

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

JUNE 22, 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 9:03 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.

1016-001

CORRECTIONS AND/OR CHANGES TO THE AGENDA.

1. Stanley Convergent Security Solutions, Inc. – agreement with Stanley Convergent Security Solutions, Inc. for technical repair assistance and monitoring of the alarm system for the Treasurer-Tax Collector’s office. The term of the agreement is July 1, 2010 through June 30, 2015 with a maximum amount payable of \$8,117.44 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Treasurer/Tax Collector)

THE DEPARTMENT REQUESTED THIS ITEM BE REMOVED FROM THIS AGENDA. THE ITEM WILL RETURN ON A FUTURE AGENDA.

1016-002

CONSENT AGENDA

1. Request from Pine Creek Cemetery District for a Three-Year Audit Period - Government Code Section 26909(b)(3) allows special districts to replace a required annual audit with an audit to be conducted at specified intervals as recommended by the County Auditor. The District unanimously adopted a resolution requesting the three-year audit period - UNANIMOUSLY APPROVE REQUEST FOR A THREE-YEAR AUDIT PERIOD FOR THE PINE CREEK CEMETERY DISTRICT. (Auditor-Controller)
2. State Department of Alcohol and Drug Programs - revenue agreement which provides state and federal funding for the department’s alcohol and drug programs. The term of the agreement is July 1, 2010 through June 30, 2013 with a maximum amount receivable of \$6,631,188 (proposed department budget) - action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND ADOPT RELATED RESOLUTION 10-088 AND AUTHORIZE THE CHAIR TO SIGN. (Behavioral Health)

3. State Department of Alcohol and Drug Programs (ADP) – amendment to the revenue agreement with ADP which provides funding for the department’s alcohol and drug programs. The amendment decreases the fiscal year 2009/2010 amount receivable by \$41,759 – action requested – APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND ADOPT RELATED RESOLUTION 10-089 AND AUTHORIZE THE CHAIR TO SIGN. (Contract R40955) (Behavioral Health)
4. Driving Under the Influence Program Needs Assessment – request for approval of the establishment of a Driving-Under-the-Influence (DUI) program needs assessment in Butte County to conduct site reviews every 6 months, to conduct a review of trends in population, DUI arrests, convictions and enrollment data, and to notify potential DUI providers when the criteria are met for a new DUI provider. There is no fiscal impact to adopting the DUI Program Needs Assessment and no cost to the County General Fund – action requested – ADOPT THE DUI PROGRAM NEEDS ASSESSMENT. (Behavioral Health)
5. North Valley Behavioral Health (NVBH) – amendment for services for adults with psychiatric emergencies or other acute mental health problems. The amendment increases the maximum amount payable to \$95,232, an increase of \$23,040 (department budget utilizing federal Medicaid and Realignment funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X18022(Behavioral Health)
6. Debra Villasenor - agreement with Debra Villasenor for the development of plans for the use of Mental Health Services Administration (MHSA) housing funds for the benefit of Behavioral Health clients. The term of the agreement is July 1, 2010 through June 30, 2011 with a maximum amount payable of \$76,500 (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)
7. Approval of Minutes – action requested – APPROVE THE MINUTES OF MAY 25, 2010 AND JUNE 8, 2010. (Chief Administrative Officer)
8. Brian Ring – employment agreement with Brian Ring as the Director of Human Resources. The term of the agreement is ~~June 28, 2010~~ July 1, 2010 through June 27, 2013 with an entry level salary of \$119,815 – action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Officer)
9. Robert Barnes – employment agreement with Robert Barnes as the Director of Information Systems. The term of the agreement is July 1, 2010 through June 30, 2013 with an initial salary of \$127,686. This is the same amount as the previous year’s salary – action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Officer)

