUTHORIZE PUBLIC WORKS TO RELEASE A REQUEST FOR PROPOSALS. (Public Works)
- 31. Butte County Technical Advisory Committee (TAC) - the Butte County Water Commission submits a recommendation for appointment to the TAC - action requested - APPOINT ED CRADDOCK TO THE TECHNICAL ADVISORY COMMITTEE. (Water and Resource Conservation)
- 32. Butte County Children and Families Commission - the Butte County Children and Families Commission submits recommendations for appointment the Commission - action requested - APPOINT YVONNE NENADAL TO A TERM TO END JUNE 30, 2010 AND JOHN BURGHARDT AS ALTERNATE TO A TERM TO END JUNE 30, 2009. (Other Departments and Agencies)
- 33. Butte County Fair Association Annual Budget - action requested - APPROVE BUTTE COUNTY FAIR ASSOCIATION ANNUAL BUDGET AND AUTHORIZE THE CHAIR TO SIGN. (Other Departments and Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEMS 3.06, 3.11, AND THE PORTION OF THE RESOLUTION TO AMEND THE SALARY ORDINANCE (ITEM 3.20) THAT REFERENCES DEPARTMENT HEAD SALARIES AS EACH ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION.

2 M

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

REGULAR AGENDA

0902-004 Boards, Commissions and Committees.

1. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI REPORTED ON HIS ATTENDANCE AT THE BUTTE COUNTY BEHAVIORAL HEALTH BOARD RETREAT.

SUPERVISOR KIRK REPORTED THAT SHE STOPPED BY THE DROP IN CENTER OVER THE WEEKEND.

SUPERVISOR KIRK ALSO REPORTED ON DONATIONS RECEIVED FOR THE FRANK WATTERS AND MARY ANN HOUX TRUST FUND.

CHAIR CONNELLY REPORTED ON THE INDIAN GAMING LOCAL BENEFIT COMMITTEE MEETING.

SUPERVISOR YAMAGUCHI REPORTED ON HIS ATTENDANCE AT THE NORCAL EMS MEETING. HE REPORTED THAT THE BOARD HAS BEEN EXPANDED TO ELEVEN REPRESENTATIVES. (362) (12:05)

2. Appointments to Listed Vacancies.

MOTION: I MOVE TO REAPPOINT LYNDEE CAPUT, IRENE POE, DEBORAH THOMPSON TO THE SOUTHSIDE OROVILLE COMMUNITY CENTER ADVISORY COMMITTEE.

M 2

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

BOTH SUPERVISOR LAMBERT AND SUPERVISOR YAMAGUCHI STATED THEY WOULD SUBMIT APPOINTMENTS TO BE INCLUDED ON THE FEBRUARY 10, 2009 AGENDA.

3. Solid Waste Enforcement and Appeal Hearings Panel - each term for appointments will end on January 8, 2013 - action requested -

1) APPOINT A PRIMARY BOARD REPRESENTATIVE AND AN ALTERNATE BOARD REPRESENTATIVE;

MOTION: I MOVE TO APPOINT SUPERVISOR YAMAGUCHI AS PRIMARY BOARD REPRESENTATIVE AND SUPERVISOR DOLAN AS ALTERNATE.

M 2

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

2) REAPPOINT RIKKI JOURNEY AS ALTERNATE FOR POSITION TWO AND D.C. JONES AS PRIMARY FOR POSITION THREE; AND

3) APPOINT MIKE DONOHUE AS PRIMARY FOR POSITION TWO AND MIKE PEAVY AS ALTERNATE FOR POSITION THREE.

MOTION: I MOVE TO REAPPOINT RIKKI JOURNEY AS ALTERNATE FOR POSITION TWO AND D.C. JONES AS PRIMARY FOR POSITION THREE; AND APPOINT MIKE DONOHUE AS PRIMARY FOR POSITION TWO AND MIKE PEAVY AS ALTERNATE FOR POSITION THREE.

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

- 4. Board of Supervisors Committee and Subcommittee Assignments - consideration of the various board, commission, committee and subcommittee assignments for Board members - action requested - ALTER OR REAFFIRM CURRENT ASSIGNMENTS LISTING; AND MAKE NEEDED APPOINTMENTS.

