

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

MARCH 3, 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: 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. (NONE)

0906-001 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

1. Change in Oroville Cemetery District - action requested - REMOVE GORDON ANDOE AS TRUSTEE.

GORDON ANDOE REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

CONSENT AGENDA

- 0906-002
1. Youth for Change - amendment - approval is requested for an amendment to the agreement with Youth for Change for the provision of services associated with the Mental Health Service Act LINK Program which provides mental health services for children, transitional age youth, and their families. The amendment increases the maximum amount payable by \$149,500 (department budget utilizing MHSA funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
 2. CSU, Chico Research Foundation - approval is requested for an agreement with the CSU, Chico Research Foundation Passages Program for the provision of comprehensive assessment, intervention, and ongoing support to older adults in Butte County. The term of the agreement is March 3, 2009 through June 30, 2009 with a maximum amount payable of \$108,166.08 (department budget utilizing MHSA funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

3. Budget Transfer - The Butte County Office of Emergency Services (OES) filed a claim with the Federal Emergency Management Agency (FEMA) for reimbursement of the 2006 Storm Damage Projects. OES received FEMA funds in advance, but has been holding the funds until the projects were completed. Approval is requested to appropriate \$126,701 into the OES expenditure account in order to disburse the funds to the Public Works department as the projects are now completed - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)
4. Approval of Minutes - action requested - APPROVE MINUTES FROM FEBRUARY 24, 2009 BOARD OF SUPERVISORS MEETING. (Chief Administrative Office)
5. Resolution of Support of the Federal Clean Water Act with Advocation for Revisions to the Section 404 Permit Program - consideration of a resolution supporting the streamlining of the 404 permitting process by an amendment to the Clean Water Act. The County Engineers Association of California (CEAC) is requesting support from members - action requested - ADOPT RESOLUTION 09-032 AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT STAFF TO DISTRIBUTE RESOLUTION TO THE CALIFORNIA STATE ASSOCIATION OF COUNTIES AND TO CONGRESSMAN HERGER'S OFFICE. (Public Works)
6. Recommendation for Preferred Contractor for Master Plan for Recycling and Associated Facilities at the Neal Road Landfill - A Request for Proposals (RFP) was issued for design, engineering, permit assistance, and preparation of bid documents for the project. Seven responses were received and reviewed by the technical evaluation committee. HDR was determined to be the most responsible and responsive bidder. The contract is for \$432,721. Phase 1 is budgeted for the current Fiscal Year - action requested - SELECT HDR AS THE PREFERRED CONTRACTOR AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE AGREEMENT SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
7. Motorola Incorporated - approval is requested for a maintenance agreement with Motorola for the provision of the electronic system of inmate tracking through use of inmate identification cards and video capture stations. The term of the agreement is April 1, 2009 through March 31, 2010 with a maximum amount payable of \$34,698 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)

- 8. State of California, Department of Water Resources (DWR) - approval is requested for continued negotiations with DWR for funding for the Thermalito Afterbay Boating Enforcement Program. The State is proposing a three-year agreement not to exceed \$720,390 - action requested - APPROVE CONTINUED NEGOTIATIONS AND AUTHORIZE THE PREPARATION OF A MINUTE ORDER. (Sheriff-Coroner)
- 9. Accept Unanticipated Revenue - approval is requested to accept \$1,982 received through the State of California as reimbursement for Correctional Officer training - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Sheriff-Coroner)
- 10. Monthly Investment Report - submitted is the Monthly Investment Report dated January 30, 2009, in accordance with the Statement of Investment Policy dated July 1, 2008 - action requested - ACCEPT FOR INFORMATION. (Treasurer-Tax Collector)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 3.03 WHICH WAS REMOVED FOR DISCUSSION ON THE REGULAR AGENDA.

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

REGULAR AGENDA

0906-003 Boards, Commissions and Committees.

- 1. Appointments to Listed Vacancies.

MOTION: I MOVE TO REAPPOINT TERRELL STORM TO THE BUTTE COUNTY RESOURCE CONSERVATION DISTRICT. (TO A TERM TO END JANUARY 7, 2013)

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

- 2. Board Member or Committee Reports. (NONE)

0906-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT TO THE BOARD. HE STATED THAT THE COUNTY HAD RECEIVED NOTIFICATION FROM THE STATE THAT DELAYS IN STATE FUNDING FOR SOCIAL SERVICE PROGRAMS WILL BE 30 DAY DELAYS INSTEAD OF 60 DAYS. HE REPORTED THAT DUE TO THE MAY 19, 2009 SPECIAL ELECTION, THE GOVERNOR'S BUDGET REVISIONS NORMALLY RELEASED IN MAY AND CALLED THE MAY REVISE WILL BE RELEASED ON JUNE 8, 2009.