10. Phyllis Murdock – employment agreement with Phyllis Murdock as Director of Public Health. The term of the agreement is July 1, 2010 through June 30, 2013 with an initial salary of \$137,610. This is the same amount as the previous year’s salary – action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Officer)
11. Approval of Ballots for Assessment of County-Owned Properties in the Sutter Butte Flood Control Agency Assessment District – On May 11, 2010, the Board adopted a resolution supporting the creation of this assessment district for the restoration of levees in the South County area to provide flood protection and to remove the area from FEMA flood plains. The assessments are based upon benefit. Pursuant to State law, all properties that receive benefit must be assessed, including County-owned properties. The deadline to submit the ballots is June 30, 2010. The County has received ballots for 13 County-owned properties in the Gridley-Biggs area with a total assessment of \$8,155.91 – action requested – APPROVE THE BALLOTS AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Officer)
12. Comanche Creek Agricultural Easement – The Northern California Regional Land Trust proposes to submit a grant application to the California Department of Conservation’s California Farmland and Conservancy Program to pursue acquisition of an agricultural easement on 145 acres off Hegan Lane, adjacent to Comanche Creek, and approximately ½ mile west of the Chico Greenline. The agriculture easement would enable the property to remain in agricultural production while preventing non-agricultural uses and development - ADOPT RESOLUTION 10-090 MAKING FINDINGS AND APPROVING THE AGRICULTURAL EASEMENT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)
13. Youth for Change – agreement with Youth for Change for services related to the Transitional Housing Placement–Plus (THP-Plus) Program. This program provides affordable housing and comprehensive supportive services to help former foster care and probation youth make transition from foster care, or other out of home placement, to independent living. The term of the agreement is July 1, 2010 through June 30, 2011 with a maximum amount payable of \$188,160 (proposed department budget utilizing THP-Plus Program funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Employment and Social Services)
14. Northern California Youth and Family Programs - agreement for services related to the Transitional Housing Placement–Plus (THP-Plus) Program. This program provides affordable housing and comprehensive supportive services to help former foster care and probation youth make transition from foster care, or other out of home placement, to independent living. The term of the agreement is July 1, 2010 through June 30, 2011 with a maximum amount payable of \$210,000 (proposed department budget utilizing THP-Plus Program funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Employment and Social Services)

15. Feather River Hospital – revenue agreement with Feather River Hospital for Medi-Cal and County Medical Services Program (CMSP) eligibility determinations. The agreement provides for a three-fifths (3/5) time Eligibility Specialist to be assigned to work on-site at Feather River Hospital. The term of the agreement is July 1, 2010 through June 30, 2011 with a maximum amount receivable of \$58,232 (proposed department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Employment and Social Services)
16. California Security Services, Inc. – dba Elite Universal Security – amendment to the agreement with California Security Services for security at Employment and Social Services facilities. The amendment extends the term of the agreement through June 30, 2011 at the same payment amount as FY 2009/2010 (proposed department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X16621) (Employment and Social Services)
17. Youth for Change – agreement with Youth for Change for the Wraparound Program which utilizes Foster Care aid payments to purchase services or items a family or child needs to be safe in lower-level placements and ultimately to return them to the home of a parent or relative caregiver. The term of the agreement is July 1, 2010 through June 30, 2011 with a maximum amount payable of \$810,000 (department budget utilizing non-federal foster care funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Employment and Social Services)
18. Youth for Change – amendment to the agreement with Youth for Change to work with Children’s services for the coordination and facilitation of a variety of family meetings to address the placement, case plan development, reassessment, and adjustment for all detained children in the Child Welfare System. The amendment increases the prior year’s agreement by \$74,100 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X17823) (Employment and Social Services)
19. Department of Child Support Services (CSS) - amendment to the Plan of Cooperation with CSS to provide reimbursement for CSS employees’ time spent determining aid amounts paid for Unreimbursed Assistance Pool payments to families. The amendment extends the term of the agreement through June 30, 2011. All other terms and provision remain the same - action requested – APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X17385) (Employment and Social Services)

