

BUTTE COUNTY BOARD OF SUPERVISORS
MINUTES
February 22, 2011



County Supervisors

Bill Connelly, District 1
Larry Wahl, District 2
Maureen Kirk, District 3
Steve Lambert, District 4
Kim Yamaguchi, District 5

Paul Hahn, Chief Administrative Officer
and Clerk of the Board

Bruce Alpert, County Counsel

Called to order at 9:05 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Wahl, Kirk, Yamaguchi, and Chair Lambert. Also present: Paul Hahn, 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.

1104-001 CORRECTIONS AND/OR CHANGES TO THE AGENDA.

1. Letter to Sierra Nevada Conservancy – letter in support of the California Fire Safe Council’s request to the Sierra Nevada Conservancy to allocate \$3 million of remaining Proposition 84 funds to fund coordinators for Fire Safe Councils throughout California – action requested – APPROVE LETTER OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN.

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

2. Secure Rural Schools and Community Self-Determination Act Letter - The Secure Rural Schools and Community Self-Determination Program provides funding to eligible counties, through the U.S. Forest Service, to create employment opportunities through projects which implement stewardship objectives that enhance forest ecosystems, restore and improve land health and water quality. In order to access the Title II portion of these funds the U.S. Forest Service must follow a prescribed process. However, the Forest Service has not been able to complete the process. Subsequently, the community is at risk of losing these funds. Board approval is requested to authorize a letter to Congressman Wally Herger requesting congressional assistance to finalize the process – action requested – APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN.

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

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

THIS ITEM WAS REMOVED FROM THE AGENDA. THERE WAS NO UPDATE PROVIDED.

1104-002CONSENT AGENDA

1. Charis Youth Center - agreement with Charis Youth Center for intensive day treatment services and medication support services for emotionally disturbed adolescents. The term of the agreement is December 1, 2010 through June 30, 2011 with a maximum amount payable of \$29,951.42 (department budget utilizing State and Federal Medi-cal funding) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
2. LocumTenens.Com, LLC - amendment to the agreement with LocumTenens.Com, LLC for the services of a contract psychiatrist at the Butte County Psychiatric Health Facility. The amendment increases the maximum amount payable by \$106,000 (department budget utilizing State and Federal Medi-Cal funding) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
3. Michael Hitchko, Ph.D. - amendment to the agreement with Michael Hitchko, Ph.D. for psychological services. The amendment increases the maximum amount payable by \$12,112.50 (department budget utilizing Realignment, MHSA, State and Federal Medi-Cal funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
4. BHC Heritage Oaks Hospital, Inc. - agreement with BHC Heritage Oaks Hospital, Inc. for inpatient psychiatric hospitalization services for clients referred by the Butte County Department of Behavioral Health. The term of the agreement begins upon date of agreement execution through June 30, 2011. Under this agreement, approximately 10 clients will be served. Butte County Realignment funding will be directly offset by the California State Department of Mental Health for hospital claims as they are processed - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
5. Tri-County Treatment - amendment to the agreement with Tri-County Treatment for drug rehabilitation services. The amendment decreases the maximum amount payable by \$17,256.01 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
6. Dease Group Consulting - amendment to the agreement with Dease Group Consulting for updates to the All-Hazards Emergency Operations Plans for the City of Oroville and the Town of Paradise. The amendment extends the term of the agreement through March 1, 2012 and increases the maximum amount payable by \$45,350 (department budget utilizing State Homeland Security grant funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Chief Administrative Office)

