

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

JANUARY 26, 2010



County Supervisors

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

Scott Tandy, 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: Scott Tandy, 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.

1004-001 CORRECTIONS AND/OR CHANGES TO THE AGENDA.

1. Notice of Non-Compliance - Pursuant to Butte County Code Section 41-10(a), a separate Notice of Noncompliance was recorded on January 8, 2008 on each of two (2) properties owned by The Lands of Engelbrecht Diamondville Horse Ranch, LLC and Greg and April Engelbrecht because of the installation of fences and a masonry rock driveway entrance placed in the County right of way along the properties located on both sides of Centerville Road - action requested - 1)DIRECT THE ENGELBRECHTS TO RELOCATE THE FENCES AND ROCK WALL DRIVEWAY ENTRANCE TO THE ACTUAL PROPERTY LINE FOR BOTH PARCELS; OR 2)UPON A WRITTEN REQUEST, ALLOW THE ENGELBRECHTS TO RELOCATE THE FENCES AND ROCK WALL DRIVEWAY ENTRANCE TO A POINT THAT WILL PROVIDE FOR AN ULTIMATE SIXTY FEET RIGHT OF WAY WIDTH AND MAKE AN APPLICATION FOR THE COUNTY TO ABANDON THE REMAINING TEN FEET OF RIGHT OF WAY FOR BOTH PARCELS. (Department of Public Works)

AT THE REQUEST OF THE PROPERTY OWNER, THIS ITEM WILL RETURN ON THE FEBRUARY 23, 2010 BOARD OF SUPERVISORS AGENDA. NO ACTION OR DISCUSSION OCCURRED AT THIS MEETING.

2. Accept Donation - approval is requested to accept donations of \$2,015 made to the Department of Behavioral Health in memory of Stephen Abell. The donation will be used for the department's Paradise Treatment Center Facility - action requested - ACCEPT DONATIONS AND APPROVE BUDGET TRANSFER (4/5 VOTE REQUIRED) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS OUTLINED 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

- 1004-002
1. Victor Treatment Centers, Inc. - approval is requested for this agreement for the provision of day treatment services, medication support, residential services, and crisis intervention to mentally ill youth at their facility in Redding, CA. The term of the agreement is July 1, 2009 through June 30, 2010 with a maximum amount payable of \$71,860 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
 2. Stonewall Alliance of Chico - approval is requested for an agreement with Stonewall Alliance of Chico for the provision of education, outreach, and training to gay, lesbian, bisexual, transgender, and questioning transitional aged youth, caregivers/parents, community individuals, agency staff, volunteers, and community groups for the purpose of preventing suicide and reducing mental health problems. The term of the agreement is December 1, 2009 through June 30, 2010 with a maximum amount payable of \$61,875 (department budget using MHSA funds) - action requested - APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
 3. Tulare County Office of Education - approval is requested for a revenue agreement with Tulare County for the Friday Night Live mentoring program. The term of the agreement is October 1, 2009 through September 30, 2010 with a maximum amount payable to Butte County of \$33,500 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
 4. FEMA Funds Transfer Budget Appropriation - The Butte County Office of Emergency Management (OEM) filed a claim with the Federal Emergency Management Agency (FEMA) on behalf of Butte County for reimbursement of the 2006 Winter Storm (DR1628) large project expenditures. The money has been received and a budget appropriation needs to be made into the OEM expenditure account so that these funds may be disbursed to Public Works - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)

