

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

NOVEMBER 10, 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 9:03 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.

CORRECTIONS AND/OR CHANGES TO THE AGENDA.

- 0927-001 Substance Abuse Offender Treatment Program (OTP) Revised Fiscal Year (FY) 2009/2010 Application - On September 10, 2009, the Department of Alcohol and Drug Programs (ADP) requested Behavioral Health submit a revised 2009/2010 OTP application in order to receive additional OTP funds for FY 2009/2010 - action requested - 1) APPROVE THE SUBSTANCE ABUSE OFFENDER TREATMENT PROGRAM (OTP) REVISED FISCAL YEAR (FY) 2009/2010 APPLICATION; 2) ADOPT RELATED RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 3) ACCEPT AND APPROPRIATE \$31,492 OF UNANTICIPATED OTP REVENUE AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)

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

CONSENT AGENDA

- 0927-002 1. Courage to Commit - amendment - approval is requested for an amendment to the agreement with Courage to Commit for the provision of residential and outpatient mental health services to foster care children in Butte County. The amendment increases the maximum amount payable by \$65,232.90 (department budget utilizing Mental Health Services Act and Medi-Cal funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17906)(Behavioral Health)
2. Relief of Accountability - approval is requested for relief of accountability for an HP Color LaserJet 5m printer which was sent to surplus in January 2008 and a non-functional Netframe Netware Server which has been disposed of - action requested - RELIEVE ACCOUNTABILITY FOR FIXED ASSET NUMBER 24799 AND 25870 AND DIRECT THESE ITEMS TO BE REMOVED FROM FIXED ASSET LEDGER. (Behavioral Health)

3. Esplanade Enterprises, Inc. dba Merit Medi-Trans, Inc. - amendment - approval is requested for an amendment to the agreement with Esplanade Enterprises, Inc. for the provision of Emergent and Non-Emergent client transportation services. The amendment increases the maximum amount payable by \$10,000 (department budget utilizing State Managed Care revenue) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17822)(Behavioral Health)
4. Fixed Asset Purchase - approval is requested for a fixed asset purchase in the amount of \$25,000 for modular furniture for the relocation of the administrative offices. This is the final action to be made as part of the department's space reduction plan that began in Fiscal Year 2008/2009 funds - action requested - APPROVE THE FIXED ASSET PURCHASE OF MODULAR FURNITURE; AND APPROVE RELATED BUDGET TRANSFER IN THE AMOUNT OF \$25,000 AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)
5. Accept Fiscal Year 2009 State Homeland Security Grant - approval is requested to accept and appropriate \$532,976 from the Office of Homeland Security. As detailed in the agenda report, these funds will be used for the purchase of equipment and fixed assets for various departments and incorporated jurisdictions in Butte County. The funds will also be utilized for planning, training, and outreach projects - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASES AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)
6. Superior Court of California, County of Butte - approval is requested for an agreement with the Court for the provision of the Dispute Resolution Program. The term of the agreement is September 1, 2009 through December 31, 2010 with a maximum amount receivable of \$48,253. 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. (Chief Administrative Office)

7. Expert Witness Fees - approval is requested for the payment of expert witness services in the amount of \$2,550 (department budget). Schmidt Psychological Services was utilized in a criminal case, but due to the nature of the crime and time constraints, the department was not able to go through the administrative procedures set up for the payment of expert witnesses - action requested - AUTHORIZE PAYMENT OF INVOICE IN THE AMOUNT OF \$2,550 FOR EXPERT WITNESS SERVICES. (District Attorney)
8. Appropriate Fund Balance - Since Fiscal Year 1998/1999 the District Attorney's office has received funding from the Department of Insurance through the Automobile Insurance Fraud Program and the Workers' Compensation Insurance Fraud Grant. Upon completion of an audit by Gallina LLP, the carryover figures at the end of Fiscal Year 2008/2009 totaled \$74,888. The DA's office has received adequate funding from the Department of Insurance for Fiscal Year 2009/2010 and will not need to utilize the carryover funds. Approval is requested to return these funds to the Department of Insurance -action requested - APPROVE BUDGET TRANSFER (4/5 vote required) APPROPRIATING CARRYOVER FUND RECEIVED THROUGH GRANTS AS DETAILED IN THE AGENDA REPORT. (District Attorney)
9. In-Home Supportive Services (IHSS) Program Integrity and Fraud Investigations Plan - approval is requested for the IHSS Program Integrity and Fraud Investigations Plan which will be submitted to the California Department of Social Services (CDSS). The Department of Employment and Social Services (DESS) may apply for \$198,954 in state funds through CDSS. In order to be eligible for these funds, the County is required to submit the approved Program Integrity and Fraud Investigations plan to CDSS for State approval. A \$32,244 County match will also be required upon implementation of the plan - action requested - APPROVE PROPOSED IHSS PROGRAM INTEGRITY AND FRAUD INVESTIGATIONS PLAN AND AUTHORIZE SUBMISSION TO CDSS; AND DIRECT DEPARTMENTS TO RETURN TO THE BOARD AT A FUTURE DATE WITH A MEMORANDUM OF UNDERSTANDING IMPLEMENTING THE PLAN AND FOR AUTHORIZATION FOR A BUDGET ADJUSTMENT FOR THE COUNTY MATCH. (Employment and Social Services)

