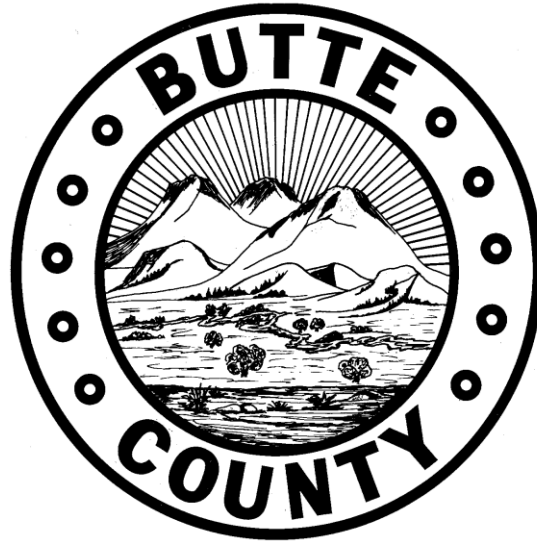


BUTTE COUNTY BOARD OF SUPERVISORS
MINUTES
March 29, 2011



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 9:10 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.

1106-001 **CORRECTIONS AND/OR CHANGES TO THE AGENDA**

1. Resolution to Amend the Salary Ordinance – The resolution will amend the salary ordinance as follows:

CHILD SUPPORT – requests to delete one flexibly staffed vacant position of Child Support Attorney IV/III/II/I. This change will decrease the total allocations in the department from 110.5 to 109.5 and decrease annual salary and benefits within the department by \$146,373 per year.

SHERIFF – requests to extend the sunset date for the following eight (8) grant funded positions to June 30, 2012: 5 positions of Deputy Sheriff (position to end 06/30/12); 1 position Crime Prevention Officer (position to end 06/30/12); and 2 positions of Sheriffs Clerk III/II/I (position to end 06/30/12). The positions are funded by the State Department of Boating and Waterways, the California Emergency Management Agency, Rural County Funds, or the Butte Interagency Narcotics Task Force. These changes will leave the total allocations in the department unchanged.

AGRICULTURE – requests a current sunset position of Agricultural Biologist/Weights & Measures I be converted to a regular help full time position with no sunset date and flexibly staffed to include Agricultural Biologist/Weights & Measures Inspector, Senior/Agricultural Biologist/Weights & Measures Inspector III/II/I. This position was added in 2005 as a sunset position to assist in supporting implementation of the Irrigated Lands Regulatory Pilot Program (ILRP) contract. As this ILRP funding was being reduced during the last two years, the department received additional federal, state and industry funded contracts to perform increased pest detection, monitoring, and if needed, eradication activities for Light Brown Apple Moth, Asian Citrus Psyllid and European Grapevine Moth. The position's activities were transitioned during the last two years to help support these long term programs at no additional cost to the department and utilize additional funds being received by the department. This proposed position with salary and benefit costs of approximately \$51,929 annually will be fully funded through a combination of existing pest detection contracts and other departmental resources, including funds received for additional pest monitoring activities. This change will leave the total allocations in the department unchanged.

GENERAL SERVICES – requests to flexibly staff one Janitor / Lead Janitor position effective March 19, 2011 at a cost of \$1,002 for the remainder of the existing fiscal year and \$3,723 for next fiscal year (included within the existing budget). In an effort to reduce costs and to improve janitorial support through re-negotiation of leases in leased facilities, General Services implemented a centralized contract providing janitorial support that spans several departments

in several facilities. General Services has also taken an active role in overseeing vendor performance with improved results. However, the single existing Supervisor and single existing Lead is insufficient in overseeing Janitorial staff located in dispersed locations. This change will leave the total allocations in the department unchanged.

HUMAN RESOURCES - Effective January 3, 2011, the Auditor-Controller and Clerk-Recorder were elected to another term in office. Resolution 09-170 titled, Salary and Benefits for Butte County Elected Officials states that, "...in lieu of leave accrual, salary is augmented two percent for each previous term or portion thereof, served in office by the respective elected official." In addition, Resolution 10-080 titled, Salary and Benefits for Non-Represented Classifications states, "The top step of an assistant department head salary shall be set at the range that is closest to either a differential of twenty percent for single assistant department heads or a differential of twenty-five percent for multiple assistant department heads below the actual salary of the respective department head." Based on the legal requirements of the resolutions, the Board of Supervisors shall adjust salary ranges effective January 3, 2011 for the following classifications that are linked to Elected Department Head salaries: Assistant Auditor/Controller moves from range 75 to 76, an annual increase ranging from \$2,182 to \$2,924 depending upon the step; Assistant County Clerk-Recorder moves from range 71 to 72, an annual increase ranging from \$1,977 to \$2,649 depending upon the step; and Assistant County Clerk-Registrar of Voters moves from range 71 to 72, an annual increase ranging from \$1,977 to \$2,649 depending upon the step. In addition, per Board direction on March 15, 2011, the Human Resources Department is requesting to add a new classification of Manager, Economic and Community Development at salary range 69 to Section 57f of the Salary Ordinance titled "Management, Confidential and Supervisory Unit". This classification was agreed to by both the department and applicable employee association.