5. Resolution for Consideration to Designate the entire County of Butte as a Recovery Zone, and Consideration of a Recovery Zone Bond Allocation Waiver - One of the new provisions of the American Recovery and Reinvestment Act of 2009 (AARA) includes the issuance of Recovery Bonds. The Recovery Bonds are comprised of: 1) Economic Development Bonds, and 2) Facility Bonds. Recovery Zone Economic Development and Facility Bonds can only be utilized within the boundaries of a designated Recovery Zone - action requested - 1) APPROVE THE RESOLUTION NO. 10-015 OF ZONE DESIGNATION, AND AUTHORIZE THE CHAIR TO SIGN 2) APPROVE THE REQUEST FOR WAIVER, AND AUTHORIZE STAFF TO SIGN AND SUBMIT TO THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE PRIOR TO JANUARY 31, 2010. (Chief Administrative Office)
6. Resolution Recognizing January 24 through 30, 2010 as Employment and Eligibility Staff Recognition Week in Butte County - action requested - ADOPT RESOLUTION NO. 10-016 AND AUTHORIZE THE CHAIR TO SIGN. (Employment and Social Services)
7. Appointment to the In-Home Supportive Services Advisory Committee - action requested - REAPPOINT MARK GORDON TO A TERM TO END DECEMBER 19, 2012. (Employment and Social Services)
8. Accept Unanticipated Revenue - approval is requested to accept \$342,000 from MediCal for the purchase of fixed assets, including computer equipment and software to comply with Meds Security requirements by July 1, 2010 - action requested - 1) ACCEPT AND APPROPRIATE UNANTICIPATED REVENUE AND APPROVE RELATED BUDGET TRANSFER; AND 2) APPROVE FIXED ASSET PURCHASE AS DESCRIBED IN THE AGENDA REPORT. (Employment and Social Services)
9. Butte County In-Home Supportive Services (IHSS) Public Authority - The State's Fiscal Year (FY) 2009/2010 Budget included significant reforms to strengthen efforts to detect, prevent, and reduce fraud in the IHSS program. The Department of Employment and Social Services (DESS) and the IHSS Public Authority have developed a Memorandum of Understanding for partial implementation of these new regulations. DESS also requests approval for two additional positions as detailed in the agenda report, appropriation for services and supplies, and one vehicle to provide DESS with the necessary resources to comply with the State mandate - action requested - 1) ACCEPT AND APPROPRIATE \$167,838 IN UNANTICIPATED REVENUE AND APPROVE RELATED BUDGET TRANSFER (4/5 vote required); 2) APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND 3) APPROVE THE FIXED ASSET PURCHASE OF ONE VEHICLE NOT TO EXCEED \$20,000. (Employment and Social Services)

10. Resolution Recognizing Chief Henri Brachais Upon His Retirement - action requested - ADOPT RESOLUTION NO. 10-017 AND AUTHORIZE THE CHAIR TO SIGN. (Fire)
11. Introduction of Salary Ordinance - the department has prepared a salary ordinance which incorporates changes from the Final Budget for Fiscal Year 2009/2010. The following is a summary of the proposed ordinance:

SECTION 1: SUBJECT AND SHORT TITLE - Identifies the subject of the ordinance as determining salaries and positions, and that it shall be known as the "Salary Ordinance."

SECTIONS 2 THROUGH 56: ALLOCATED POSITIONS - Identifies the number of positions and appropriate classifications authorized for each designated department or budget unit, by budget unit number and department name.

SECTION 57: SALARY PLAN FOR CLASSIFIED POSITIONS - Identifies the classified positions and the appropriate salary designation per classification by employee association unit. All salary tables now have the adjusted salaries that became effective on October 7, 2007. This is the effective date of the last cost of living adjustment (COLA) agreed upon with the respective bargaining units.

SECTION 58: SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS - Identifies the appropriate salary designation for appointed and elected officials. Reference C, Board of Supervisors' Members reflects the salary after January 1, 2007.

SECTION 59 PAYMENT OF SALARIES AND WAGES - Specifies salary and wage policies shall be in accordance with the Merit System Ordinance and Resolution, and when salaries are to be paid.

SECTION 60: REPEAL - Repeals the existing Salary Ordinance No. 3991, all amendments thereto, and any and all other inconsistent ordinances.

SECTION 61: SEVERABILITY - The invalidity of any part of the ordinance shall not affect the remaining parts.

SECTION 62: EFFECTIVE DATE AND PUBLICATION - The Salary Ordinance shall be in effect as of February 9, 2010. Within fifteen (15) days after its passage, a summary shall be published with names of those supervisors voting for and against it, a certified copy of the full text shall be posted in the Office of the Clerk of the Board of Supervisors - action requested - WAIVE READING OF THE ORDINANCE. (Human Resources)

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

BEHAVIORAL HEALTH - requests to flexibly staff one (1) position of Inventory Warehouse Specialist to Inventory Warehouse Specialist, Senior/Inventory Warehouse Specialist. This change will allow the department greater flexibility when hiring. This change will leave the total allocations in the department unchanged as 312.75.

EMPLOYMENT AND SOCIAL SERVICES - requests to add one (1) position of Social Services Aide to budget unit 570-001 and one (1) position of Social Worker, Senior/Social Worker/Social Worker, Associate to budget unit 570-004. The costs for these positions will be funded by a funding augmentation to perform new Anti-Fraud and Program Integrity activities and previously allocated IHSS funds. These changes will increase the total allocation in the department from 558.4 to 560.4.