7. Approval of Minutes – submitted are the minutes of January 25, 2011 - action requested – APPROVE MINUTES. (Chief Administrative Office)
8. Butte County Community Wildfire Protection Plan (CWPP) Project List Update – The Butte County CWPP Appendix A Project List was last updated and approved on July 13, 2010. Projects listed have an advantage when being considered for grant funding. Ten new projects have been proposed to be added to Appendix A for inclusion in the 2011 grant cycle – action requested – ACCEPT THE BUTTE COUNTY CWPP APENDIX A PROJECT LIST TO INCLUDE 2011 PROPOSED PROJECTS AND AUTHORIZE THE CHAIR TO SIGN. (Fire)
9. Discount Mail Service, Inc. - agreement with Discount Mail Service for discounted postage and other mail services for Butte County. The term of the agreement is January 1, 2011 through December 31, 2013. The department projects that this agreement will save approximately \$45,000 this fiscal year - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
10. Enloe Medical Center – agreement with Enloe for lease of a 729 square foot server and systems room at 560 Cohasset Road, Chico. The department’s Support, Employment, Assistance, Recovery and Consumer Housing (SEARCH) program and the Chico Adult Outpatient Services (CAOPS) program will be relocating to this location in the near future. The term of the lease is March 1, 2011 through September 30, 2020 with a monthly lease payment of \$583.20 (\$0.80 per sq. ft.) – action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
11. Contract Award and Budget Adjustments for Jail Security System – The County is in the process of replacing the main jail security system, which includes replacement of Module One due to non-performance by the original contractor and installation of Module Two that will provide enhanced central control. The total cost of the project is \$1,120,745, not including litigation costs, with anticipated funding of \$664,804 from the performance bond that is currently being litigated (already included in budget), \$210,000 from the inmate welfare fund (budget adjustment requested), and \$329,956 from the General Fund Appropriation for Contingencies (budget adjustment requested). The requested \$329,956 includes \$84,015 that has been incurred by the County in support of the litigation. After a comprehensive solicitation, P2 ABC Controls has been identified as the most capable firm for the installation of both Module One and Two. The Department recommends the County enter a contract with P2 ABC Controls for \$900,000 (\$690,000 for Module One and \$210,000 for Module Two). In addition, the Department requests an amendment to the contract with Pendulum Companies for system design and short-term support of the existing failing system, increasing the contract by \$15,000 for a total contract cost of \$51,000 – action requested – 1) APPROVE AGREEMENT WITH P2 ABC CONTROLS AND AUTHROIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; 2) APPROVE AGREEMENT AMENDMENT WITH PENDULUM AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; 3) APPROVE RELATED BUDGET ADJUSTMENTS (4/5 vote required); AND APPROVE THE PURCHASE OF THE JAIL SECURITY SYSTEM FIXED ASSETS. (General Services)

12. Ray Morgan Company – agreement amendment with Ray Morgan Company for the rental of an additional copier for the centralized County Print Shop. The amendment increases the maximum amount payable by \$32,000 (department budget) – 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 to Amend the Salary Ordinance – The resolution will amend the salary ordinance as follows:

HUMAN RESOURCES – requests to flexibly staff one position of Administrative Assistant, Senior to Administrative Assistant, Senior/Administrative Assistant. This change will allow the department more flexibility when filling the current vacancy and leaves the total allocations in the department unchanged at 18.

PUBLIC WORKS – requests to make the following changes: 1) delete one position of Supervisor, Bridge Maintenance; 2) add one position of Road Maintenance Assistant/Road Maintenance Worker/Road Maintenance Worker, Senior; 3) add the Road Maintenance Worker, Senior classification to a flexibly staffed position of Road Maintenance Assistant/Road Maintenance Worker/Tree Trimmer/Tree Trimmer, Senior; 4) delete one position of Landfill Maintenance Worker/Landfill Maintenance Worker, Senior; 5) add one position of Landfill Equipment Operator, Senior/Landfill Equipment Operator; 6) add the classification of Information Systems Analyst, Senior to a flexibly staffed position of Information Systems Analyst/Information Systems Analyst, Associate. These changes will better meet the needs and structure of the department and allow more flexibility when hiring and will leave the total allocations in the department unchanged at 105. There is no impact to the current year budget – action requested – ADOPT RESOLUTION NO. 11-011 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