10. Accept Unanticipated Revenue for the Administration of the Food Stamp and MediCal Programs - DESS has been notified of increased funding allocations for the Non-Assistance Food Stamp (NAFS) Program and for administration of the Medi-Cal Program. Approval is requested to appropriate a total of \$1,529,710 in unanticipated revenue to support a total of 27 new positions as follows: 21 Eligibility Specialists; 3 Employment and Eligibility Specialists, Senior; 3 Supervisors, Employment and Eligibility. These additional position will have no impact on the General Fund - action requested - APPROVE BUDGET TRANSFERS (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Employment and Social Services)
11. Donation of Personal Property to the City of Biggs - approval is requested to donate personal property to the City of Biggs. The property includes wooden tables, folding chairs, a non-functioning stove, and table and chair carts once used at 280 B Street in Biggs, the former Veterans Memorial Hall. This property was considered by committees of the other Veterans Halls in Butte County, but none needed the available property -action requested - APPROVE DONATION OF PERSONAL PROPERTY TO THE CITY OF BIGGS. (General Services)
12. ThyssenKrupp Elevator - amendment - approval is requested for an amendment to the agreement with ThyssenKrupp Elevator for the provision of service, maintenance, and testing of elevators in County facilities. The amendment extends the term of the agreement through November 28, 2011, increases the maximum amount payable by \$16,980 (department budget), and removes service for four elevators at 1 Court Street as the Courts now contract directly for this service - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
13. Resolution Approving the Application to the California Energy Commission's Energy Efficiency & Conservation Block Grant (EECBG) Program - consideration of a resolution to approve the submittal of an application for EECBG funding for the operation, repair, maintenance, and permitting of mechanical equipment in County facilities. The American Recovery & Reinvestment Act (ARRA) provides this funding to the State for disbursement to small counties. Butte County's allocation is \$478,245. The State requires all applications include a resolution from the governing body making CEQA findings - action requested - 1) FIND THE ACTIVITIES FUNDED UNDER THIS GRANT ARE CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES; 2) ADOPT RESOLUTION 09-164 AND AUTHORIZE THE CHAIR TO SIGN; AND 3) AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE LOAN. (General Services)

14. Proposal to Lease Real Property - 492 Rio Lindo Avenue, Chico - The County of Butte acquired the property at 492 Rio Lindo in 2006. The property was occupied by a private commercial business, and the County took over the existing lease. That tenant has now vacated, and at this time, the building does not meet the needs for use by a County department. Staff recommends to market the lease of the building using the Multiple Listing Service (MLS) and other marketing methods to advertise the lease. The final negotiated lease agreement will return on a future agenda for approval - action requested - APPROVE THE MARKETING OF 492 RIO LINDO AVENUE FOR LEASE USING MLS, IN COMPLIANCE WITH GOVERNMENT CODE SECTION 25537; AND DIRECT STAFF TO BRING FINAL LEASE AGREEMENT TO BOARD FOR APPROVAL. (General Services)
15. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows:

BEHAVIORAL HEALTH - requests to add the following positions: one position of Psychiatric Technician, Senior/Psychiatric Technician; one position of Behavioral Health Education Specialist, Senior/Behavioral Health Education Specialist/Behavioral Health Education Specialist, Associate; one position of Medical Director; one position of Supervisor, Mental Health Clinician; one-half position of Behavioral Health Counselor II/I/Mental Health Worker. The department also requests to delete the following: one position of Forensic Coordinator; and one position of Behavioral Health Counselor II/I/Mental Health Worker.