MOTION: I MOVE TO MAKE THE FOLLOWING APPOINTMENTS:

BUTTE BASIN WATER USERS ASSOCIATION - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS REPRESENTATIVE.

BUTTE COUNTY BEHAVIORAL HEALTH BOARD - SUPERVISOR KIRK REPLACES SUPERVISOR CONNELLY AS ALTERNATE.

CITY OF BIGGS AND CITY OF GRIDLEY AD HOC COMMITTEE - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS REPRESENTATIVE.

COUNTY SERVICE AREA 37- GRIDLEY AMBULANCE - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS REPRESENTATIVE.

FERC RELICENSING SUBCOMMITTEE - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS REPRESENTATIVE.

FIRE SERVICES IN BUTTE COUNTY AD HOC COMMITTEE - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS REPRESENTATIVE.

GENERAL PLAN SUBCOMMITTEE - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS REPRESENTATIVE.

GRADING AND MINING SUBCOMMITTEE - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS REPRESENTATIVE.

GRIDLEY REDEVELOPMENT ADVISORY COMMITTEE - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS REPRESENTATIVE.

JUVENILE JUSTICE COORDINATING COUNCIL - SUPERVISOR KIRK AND SUPERVISOR YAMAGUCHI REPLACE SUPERVISOR DOLAN AND SUPERVISOR CONNELLY.

LAKE OROVILLE JPA - THIS JPA EXPIRED ON DECEMBER 31, 2008.

NATIONAL ASSOCIATION OF COUNTIES - SUPERVISOR CONNELLY REPLACES SUPERVISOR JOSIASSEN AS DELEGATE AND SUPERVISOR LAMBERT REPLACES SUPERVISOR CONNELLY AS ALTERNATE.

PARADISE RIDGE AREA AD HOC COMMITTEE - SUPERVISOR KIRK REPLACES SUPERVISOR DOLAN.

REGIONAL COUNCIL OF RURAL COUNTIES - REAPPOINT SUPERVISOR YAMAGUCHI AND SUPERVISOR KIRK.

SACRAMENTO RIVER CONSERVATION AREA FORUM - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS ALTERNATE

SECURE RURAL SCHOOLS LIAISON TO FOREST SERVICE (NEW ASSIGNMENT) - APPOINT SUPERVISOR YAMAGUCHI AS REPRESENTATIVE.

SIERRA NEVADA CONSERVANCY BOARD - REAPPOINT SUPERVISOR YAMAGUCHI AND SUPERVISOR KIRK.

SOLID WASTE PERMIT ENFORCEMENT AND APPEAL BOARD - SUPERVISOR DOLAN REPLACES SUPERVISOR KIRK AS ALTERNATE.

TABLE A ALLOCATION COMMITTEE - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS REPRESENTATIVE.

UPPER SACRAMENTO RIVER ADVISORY COUNCIL - SUPERVISOR LAMBERT REPLACES SUPERVISOR JOSIASSEN AS ALTERNATE.

2 M

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

PUBLIC HEARINGS AND TIMED ITEMS

0902-005 Public Hearing - Appeal of Planning Commission's Denial of Variance 08-0001 (Ronald Kohler) - consideration of an appeal of a Planning Commission denial of a variance to allow a deck and deck cover to encroach 2.5 feet into the required 5-foot side setback - action requested - UPHOLD THE PLANNING COMMISSIONS DENIAL OF VARIANCE 08-0001, DENYING THE APPEAL TO ALLOW A DECK AND DECK COVER TO ENCROACH INTO THE REQUIRED 5-FOOT SIDE SETBACK. (Department of Development Services)

MARK MICHELENA, PLANNER WITH DEPARTMENT OF DEVELOPMENT SERVICES PROVIDED A REPORT.

PUBLIC HEARING OPENED: 10:00 A.M.
PUBLIC HEARING CLOSED: 10:05 A.M.

MR. KOHLER, THE PROPERTY OWNER ADDRESSED THE BOARD. GEORGE ASADA ADDRESSED THE BOARD.

MOTION: I MOVE TO MAKE A MOTION OF INTENT TO UPHOLD THE APPEAL WITH FINDINGS INCLUDING RESTRAINTS DUE TO TOPOGRAPHY OF THE PROPERTY, THE SHAPE OF THE LOT, AND AFFECTS OF THE SEASONAL CREEK.