ADMINISTRATION – requests to delete one vacant position of Financial Technician, Senior/Financial Technician. The department also requests, in conjunction with the request by the Human Resources Department above, to add one position of Manager, Economic and Community Development to their allocated positions. On March 15, 2011 the Board of Supervisors approved the implementation of an Economic and Development Unit within the Administration Department including the addition of a new Manager, Economic and Community Development position. Funding for the new position will be provided by a combination of existing General Fund resources ~~that were allocated to a current vacant position in the department, and~~ outside grant revenue within the Administration Department ~~and an amount of new General Fund resources in FY 2011-2012 not to exceed \$30,000.~~ These changes will leave the total allocations in the department unchanged at 26.

DISTRICT ATTORNEY – requests a current sunset position of Office Assistant be converted to a regular help full time position with no sunset date and flexibly staffed to include Office Specialist, Senior/Office Specialist. The District Attorney's Office had a Statutory Rape Vertical Prosecution (SRVP) grant from 1999 through 2008. Originally a Legal Secretary was funded by the grant. The grant award was reduced annually until it was eliminated. In 2006, because of the decreased funding, the District Attorney deleted the Legal Secretary sunset position and added the Office Assistant sunset position at a savings of approximately \$15,000/ year. The position provides clerical support for statutory rape investigations and prosecutions which are on-going work in the office with or without grant funding. The department worked to create \$90,000 a year in on-going savings within its existing budget by reducing the costs per blood sample draws on suspected drunken drivers charged by the three hospitals in the county. The justification for requesting the position to be classified as Office Assistant/Office

Specialist/Office Specialist, Senior is to provide flexibility in recruitment and assignment. All other Office Assistant/ Office Specialist/ Office Specialist, Senior positions in the department are classified flexibly. Funding is available within the current fiscal year budget and the FY 2011-2012 requested budget to maintain the position up to and including an Office Specialist, Senior. Annualized salary and benefit costs for the flexed position are as follows: a) Office Assistant-\$33,084 b) Office Specialist-\$36,550 c) Office Specialist, Senior-\$40,326. This change will leave the total allocations in the department unchanged – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

2. Request for Easement Across “No Access Strips” – On behalf of Michael Houar, Stewart Title has requested an easement across two county owned one-foot no access strips in the Forest Ranch Area. The no access strips are located adjacent to the property line between the Vineyard Vista Subdivision and land owned by Mr. Houar, who currently has an easement over the roads in the subdivision. However, the right to cross the no access strip is not clear – action requested – GRANT TO MICHAEL HOUAR AND HIS SUCCESSORS AN EASEMENT TO CROSS THE TWO ONE-FOOT NO ACCESS STRIPS OWNED BY BUTTE COUNTY AT THE ENDS OF CABERNET WAY AND BURGUNDY LANE AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE DOCUMENTS. (Public Works)

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

1106-002 **CONSENT AGENDA**

1. Butte County Behavioral Health Board – action requested – AS RECOMMENDED BY THE BUTTE COUNTY BEHAVIORAL HEALTH BOARD, APPOINT RONALD HOLMSTROEM AS CONSUMER MEMBER TO A TERM TO END DECEMBER 31, 2013. (Behavioral Health)
2. Cherokee Restoration Fellowship - amendment to the agreement with Cherokee Restoration Fellowship for alcohol and drug-free long-term residential services. The amendment decreases the maximum amount payable by \$6,996.10 (department budget utilizing the grant funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
3. Han T. Nguyen, M.D. - amendment to the agreement with Han T. Nguyen, M.D. for psychiatric services at the Butte County Department of Behavioral Health Oroville Adult Outpatient Clinic. The amendment increases the maximum amount payable by \$48,000 (department budget utilizing 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. Summitview Child Treatment Center - agreement with Summitview Child Treatment Center for outpatient mental health services for children and adolescents. The term of the agreement is January 20, 2011 through June 30, 2011 with a maximum amount payable of \$29,932.10 (department budget utilizing federal grant funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
5. Gary Bess Associates - amendment to the agreement with Gary Bess Associates to conduct surveys, analyze data and prepare reports which will be utilized by the department to provide more effective services. The amendment increases the maximum amount payable by \$13,200 (department budget utilizing MHSA funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
6. 2010 DNA Identification Fund Report – submitted is the 2010 DNA Identification Fund Report. The report includes the total fines collected, allocated, and expended for each authorized program under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act. The County is required to submit the report to the California State Legislature and the California Department of Justice by April 1 of each year – action requested – APPROVE THE 2010 DNA IDENTIFICATION FUND REPORT. (Chief Administrative Office)
7. Resolution to Re-Establish the Courthouse Construction Fund – pursuant to Vehicle Code 42007 and California Government Codes 76000 and 76100, the department requests re-establishing the Courthouse Construction Fund to deposit court fines as required – action requested – ADOPT RESOLUTION NO. 11-017 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
8. Butte County Economic Development Corporation (EDC) - agreement with EDC to supplement the County's economic development efforts. The term of the agreement is April 1, 2011 through June 30, 2011 with a maximum amount payable of \$25,000. A budgetary adjustment of \$25,000 from the General Fund Appropriation for Contingencies is also requested to fund this agreement - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required). (Chief Administrative Office)
9. Approval of Minutes – action requested – APPROVE MINUTES OF MARCH 15, 2011. (Chief Administrative Office)
10. RUSH Personnel Services - agreement with RUSH Personnel Services for staffing services for the Elections Department for the mandated unanticipated special election in the City of Chico and the possible Statewide Special Election occurring in June 2011. The term of the agreement is April 1, 2011 through June 30, 2011 with a maximum amount payable of \$53,000. The costs will be reimbursed by the City of Chico and in the event of a Statewide Special Election, also by the State - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required). (Clerk-Recorder)