0906-005 Update of General Plan 2030 Process by Director-Development Services.

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

HE REQUESTED THE BOARD SET A DATE FOR A JOINT BOARD OF SUPERVISORS/PLANNING COMMISSION STUDY SESSION ON THE DEVELOPMENT OF A HOUSING ELEMENT FOR THE GENERAL PLAN 2030 PROCESS.

THE BOARD SCHEDULED THAT STUDY SESSION FOR MAY 29, 2009 AT 9:00 A.M.

0906-006 Assistance for Employees Impacted by Layoff - Presentation regarding services that the Departments of Employment and Social Services and Human Resource will provide to employees impacted by layoffs - action requested - ACCEPT FOR INFORMATION. (Human Resources and Department of Employment and Social Services)

PRESENTATION BY LAURA BRUNSON, DIRECTOR OF HUMAN RESOURCES AND CATHI GRAMS, DIRECTOR OF DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES.

0906-007 Introduction of an Ordinance Amending Section 32A-7 of Chapter 32A of the Butte County Code - consideration of an ordinance which will amend Chapter 32A of the Butte County Code to allow travel time in cost recovery and to clarify administrative costs - action requested - WAIVE FIRST READING OF THE ORDINANCE. (Development Services)

PRESENTATION BY PETE CALARCO, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES.

MOTION: I MOVE TO WAIVE FIRST READING OF THE ORDINANCE.

2 M

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

0906-008 Cleanrite-Buildrite Frontage Improvements on State Highway (SR) 32 in Chico Urban Area - Cleanrite-Buildrite is proposing to construct a new building on State Route 32 (Nord Avenue). Butte County Code requires the installation of curb, gutter, and sidewalk. Because SR-32 is a State highway, Caltrans is responsible to grant an encroachment permit. Caltrans is requiring a maintenance agreement which would make the County responsible for the project's landscaping, planting, irrigation systems and other upkeep - action requested - REQUIRE CLEANRITE-BUILDRITE TO INSTALL CURB, GUTTER, AND DRIVEWAY ALONG SR-32 AND TO PAY AN IN LIEU FEE HELD IN RESERVE FOR A FUTURE SIDEWALK; DIRECT STAFF TO MEET WITH THE CITY OF CHICO AND CALTRANS TO NEGOTIATE A POLICY TO ADDRESS COUNTY BUILDING PERMITS ALONG STATE HIGHWAYS IN URBAN AREAS. (Public Works)

PRESENTATION BY MIKE CRUMP DIRECTOR OF DEVELOPMENT SERVICES.

DAN ANDRES ADDRESSED THE BOARD.

MOTION: I MOVE TO DIRECT STAFF TO MEET WITH CITY AND CALTRANS STAFF TO WORK OUT A DEAL AND ALLOW THE PROJECT TO GO FORWARD INSTALLING THE FULLEST EXTENT OF THE IMPROVEMENTS POSSIBLE WITHOUT CREATING COUNTY LIABILITY.

M 2

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

0906-009 SR-99/Southgate Avenue Interchange and Corridor Study - The City of Chico is currently planning efforts for the SR-99/Southgate Avenue Interchange and Corridor Study. The purpose of this study is to identify and evaluate alternative designs for both an interchange and corridor improvements that may be carried into the design and environmental approval phase - action requested - ACCEPT THE CITY OF CHICO'S SR-99/SOUTHGATE AVENUE INTERCHANGE AND CORRIDOR STUDY REPORT FOR INFORMATION; AND DIRECT COUNTY STAFF TO PARTICIPATE IN MEETINGS AND PROVIDE PEER REVIEW. (Public Works)

PRESENTATION BY MIKE CRUMP, DIRECTOR OF PUBLIC WORKS.

TOM VARGA FROM THE CITY OF CHICO AND MATT BROGAN OF MARK THOMAS AND COMPANY PROVIDED A REPORT TO THE BOARD.

DAVID PALMERLY ADDRESSED THE BOARD.

MOTION: I MOVE TO ACCEPT THE CITY OF CHICO'S SR-99/SOUTHGATE AVENUE INTERCHANGE AND CORRIDOR STUDY REPORT FOR INFORMATION; AND DIRECT COUNTY STAFF TO PARTICIPATE IN MEETINGS AND PROVIDE PEER REVIEW.