The Behavioral Health Education Specialist position is currently funded in the FY 09-10 budget and will be used for the Mental Health Services Act program at the Gridley Live Spot. The Medical Director is a newly created position and is currently budgeted in the FY 09-10 budget. The Supervisor, Mental Health Clinician position is for the Connecting Circles of Care program and is currently budgeted in the FY 09-10 budget. These changes will increase the total allocations in the department from 310.25 to 312.75.

HUMAN RESOURCES - Concurrent with the Behavioral Health Department's request to add one (1) position of Medical Director, the Human Resources Department is requesting to add the classification of Medical Director (Class Code 4116) to Section 57, Reference K titled "Non-Represented Classification" of the Salary Ordinance. This position will have a flat rate salary of \$211,584. The salary was determined through a survey of like positions in the County's comparator counties.

EMPLOYMENT AND SOCIAL SERVICES - the department requests to add the following positions: three positions of Supervisor, Employment and Eligibility; three positions of Employment and Eligibility Specialist, Senior; and twenty-one positions of Eligibility Specialist. The department also requests to

delete the following: one position of Supervisor, Social Work and three positions of Employment Case Manager, Senior/Employment Case Manager (term position to end 07/31/10).

One (1) position of Supervisor, Employment & Eligibility, one (1) position of Employment & Eligibility Specialist, Senior and seven (7) positions of Eligibility Specialist will be funded by an increase in the state allocations for Medi-Cal administration over what was anticipated in the FY 09-10 budget. The other two (2) positions of Supervisor, Employment & Eligibility, two (2) Employment & Eligibility Specialist, Seniors and fourteen (14) Eligibility Specialists will be funded by an increase in the state allocation for Food Stamps administration over what was anticipated in the FY 09-10 budget. These changes will increase the total allocations in the department from 534.4 to 557.4 - ADOPT RESOLUTION 09-165 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

16. Library Donations - pursuant to Government Code Section 25355, donations of \$1,065 from the Chico Friends of the Library; and \$2,791.50 from the Oroville Friends of the Library have been received for books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)
17. California Environmental Protection Agency (CalEPA) - amendment - approval is requested for an amendment to the revenue agreement with CalEPA for the California Aboveground Petroleum Storage Act program. The funds from this grant are used to implement the transfer of authority and responsibility for the inspection of aboveground petroleum storage tank facilities to local Certified Unified Program Agencies (CUPAs). The Environmental Health Division is Butte County's CUPA. The amendment extends the term of the agreement through May 1, 2011 and increases the maximum amount receivable by \$6,835.43 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)

REGULAR AGENDA

0927-003 Boards, Commissions and Committees.

1. Appointments to Listed Vacancies. (None)
2. Sacramento River Conservation Area Forum - action requested - REAPPOINT SUPERVISOR JANE DOLAN AS REPRESENTATIVE TO A TERM TO END DECEMBER 31, 2012.

MOTION: I MOVE TO REAPPOINT SUPERVISOR JANE DOLAN AS REPRESENTATIVE TO A TERM TO END DECEMBER 31, 2012. (2:36)

M 2

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

3. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI REPORTED ON MEETINGS WITH THE FIRE SAFE COUNCIL AND THE STEWARDSHIP COUNCIL. (9:00)

SUPERVISOR LAMBERT REPORTED THAT FEMA PLANS TO REMOVE THE CITIES OF BIGGS AND GRIDLEY FROM A LIST OF COMMUNITIES THAT WILL BE REQUIRED TO PURCHASE FLOOD INSURANCE. HE COMPLIMENTED PUBLIC WORKS' STAFF ON THEIR ASSISTANCE THROUGHOUT THIS PROCESS.

0927-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (14:08)

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

0927-005 Update of General Plan 2030 Process by Director-Development Services.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED AN UPDATE OF GENERAL PLAN 2030. 16:56)

MR. SNELLINGS ALSO REPORTED ON UPCOMING CODE AMENDMENT UPDATES.