HUMAN RESOURCES - the department is requesting to change the annual base salary for the following Department Heads as detailed in the agenda report: Agricultural Commissioner/Director of Weights & Measures, Chief Probation Officer, Director of Child Support Services, and Director of Development Services. Pursuant to Resolution 08-057 - Resolution of the County of Butte Benefits of Butte County Department Heads, a new base salary shall be established upon the renewal or extension of an appointment Department Head's contract through survey of comparison counties. The Resolution has since been superseded by Resolution 09-071, however the changes to the contracts for the Department Heads listed above were approved by the Board of Supervisors under Resolution 08-057.

Pursuant to Board Resolution 06-062 which establishes that the top step of Assistant Department Heads salary ranges be set at the range that is closest to twenty percent (20%) differential to the Department Heads actual salary, the changes to the following classifications are to be concurrent with those changes of respective Department Heads listed above: Assistant Agricultural Commissioner/Director of Weights & Measures; Assistant Chief Probation Officer; Assistant Director of Child Support Services; Assistant Director of Development Services; and Superintendent, Juvenile Hall - action requested - ADOPT RESOLUTION NO. 10-018 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

13. Successor Memoranda of Understanding - Over the past several months, the County and bargaining teams of Butte County Management Employees Association (BCMEA), ~~Butte County Employees Association (BCEA)~~, Butte County Correctional Officers Association (BCCOA), Communication Workers of American-Social Services Unit (CWA), Probation Peace Officer Association (PPOA), Professional Employees Association (PEA), and Deputy Sheriffs Association (DSA) have met and conferred over successor Memoranda of Understanding. PPOA, PEA, BCEA, BCMEA, and CWA have ratified the terms of the County's offer for a successor Memorandum of Understanding (MOU) all of which expired on September 30, 2008. The major provisions of the new labor agreements are as follows: 1) status quo for County contributions to employee health benefits; 2) status quo for salaries; and 3) changes to the County's contribution to the retiree health premium limiting it to the value of the Core plan and eliminating this benefit for employees hired after June 30, 2010. The term of the new MOUs will run through June 30, 2010 - action requested - APPROVE SUCCESSOR MEMORANDA OF UNDERSTANDING WITH THE PPOA, PEA, BCMEA, ~~BCEA~~, AND CWA FOR THE TERMS OF DECEMBER 1, 2009 THROUGH JUNE 30, 2010. (Human Resources)

THE BCEA AGREEMENT WAS REMOVED FROM CONSIDERATION IN THIS ITEM. ALL OTHER AGREEMENTS WERE APPROVED.

14. ESRI, Inc (Environmental Systems Research Institute) - ESRI, Inc. provides the enterprise G.I.S. platform utilized by the County. Due to the significant budget reductions in the FY 2009/2010 budget, technology related maintenance contracts were not renewed or extended. Due to savings in current budget, Information Systems is seeking to reactivate the ESRI, Inc. Maintenance contract by amending and increasing the existing contract by \$21,165 through the 2009/2010 FY. No additional funding is required - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Information Systems)
15. CRW Systems, Inc. - amendment - approval is requested for an amendment to the agreement with CRW Systems, Inc (TrackIt) for the provision of Development Services permitting platform utilized by various County departments. Due to the significant budget reductions in the FY 2009/2010 budget, technology related maintenance contracts were not renewed or extended. This amendment reactivates the CRW Systems, Inc. maintenance contract by amending and increasing the existing contract by \$16,000 through the 2009/2010 FY (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

16. Sentinel Offender Services, LLC - amendment - approval is requested for an amendment to the agreement with Sentinel Offender Services, LLC for the provision of electronic monitoring services of youthful offenders on probation. The amendment extends the term of the contract through June 30, 2010 with a maximum payable of \$289,000 - action requested - APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Probation)
17. Fixed Asset Purchase and Budget Adjustment - approval is requested for the fixed asset purchase of two (2) vehicles that will replace vehicles with higher mileage and costs associated with maintenance. Funds for the purchase will come from the Motor Vehicle Realignment Growth Account (Fund 0021-10117461) as reported in the Comprehensive Analysis of Fund Balance presented to the Board on December 14, 2009 - action requested - APPROVE THE PURCHASE OF TWO (2) FIXED ASSETS IN THE AMOUNT OF \$62,000; APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Public Health)
18. California Family Health Council, Inc. (CFHC)- approval is requested for an agreement with California Family Health Council, Inc., a non-profit California Corporation to provide funding in the amount of \$124,617 to the Public Health Department for family planning services. The term of the contract is from January 1, 2010 through December 31, 2010 (department budget)- action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)
19. Contract Change Order for the Construction of Aquas Frias Road Bridge; County Project No. 23201-95-1 - approval is requested for this change order which provides increased funding for additional flagging costs that were accrued by the contractor during the construction of the project. The change order also increases the original engineer's estimate to reflect the actual quantities that were placed in the field and decreases the original engineer's estimate to reflect the actual quantities that were not placed in the field. This contract change order results in an overall decrease to the contract of \$8,774.68 - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN. (Public Works)