2 M

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

0902-006 Public Hearing - Appeal of Six Conditions of Approval on Tentative Parcel Map (TPM) 06-09 (Hennigan) - consideration of an appeal by applicant of six conditions of approval on TPM06-09. The project site is located on APN 047-130-041, 146, 156 and is approximately 3,900 feet northwest of the Anita Road/Highway 99 intersection and 3 miles north of the incorporated limits of the City of Chico - action requested - STAFF RECOMMENDS THE FOLLOWING: ADOPT RESOLUTION WITH FINDINGS THAT WILL:

- 1) DENY IN PART THE APPEAL, MAINTAINING CONDITIONS 15, 18, AND 20 WITH SOME MODIFICATIONS; AND
- 2) GRANT IN PART THE APPEAL, MODIFYING CONDITIONS 17, 25, AND 28 AS REQUESTED. (Department of Development Services)(1713)(31:16)

STEVE TROESTER, PLANNER WITH THE DEPARTMENT OF DEVELOPMENT SERVICES PROVIDED A REPORT TO THE BOARD.

PUBLIC HEARING OPENED: 10:25 A.M.
PUBLIC HEARING CLOSED: 10:35 A.M.

BOB HENNIGAN, THE APPLICANT, ADDRESSED THE BOARD.

MOTION: I MOVE TO MAKE A MOTION OF INTENT TO DENY IN PART AND GRANT IN PART THE APPEAL ADDING LANGUAGE TO CONDITION 18 TO DEFER THE ROAD IMPROVEMENTS UNTIL THE ISSUANCE OF A RESIDENTIAL BUILDING PERMIT AND FINDINGS RELATED TO THE WILLIAMSON ACT AGREEMENT.

M 2

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

0902-007 Public Hearing - Resolution to Vacate Portions of Esquon Road and Hamlin Road in Durham - consideration of a resolution to vacate a portion Esquon Road between the Union Pacific Railroad and Hamlin Road and Hamlin Road between Esquon Road and the Durham Dayton Highway in Durham - action requested - 1) FIND THAT THE PUBLIC RIGHTS OF WAY ARE UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC USE; 2) ADOPT THE RESOLUTION 09-009 VACATING THE DESCRIBED PORTIONS OF ESQUON ROAD AND HAMLIN ROAD AND AUTHORIZE THE CHAIR TO SIGN; 3) AUTHORIZE THE CHAIR TO SIGN RELATED QUIT CLAIM DEED AND CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED; AND 4) DIRECT THE RESOLUTION, QUIT CLAIM DEED, AND CERTIFICATE OF ACCEPTANCE ARE RECORDED BY THE CLERK OF THE BOARD. (Public Works)(2970)(58:38)

PRESENTATION BY STUART EDELL OF THE DEPARTMENT OF PUBLIC WORKS.

PUBLIC HEARING OPENED: 10:45 A.M.
 PUBLIC HEARING CLOSED: 10:47 A.M.

JAMES GALLAGHER ADDRESSED THE BOARD

MOTION: I MOVE THE FOLLOWING ACTIONS: 1) FIND THAT THE PUBLIC RIGHTS OF WAY ARE UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC USE; 2) ADOPT THE RESOLUTION VACATING THE DESCRIBED PORTIONS OF ESQUON ROAD AND HAMLIN ROAD ADDING THE FOLLOWING LANGUAGE: "SAID EASEMENT TO BE CONSIDERED FOR ACCEPTANCE IF THERE IS ANY SIGNIFICANT CHANGE IN THE CHARACTER OF THE AREA, SUCH AS A GENERAL PLAN AMENDMENT, REZONE, SPECIFIC PLAN OR DECLARED DISASTER" AND AUTHORIZE THE CHAIR TO SIGN; 3) AUTHORIZE THE CHAIR TO SIGN RELATED QUIT CLAIM DEED AND CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED; AND 4) DIRECT THE RESOLUTION, QUIT CLAIM DEED, AND CERTIFICATE OF ACCEPTANCE ARE RECORDED BY THE CLERK OF THE BOARD.