20. Chico Veterans Memorial Hall Committee – request to appoint the following individuals to terms to end June 30, 2011: Joe Turner, Delegate And Larry Reynolds, Alternate to the American Legion Chico Post 17; Gene Clements, Delegate and Gary Imhoff, Alternate to the American Veterans (Amvets) Chico Post 2813; Hennie Van De Velde, Delegate And Ron Matheson, Alternate To Caring Veterans, Inc.; Hank Snow, Delegate and James Wolske, Alternate to Disabled American Veterans (DAV) Chapter 125; Larry Wahl, Delegate and Ken Harmer, Alternate to the Veterans Of Foreign Wars of the U.S. (VFW) Chico Post 1555; Scott Will, Delegate And Carl Frederickson, Alternate To The Vietnam Veterans Of America (VVA) Butte County Chapter 582 – action requested – MAKE APPOINTMENTS. (General Services)
21. Gridley Veterans Memorial Hall Committee – request to appoint the following individuals to terms to end June 30, 2011: George “Joe” Nickols, Delegate and Philip Hohman, Alternate, Veterans Of Foreign Wars Of The U.S. (VFW) Warren H. Mc Cutcheon Post 5731; and appoint the following delegates as citizen veterans: Marion A. Byers, Edward Kawasaki, Louis J. Krasovic, Delegate And Arnulfo Ruis, Delegate – action requested – MAKE APPOINTMENTS. (General Services)
22. Paradise Veterans Memorial Hall Committee - request to appoint the following individuals to terms to end June 30, 2011: Peter J. Freitag, Delegate and James Hayes, Alternate, to American Legion Paradise Post 259, Inc.; Walt Koerner, Delegate and Dave Curry, Alternate to California Veterans Square Dance Association; Raymond S. Johnson, Delegate and Dennis Payne, Alternate to the Paradise Veterans Council (PVC); Richard Campbell, Delegate and Mike Midgett, Alternate to the Veterans Of Foreign Wars Of The U.S. (VFW) Max Bille Post 2039; Citizen Veteran Joseph “Joe” Frank, Delegate – action requested – MAKE APPOINTMENTS. (General Services)
23. Oroville Veterans Memorial Hall Committee – request to appoint the following individuals to terms to end June 30, 2011: Ron Scharbor, Delegate and Wayne Brock, Alternate to American Legion Post 95; Robert Simpson, Delegate and Emanuel Johnson, Alternate to the Military Order Of Cooties, Pup Tent Red Feather No. 7; Roy B. Boyette, Delegate and Stanley E. Rinehard, Alternate to Veterans of Foreign Wars of The U.S. (VFW) Post 9602; And appoint the following individuals As Citizen Veterans: James Austin, James D. Bruce, Robert Morehouse, Susan M. Sharon, L. “Vene” Thompson, Alan L. Wixom (All As Delegates), And Nathan “Sam” Bebout As Alternate – action requested – MAKE APPOINTMENTS. (General Services)
24. Charles John Carey, Jr. and Sherry Lee Carey – recast lease agreement for the property located at 1420 Myers Street in Oroville. This property houses a portion of the Department of Child Support Services with a current lease payment of \$4,729.74 per month or ~~\$.0675677~~ \$0.675677 per square foot for the 7,000 foot facility. The recast lease has a termination date that will coincide with the facility housing the balance of the department on the same street. The term of the new lease is July 1, 2010 through June 30, 2011 with the option 2-3 year extensions and a new lease payment of \$4,550 per month, or ~~\$.065~~ \$0.65 per square foot – APPROVE THE RECAST LEASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)

25. Library Donations - The Library has received the following donations for books: \$600 from the Oroville Friends of the Library; \$1,695 from Chico Friends of the Library - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)
26. Resolution Establishing Public Service Hours for the Butte County Library - The agreement with the Paradise Friends of the Library that provided funding for 12 open hours beyond the 30 County-funded hours during fiscal year 2009/2010 will end on June 30, 2010. The proposed resolution reduces the schedule of open hours at the Paradise branch to 30 hours beginning July 6, 2010 – action requested - ADOPT RESOLUTION 10-091 AND AUTHORIZE THE CHAIR TO SIGN. (Library)
27. Fixed Asset Purchase and Budget Adjustment – California Emergency Management Agency (Cal EMA) provides funding to Probation annually to maintain the Victim Assistance Center. The department has received approval from Cal EMA to use salary savings to purchase a vehicle for the program to replace an aging vehicle. Approval is requested for a budget adjustment of \$18,100 for the purchase of the vehicle - action requested – APPROVE FIXED ASSET PURCHASE; AND APPROVE BUDGET ADJUSTMENT (4/5 vote required) APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Probation)
28. Accept and Appropriate Unanticipated Revenue from California Emergency Management Agency (Cal EMA) – Probation receives funding each year through the Federal Edward Byrne Memorial Block Grant Program which is administered by the Cal EMA. These funds are used to assist with Butte County's participation in the Butte Interagency Narcotics Task Force (BINTF). The award period is March 1, 2010 through February 28, 2012 with a total award of \$313,492 with \$216,003 estimated to be utilized in FY 2009/2010 - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND AUTHORIZE THE CHIEF PROBATION OFFICER TO ADMINISTER THE GRANT. (Probation)
29. Northern Valley Catholic Social Services (NVCSS) – amendment to the agreement with NVCSS for services at the Butte County Juvenile Hall. The discussions focus on a range of subjects, including substance use and abuse, social responsibility, cultural diversity, sex and health education, teen parenting and life skills. The amendment extends the term through June 30, 2011 and increases the maximum amount payable to \$41,055.70, an increase of \$16,055.70 (department budget utilizing Juvenile Justice Crime Prevention Act funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X17395) (Probation)