0927-006 Discussion Regarding Butte County Sheriff Vacancy - On October 21, 2009, Butte County's Sheriff-Coroner, Perry Reniff, announced his resignation from his position as County Sheriff-Coroner effective December 30, 2009. Pursuant to Government Code Section 25304, the Board of Supervisors must fill a vacancy to this position. The appointee will hold office for the balance of the term which ends January 3, 2011 - action requested - DISCUSS THE APPOINTMENT PROCESS AND DIRECT STAFF AS NEEDED. (Chief Administrative Office)

GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICE REQUESTED BOARD DIRECTION REGARDING AN APPOINTMENT TO REPLACE SHERIFF PERRY RENIFF UPON HIS RETIREMENT EFFECTIVE DECEMBER 30, 2009.

SHERIFF PERRY RENIFF AND DISTRICT ATTORNEY MIKE RAMSEY ADDRESSED THE BOARD.

MOTION: I MAKE A MOTION OF INTENT TO APPOINT CAPTAIN JERRY SMITH AS BUTTE COUNTY'S SHERIFF CORONER AND DIRECT THIS ITEM RETURN ON THE BOARD'S NEXT AGENDA. (25:35)

2 M

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

0927-007 Discussion Regarding the Current Temporary Closure of Fire Stations and Potential Adjustments to the Fire Department Budget for Fiscal Year 2009/2010 - action requested - DISCUSS AND PROVIDE DIRECTION TO STAFF. (Supervisor Kirk)

SUPERVISOR KIRK REPORTED THAT SHE BROUGHT THIS ITEM FORWARD TO DISCUSS THE POSSIBILITY OF REMOVING THE BROWN OUTS THAT BEGAN IN JULY 2009.

DEPUTY CHIEF GEORGE MORRIS PROVIDE A REPORT TO THE BOARD. (36:54)

JEFF BURROWS ADDRESSED THE BOARD.

MOTION: I MOVE TO DIRECT THE CAO AND CFO, AS SOON AS POSSIBLE, BRING BACK A FOCUSED REPORT TO THE BOARD OF POSSIBLE RESTORATION OF FUNDS FOR PUBLIC SAFETY AND FIRE WITH A CLEAR RECOMMENDATION THAT WE CAN IMPROVE THESE SERVICES IN A WAY THAT CAN BE SUSTAINED.

M 2

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

THE BOARD DIRECTED THAT THIS REPORT BE PROVIDED AS SOON AS POSSIBLE AND IF NEEDED, A SPECIAL MEETING BE SCHEDULED FOR THE DISCUSSION.

PUBLIC HEARINGS AND TIMED ITEMS

0927-008 Public Hearing - Appeal of Planning Commission's Denial Without Prejudice of Tentative Parcel Map (TPM09-0002) for James Miller - consideration of an appeal to divide 11.2 acres into a total of five parcels (three parcels at 1.0 acre and one parcel at 1.24 acres with a remainder of 6.88 acres). The project site is located south of Chico with access to the site off of Speedway Avenue. The Planning Commission voted unanimously to deny the application without prejudice. Staff recommends denial of the appeal - action requested - ADOPT RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION.

MARK MICHELENA, SENIOR PLANNER WITH THE DEPARTMENT OF DEVELOPMENT SERVICES INFORMED THE BOARD THAT DUE TO HEALTH REASONS, THE APPLICANT HAS REQUESTED A CONTINUANCE TO JANUARY 2010.

PUBLIC HEARING OPENED: 10:00 A.M.
PUBLIC HEARING CONTINUED OPEN TO JANUARY 12, 2010

RECESS: 10:01 A.M.
RECONVENE: 10:20 A.M.

0927-009 Public Hearings - Itemized Cost of Nuisance Abatement for the Following Properties -

- A. 2886 Foothill Boulevard, Oroville, APN 079-060-055 (CE08-0324) - After the hearing officer's decision, the property was abated by the property owner on March 11, 2009 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$3,438.37 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.

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

PUBLIC HEARING OPENED: 10:21 A.M.
PUBLIC HEARING CLOSED: 10:30 A.M.

THE WIFE OF THE PROPERTY OWNER ADDRESSED THE BOARD.

MOTION: I MOVE TO STAY THE PLACEMENT OF A LIEN; REDUCE THE AMOUNT OWED TO THE COUNTY TO \$1720 (ONE-HALF OF THE ORIGINAL AMOUNT); REQUIRE THE PROPERTY OWNER SET UP A PAYMENT PLAN WITH DEVELOPMENT SERVICES IN THE AMOUNT OF \$100 PER MONTH; AND IF PAYMENTS ARE NOT MADE IN A TIMELY MANNER THE AMOUNT WILL GO INTO A LIEN. (1:14:58)

M 2

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

B. 14754 Masterson Way, Magalia, APN 064-720-018 (CE08-0581) - After the hearing officer's decision, the property was abated by the property owner between December 11, 2008 and January 23, 2009 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$2,708.35 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.