14. Donation of Portraits to Butte County Historical Society – The department received a request from the Butte County Historical Society for Butte County to donate two portraits that have been on loan to the Historical Society since 1980 – action requested – APPROVE DONATION OF TWO PORTRAITS TO THE BUTTE COUNTY HISTORICAL SOCIETY AND AUTHORIZE THE CHAIR TO SIGN THE RECEIPT FOR PROPOSED DONATION. (Library)
15. Library Donations – The Library has received the following donations for books: \$780 from an anonymous source; \$756 from the Oroville Friends of the Library; \$500 from Ruthmarie Ferris; \$250 from the Chico Friends of the Library; \$250 from Dorothy Dingfelder; \$200 from Maudie A. Penney; and \$100 from Carol Oba Winslow – action requested – ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)
16. Butte County Library Advisory Board Appointment – action requested – AT THE REQUEST OF THE LIBRARY DIRECTOR: APPOINT DIANE FRIEDMAN TO A TERM TO END DECEMBER 31, 2014. (Library)

17. Resolution Establishing Public Service Hours for Butte County Library – The department requests to extend the public service hours at the Durham, Gridley, Oroville, and Paradise Library branches using funding from the Library Endowment Fund and a \$23,088 budget adjustment from the General Fund Appropriation for Contingencies for this fiscal year. This will result in an annualized increase in cost of \$69,264. If approved, this action will increase the total service hours at the Paradise and Oroville branches from 30 to 35 hours per week; increase the total service hours at the Durham branch from 6 to 30 hours per week; and increase the total service hours at the Gridley branch from 24 to 30 hours per week - action requested – APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required); AND ADOPT RESOLUTION NO. 11-012 ESTABLISHING HOURS FOR ALL BUTTE COUNTY LIBRARY BRANCHES AND AUTHORIZE THE CHAIR TO SIGN, CONTINGENT UPON APPROVAL OF REQUESTED BUDGET ADJUSTMENT. (Library)
18. Medifax-EDI, LLC - amendment to the agreement with Medifax-EDI, LLC for electronic billing services. The amendment extends the term of the agreement through March 31, 2011 and increases the maximum amount payable by \$12,000 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)
19. Greg Costo - amendment to the agreement with Greg Costo for the management and oversight of the Butte County Public Health Lab. The amendment increases the maximum amount payable by \$20,000 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)
20. California State Department of Health Care Services (DHCS) - amendment to the agreement with DHCS for reimbursement for the cost of certain administrative activities in support of the Medi-Cal Targeted Case Management program. The amendment extends the term of the agreement through June 30, 2013 and increases the maximum amount payable by \$200,000 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)
21. Butte County Public Guardian - agreement with Butte County Public Guardian for reimbursement for Targeted Case Management Services provided to Public Guardian clients. The term of the agreement is July 1, 2010 through June 30, 2011 with a maximum amount of \$220,747 reimbursable to Public Guardian (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)
22. Transportation Tax Swap Solution – the department requests approval of a letter requesting support for an immediate and comprehensive transportation tax swap solution from our State Legislative delegation – action requested – APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