30. Resolution Accepting Donation to Juvenile Hall – Exercise equipment valued at approximately \$6,000 was donated by Jackie Bridges for use at Juvenile Hall – action requested – ADOPT RESOLUTION 10-092 AND AUTHORIZE THE CHAIR TO SIGN. (Probation)
31. Resolution to Apply for Juvenile Accountability Block Grant Funds through the Corrections Standards Authority (CSA) – CSA has notified the department that \$14,730 in grant funds are available for FY 2010/2011. The grant will be used to reduce juvenile recidivism through accountability-based programs. The grant requires a cash match of \$1,473 – action requested – ADOPT RESOLUTION 10-093 AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHIEF PROBATION OFFICER AND/OR HIS DESIGNEE TO APPLY FOR THE GRANT AND SIGN ALL RELATED DOCUMENTS. (Probation)
32. Butte County Sheriff's Office – agreement with the Sheriff's office for the Inmate Labor Program. Under this program, Public Works funds one Correctional Officer position to supervise an inmate crew performing vegetative and landfill debris cleanup. The term of the agreement is July 1, 2010 through June 30, 2013 with a maximum amount payable of \$439,975 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
33. Resolution Giving Notice of Hearing to Summarily Vacate Portions of Aguas Frias Road at Butte Creek – The Aguas Frias Road Bridge over Butte Creek construction has been completed. As part of the right of way purchase agreements, the County agreed to vacate unnecessary portions of the Aguas Frias Road rights of way, which will be combined to adjoining properties. The public hearing will be held July 27, 2010 at 9:30 a.m. - action requested - ADOPT RESOLUTION 10-094 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
34. Resolution Authorizing the Submittal of the Butte County Regional Oil Payment Program Application – consideration of a resolution authorizing the Department of Public Works to act as lead agency on behalf of the County and cities of Biggs, Gridley and Oroville to apply for and administer funds for the CalRecycle Oil Payment Program (OPP) for waste oil recycling, outreach, and education. The authorization will be effective July 1, 2010 to June 30, 2015 or until rescinded - action requested - ADOPT RESOLUTION 10-095 AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS, OR DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE APPLICATION. (Public Works)

35. Reject All Bids for the Construction of Module 4, Phase D Base Liner for the Neal Road Recycling and Waste Facility, County Project 757-5917 - The Department of Public Works released plans and specifications for this project on May 10, 2010. Five bids were received and opened publicly on June 8, 2010. Upon receipt of bids Public Works received a number of questions concerning the requirements included in the Notice to Bidders. In the interest of fairness to all bidders Public works is recommending rejection of all bids. In addition it is requested that the Board authorize the department to re-advertise and solicit bids for the project. Once Bids are received Public Works will return to the Board to report the results of the bid and recommend award to the lowest responsive and responsible bidder – action requested – REJECT ALL BIDS; AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO MODIFY THE EXISTING PLANS AND SPECIFICATIONS AS OUTLINED IN THIS REPORT; AND AUTHORIZE THE DEPARTMENT TO ADVERTISE AND SOLICIT BIDS FOR THE PROJECT FOR A MINIMUM OF TEN (10) CALENDAR DAYS. (Public Works)
36. Project Approval for the Lincoln Boulevard Median Safety Improvement Project, County Project No. 18491-2008-1 – This project will provide median improvements along a 1.0 mile section of the roadway from 150 feet north of Elgin Street (Oroville City Limits) to 100 feet south of Arnold Avenue. The project proposes to improve the traffic safety on Lincoln Boulevard by constructing new raised curb center medians and provide Americans with Disabilities Act (ADA) compliant crossing refuges in the medians along with aesthetic improvements. Construction estimates are \$1,105,000 and will primarily be funded by a grant for \$900,000 the County received through a Cycle 2 of the Federal Highway Administration’s Highway Safety Improvement Program (HSIP) and augmented with Road Funds to cover the remaining amount – action requested – APPROVE PLANS AND SPECIFICATIONS; AUTHORIZE DIRECTOR OF PUBLIC WORKS TO ADVERTISE FOR BIDS; AND AUTHORIZE CHAIR AND DIRECTOR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
37. Project Approval for the Lincoln Boulevard Median Landscaping Improvement Project – This project will be bid simultaneously with the Median Safety Improvement Project to provide median landscaping improvements along a 1.0 mile section of the roadway from 150 feet north of Elgin Street (Oroville City Limits) to 100 feet south of Arnold Avenue. Construction estimates are \$85,000. \$75,000 of this estimate will be funded through the American Recovery & Reinvestment Act (ARRA), and the remaining \$10,000 will be paid from Road Funds – action requested – APPROVE PLANS AND SPECIFICATIONS; AUTHORIZE DIRECTOR OF PUBLIC WORKS TO ADVERTISE FOR BIDS; AND AUTHORIZE CHAIR AND DIRECTOR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
38. Fixed Asset Purchase – COPS grant funds – approval is requested for the fixed asset purchase of a 4-wheel drive vehicle to be used for the Electronic Surveillance Program in order to access remote areas of the County. The estimated cost of the vehicle is \$34,051. Funds will be appropriated from the COPS and inmate welfare funds as outlined in the detailed agenda report – action requested - APPROVE FIXED ASSET PURCHASE; APPROVE BUDGET ADJUSTMENT (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Sheriff-Coroner)

