

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

MAY 19, 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 9:04 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: Gregory G. Iturria, Interim 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.

0914-001 CORRECTIONS AND/OR CHANGES TO THE AGENDA.

1. Consent of City Acquisition of Extra-Territorial Property - approval is requested to give consent to the City of Chico to acquire extra-territorial private property located along the south side of State Route 99 between Community Park and Humboldt Avenue in order to construct and maintain the proposed Little Chico Creek Bike Path. The proposed property is located on four parcels within an area of the City's Planning Boundary that is currently outside of the City's jurisdiction -action requested - APPROVE THE CITY OF CHICO'S REQUEST FOR ACQUISITION OF EXTRA-TERRITORIAL PROPERTY AND DIRECT THE PUBLIC WORKS DIRECTOR TO NOTIFY THE CITY OF CHICO OF BUTTE COUNTY'S ACTION. (Public Works)

THE DEPARTMENT OF PUBLIC WORKS REQUEST THIS ITEM BE REMOVED FROM THIS AGENDA. IT WILL RETURN ON A FUTURE AGENDA.

2. Harold Thomas - amendment - approval is requested for an amendment to the agreement with Harold Thomas, an attorney with the California Department of Fish and Game assigned to the District Attorney's office. The proposed amendment extends the term of the agreement to December 31, 2009 and increases the maximum amount payable by \$8,165 for incidental business expenses. The funds for Mr Thomas' expenses are from monetary settlements of environmental cases - 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 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. X15184) (District Attorney)

KIM SCOTT, A MEMBER OF THE PUBLIC REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA

12. Accept Unanticipated Revenue - approval is requested to accept \$89,916 in unanticipated revenue as detailed in the agenda report. The District Attorney's (DA) Office litigated environmental cases against Jaeger Construction, Inc. and Chico Scrap Metal. The monetary settlement requires the defendants to make annual reimbursement payments to the DA. The payments are then distributed to reimburse damaged parties - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)

KIM SCOTT REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

CONSENT AGENDA

- 0914-002
1. Lawrence C. Mayerle, M.D. - amendment - approval is requested for an amendment to the agreement with Lawrence C. Mayerle, M.D. for the provision of psychiatric services. The amendment decreases the maximum amount payable by \$17,385 (proposed 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)
 2. Thomas Lancaster, M.D. - amendment - approval is requested for an amendment to the agreement with Thomas Lancaster, M.D. for the provision of psychiatric services and medical treatment of Behavioral Health clients. The amendment increases the maximum amount payable by \$22,210 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
 3. Feather River Tribal Health, Inc. (FRTH) - amendment - approval is requested for an amendment to the agreement with FRTH. This organization acts as Co-Director to the Connecting Circles of Care grant from the Substance Abuse and Mental Health Services Administration (SAMHSA). The amendment increases the maximum amount payable by \$27,266.44 (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)

4. Trilogy Integrated Resources LLC - amendment - approval is requested for an amendment to the agreement with Trilogy Integrated Resources LLC for the maintenance of the Network of Care website which provides an array of on-line social services. The amendment extends the term of the agreement through June 30, 2009 and increases the maximum amount payable by \$18,000 (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)
5. Department of Alcohol and Drug Programs (ADP) - amendment - approval is requested for an amendment to the Combined Negotiated Net Amount (NNA) and Drug/Medi-Cal agreement with ADP. The amendment decreases the the Fiscal Year 2008/2009 amount receivable by \$35,944 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND ADOPT RELATED RESOLUTION APPROVING AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40955) (Behavioral Health)
6. Butte County Department of Employment and Social Services (DESS) and Butte County Probation - approval is requested for a Memorandum of Understanding with the Butte County Department of Employment and Social Services and Butte County Probation for staff services to support the Supportive and Therapeutic Options Program (STOP). The term of the agreement is July 1, 2008 through June 30, 2009. DESS will reimburse Butte County's Department of Behavioral Health (BCDBH) the state allocation, including the County match, up to \$104,901, and Probation will reimburse DESS for up to 30% of the services provided by BCDBH - 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 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)
7. Approval of Minutes - action requested - APPROVE MINUTES OF APRIL 21, 2009; MAY 5, 2009; AND MAY 12, 2009. (Chief Administrative Office)
8. Gallina, LLP - approval is requested for an agreement with Gallina, LLP (formerly Bartig, Basler, & Ray, CPAs) for the provision of annual auditing services. The term of the agreement is June 30, 2009 through June 30, 2012. The maximum amount payable, by fiscal year (FY), is as follows: \$81,000 for FY 2009/2010; \$83,000 for FY 2010/2011; and \$85,000 for FY 2011/2012 - action requested - APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Chief Administrative Office)