20. Contract Change Order No. 1 For Construction of State Route 99 Frontage Road: County Project No. 50255C-2005-1 - approval is requested for this change order which provides funding for relocating existing AT&T and PG& E utilities that were in conflict with the new roadway alignment and were not part of the original contract for an overall increase to the contract of \$9,233.75 - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN. (Public Works)
21. Kilkare Subdivision, APN 047-690-002 - Kilkare Subdivision is located on the northeast corner of Kilkare Lane and Meridian Road and is a private street subdivision comprised of six 5-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 15, 2010. The department recommends approval of the agreement - action requested - APPROVE NEW SUBDIVISION AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
22. Ameresco Butte, LLC - On October 21, 2008, the Board of Supervisors approved a Lease Agreement with Ameresco Butte, LLC, as part of a biogas to energy project. The lease runs concurrently with the Landfill Gas Purchase Agreement between the County of Butte and Ameresco Butte, LLC and allows the use of approximately 1 acre of Neal Road Recycling and Waste facility property to allow the construction of an energy plant. Pursuant to Government Code 66428(a)(2), this lease of a portion of the County property does not necessitate the filing of a parcel map - action requested - FIND THAT PUBLIC POLICY DOES NOT NECESSITATE THE FILING OF A PARCEL MAP FOR THE COUNTY OF BUTTE TO LEASE A PORTION OF ITS PROPERTY LOCATED AT THE NEAL ROAD RECYCLING AND WASTE FACILITY TO AMERESCO BUTTE, LLC TO CONSTRUCT A BIOGAS TO ENERGY PLANT. (Public Works)
23. Accept Unanticipated Revenue - approval is requested to accept \$4,064.85 from insurance reimbursement from a patrol car accident - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUES AS DETAILED IN THE AGENDA REPORT. (Sheriff-Coroner)

- 24. Sentinel Offender Services, LLC - amendment - approval is requested for an amendment to the agreement with Sentinel Offender Services, LLC for the provision of electronic monitoring services of certain persons sentenced to jail to serve their time at home. The amendment extends the term of the contract through June 30, 2010 with an increase in the agreement of \$2,500 - action requested - APPROVE THE AGREEMENT AMENDMNET AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)
- 25. Accept Unanticipated Revenue - approval is requested to accept \$49,082 in funds for the School Resource Officer (SRO) services at Las Plumas High School - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Sheriff-Coroner)
- 26. Monthly Investment Report - submitted is the monthly investment report dated December 31, 2009, in accordance with Butte County Statement of Investment Policy dated July 1, 2009 - action requested - ACCEPT FOR INFORMATION. (Treasurer/Tax Collector)
- 27. Oroville Mosquito Abatement District - action requested - REAPPOINT STEVE LAWRENCE AND RICK ROBERTSON TO TERMS TO END DECEMBER 31, 2011. (Other Departments and Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 3.03 WHICH WAS REMOVED FOR DISCUSSION ON THE REGULAR AGENDA AND WITH THE EXCEPTION OF THE BCEA AGREEMENT (ONE OF THE FIVE AGREEMENTS LISTED) WITHIN ITEM 3.14.

M 2

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

PRESENTATION OF RESOLUTIONS ADOPTED ON THE CONSENT AGENDA.

- 1. RESOLUTION RECOGNIZING JANUARY 24 THROUGH 30, 2010 AS EMPLOYMENT AND ELIGIBILITY STAFF RECOGNITION WEEK IN BUTTE COUNTY. CATHI GRAMS, THE DIRECTOR OF THE DEPARTMENT EMPLOYMENT AND ELIGIBILITY, ACCEPTED THE RESOLUTION.
- 2. RESOLUTION RECOGNIZING CHIEF HENRI BRACHAIS UPON HIS RETIREMENT.

REGULAR AGENDA

1004-003 Boards, Commissions and Committees.