39. U.S. Department of Justice/Drug Enforcement Administration (DEA) – Funding 2010 – accept \$45,000 in funding from the DEA for the investigation of the illegal cultivation and trafficking of marijuana using ground and aerial detection – ACCEPT GRANT FUNDS IN THE AMOUNT OF \$45,000; AND AUTHORIZE THE SHERIFF-CORONER OR HIS DESIGNEE TO SIGN THE AGREEMENT AND SIGN ALL DOCUMENTS RELATED TO THIS GRANT. (Sheriff-Coroner)
40. Resolution Recognizing Undersheriff James Callas upon his Retirement from Butte County – action requested - ADOPT RESOLUTION 10-096 AND AUTHORIZE THE CHAIR TO SIGN. (Sheriff-Coroner)
41. California Department of Motor Vehicles (DMV) – agreement with DMV to obtain DMV records used for the collection of debts owed to the County. The term of the agreement is for 48 months from the date of approval. There is no cost associated with this agreement – action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X18219). (Treasurer/Tax Collector)
42. Letter to the Public Utilities Commission Regarding Agricultural Utility Rates – On June 2, 2010 the Water Commission approved a recommendation to the Board of Supervisors that Butte County submit a letter to the PUC requesting an evaluation of agricultural rates in regard to water resource management and to consider setting a single rate based on the lowest off-peak rate – action requested – APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)
43. First 5 Butte County Children and Families Commission Fiscal Year 2010/2011 Budget – submitted is the Fiscal Year 2010/2011 Budget adopted by the Commission on May 21, 2010 – action requested – ACCEPT FOR INFORMATION. (Other Departments and Agencies)
44. Reappointments to First 5 Butte County Children and Families Commission – action requested – REAPPOINT KAREN MARLATT, YVONNE NENADAL, AND DAVE SCOTT TO TWO-YEAR TERMS TO END JUNE 30, 2012. (Other Departments and Agencies)
45. First 5 Butte County Children and Families Commission Strategic Plan – submitted is 2010-2015 Strategic Plan approved by the Commission on May 21, 2010 – action requested – ACCEPT FOR INFORMATION; AND PROVIDE COMMENTS, IF NEEDED. (Other Departments and Agencies)
46. Private Industry Council of Butte County – request to reappoint the following members to terms to end June 30, 2013: Al Stiefel, John Peace, John Rush, Paul Hendricks, Judy Sisson, Carol Peterson, and Thomas Tenorio. Approval is also requested to appoint Paul Watters As Education Member to a term to end June 30, 2013; and to appoint Jerry Allred as an At-Large Member with a term to end June 30, 2013. (Private Industry Council) (Other Departments and Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 3.41 WHICH WAS REMOVED FROM THE AGENDA.

M 2

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

1016-003

REGULAR AGENDA

Boards, Commissions and Committees

- 1. Appointments to listed vacancies (None)

SUPERVISOR DOLAN DID REPORT THAT JOANNE GERSON RESIGNED FROM THE LIBRARY ADVISORY BOARD DUE TO SCHEDULING CONFLICTS.