9. Board Meeting Calendar Amendment - approval is requested to cancel the July 7, 2009 regular Board of Supervisors meeting in order to accommodate holiday and travel schedules - action requested - APPROVE AMENDMENT TO BOARD OF SUPERVISOR MEETING CALENDAR. (Chief Administrative Office)
10. Resolution Approving Application for Fiscal Year (FY) 2009 Emergency Management Performance Grant Program - consideration of a resolution which authorizes the Chief Administrative Officer and/or Emergency Services Officer to apply for the FY 2009 Emergency Management Performance Grant and to sign all necessary documents related to obtaining the grant. The California Emergency Management Agency has allocated \$105,824 to the Butte County Operational Area. Participation in the grant requires a dollar for dollar County match -action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)

11. Budget Transfer - Due to reductions in State of California grants, the DA's office was awarded \$38,463 less than anticipated from the Vertical Prosecution Block Grant. The requested budget transfer as detailed in the agenda report is needed to reduce the affected revenues and appropriations to balance the department's budget - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)
12. Accept Revenue - approval is requested to accept \$176,664 in revenue received through the Indian Gaming Special Distribution Fund Grant for Fiscal Year 2008/2009 - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)

13. Request to Extend Temporary Assignments to a Higher Level Classification - approval is requested to extend two current out-of-class assignments. One is for an employee temporarily assigned the duties of Assistant Director of Employment and Social Services (DESS). This assignment began when the incumbent went out on long term medical leave and continues because the incumbent has since retired. The second out-of-class assignment is for an employee assigned to the duties of Program Manager of DESS who is covering for the employee temporarily assigned to the Assistant Director position. Temporary assignments to a higher level classification may be approved by the Department for ninety days and the Director of Human Resources for an additional ninety days - action requested - APPROVE EXTENSION OF EACH TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION FOR AN ADDITIONAL 180 DAYS FOR A CUMULATIVE TOTAL OF 360 DAYS OR UNTIL THE HIRING PROCESS TO FILL THE VACANT ASSISTANT DIRECTOR POSITION CAN BE COMPLETED, WHICHEVER OCCURS FIRST. (Employment and Social Services)

14. Accept Unanticipated Revenue - approval is requested to accept a total of \$354,765 in revenue from the State of California for the CalWORKS program. These funds will be used for contracted services that are currently in place - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Employment and Social Services)

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

DISTRICT ATTORNEY - requests to extend the sunset date for the following positions through June 30, 2010: one position of Office Assistant; one 50% FTE position of Paralegal; two positions of Investigator I/II; one 50% FTE position of Investigative Assistant; two positions of Investigative Assistant; and one position of Supervisor, Deputy District Attorney. The department also requests to delete one position of Deputy District Attorney IV/III/II/I ~~with a sunset date of June 30, 2009.~~ The change will decrease the total allocations in the department from 82.5 to 81.5 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

16. Advanced Step Hire - Manager, Program Development - Pursuant to Personnel Rule 11.13, the Director of Human Resources is requesting the Board approve the Advanced Step Hire of Jennifer Macarthy at step 7 of the salary range for the Manager, Program Development position effective the date of hire. Ms. Macarthy held this position with Butte County from January 2004 through February 2006 and at that time was paid at the top step of the salary range due to her extensive education, training, and experience - action requested - APPROVE ADVANCED STEP HIRE OF JENNIFER MACARTHY TO STEP 7 OF THE SALARY RANGE. (Human Resources)

17. Roger Pearson - approval is requested for an employment agreement with Roger Pearson for the position of Interim Director - Library. The initial term of the agreement begins May 26, 2009 and will terminate after six months or upon the hiring of the permanent Library Director. The starting bi-weekly salary is \$4,560 -action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL. (Human Resources)

18. Library Donations - pursuant to Government Code Section 25355, donations of \$1,200 from the Oroville Friends of the Library; \$300 from Patricia C. Warren; \$269.85 from Ruthmarie Ferris; \$100 from an anonymous source; \$200 from Elizabeth Van Laan in honor of James Lindsey; \$100 from Marilyn Niepoth in honor of James Lindsey; and \$250 from Dorothy Dingfelder have been received for Books; \$471.60 from Paradise Friends of the Library have been received for Operations - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)
20. CSU Chico Research Foundation - amendment - approval is requested for an amendment to this agreement. The CSU Chico Research Foundation serves as one of the participating agencies for the provision of Targeted Case Management (TCM) Services. The amendment increases the maximum amount payable by \$18,766.35 (covered 100% with TCM revenue)- 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 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Public Health)
21. Northern California EMS, Inc. - approval is requested for this sole source agreement for Northern California EMS, Inc. to act as the designated local emergency medical services (EMS) agency to perform functions as required by the Emergency Medical Services Act. The term of the agreement is July 1, 2009 through June 30, 2010 with a maximum amount payable \$95,026.34 (department budget)- action requested - APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)
22. North Yuba Water District - Water Facility Acquisition - The North Yuba Water District would like to obtain ownership from Sierra Pacific Industries of a 1.03-acre portion of APN 073-160-049 that now houses the District's existing water tank. The property in question is located on the west side of Forbestown Road at the intersection with School Street. The proposed parcel is smaller than the minimum lot size allowed under the current U Zoning designation but is consistent with the General Plan. It is requested that the Board make a finding that the filing of a Parcel Map is not required for the conveyance of this property provided that a specific notation, as detailed in the agenda report, is included in the deed - action requested - PURSUANT TO GOVERNMENT CODE 66428(a)(2), FIND THAT PUBLIC POLICY DOES NOT NECESSITATE THE FILING OF A PARCEL MAP FOR NORTH YUBA WATER DISTRICT TO ACQUIRE A PORTION OF APN 073-160-049. (Public Works)