2 M

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

0902-008 Public Hearing - Itemized Cost of Nuisance Abatement for property located at 944 Harlan Avenue, Oroville, APN 030-212-012. This property was abated June 23 through July 7, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$9,720.13; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. (Department of Development Services)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

PUBLIC HEARING OPENED: 10:50 A.M.
PUBLIC HEARING CLOSED: 10:50 A.M.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$9,720.13; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.

2 M

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

0902-009 Public Hearing - Itemized Cost of Nuisance Abatement for property located at 260 Fernwood Avenue, Oroville, APN 033-067-003. This property was abated September 12 through September 22, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$12,125.14; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. (Department of Development Services)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

PUBLIC HEARING OPENED: 10:59 A.M.
PUBLIC HEARING CLOSED: 10:59 A.M.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$12,125.14; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.

M 2

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

RECESS: 11:00 A.M.
RECONVENE: 11:10 A.M.

0902-010 Public Hearing - Itemized Cost of Nuisance Abatement for property located at 89 Bangor Park Road, Palermo, APN 028-300-008. This property was abated November 11 through November 19, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$15,491.62; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. (Department of Development Services)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

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

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$15,491.62; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.
2 M
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

REGULAR AGENDA

0902-011 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (*383)(1:21:17)

REPORT BY GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICER.

PUBLIC HEARINGS AND TIMED ITEMS

0902-012 Public Hearing - Itemized Cost of Nuisance Abatement for property located at 1931-1955 1/2 Greenville Street, Oroville, APN 035-172-004. This property was abated September 3 and September 4, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$14,298.08; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. (Department of Development Services)(*1330)(1:21:17)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

PUBLIC HEARING OPENED: 11:28 A.M.
PUBLIC HEARING CLOSED: 11:40 A.M.

CECILIA HIGGENBOTHAM SPOKE ON BEHALF OF THE PROPERTY OWNER. MR. RICHINS ADDRESSED THE BOARD.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$14,298.08; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.
2 M
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

REGULAR AGENDA

- 0902-013 Update of General Plan 2030 Process by Director-Development Services.
PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES
- 0902-014 Update Regarding Upcoming Butte County Code Amendments.
PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES. MR. SNELLINGS REPORTED THAT HE WOULD BE ATTENDING STATE MINING AND GEOLOGY BOARD MEETING TO RESPOND TO COMPLAINTS ABOUT BUTTE COUNTY. CHAIR CONNELLY AGREED TO ATTEND THAT MEETING WITH MR. SNELLINGS.
- 0902-015 2008 Drought Task Force (DTF) Status Report and Findings - Presentation regarding the DTF Status Report which summarizes the impacts of the 2008 drought, details concerns for 2009, and makes recommendations for early action measures - action requested - ACCEPT THE 2008 STATUS REPORT AND FINDINGS AND PROVIDE DIRECTION AS NEEDED. (Water and Resource Conservation)
PRESENTATION BY PAUL GOSSELIN, DIRECTOR OF WATER AND RESOURCE CONSERVATION, KRISTEN MCKILLOP, MANAGER OF PROGRAM DEVELOPMENT, AND VICKIE NEWLIN, ASSISTANT DIRECTOR.
(*2447)(24:16)(**0)(49:36)
THE BOARD DIRECTED THE DEPARTMENT PROVIDE REGULAR UPDATES REGARDING THE STATUS OF THE DROUGHT AND IMPACTS TO BUTTE COUNTY.
- 0902-016 Request for Approval of Department Policies and Procedures and for Relief of Accountability - approval is requested for two department policies for the following: 1) CalWORKS, Adoptions Assistance, Foster Care, IHSS and Food Stamp Account Receivable Disposition for Uncollectible Accounts; and 2) General Assistance Accounts Receivable Disposition, Uncollected Accounts. Approval is also requested for Relief of Accountability in the amount of \$13,718,184 for General Assistance Balances that are in excess of ten years old and considered uncollectible. The Auditor-Controller has reviewed this request has provided a letter of support - action requested - APPROVE THE ATTACHED POLICIES AND PROCEDURES; AND GRANT RELIEF OF ACCOUNTABILITY FOR \$13,718,184. (Department of Employment and Social Services)(**500)(1:01:50)
REPORT BY CATHI GRAMS, DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES AND BRIAN FRINK, ASSISTANT DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES.
RUDY JENKINS ADDRESSED THE BOARD. CAROLE KLAUSS ADDRESSED THE BOARD.