- 23. Budget Adjustment – request to accept and appropriate a \$38,118 refund into the Rural Counties Supplement fund. These funds are from the State 1122 program, which is program that offers supplies and equipment to law enforcement at a reduced rate – action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required). (Sheriff-Coroner)
- 24. Budget Adjustment and Fixed Asset Purchase – request for budget adjustment totaling \$20,000 from the inmate welfare fund for the purchase of a commercial grade laundry washing machine for the Butte County jail - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required); AND APPROVE THE FIXED ASSET PURCHASE OF A NEW LAUNDRY MACHINE. (Sheriff-Coroner)
- 25. Monthly Investment Report – submitted is the monthly investment report dated December 31, 2010 in accordance with the Statement of Investment Policy dated July 1, 2010 – action requested – ACCEPT FOR INFORMATION. (Treasurer/Tax Collector)
- 26. Gallina LLP - amendment to the agreement with Gallina, LLP (formerly Bartig, Basler & Ray, LLP) for the annual audit of the Butte County Treasury Oversight Committee. The amendment extends the term of the agreement through January 31, 2011 and increases the maximum amount payable by \$6,600 (department budget)- action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Treasurer/Tax Collector)
- 27. Treasury Oversight Committee – action requested – CONFIRM THE APPOINTMENTS OF SUSAN WATTS AND LISA ANDERSON AS EDUCATION REPRESENTATIVES TO THE TREASURY OVERSIGHT COMMITTEE. (Treasurer/Tax Collector)
- 28. U.S. Bureau of Reclamation Letter – The Butte County Water Commission requests a letter be sent to the U.S. Bureau of Reclamation and the San Luis & Delta-Mendota Water Authority to voice concerns regarding the Long-Term North to South Water Transfer Program - action requested – APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)
- 29. Proposed Screening Process for Potential Candidates for the Water Advisory Committee (WAC) - approval is requested for the proposed screening process which streamlines the process of selecting the most qualified candidate to recommend to the Board of Supervisors for appointment to the WAC - action requested - ADOPT PROCESS AS OUTLINED BY THE WATER COMMISSION. (Water and Resource Conservation)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEMS 3.06 AND 3.09 WHICH WERE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

2 M

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

REGULAR AGENDA

1104-003 Items Removed from the Consent Agenda for Board Consideration and Action.

- 1. Letter to Sierra Nevada Conservancy – letter in support of the California Fire Safe Council’s request to the Sierra Nevada Conservancy to allocate \$3 million of remaining Proposition 84 funds to fund coordinators for Fire Safe Councils throughout California – action requested – APPROVE LETTER OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN.

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

MOTION: I MOVE TO APPROVE THE LETTER OF SUPPORT AMENDING THE LETTER TO REMOVE THE REFERENCE TO PROPOSITION 84 AND AUTHORIZE THE CHAIR TO SIGN.

2 M

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

- 2. Secure Rural Schools and Community Self-Determination Act Letter - The Secure Rural Schools and Community Self-Determination Program provides funding to eligible counties, through the U.S. Forest Service, to create employment opportunities through projects which implement stewardship objectives that enhance forest ecosystems, restore and improve land health and water quality. In order to access the Title II portion of these funds the U.S. Forest Service must follow a prescribed process. However, the Forest Service has not been able to complete the process. Subsequently, the community is at risk of losing these funds. Board approval is requested to authorize a letter to Congressman Wally Herger requesting congressional assistance to finalize the process – action requested – APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN.

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

SUPERVISOR YAMAGUCHI INFORMED STAFF THAT THE LETTER HAD AN INCORRECT PHONE NUMBER ON IT.

MOTION: I MOVE TO APPROVE THE LETTER OF SUPPORT (WITH CORRECTED PHONE NUMBER) AND AUTHORIZE THE CHAIR TO SIGN.

2 M

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

Public Hearings and Timed Items

1104-007 Timed Item – Report on Butte County Tourism Program - Debra Lucero & Associates will provide a report on the countywide tourism and marketing program - action requested - ACCEPT FOR INFORMATION. (Administration)

JENNIFER MACARTHY, MANAGER OF PROGRAM DEVELOPMENT AND DEBRA LUCERO PROVIDED REPORTS.

1104-008 Timed Item – Presentation Regarding Future Planning for Broadband Services – Cathy Emerson, Project Manager of Broadband Development at California State University, Chico’s (CSUC) Center for Economic Development will provide report – action requested – ACCEPT FOR INFORMATION. (55:44)

CATHY EMERSON FROM CSUC PROVIDED A REPORT.

RECESS 10:15 A.M.
RECONVENE: 10:28 A.M.