- 24. Adoption of an Ordinance Amending Butte County Code Section 2-166 Delegating Investment Authority to the Butte County Treasurer-Tax Collector - pursuant to Government Code Section 53607, approval is requested for an ordinance which will delegate investment authority to the Treasurer-Tax Collector for Fiscal Year 2009/2010. This ordinance will replace No. 3985 which expires June 30, 2009 - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (Treasurer-Tax Collector)

- 25. Resolution Authorizing and Approving 2009/2010 Butte County Office of Education (BCOE) Tax & Revenue Anticipation Notes (TRAN) - consideration of a resolution which authorizes the BCOE to issue TRANS not to exceed \$32,000,000. The notes will be a general obligation of the Office of Education, and Butte County has no fiduciary responsibility regarding the repayment of these notes - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Treasurer-Tax Collector)

- 26. Annual Certification of Compliance with Continuing Disclosure Requirements for Debt Issuance - submitted for Board review are the Continuing Disclosure filings for Fiscal Year 2007/2008 - action requested - ACCEPT FOR INFORMATION. (Treasurer-Tax Collector)

- 27. Local Child Care Planning Council (LPC) County Priorities Report - The LPC is required to submit an updated Priorities Report to the Board of Supervisors. This report identifies the areas within Butte County with the greatest need for child care - action requested - ACCEPT AND APPROVE THE 2009 PRIORITIES DESIGNATION AS SUBMITTED. (Other Departments and Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF THE FOLLOWING: ITEMS 3.11 AND 3.12 WHICH WERE PULLED FROM CONSENT FOR DISCUSSION ON THE REGULAR AGENDA; ITEM 3.24 WHICH WAS REMOVED FROM THE AGENDA AND WILL RETURN ON A FUTURE AGENDA; AND WITH THE CORRECTION AS READ INTO RECORD ON THE APRIL 21, 2009 MINUTES.

M 2

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

REGULAR AGENDA

- 0914-003 Boards, Commissions and Committees.
- 1. Appointments to Listed Vacancies. (None)
 - 2. Board Member or Committee Reports.

0914-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICER REPORTED

0914-005 Update of General Plan 2030 Process by Director-Development Services.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED AN UPDATE TO THE BOARD. HE REPORTED THAT THE BOARD WILL HAVE A JOINT MEETING WITH THE PLANNING COMMISSION TO DISCUSS THE HOUSING ELEMENT FOR GENERAL PLAN 2030.

HE REQUESTED BOARD DIRECTION REGARDING AN IDEA TO REQUEST A MEMBER OF THE PUBLIC DESIGN THE COVER OF THE GENERAL PLAN. THE BOARD AGREED TO THE CONTEST AND DECIDED THAT THEY WOULD EACH RAISE AND/OR DONATE \$100 EACH.

0914-006 Update Regarding Upcoming Butte County Code Amendments.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED AN UPDATE TO THE BOARD.

RECESS: 9:20 A.M.
RECONVENE: 9:30 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0914-008 Public Hearing - Transfer of Community Development Block Grant (CDBG) Program Income and Award of Contract for Americans with Disabilities Act (ADA) Remodel at Oroville Veterans Memorial Hall - approval is requested to transfer \$110,000 from the Housing and Community Development (HCD) Program Income Loan Fund to the CDBG Program Grants fund. These funds will be used for ADA improvements to the Oroville Veterans Memorial Hall, which include the installation of an elevator. Four bids were received for the improvement project at the Oroville Veterans Memorial Hall. The lowest responsible and responsive bidder was Carey Construction of Oroville, CA with a bid in the amount of \$403,194 - action requested - 1)APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; 2) ADOPT RELATED RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 3) AWARD BID TO CAREY CONSTRUCTION OF OROVILLE, CA. (Administration/General Services) (5:07)

PRESENTATION BY DAN BLAIR AND RICHARDS HALL, DIRECTOR OF GENERAL SERVICES.