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

PUBLIC HEARING OPENED: 10:40 A.M.
PUBLIC HEARING CLOSED: 10:40 A.M.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$2,708.35 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)

C. 2254 Fort Wayne Street, Oroville, APN 035-154-015 (CE07-0608) - This property was abated by the County on August 31, 2009 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$6,658.11 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. August 19, 2010

PUBLIC HEARING OPENED: 10:41 A.M.
PUBLIC HEARING CLOSED: 10:41 A.M.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$6,658.11 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)

D. 2155 Williams Avenue, Palermo, APN 026-183-031 (CE07-1573) - After the hearing officer's decision, the property was abated by the property owner between August 27, 2008 and January 5, 2009 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$3,578.95 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. (1:12:52)

PUBLIC HEARING OPENED: 10:43 A.M.

PUBLIC HEARING CLOSED: 10:43 A.M.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$3,578.95 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)

PUBLIC HEARING OPENED: 10:44 A.M.

PUBLIC HEARING CLOSED: 10:48 A.M.

E. 2440 V-7 Road, Oroville, APN 078-280-038 (CE07-1050) - After the hearing officer's decision, the property was abated by the property owner between November 13, 2008 and April 4, 2009 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$4,246.64 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.

PUBLIC HEARING OPENED: 10:54 A.M.

PUBLIC HEARING CLOSED: 10:58 A.M.

T.C. DENNIS, THE PROPERTY OWNER'S SON ADDRESSED THE BOARD.

MOTION: I MOVE TO PLACE A LIEN FOR 50% OF THE RECOMMENDED AMOUNT (\$2,123.32) 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.

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

F. 4240 Mountain Pine Lane, Concow, APN 058-340-022 (CE08-1215)- After the hearing officer's decision, the property was abated by the property owner between July 17, 2009 and September 11, 2009 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$3,262.02 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. (Development Services)

PUBLIC HEARING OPENED: 11:04 A.M.
PUBLIC HEARING CLOSED: 11:04 A.M.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$3,262.02 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)

0927-010 Public Hearing - Appeal of Planning Commission's Denial of Tentative Parcel Map (TPM08-0007) for South Oroville Land Development, LLC - consideration of an appeal to divide two parcels, totaling 732 acres into 28 parcels ranging in size from 20 to 52 acres. The project site is located east of Palermo with access to the site off of Cox Lane. Staff recommends denial of the appeal. Due to an error in the public notice, it is requested that the Board open this hearing, take any public input, and continue the hearing open to the December 8, 2009 Board meeting. Public testimony will also be taken at the December meeting - action requested - TAKE PUBLIC COMMENT AND CONTINUE HEARING OPEN TO DECEMBER 8 AT 10:15. (Development Services)

PUBLIC HEARING OPENED: 11:06 A.M.
PUBLIC HEARING WAS CONTINUED OPEN TO DECEMBER 8, 2009 AT 10:15 A.M.

SCOTT PERKINS ADDRESSED THE BOARD.

0927-011 Timed Item - State and Federal Legislative Platforms - Presentations regarding the Fiscal Year (FY) 2010 State and Calendar Year 2010/Fiscal Year 2011 Federal Legislative Platforms - action requested - ACCEPT FOR INFORMATION; AND ADOPT STATE AND FEDERAL LEGISLATIVE PLATFORMS. (Chief Administrative Office)

PRESENTATION BY SHARI MCCRACKEN, DEPUTY ADMINISTRATIVE OFFICER AND PAUL YODER FROM SHAW/YODER.

MS. MCCRACKEN POINTED OUT TWO CHANGES TO THE PLATFORM PROVIDED: PAGE 3 AND PAGE 11 ON STATE.

SUPERVISOR CONNELLY REQUESTED THAT ANY POTENTIAL FUNDING FOR VETERANS HALLS, VETERANS PARKS, AND SUPPORT FOR VETERANS' PROJECTS BE ADDED TO THE PRIORITIES FOR THE STATE PLATFORM. (2:01:53)

DISTRICT ATTORNEY MIKE RAMSEY REQUESTED TO ADD PROPOSITION 36 FUNDING TO THE STATE LEGISLATIVE PLATFORM.