- 2. Marijuana Ordinance Ad Hoc Committee – action requested – ESTABLISH A MARIJUANA ORDINANCE AD HOC COMMITTEE; AND APPOINT TWO BOARD MEMBERS TO THE COMMITTEE. (Chief Administrative Office)

MOTION: I MOVE TO APPOINT SUPERVISOR LAMBERT AND SUPERVISOR CONNELLY TO THE MARIJUANA ORDINANCE AD HOC COMMITTEE. (11:43)

M 2

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

THE BOARD DIRECTED THAT THIS AD HOC COMMITTEE INCLUDE REPRESENTATIVES FROM THE FOLLOWING COUNTY DEPARTMENTS: DISTRICT ATTORNEY, SHERIFF, COUNTY COUNSEL, PUBLIC WORKS, DEVELOPMENTS SERVICES, ENVIRONMENTAL HEALTH, AND ANY OTHER DEPARTMENT AS NEEDED.

- 3. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI REPORTED ON A MEETING OF REGIONAL COUNCIL OF RURAL COUNTIES.

SUPERVISOR DOLAN REPORTED ON THE MOST RECENT FIRE AD HOC COMMITTEE MEETING. (23:22)

SUPERVISOR LAMBERT REPORTED THAT HE, SUPERVISOR CONNELLY, AND COUNTY COUNSEL MET WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.

PUBLIC HEARINGS AND TIMED ITEMS

1016-004

Public Hearing - Mitigated Negative Declaration for the Lower Tuscan Aquifer Monitoring, Recharge and Data Management Project – This Project includes the following six tasks: formation of a Technical Steering Committee; development of a geodatabase; an aquifer recharge assessment; the installation of additional groundwater monitoring wells; aquifer performance testing; and public outreach, education, and coordination. Prior to conducting any of the activities that may have an impact on the physical environment, an environmental document was prepared pursuant to the California Environmental Quality Act (CEQA) requirements. The 30-day public comment period on the Draft Initial Study/Proposed Mitigated Negative Declaration ended on June 11, 2010. Staff is preparing responses to the public comment and recommends continuing this item to the July 13, 2010 Board of Supervisor’s agenda – action requested – OPEN PUBLIC HEARING, TAKE COMMENTS AND CONTINUE ITEM OPEN TO JULY 13, 2010 AT 10:20 A.M. (Water and Resource Conservation)

PUBLIC HEARING OPENED: 9:34 A.M.
PUBLIC HEARING WAS CONTINUED OPEN TO JULY 13, 2010.

MOTION: I MOVE TO CONTINUE THIS ITEM OPEN TO JULY 13, 2010 AT 10:20 A.M.

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

REGULAR AGENDA

1016-005

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

SCOTT TANDY, INTERIM CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT.

1016-006

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

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED A REPORT.

1016-007

Cash Advance for Butte County Department of Behavioral Health - Due to slow reimbursement of federal and state funds, the department will have an estimated cash deficit of \$6.8 million on June 30, 2010. Approval is requested for a cash advance of up to \$10 million from the Public Health restricted cash realignment accounts into the Behavioral Health Fund. BCDBH will repay the requested cash advance by April 2011 with all available funds received from Medi-Cal claiming – action requested – AUTHORIZE CASH ADVANCE OF UP TO \$10 MILLION FROM THE PUBLIC HEALTH REALIGNMENT RESTRICTED CASH ACCOUNTS INTO THE BEHAVIORAL HEALTH FUND. (Department of Behavioral Health and Chief Administrative Office)

ANNE ROBIN, DIRECTOR OF BEHAVIORAL HEALTH PROVIDED A REPORT. (41:27)

MOTION: I MOVE TO AUTHORIZE CASH ADVANCE OF UP TO \$10 MILLION FROM THE PUBLIC HEALTH REALIGNMENT RESTRICTED CASH ACCOUNTS INTO THE BEHAVIORAL HEALTH FUND.

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

1016-008 Public Hearing – Request to Submit Grant Application to the General Allocation Component of the State Community Development Block Grant (CDBG) Program – The CDBG program provides General Allocation funds for eligible activities including housing rehabilitation, housing acquisition, public facilities, public improvements, and new housing construction. All CDBG funding must principally benefit low and moderate income individuals. Approval is requested to submit applications for the following activities: Housing Rehabilitation Program and General Administration of CDBG programs. The total funding request will be \$400,000 – action requested – ADOPT RESOLUTION 10-097 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)

JENNIFER MACARTHY, MANAGER OF PROGRAM DEVELOPMENT PROVIDED A REPORT.