2 M

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

0906-010 Items Removed from the Consent Agenda for Board Consideration and Action.

- 1. Change in Oroville Cemetery District - action requested - REMOVE GORDON ANDOE AS TRUSTEE.

GORDON ANDOE REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

GORDON ANDOE, MARK WISTERMAN, AND GEORGE MENAS ADDRESSED THE BOARD.

MOTION: I MOVE TO REMOVE GORDON ANDOE AS TRUSTEE.

M 2

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

RECESS: 10:10 A.M.
RECONVENE: 10:21 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0906-011 Timed Item - Amended and Restated Chico Urban Area Fire and Rescue Agreement - approval is requested for this amended and restated Automatic Aid agreement between the Butte County Fire Department and the Chico Fire Department. Per recommendations of the Local Government Committee, this agreement restates the 1999 Chico Urban Area Fire Rescue Agreement (CUAFRA). It is also requested that the Board accept the 2008 Annual Report from CUAFRA - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND ACCEPT ANNUAL REPORT. (2253)(1:01:47)

PRESENTATION BY GEORGE MORRIS, DEPUTY CHIEF OF BUTTE COUNTY FIRE AND JIM BEERY, CHIEF OF THE CHICO FIRE DEPARTMENT.

MOTION: I MOVE TO APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND ACCEPT ANNUAL REPORT.

M 2

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

0906-012 Public Hearing - Appeal of the Planning Commission's Approval of Tentative Parcel Map (TPM) 08-0002 (Egan) - consideration of an appeal of the Planning Commission's approval of TPM08-0002. The appeal is based on concerns that the project would create lighting, noise, dust, and access issues. The project is located on the north side of Bidwell Avenue, South of West Sacramento Avenue. The project is zoned Suburban Residential 1/2-acre minimum with a Low Density Residential (LDR) General Plan land use designation - action requested - STAFF RECOMMENDS ADOPTING RESOLUTION 09-033 WHICH:

- 1) DENIES THE APPEAL BY JOHN AND KATHY DAHLGREN AND PHILIP AND PEGGY PROTT WITH FINDINGS AS DOCUMENTED; AND
- 2) ADOPTS A MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA; AND
- 3) APPROVES TPM08-0002 WITH FINDINGS, CONDITIONS, AND EXCEPTIONS AS DOCUMENTED IN THE RESOLUTION. (Development Services)

PRESENTATION BY MARK MICHELENA, SENIOR PLANNER AND CHUCK THISTLEWAITE, PLANNING MANAGER.

SUPERVISOR DOLAN REPORTED EX PARTE COMMUNICATION WITH MR. PROTT. SHE REPORTED THAT HE CONTACTED HER DISTRICT OFFICE RIGHT AFTER THE PLANNING COMMISSION'S DECISION. HE SPOKE WITH SUPERVISOR DOLAN'S ASSISTANT. SUPERVISOR DOLAN ALSO REPORTED THAT SHE KNOWS MR. PROTT'S SON AND MR. DAHLGREN'S SON THROUGH HER WORK WITH CHICO HIGH BOOSTERS. SHE REPORTED THAT SHE TOOK A TOUR OF MR. PROTT'S BACKYARD, AND THAT SHE REGULARLY WALKS ON BIDWELL AVENUE BECAUSE SHE LIVES 1.5 MILES FROM THE PROJECT.

SUPERVISOR DOLAN ALSO REPORTED THAT SHE SERVES ON THE LAFCO BOARD, AND MRS. EGAN MADE A REQUEST TO LAFCO TO WAIVE THE SEWER FEES ON THE PROJECT. LAFCO DENIED THE REQUEST. (*0)(1:32:15)

PUBLIC HEARING OPENED: 10:47 A.M.
PUBLIC HEARING CLOSED: 11:07 A.M.

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: MR. DAHLGREN; A REPRESENTATIVE FROM ROLLS, ANDERSON, ROLLS; MR. DUNSMOOR; PHIL PROTT; AND JANICE EGAN.

MOTION: I MOVE TO MAKE A MOTION OF INTENT TO UPHOLD THE APPEAL AND DENY THE PARCEL MAP DUE TO COMPATIBILITY AND SAFETY ISSUES.