- 1. Appointments to Listed Vacancies. (NONE)
- 2. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI REPORTED ON A MEETING OF THE REGIONAL COUNCIL OF RURAL COUNTIES AND THE SOLID WASTE COMMITTEE. (11:20)

SUPERVISOR DOLAN PROVIDED A REPORT ON THE SACRAMENTO RIVER CONSERVATION FORUM. (14:02)

CHAIR CONNELLY PROVIDED A REPORT REGARDING THE OROVILLE VETERAN'S MEMORIAL COMMITTEE. (14:50)

- 3. 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 THAT BUTTE COUNTY NOT DESIGNATE AN ALTERNATE TO THE SUTTER BUTTE FLOOD CONTROL JPA. (SUPERVISOR KIRK IS NO LONGER AN ALTERNATE)

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

MOTION: I MOVE TO CONFIRM AND/OR REAPPOINT ALL BOARD MEMBERS TO THE CURRENT COMMITTEE ASSIGNMENTS EACH MEMBER HAS. (SUPERVISORS YAMAGUCHI AND SUPERVISOR KIRK ARE REAPPOINTED AS REPRESENTATIVE AND ALTERNATE TO THE BEHAVIORAL HEALTH BOARD; SUPERVISORS CONNELLY AND LAMBERT ARE REAPPOINTED AS DELEGATE AND ALTERNATE OF THE NATIONAL ASSOCIATION OF COUNTIES (NACO); SUPERVISORS YAMAGUCHI AND KIRK ARE REAPPOINTED AS DELEGATE AND ALTERNATE TO THE REGIONAL COUNCIL OF RURAL COUNTIES (RCRC); AND SUPERVISORS YAMAGUCHI AND DOLAN ARE REAPPOINTED AS REPRESENTATIVE AND ALTERNATE TO THE SOLID WASTE PERMIT ENFORCEMENT AND APPEAL INDEPENDENT HEARING PANEL.)

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

1004-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

SCOTT TANDY, INTERIM CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT REGARDING THE FEDERAL AND STATE BUDGET DEFICITS.

1004-005 Update of General Plan 2030 Process by Director-Development Services.

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

1004-006 General Fund Reserve Policy - The General Fund Balance is a critical measurement of a local government agency's economic condition and general credit worthiness. Planning for a prudent level of fund balance is one measurement of a government's ability to manage risk. Potential economic risks include property and sales tax revenue fluctuations, cash flow cycles, expenditure flexibility in managing cost, unanticipated cost, disaster related cost, and the structural soundness of state and federal budgets to which local government is closely related. One way of ensuring an adequate fund balance is the establishment of a General Fund Reserve, which serves as an insurance policy and risk management tool. In recognition of the merits of a General Fund Reserve Policy, the Grand Jury Report for the 2008-2009 fiscal year recommended the Board of Supervisors adopt such a policy. The Board of Supervisors directed staff to research and prepare a draft policy by January 31, 2010 for Board consideration - action requested - ADOPT THE GENERAL FUND RESERVE POLICY. (Chief Administrative Office)

PRESENTATION BY GREGORY G. ITURRIA, CHIEF FINANCIAL OFFICER.

PEGGY MOAK, ASSISTANT TREASURER SPOKE ON BEHALF OF TREASURER/TAX COLLECTOR, C. LINDA BARNES AS SHE WAS UNABLE TO BE IN ATTENDANCE. (35:01)

MOTION: I MOVE TO ADOPT THE GENERAL FUND RESERVE POLICY. (41:49)

M 2

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

1004-007 California Statewide Streets and Roads Need Assessment Report - In 2009, a coalition of local agencies funded and completed the first comprehensive and systematic statewide assessment to quantify the needs of local streets and roads. This report will be used to help inform State and Federal legislators and decision makers of conditions of local streets and roads - action requested - ACCEPT FOR INFORMATION; AND ADOPT RELATED RESOLUTION NO. 10-019 AND AUTHORIZE THE CHAIR TO SIGN. (Department of Public Works)

PRESENTATION BY MIKE CRUMP, DIRECTOR OF PUBLIC WORKS. (47:42)(57:33)

MOTION: I MOVE TO ACCEPT FOR INFORMATION; AND ADOPT RELATED RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

M 2

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

RECESS: 10:10 A.M.

RECONVENE: 10:25 A.M.