1104-009 Continued Public Hearing – Appeal of Planning Commission Denial of Tentative Subdivision Map (TSM) 09-0003, APN 047-440-037 (Schuster Homes Inc.) – Consideration of an appeal of the Butte County Planning Commission’s denial of TSM09-0003 to divide approximately 26.4 acres into twenty-five 1-acre residential parcels and one 1.4-acre detention pond lot. The project parcel is located on the west side of Garner Lane in Chico, north of the intersection of Garner Lane and Guntren Lane and on the south end of Persimmon Lane. The appellant has submitted findings for an overrule request on the inconsistency determination made by the Butte County Airport Land Use Commission – actions requested – Staff recommends:

- 1) GRANT THE APPEAL;
- 2) ADOPT THE MITIGATED NEGATIVE DECLARATION WITH FINDINGS; AND
- 3) APPROVE THE TRANSFER OF ONE DENSITY TRANSFER UNIT FROM THE STEPHENS DEVELOPMENT AGREEMENT TO THE MANDVILLE PARK SUBDIVISION (TSM09-0003); AND
- 4) APPROVE THE OVERRULE OF THE BUTTE COUNTY AIRPORT LAND USE COMMISSION’S INCONSISTENCY DETERMINATION WITH FINDINGS; AND
- 5) APPROVE TSM09-0003 SUBJECT TO FINDINGS AND CONDITIONS. (Department of Development Services)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES; MARK MICHELENA, SENIOR PLANNER; AND CHUCK THISTLETHWAITE, PLANNING MANAGER. (1:15:03)

PUBLIC HEARING OPENED: 10:50 A.M.
PUBLIC HEARING CLOSED: 10:52 A.M.

MOTION: I MOVE TO GRANT THE APPEAL; ADOPT THE MITIGATED NEGATIVE DECLARATION WITH FINDINGS; AND APPROVE THE TRANSFER OF ONE DENSITY TRANSFER UNIT FROM THE STEPHENS DEVELOPMENT AGREEMENT TO THE MANDVILLE PARK SUBDIVISION (TSM09-0003); AND APPROVE THE OVERRULE OF THE BUTTE COUNTY AIRPORT LAND USE COMMISSION’S INCONSISTENCY DETERMINATION WITH FINDINGS; AND APPROVE TSM09-0003 SUBJECT TO FINDINGS AND CONDITIONS. (RESOLUTION NO. 11-014)

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

1104-010 Potential Impacts of the Governor’s Realignment Proposals – County staff will provide an overview of the Governor’s realignment proposals and how these proposals may impact Butte County – action requested – ACCEPT FOR INFORMATION AND PROVIDE DIRECTION TO STAFF. (Administration)

SANG KIM, DEPUTY ADMINSTRATIVE OFFICER PROVIDED AN OVERVIEW.

THE FOLLOWING DEPARTMENT HEADS PROVIDED REPORTS:

1. JOHN WARDELL, DIRECTOR OF PROBATION (1:39:21)
2. JERRY SMITH, BUTTE COUNTY SHERIFF (1:56:30)
3. GEORGE MORRIS, BUTTE COUNTY FIRE CHIEF (2:06:30)
4. SHARON STONE, DIRECTOR OF CHILD SUPPORT SERVICES (2:13:15)
5. CATHI GRAMS, DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES (2:17:58)
6. ANNE ROBIN, DIRECTOR OF BEHAVIORAL HEALTH (2:29:40)

PAUL HAHN ADDRESSED THE BOARD. (2:39:04)

1104-011 Resolution Continuing the Extension of the Trust Fund Established Pursuant to Resolution 98-161 and Providing Guidance for Disbursement - consideration of a resolution which will extend the term of the trust fund governing the exchange of property taxes for the dissolution of the Lime Saddle Community Services District through September 7, 2012 - action requested - ADOPT RESOLUTION NO. 11-013 AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT THE DEPARTMENT OF WATER AND RESOURCE CONSERVATION TO WORK WITH ADMINISTRATION TO DETERMINE DISBURSEMENT OF THE LIME SADDLE TRUST FUND FOR THE BENEFIT OF THE USERS WITHIN THE DISTRICT AND BRING FORWARD A PROPOSAL PRIOR TO SEPTEMBER 7, 2012. (Water and Resource Conservation) (2:44:51)

PAUL GOSSELIN, DIRECTOR OF WATER AND RESOURCE CONSERVATION PROVIDED A REPORT.