MOTION: I MOVE TO APPROVE THE ATTACHED POLICIES AND PROCEDURES; AND GRANT RELIEF OF ACCOUNTABILITY FOR \$13,718,184.

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

CLOSED SESSION

0902-017 **THE BOARD RECESSED AT 1:00 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; AND
3. MILLER V. COUNTY OF BUTTE, ET AL., U.S, DISTRICT COURT CIV NO. S-00-1733.

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(b)(1) - ONE POTENTIAL CASE.

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER/INTERIM CHIEF ADMINISTRATIVE OFFICER.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: BILL AVERY/LAURA BRUNSON

EMPLOYEE ORGANIZATION: BCEA, BCMEA, CWA, DSA - MANAGEMENT/SUPERVISORY UNIT, DSA - GENERAL UNIT, BCCOA - SUPERVISORY UNIT, BCCOA - GENERAL UNIT, PPOA, AND PEA.

THE BOARD RECONVENED AT 1:59 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; AND
3. MILLER V. COUNTY OF BUTTE, ET AL., U.S, DISTRICT COURT CIV NO. S-00-1733.

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(b)(1) - ONE POTENTIAL CASE.

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER/INTERIM CHIEF ADMINISTRATIVE OFFICER.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: BILL AVERY/LAURA BRUNSON

EMPLOYEE ORGANIZATION: BCEA, BCMEA, CWA, DSA - MANAGEMENT/SUPERVISORY UNIT, DSA - GENERAL UNIT, BCCOA - SUPERVISORY UNIT, BCCOA - GENERAL UNIT, PPOA, AND PEA.

PUBLIC HEARINGS AND TIMED ITEMS

0902-018 Timed Item - Appeals of the Planning Commission's Approval of UP07-0006 (Roberta Kirshner/Barry R. Kirshner Wildlife Foundation) - consideration of a resolution to revoke Use Permits UP98-09 and UP01-10 and deny UP07-0006. On November 4, 2008, the Board of Supervisors adopted a motion of intent directing staff to prepare a resolution making findings and taking specific actions - action requested - BASED ON BOARD DIRECTION, STAFF RECOMMENDS THE BOARD ADOPT A RESOLUTION 09-010 MAKING FINDINGS AND TAKING ACTION AS FOLLOWS:

- 1) DENIES THE APPLICANT'S APPEAL REGARDING THE REQUESTED NEW USE PERMIT 07-0006; AND
- 2) GRANTS THE APPEAL BY JOHN HOPTOWIT PERTAINING TO UP07-0006 AND DETERMINATION REGRADING ENFORCEMENT CASE PLCE07-0001; AND
- 3) DOES NOT ADOPT THE INITIAL STUDY /DRAFT MITIGATED NEGATIVE DECLARATION; AND
- 4) DENIES UP07-0006; AND
- 5) REVOKES UP98-09 AND UP01-10, PROVIDED THE KIRSHNER FOUNDATION COMPLIES WITH SPECIFIED CONDITIONS AND LIMITATIONS, INCLUDING REQUIREMENTS TO DEMONSTRATE PROGRESS TOWARDS RELOCATING AND SUSPENDS ENFORCEMENT OF THE REVOCATION UNTIL 5:00 P.M. ON OCTOBER 30, 2010; AND
- 6) NOTIFIES THE APPELLANTS THAT THE TIME WITH WHICH JUDICIAL REVIEW OF THE ABOVE ACTIONS AND DECISIONS MUST BE SOUGHT IS GOVERNED BY THE CODE OF CIVIL PROCEDURE SECTION 1094.6.

ROD THOMPSON ADDRESSED THE BOARD.