1004-008 Claim for a Tax Refund - Douglas Teeter has filed a claim for a property tax refund because he is dissatisfied with the base year value the Assessment Appeals Board assigned to his property located at 2733 Ceanothus Avenue, Chico, CA (APN 016-310-062). The Assessment Appeals Board properly conducted Mr. Teeter's appeal hearing on April 29, 2009. The County has already refunded all excess taxes paid on this property to Mr. Teeter. There is no legal basis for granting any additional tax refunds - action requested - DENY MR. TEETER'S CLAIM FOR A TAX REFUND. (County Counsel)

FELIX WANNENMACHER, DEPUTY COUNTY COUNSEL PROVIDED A REPORT TO THE BOARD. (1:36:08)(1:40:04)

THE PROPERTY OWNER, DOUGLAS TEETER, ADDRESSED THE BOARD.

MOTION: I MOVE TO DENY MR. TEETER'S CLAIM FOR A TAX REFUND.

2 M

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

PUBLIC HEARINGS AND TIMED ITEMS (None)

1004-009 Items Removed from the Consent Agenda for Board Consideration and Action.

1. Accept Donation - approval is requested to accept donations of \$2,015 made to the Department of Behavioral Health in memory of Stephen Abell. The donation will be used for the department's Paradise Treatment Center Facility - action requested - ACCEPT DONATIONS AND APPROVE BUDGET TRANSFER (4/5 VOTE REQUIRED) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS OUTLINED IN THE AGENDA REPORT. (Behavioral Health)

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

BUTTE COUNTY
IN-HOME SUPPORTIVE SERVICES
PUBLIC AUTHORITY BOARD
MINUTES
JANUARY 26, 2010

Called to Order at 11:05 p.m. in the Butte County Board of Supervisors Room, 25 County Center Drive, Oroville. Members present: Dolan, Kirk, Lambert, Yamaguchi and Chair Connelly. Also present: Assistant Clerk, Kathleen Moghannam.

CONSENT AGENDA

1002-001 Department of Employment Services (DESS) - With the adoption of the California State Budget Act of 2009, the State established additional enrollment requirements for all new and existing IHSS providers. These requirements state that all providers must: 1) submit to a criminal background check by the Department of Justice; 2) participate in an enrollment orientation regarding rules, regulations, and requirements for being an IHSS provider; and 3) provide fingerprints. All existing IHSS providers must comply with the State's new regulations by June 30, 2010. Approval is requested for an agreement with DESS to implement these requirements. The term of the agreement is January 1, 2010 through June 30, 2010 with a maximum amount payable of \$75,000 - 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.

MOTION: I MOVE TO 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.

2 M

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

PUBLIC COMMENT (None)

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATOR: CATHI GRAMS/LAURA BRUNSON/JACK HUGHES

EMPLOYEE ORGANIZATION: CUHW

THIS CLOSED SESSION ITEM WAS REMOVED FROM THE AGENDA. IT WAS NOT DISCUSSED IN CLOSED SESSION DURING THIS MEETING.

ADJOURNMENT

Adjourned at 11:06 a.m. as the Butte County In-Home Supportive Services Public Authority Board and reconvened as the Butte County Board of Supervisors.

1004-010 CLOSED SESSION

THE BOARD RECESSED AT 11:06 A.M. TO CLOSED SESSION REGARDING:

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER; DIRECTOR OF BEHAVIORAL HEALTH; AND DIRECTOR OF HUMAN RESOURCES.

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) - THREE CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. DRY CREEK COALITION V. NORTH CONTINENT LAND AND TIMBER, ET AL.; BUTTE COUNTY SUPERIOR COURT CASE NO. 144532; AND
3. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION (NIGC); US COURT OF APPEALS FOR DC CIRCUIT; CASE NO. 09-5179.

THE BOARD RECONVENED AT 1:35 P.M. FROM CLOSED SESSION REGARDING:

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER; DIRECTOR OF BEHAVIORAL HEALTH; AND DIRECTOR OF HUMAN RESOURCES.

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) - THREE CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. DRY CREEK COALITION V. NORTH CONTINENT LAND AND TIMBER, ET AL.; BUTTE COUNTY SUPERIOR COURT CASE NO. 144532; AND
3. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION (NIGC); US COURT OF APPEALS FOR DC CIRCUIT; CASE NO. 09-5179. (No Announcements)

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS
BEFORE THE BOARD, THE MEETING WAS
ADJOURNED AT 1:35 P.M., TO RECONVENE
AT A REGULAR MEETING OF THE BOARD TO
BE HELD TUESDAY, FEBRUARY 9, 2010 AT
9:00 A.M.

BILL CONNELLY, CHAIR
BUTTE COUNTY BOARD OF SUPERVISORS

ATTEST:

Scott Tandy, Interim Chief Administrative
Officer and Clerk of the Board

By: _____