BOB FORTINO, DIRECTOR OF DEL ORO WATER COMPANY PROVIDED A REPORT.

MOTION: I MOVE TO ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT THE DEPARTMENT OF WATER AND RESOURCE CONSERVATION TO WORK WITH ADMINISTRATION TO DETERMINE DISBURSEMENT OF THE LIME SADDLE TRUST FUND FOR THE BENEFIT OF THE USERS WITHIN THE DISTRICT AND BRING FORWARD A PROPOSAL PRIOR TO SEPTEMBER 7, 2012.

2 M

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

1104-012 CLOSED SESSION

THE BOARD RECESSED AT APPROXIMATELY 12:15 P.M. TO CLOSED SESSION REGARDING:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: JACK HUGHES & BRIAN RING

EMPLOYEE

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

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); AND
2. BEC v. COUNTY OF BUTTE; BUTTE SUPERIOR COURT CASE NO. 152362.

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(b)(1) – ONE POTENTIAL CASE

THE BOARD RECONVENED AT 1:15 P.M. FROM CLOSED SESSION REGARDING:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: JACK HUGHES & BRIAN RING
EMPLOYEE

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

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); AND
2. BEC v. COUNTY OF BUTTE; BUTTE SUPERIOR COURT CASE NO. 152362.

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(b)(1) – ONE POTENTIAL CASE. (No Announcements)

Public Hearings and Timed Items

1104-013 Public Hearing - Medical Marijuana Cultivation – consideration of an ordinance adding Chapter 34A, Article I, Entitled “Medical Marijuana Cultivation” to the Butte County Code. The proposed ordinance regulates medical marijuana cultivation consistent with State Law to protect public health, safety and welfare. Included in the proposed ordinance are provisions to establish annual user fees related to the cultivation of marijuana in Butte County – actions requested – WAIVE THE FIRST READING OF THE ORDINANCE; AND ADOPT RELATED RESOLUTION AMENDING THE BUTTE COUNTY MASTER FEE SCHEDULE WITH THE RECOMMENDED FEE ADJUSTMENTS TO BE EFFECTIVE ON THE DATE THE PROPOSED ORDINANCE BECOMES EFFECTIVE. (County Counsel)

BRUCE ALPERT, COUNTY COUNSEL PROVIDED A REPORT TO THE BOARD.

SHERIFF JERRY SMITH AND DISTRICT ATTORNEY, MIKE RAMSEY PROVIDED REPORTS TO THE BOARD.
(16:43)

DAN BLAIR, SENIOR MANAGEMENT ANALYST PROVIDED A REPORT.

PUBLIC HEARING OPENED: 1:45 P.M.

PUBLIC HEARING CLOSED: 6:03 P.M.

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD (names and spelling of individual names may not be exact due to noise levels in Chambers and/or illegible public participation cards): MARVIN; WILLIAM HIBBARD; TONY LOMBARDI; VIRGIL RITTER; MARY KENNEDY.

RECESS: 2:15 P.M.

RECONVENE: 2:20 P.M.

PATRICIA VANCE; DANIEL HERON; GORDON DICE (57:31); DIANA KAUFMAN; RANDY COY; JOHN MILLER; JOHN VOGLER; MATT BASIOR (1:10:35); ROGER MATTHEWS; SHARON MACARTHY; MITCH ; CALI; SCARY GARY (1:29:40); BONNIE SALMON; STEVE CHARMS; ED MANION; SEVA CHARMS; GENE; CHARLES STOUT (1:52:29); ROBERT HIRSH; QUENTIN COLGAN (2:04:00); JIM BROBECK; WARREN ROLL.