MOTION: I MOVE TO ADOPT THE RESOLUTION WITH FINDINGS. (THERE WERE NO AMENDMENTS)

M 2

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

REGULAR AGENDA

0902-019 Federal Emergency Management Agency (FEMA) Map Modernization - This is an update to the presentation provided to the Board of Supervisors on November 18, 2008. FEMA is in the process of updating their Flood Insurance Rate Maps (FIRM) and converting the maps to a digital format. As required by the provisions of the Code of Federal Regulations, FEMA is reviewing all of the levee systems looking for certification that the levees will provide protection for a 100-year event. If any levees are not or cannot be certified, then large areas of Butte County, including Biggs, Gridley, part of Oroville, and most of Chico will be placed in flood plains. FEMA is offering Provisionally Accredited Levee (PAL) agreements which will give levee owners and the local community up to two years for a complete engineering analysis and certification of the levee systems. The analysis is expensive and does not guarantee certification. PAL agreements must be signed by the property owner, community, and operator and must be returned to FEMA by January 27, 2009 - action requested - 1) FIND THAT AVAILABLE INFORMATION INDICATES THE IDENTIFIED LEVEE SYSTEMS DO NOT QUALIFY FOR PAL AGREEMENTS AND DIRECT PUBLIC WORKS TO INFORM FEMA THE COUNTY WILL NOT SIGN AGREEMENTS; AND 2) ACCEPT ADDITIONAL INFORMATION REGARDING NEW STATE REGULATIONS IMPACTING DEVELOPMENT WITHIN THE IDENTIFIED FLOOD ZONES. (Department of Public Works)

PRESENTATION BY STUART EDELL OF THE DEPARTMENT OF PUBLIC WORKS.

PRESENTATION RICHARDO PINEDA OF DEPARTMENT OF WATER RESOURCES. (**1981)(1:41:28)

MOTION: I MOVE TO DIRECT STAFF TO WRITE A LETTER TO OUR FEDERAL LEGISLATORS TO REQUEST TO DELAY THIS ENTIRE PROCESS.

2 M

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

MOTION: I MOVE TO 1) FIND THAT AVAILABLE INFORMATION INDICATES THE IDENTIFIED LEVEE SYSTEMS DO NOT QUALIFY FOR PAL AGREEMENTS AND DIRECT PUBLIC WORKS TO INFORM FEMA THE COUNTY WILL NOT SIGN AGREEMENTS; AND 2) ACCEPT ADDITIONAL INFORMATION REGARDING NEW STATE REGULATIONS IMPACTING DEVELOPMENT WITHIN THE IDENTIFIED FLOOD ZONES.

2 M

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

0902-020 Update on the Capital Improvement Program (CIP) - On June 26, 2007, the Board of Supervisors approved the Butte County 20-year CIP which includes service and transportation infrastructure in a single plan. Due to declines in revenue, an updated timeline for capital projects, as well as an update of projected Impact Fee revenue will be provided - action requested - ACCEPT FOR INFORMATION AND PROVIDE DIRECTION FOR FUTURE CIP DISCUSSIONS. (Chief Administrative Office)

PRESENTATION BY INTERIM CHIEF ADMINISTRATIVE OFFICER, GREGORY G. ITURRIA.

THE BOARD DIRECTED THAT CAO SCHEDULE A FUTURE WORKSHOP TO DISCUSS THE CIP AND REQUESTS FOR FEDERAL FUNDING IN MORE DETAIL.

THE BOARD DIRECTED THAT STAFF PREPARE A LETTER TO SEND TO LEGISLATORS REQUESTING FEDERAL FUNDING FOR COUNTY PROJECTS. (**600)(2:35)

CANDACE GRUBBS ADDRESSED THE BOARD.

0902-021 Items Removed from the Consent Agenda for Board Consideration and Action.

- 1. Resolution Recognizing Chico Guild - North State Symphony's 50th Anniversary - action requested - ADOPT RESOLUTION 09-011 AND AUTHORIZE THE CHAIR TO SIGN. (Supervisor Kirk)(Board of Supervisors)

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)

- 2. Special Revenue Fund for Impact Fees - In order to simplify and better organize accounting systems for impact fees, staff recommends that a new special revenue fund be created for impact fees and to move monies associated from other operating funds into the new fund - action requested - DIRECT AND AUTHORIZE THE AUDITOR-CONTROLLER AND TREASURER-TAX COLLECTOR TO DO THE FOLLOWING: 1) ESTABLISH A NEW FUND EFFECTIVE JULY 1, 2008 AND PROVIDE THE BOARD WITH A DETAILED SCHEDULE SHOWING ALL RELATED ACCOUNTING TRANSACTIONS NO LATER THAN FEBRUARY 10, 2009 AND PROVIDE THAT NEW BUDGET UNIT NUMBERS BE CREATED UNDER A NEW FUND; AND 2) ALL CORRESPONDING ACCOUNTING BE MADE IN MAINTENANCE OF BALANCED ACCOUNTS FOR THE NEW FUND. (Chief Administrative Officer)