MOTION: I MOVE TO ADOPT STATE LEGISLATIVE PLATFORMS WITH THE FOLLOWING AMENDMENTS: ADD POTENTIAL FUNDING FOR VETERANS HALLS, VETERANS PARKS, AND SUPPORT FOR VETERANS' PROJECTS AND ADD PROPOSITION 36 TREATMENT FUNDING. (2:05:46)

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

SHARI MCCRACKEN REVIEWED THE FEDERAL LEGISLATIVE PLATFORMS.

MOTION: I MOVE TO ADOPT FEDERAL LEGISLATIVE PLATFORM WITH THE FOLLOWING AMENDMENTS: ADD OROVILLE VETERANS MEMORIAL PARK AND ALL VETERANS HALLS AND THE HISTORIC BUILDING AT 900 ESPLANADE IN CHICO, CA.

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

0927-012 Public Hearing - Introduction of an Ordinance Amending Article I, Entitled "Grading," of Chapter 13, Entitled "Grading and Mining," of the Butte County Code and Resolution Adopting a New Fee for a Determination of Exemption for Grading Permit to be Added to the Master Fee Schedule - consideration of ordinance which will revise Chapter 13 of the Butte County Code. The proposed ordinance includes revisions to Section 13-5.1 which is a provision for a Determination of Exemption on grading projects of over 50 cubic yards but less than 1,000 cubic yards that do not qualify for a standard exemption. Consideration is also requested for a resolution which will amend the Master Fee Schedule by establishing a \$81.50 fee for the processing of applications for Determination of Exemption - action requested - WAIVE THE FIRST READING OF THE ORDINANCE; AND ADOPT RESOLUTION 09-166 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

PUBLIC HEARING OPENED: 11:50 A.M.
PUBLIC HEARING CLOSED: 11:50 A.M.

MOTION: I MOVE TO WAIVE THE FIRST READING OF THE ORDINANCE; AND ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

M 2

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

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

0927-013 Substance Abuse Offender Treatment Program (OTP) Revised Fiscal Year (FY) 2009/2010 Application - On September 10, 2009, the Department of Alcohol and Drug Programs (ADP) requested Behavioral Health submit a revised 2009/2010 OTP application in order to receive additional OTP funds for FY 2009/2010 - action requested - 1) APPROVE THE SUBSTANCE ABUSE OFFENDER TREATMENT PROGRAM (OTP) REVISED FISCAL YEAR (FY) 2009/2010 APPLICATION; 2) ADOPT RELATED RESOLUTION 09-163 AND AUTHORIZE THE CHAIR TO SIGN; AND 3) ACCEPT AND APPROPRIATE \$31,492 OF UNANTICIPATED OTP REVENUE AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)

SUPERVISOR YAMAGUCHI REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA. HE STATED THAT HE OBTAINED THE COPY OF THE RESOLUTION DURING A RECESS AND HIS QUESTIONS WERE ANSWERED.

MOTION: I MOVE TO: 1) APPROVE THE SUBSTANCE ABUSE OFFENDER TREATMENT PROGRAM (OTP) REVISED FISCAL YEAR (FY) 2009/2010 APPLICATION; 2) ADOPT RELATED RESOLUTION 09-163 AND AUTHORIZE THE CHAIR TO SIGN;

AND 3) ACCEPT AND APPROPRIATE \$31,492 OF UNANTICIPATED OTP REVENUE AS DETAILED IN THE AGENDA REPORT.

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.

0927-014 **THE BOARD ADJOURNED AT 11:52 A.M. TO CLOSED SESSION REGARDING:**

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: 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 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.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(a) - TWO CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION, ET AL; DC CIRCUIT COURT OF APPEAL CASE NO. 09-5179. (No Announcements)

THE BOARD RECONVENED AT 5:15 P.M. TO CLOSED SESSION REGARDING:

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: 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 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.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(a) - TWO CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION, ET AL; DC CIRCUIT COURT OF APPEAL CASE NO. 09-5179. (No Announcements)

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 5:15 P.M., TO RECONVENE AT A

REGULAR MEETING OF THE BOARD TO BE
HELD TUESDAY, DECEMBER 8, 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: _____