RECESS: 3:35 P.M.

RECONVENE: 3:46 P.M.

ROB THULAND (2:14:33); TRACI; JOSHUA NEAL; RYAN LANDERS; LAVERN SCHMIDT; RICHARD TOGNOLI; JILL CLARKSON; CHRIS BULIS (2:14:19); ROBIN COOKE; ROBERT MACKENZIE (2:48:35); CHRISTIN COPING; TERRY FLANAGAN; STEVE PEDERSON; JOSH COOK; KEITH HUMPHREYS; CATHERINE MCLAUGHLIN; LUTHER MCLAUGHLIN; STEVE MULLIN; JAG BERKSTROM; MICHAEL MENDON (3:13:31); TIM MELKE; HARVEY RECTOR (3:21:22); GARY SANDERSON; GENE A. ARETEEK; JAMES WILLMAN; MICHAEL FARRELL; TONY MIRANDA; ADRIAN AGUILAR; GREG TRUMAN; (3:40:17); REVEREND THOMAS E. WALL; JASON; GARY COOPER; JERRY (3:59:29); ROBERT STEELMAN; RAYMOND ASPERY; RICHARD BROWN; AMYKAUFMAN; WARREN ROLL; KAITLIN ; DAVID MOENCH; RICHARD TOGNOLI; MARY ROLL; WALTER RAYMER.

THE BOARD DIRECTED STAFF TO AMEND THE PROPOSED ORDINANCE FOCUSING ON THE FOLLOWING ITEMS:

- 1) MORE FLEXIBILITY IN THE ALLOWABLE SETBACK LIMIT, ESPECIALLY ON LARGER PARCELS
- 2) POSSIBLE EXEMPTIONS TO THE PROPOSED FEES AND POSSIBLE AMENDMENT FOR THE COST OF ZIP TIES
- 3) THE ALLOWABLE MINIMUM NUMBER OF PLANTS, ESPECIALLY ON PARCEL SIZES OF ONE ACRE OR LESS.

PAUL HAHN, CHIEF ADMINISTRATIVE OFFICER, INFORMED THE BOARD THAT STAFF WOULD BEGIN WORKING ON AMENDMENTS PER THE BOARD’S DIRECTION AND WILL REPORT BACK AT A FUTURE MEETING. THE DATE OF THAT MEETING IS UNDETERMINED.

NO ADDITIONAL ACTION WAS TAKEN ON THIS ITEM.

1104-014 PUBLIC COMMENT (each speaker limited to five minutes)

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.

A GENTLEMAN (HIS NAME WAS NOT CAPTURED ON THE RECORDER) ADDRESSED THE BOARD REGARDING THE CITY OF CHICO AND THE CLEAN WATER ACT.

JUAN GONZALEZ ADDRESSED THE BOARD.

1104-015 CLOSED SESSION

THE BOARD RECESSED AT APPROXIMATELY 6:40 P.M. TO CLOSED SESSION REGARDING:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: JACK HUGHES & BRIAN RING
EMPLOYEE

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

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:

3. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100); AND
4. BEC v. COUNTY OF BUTTE; BUTTE SUPERIOR COURT CASE NO. 152362.

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(b)(1) – ONE POTENTIAL CASE (No Announcements)

ADJOURNMENT: THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT APPROXIMATELY 6:40 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS TO BE HELD TUESDAY, MARCH 15, 2011 AT 9:00 A.M.

STEVE LAMBERT, CHAIR
BUTTE COUNTY BOARD OF SUPERVISORS

ATTEST:

Paul Hahn, Chief Administrative Officer
and Clerk of the Board

By: _____