PUBLIC HEARING OPENED: 9:35 A.M.
PUBLIC HEARING CLOSED: 9:37 A.M.

MOTION: I MOVE TO APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; ADOPT RELATED RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND AWARD BID TO CAREY CONSTRUCTION OF OROVILLE, CA.

M 2

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

0914-007 Scoping Comments for the Transmission Agency of Northern California (TANC) Transmission Project - consideration of scoping comments regarding the development of the proposed TANC Transmission Project. Two of the three proposed alignments for the transmission lines would pass through Butte County. The Western Power Administration is accepting scoping comments for the preparation of an Environmental Impact Report/Environmental Impact Statement through May 31, 2009 - action requested - PROVIDE DIRECTION TO STAFF REGARDING PREPARATION OF COMMENTS ON THE TANC TRANSMISSION PROJECT AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES AND CHUCK THISTLEWAITE, PLANNING MANAGER.

JAMES BECK, GENERAL MANAGER AND BRYAN GRIESS, ASSISTANT GENERAL MANAGER OF THE TRANSMISSION AGENCY OF NORTHERN CALIFORNIA (TANC) TRANSMISSION PROJECT PROVIDED A REPORT.

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: JOHN MCCONNELL, LARRY B. MCCORKELL, SHARON CONNELLY, AND KATHY PUP.

THE BOARD PROVIDED THE FOLLOWING DIRECTION: (54:12) DIRECTED THE DEPARTMENT OF DEVELOPMENT SERVICES DRAFT A COMMENT LETTER TO BE SEND TO TANC THAT WILL INCORPORATE THE COMMENTS PROVIDED BY THE MEMBERS OF THE PUBLIC TODAY, AND TO INCLUDE THE FOLLOWING COMMENTS FROM THE BOARD: TANC NEEDS TO AVOID PUBLIC SCENIC AREAS; THAT MOBILE HOMES WITHOUT FOUNDATIONS BE CONSIDERED PERMANENT STRUCTURES; PROVIDE STRONG COMMENTS REGARDING PROPOSED LINES TO GO THROUGH BUTTE COUNTY;

0914-009 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

- _____ 1. Harold Thomas - amendment - approval is requested for an amendment to the agreement with Harold Thomas, an attorney with the California Department of Fish and Game assigned to the District Attorney's office. The proposed amendment extends the term of the agreement to December 31, 2009 and increases the maximum amount payable by \$8,165 for incidental business expenses. The funds for Mr Thomas' expenses are from monetary settlements of environmental cases - 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 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. X15184) (District Attorney)

TWO MEMBERS, KIM SCOTT AND MELVIN MORRIS OF THE PUBLIC REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: KIM SCOTT, MELVIN MORRIS, STEVEN SIDENGLANZ, AND IRV LEEN. (1:08:03)

MIKE RAMSEY ADDRESSED THE BOARD.

MOTION: I MOVE TO APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

M 2

VOTE: 1 N 2 Y 3 Y 4 N 5 N (MOTION FAILED TO CARRY)

RECESS: 11:20 A.M.
RECONVENE: 11:25 A.M.

2. Accept Unanticipated Revenue - approval is requested to accept \$89,916 in unanticipated revenue as detailed in the agenda report. The District Attorney's (DA) Office litigated environmental cases against Jaeger Construction, Inc. and Chico Scrap Metal. The monetary settlement requires the defendants to make annual reimbursement payments to the DA. The payments are then distributed to reimburse damaged parties - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)

KIM SCOTT REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

KIM SCOTT ADDRESSED THE BOARD.

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

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

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.

RICHARD MEYERS ADDRESSED THE BOARD REGARDING NEW ERA MINE. (1:54:56)

CLOSED SESSION

0914-009 THE BOARD RECESSED TO CLOSED SESSION REGARDING:

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): ~~THREE~~ CASES 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. BORGE V. COUNTY OF BUTTE; USDC CASE NO. 06-2228;
4. DRY CREEK COALITION OF BUTTE COUNTY, ET AL. V. BUTTE COUNTY BOARD OF SUPERVISORS, ET AL.; BUTTE COUNTY SUPERIOR COURT CASE NO. 144532.

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 FROM CLOSED SESSION REGARDING:

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): ~~THREE~~ ~~CASES~~ 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. BORGE V. COUNTY OF BUTTE; USDC CASE NO. 06-2228;
4. DRY CREEK COALITION OF BUTTE COUNTY, ET AL. V. BUTTE COUNTY BOARD OF SUPERVISORS, ET AL.; BUTTE COUNTY SUPERIOR COURT CASE NO. 144532.

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.

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 4:45 P.M., TO RECONVENE AT A SPECIAL MEETING OF THE BOARD TO BE HELD TUESDAY, MAY 12, 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: _____