MOTION: I MOVE TO DIRECT AND AUTHORIZE THE AUDITOR-CONTROLLER AND TREASURER-TAX COLLECTOR TO DO THE FOLLOWING: 1) ESTABLISH A NEW FUND EFFECTIVE JULY 1, 2008 AND PROVIDE THE BOARD WITH A DETAILED SCHEDULE SHOWING ALL RELATED ACCOUNTING TRANSACTIONS NO LATER THAN FEBRUARY 10, 2009 AND PROVIDE THAT NEW BUDGET UNIT NUMBERS BE CREATED UNDER A NEW FUND; AND 2) ALL CORRESPONDING ACCOUNTING BE MADE IN MAINTENANCE OF BALANCED ACCOUNTS FOR THE NEW FUND.

2 M

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

3. Resolution to Amend the Salary Ordinance -

ON THE CONSENT AGENDA, THE BOARD OF SUPERVISORS AMENDED ITEM 3.20 AND REMOVED THE FOLLOWING PORTIONS OF THE RESOLUTION THAT REFERENCES DEPARTMENT HEAD SALARIES AND ASSISTANT DEPARTMENT HEAD SALARIES:

HUMAN RESOURCES - The department is requesting to change the annual base salary for the Department Head listed below pursuant to Resolution 08-057 - Resolution of the county of Butte Benefits of Butte County Department Heads, that a new base salary shall be established upon the renewal or extension of an appointed department head's contract through survey of comparison counties. The Board of Supervisors approved a contract renewal for the following classification to be effective October 31, 2008 at the October 21, 2008 Board of Supervisors Meeting: Director, Development Services, (Class Code 175). Minimum Annual Salary \$122,241, Median Annual Salary \$135,823, Maximum Annual Salary \$149,406. This increase is pursuant to the legal agreement executed between the County and the Director, Development Services.

SALARY PLAN FOR CLASSIFIED POSITIONS - The salaries for the following classifications that are linked to department head salaries will be adjusted effective July 1, 2008 unless otherwise noted and as per Resolution 07-184, entitled Resolution Establishing Salary and Benefits for Non-Represented Classifications. With the exception of the Assistant Director, Development Services and the Assistant, Treasurer Tax-Collector, the following classifications are being adjusted based on the performance measures received by their respective department heads. The Assistant Director, Development Services salary is being adjusted due to the contract renewal received by the Director, Development Services and the Assistant Treasurer Tax-Collector is being adjusted to include the CPI increase that the Treasurer-Tax-Collector received in July 2008.

REFERENCE K, NON-REPRESENTED CLASSIFICATIONS - Assistant Director, General Services (Class Code 4602) - from range 69 to 71, Assistant Director, Public Works (Class Code 4303 from

range 75 to 77, Assistant Director, Water and Resource Conservation (Class Code 1011) - from range 69 to 72, Assistant Treasurer Tax Collector (Class Code 1261) - from range 66 to 67, Assistant Director, Development Services (effective 10/31/08) - from range 73 to 76, Assistant Director, Public Health (Class Code 4009) - from range 75 to 74.

MOTION: I MOVE TO DIRECT THE CHIEF ADMINISTRATIVE OFFICER AND THE HUMAN RESOURCES DIRECTOR TO DETERMINE HOW TO CHANGE THE ESTABLISHED PROCESS OF AMENDING DEPARTMENT HEAD SALARIES BASED ON THE BASE LEVEL SALARIES OF COMPARABLE COUNTIES AND TO DETERMINE HOW WE CAN ATTEMPT TO RENEGOTIATE THE CURRENT DEPARTMENT HEAD CONTRACTS IN ORDER TO SAVE MONEY FOR THE COUNTY.

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

PUBLIC COMMENT (NONE)

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.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 3:40_P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, FEBRUARY 10, 2009 AT 9:00 A.M.

BILL CONNELLY, CHAIR
BUTTE COUNTY BOARD OF SUPERVISORS

ATTEST:

Gregory G. Iturria, Interim Chief Administrative
Officer and Clerk of the Board

By: _____