PUBLIC HEARING OPENED: 9:56 A.M.

PUBLIC HEARING CLOSED: 9:56 A.M.

MOTION: I MOVE TO ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

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

Recess: 10:00 A.M.

Reconvene: 10:08 A.M.

1016-009 Timed Item - Flood Plain Mapping in Butte County – There are numerous State and Federal regulations concerning flood plains and floodways within Butte County. Some regulations overlap and/or conflict while some require a greater level of protection. The State Department of Water Resources will provide a presentation on the State Flood Risk Notification Program. The Federal Emergency Management Agency (FEMA) representative will discuss the federal flood mapping currently taking place in Butte County and a summary of the federal program – action requested – ACCEPT FOR INFORMATION. (Public Works)

MIKE CRUMP, DIRECTOR OF PUBLIC WORKS AND STUART EDELL, DEPUTY DIRECTOR OF PUBLIC WORKS PROVIDED REPORTS.

KATHLEEN SCHAFFER FROM FEMA AND RICHARDO PINEDA FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES ALSO PROVIDED REPORTS.

REGULAR AGENDA

1016-010

Introduction of an Ordinance Amending Article XI of Chapter 14, Entitled "Parking Upon a Public Highway" – The California Highway Patrol (CHP) has requested the County establish a no parking/tow away zone on the east side of River Road between West Sacramento Avenue and State Route (SR) 32 except for an area as posted in front of Scotty’s Boat Landing. The CHP is also requesting the County establish a no parking/tow away zone on both sides of SR 32 between River Road and Gianella Bridge over the Sacramento River. Caltrans staff supports the no parking/tow away zone on SR 32 – action requested – WAIVE THE FIRST READING OF THE ORDINANCE. (Public Works)

MIKE CRUMP, DIRECTOR OF PUBLIC WORKS PROVIDED A REPORT.

CAPTAIN SCOTT GILLINGWATER FROM THE CALIFORNIA HIGHWAY PATROL ADDRESSED THE BOARD.

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

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. (None)

CLOSED SESSION

1016-011

THE BOARD RECESSED AT 11:28 A.M. TO CLOSED SESSION REGARDING:
CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: JACK HUGHES & JAN CHRISTOFFERSON
EMPLOYEE

ORGANIZATIONS: BCEA, BCMEA, PPOA, PEA,
DSA - MANAGEMENT/SUPERVISORY UNIT,
DSA- GENERAL UNIT,
BCCOA - SUPERVISORY UNIT,
BCCOA - GENERAL UNIT.

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

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 SEC. 54956.9(a): TWO CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. NORTH CONTINENT LAND & TIMBER, INC. V. COUNTY OF BUTTE, ET AL; SACRAMENTO COUNTY SUPERIOR COURT CASE NO. 34-2010-80000542

CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

PROPERTY:	APN 040-400-073
AGENCY NEGOTIATOR:	GRANT HUNSICKER
NEGOTIATING PARTY:	BARBARA WEIBEL
NEGOTIATIONS:	PRICE AND TERMS OF ACQUISITION

THE BOARD RECONVENED AT 1:32 P.M. TO CLOSED SESSION REGARDING:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: JACK HUGHES & JAN CHRISTOFFERSON
EMPLOYEE

ORGANIZATIONS: BCEA, BCMEA, PPOA, PEA,
DSA - MANAGEMENT/SUPERVISORY UNIT,
DSA- GENERAL UNIT,
BCCOA - SUPERVISORY UNIT,
BCCOA - GENERAL UNIT.

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

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 SEC. 54956.9(a): TWO CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. NORTH CONTINENT LAND & TIMBER, INC. V. COUNTY OF BUTTE, ET AL; SACRAMENTO COUNTY SUPERIOR COURT CASE NO. 34-2010-80000542 (No Announcements)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

PROPERTY: APN 040-400-073
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: BARBARA WEIBEL
NEGOTIATIONS: PRICE AND TERMS OF ACQUISITION

PUBLIC HEARINGS AND TIMED ITEMS

1016-012

Public Hearing – Butte County Fiscal Year 2010/2011 Proposed Budget – action requested –