M 2

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

MOTION: I MOVE TO ADOPT THE RESOLUTION WHICH DENIES THE APPEAL BY JOHN AND KATHY DAHLGREN AND PHILIP AND PEGGY PROTT WITH FINDINGS AS DOCUMENTED; AND ADOPTS A MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA; AND APPROVES TPM08-0002 WITH FINDINGS, CONDITIONS, AND EXCEPTIONS AS DOCUMENTED IN THE RESOLUTION INCLUDING ADDITIONAL CONDITIONS TO REQUIRE SCREENING/LANDSCAPING BETWEEN THE NEIGHBOR AND THE EASEMENT AND A CONDITION REQUIRING THE DRIVEWAY BE BUILT TO A HIGHER STANDARD THAN A CHIP SEAL. THE HIGHER STANDARD WILL BE AN ASPHALT OVERLAY WITH A MAT OR A CONCRETE DRIVE. (2:01:01)(*649)

2 M

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

THE APPLICANT OF THE PROJECT, JANICE EGAN VERBALLY AGREED TO THE ADDITIONAL CONDITIONS REGARDING THE SCREENING AND DRIVEWAY.

CLOSED SESSION

0906-013 **THE BOARD RECESSED AT 11:30 A.M. TO CLOSED SESSION REGARDING:**

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): THREE CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION(NIGC); CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA.
3. LIGHTNER V. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 136070.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: 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 1:32 P.M. TO CLOSED SESSION REGARDING:

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): THREE CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION(NIGC); CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA.
3. LIGHTNER V. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 136070.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: LAURA BRUNSON
EMPLOYEE ORGANIZATION: BCEA, BCMEA, CWA, DSA - MANAGEMENT/SUPERVISORY UNIT, DSA - GENERAL UNIT, BCCOA - SUPERVISORY UNIT, BCCOA - GENERAL UNIT, PPOA, AND PEA. (NO ANNOUNCEMENTS)

PUBLIC HEARINGS AND TIMED ITEMS

0906-014 Timed Item - Recommendations for Ongoing Cost Reductions - Due to the deepening global economic recession and reductions in State funding sources, the Butte County General Fund has an annualized structural budget deficit of \$18 million. The interim Chief Administrative Officer will provide recommendations for immediate cost reduction measures which will provide approximately \$11 million in savings. The cost reduction measures include the elimination of 115 positions. Over half of these positions are currently filled - action requested - DIRECT STAFF TO IMPLEMENT STAFF ALLOCATION AND CONTRACT SERVICE CHANGES AS RECOMMENDED, OR AS OTHERWISE DIRECTED BY THE BOARD OF SUPERVISORS. (Chief Administrative Office)

PRESENTATION BY GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICER. (1:59:37)

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: RANDY FRIEZE, DEREK WOLFGRAM, KATHRYN WEISS, MELISSA ROMERO, ROGER CUTLER, SAM BEASLEY, GENE ROLLS, (*2955)(2:43:54), KIERSTEN MORGAN, JEFF DAHL, DOUG PATTERSON, JANE FUGITT, BLAIR PORTER, BARBARA WILLIAMS (**0)(2:56:12), GENE DUNNING, JAKE ALBRIGHT, STACY PEW, GENE BULLARD, GEORGE FREELAND, JOHN REMALIA, JAKE SMITH, JEFF BURROWS, BARBARA ST. JOHN, RUDY JENKINS, REYNOLD WEISSINGER, ROB SYLVESTER, MIKE RAMSEY, AND HENRY BRACHIAS. (**1023)(3:26:47)

RECESS: 2:54 P.M.
 RECONVENE: 3:15 P.M.

MOTION: I MOVE TO IMPLEMENT THE RECOMMENDATIONS TO REMOVE ALL CURRENTLY VACANT POSITIONS AND IMPLEMENT ALL ACTIONS INCLUDING REDUCTIONS IN CONTRACTED SERVICES, REDUCTIONS, IN OTHER SERVICES AND SUPPLIES, AND SHIFTS OF STAFF ALLOCATIONS FROM GENERAL FUND ACTIVITIES TO GRANT ACTIVITIES.

M 2

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

THE BOARD DIRECTED THAT NEGOTIATORS MEET WITH ALL BARGAINING UNITS BETWEEN THIS DATE AND THE NEXT REGULAR BOARD MEETING ON MARCH 24, 2009. ON THAT DATE, THE BOARD WILL CONSIDER THE ELIMINATION OF POSITIONS THAT WERE NOT ELIMINATED AT THIS MEETING. THE ITEM WILL BE SET AS TIME CERTAIN AT EITHER 1:00 OR 1:30 P.M.

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 4:09 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, MARCH 24, 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: _____