1. ACCEPT RECOMMENDED ADJUSTMENTS TO THE PROPOSED BUDGET SUBMITTED BY THE INTERIM CHIEF ADMINISTRATIVE OFFICER; AND
2. OPEN A PUBLIC HEARING ON THE PROPOSED BUDGET AND TAKE COMMENTS; AND
3. UPON CONCLUSION OF THE PUBLIC HEARING, PROVIDE DIRECTION TO STAFF TO PREPARE A BUDGET RESOLUTION FOR CONSIDERATION ON JULY 13, 2010; AND
4. PROVIDE DIRECTION THAT IF GENERAL FUND BALANCE AVAILABLE IS LESS OR GREATER THAN PROJECTED THEN APPROPRIATIONS FOR CONTINGENCIES BE LOWERED OR INCREASED TO MAKE UP THE DIFFERENCE; AND
5. OPEN A PUBLIC HEARING TO CONSIDER A 10% TRANSFER FROM THE PUBLIC HEALTH REALIGNMENT TRUST FUND TO THE WELFARE FUND AND A 5% TRANSFER FROM THE MENTAL HEALTH REALIGNMENT TRUST FUND TO THE WELFARE FUND; AND UPON CONCLUSION OF THE PUBLIC HEARING, ADOPT A RESOLUTION APPROVING THE TRANSFER. (Chief Administrative Office)

SCOTT TANDY, INTERIM CHIEF ADMINISTRATIVE OFFICER AND GREGORY G. ITURRIA, CHIEF FINANCIAL OFFICER PROVIDED REPORTS.

SANG KIM, DEPUTY ADMINISTRATIVE OFFICER AND TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDE AN OVERVIEW OF THE DEVELOPMENT SERVICES BUDGET.

ANDY PICKETT, DEPUTY ADMINISTRATIVE OFFICER AND FIRE CHIEF GEORGE MORRIS PROVIDED AN OVERVIEW OF THE FIRE BUDGET.

PUBLIC HEARING OPENED: 2:36 P.M.
 PUBLIC HEARING CLOSED: 2:44 P.M.

RICHARD ALLOWAY AND DOUG TEETER ADDRESSED THE BOARD.

DISTRICT ATTORNEY MIKE RAMSEY AND AUDITOR-CONTROLLER DAVE HOUSER ADDRESSED THE BOARD. (1:36:34)

MOTION: I MOVE THAT WE DIRECT IF THERE IS ANY INCREASE IN THE GENERAL FUND BALANCE OVER \$9 MILLION, THAT AMOUNT OVER \$9 MILLION BE PUT INTO THE FIRE BUDGET TO THE EXTENT THAT IT WILL FULLY RESTORE FIRE STATIONS TO REMOVE THE BROWNOUTS.

MOTION FAILED TO CARRY FOR LACK OF SECOND.

MOTION: I MOVE TO DECREASE GENERAL FUND APPROPRIATIONS FOR CONTINGENCIES BY \$967,000 AND DESIGNATE THAT SAME AMOUNT TO THE FIRE BUDGET.

M 2

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

SUPERVISOR DOLAN REQUESTED THAT THE BOARD ESTABLISH AN AD HOC COMMITTEE TO TAKE A STRATEGIC LOOK AT THE BUTTE COUNTY ORGANIZATION TO LOOK INTO A WAY TO EQUALIZE EXPENSES AND REVENUES. THE BOARD DIRECTED AN ITEM COME FORWARD ON THE JULY 13, 2010 AGENDA TO ESTABLISH A REORGANIZATION AD HOC COMMITTEE.

MOTION: I MOVE TO ACCEPT THE ADJUSTMENTS TO THE PROPOSED BUDGET AS DIRECTED; ADOPT THE PROPOSED BUDGET AS AMENDED; DIRECT THAT THE APPROPRIATIONS FOR CONTINGENCIES BE INCREASED OR DECREASED IF THE FUND BALANCE AVAILABLE IS GREATER OR LESS THAN PROJECTED.

M 2

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

Public Health Realignment Trust Fund (#5 action requested from page 16)

PUBLIC HEARING OPENED: 3:33 P.M.
PUBLIC HEARING CLOSED: 3:33 P.M.

MOTION: I MOVE TO ADOPT THE RESOLUTION FOR A 10% TRANSFER FROM THE PUBLIC HEALTH REALIGNMENT TRUST FUND TO THE WELFARE FUND AND A 5% TRANSFER FROM THE MENTAL HEALTH REALIGNMENT TRUST FUND TO THE WELFARE FUND.

M 2

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

PUBLIC COMMENT (Limited to Five Minutes)(None)

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda.

ADJOURNMENT: THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 3:37 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, JULY 13, 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: _____