11. Fixed Asset Purchase – approval is requested to purchase enhancements for the department’s permitting software, Trakit at a cost of \$6,000 (Computer Software Maintenance account) – action requested – APPROVE FIXED ASSET PURCHASE OF SOFTWARE ENHANCEMENTS; AND APPROVE RELATED BUDGET ADJUSTMENT. (Development Services)
12. Kimley-Horn and Associates, Inc. - agreement with Kimley-Horn and Associates, Inc. for the preparation of an Environmental Impact Report (EIR) for the Rio d’ Oro Specific Plan project proposed by Lucky Hill Properties, LLC (the applicant). The proposed project site is located south of Oroville and west of Palermo on the east and west sides of State Route 70. The Rio d’ Oro Specific Plan encompasses 689 acres and proposes 2700 new homes, commercial and open space areas. Approval is also requested for a payment agreement with the applicant for \$275,391.50 which will be paid by the applicant in six quarterly payments. Development Services anticipates receipt and expenditures of \$95,000 in fiscal year (FY) 2010/2011 - action requested - APPROVE BOTH AGREEMENTS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVED RELATED BUDGET ADJUSTMENT ACCEPTING THE UNANTICIPATED REVENUE IN FY 2010/2011. (Development Services)
13. Budget Adjustments – The Department of Employment and Social Services (DESS) needs to replace flooring in the Community Employment Centers in Chico and Oroville. DESS requests approval for budget adjustments totaling \$194,000 to allow General Services to manage the replacements at both facilities. DESS currently has savings in salaries and benefits for these projects. There is no impact to general purpose revenues – action requested – AUTHORIZE GENERAL SERVICES TO SEEK BIDS; AND APPROVE RELATED BUDGET ADJUSTMENT. (Employment and Social Services)
14. Letter of Support for Senate Bill (SB) 33 – The department requests approval for a letter in support of the elimination of the expiration date of The Financial Abuse Reporting Act (SB 1018), which provides for mandated reporting of adult financial abuse - action requested – APPROVE LETTER OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN. (Employment and Social Services)
15. California Department of Forestry and Fire Protection (CAL FIRE) – annual cooperative agreement with CAL FIRE for fire protection services in the unincorporated areas of Butte County. The term of the agreement is July 1, 2010 through June 30, 2011 with a maximum amount payable of \$11,743,643 which reflects the amount approved by the Board of Supervisors during Final Budget Hearings in June 2010 – action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND ADOPT RELATED RESOLUTION NO. 11-018 AND AUTHORIZE THE CHAIR TO SIGN. (Fire)
16. Oroville Veterans Memorial Hall Committee – action requested – AS NOMINATED BY THE AMERICAN VETERANS POST 1774, APPOINT SAM BEBOUT AS DELEGATE AND ALAN WIXOM AS ALTERNATE TO TERMS TO END JUNE 30, 2011. (General Services)

17. Library Services and Technology Act (LSTA) – approval is requested to accept and appropriate \$20,721 in grant funds from LSTA for the Technology for Teen Success, Transforming Life After 50, and the Teacher’s Advantage Pass programs – action requested – APPROVE BUDGET ADJUSTMENTS (4/5 vote required). (Library)
18. Library Donations – The Library has received the following donations for books: \$755 from Chico Friends of the Library; \$678.30 from Oroville Friends of the Library; \$252.80 from an anonymous source; and \$100 from Center for Spiritual Living – action requested – ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)
19. Butte Oroville Veterinary Hospital - amendment to the agreement with Butte Oroville Veterinary Hospital for services for animals impounded by the Animal Control Division. The amendment extends the term of the agreement through June 30, 2012 and increases the maximum amount payable by \$10,000 (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. Resolution Recognizing April 4 through April 10, 2011 as National Public Health Week – action requested – ADOPT RESOLUTION NO. 11-020 AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
21. Budget Adjustments for County Service Areas (CSAs) 21, 135, and 169 – The Regional Water Quality Control Board has ordered several CSAs to make improvements for compliance in their waste discharge requirements by installing new monitoring wells that will provide more consistent monitoring samples. The Environmental Health Division has been required to spend additional staff time exceeding what was budgeted in this current fiscal year. Budget adjustments totaling \$8,785 will provide reimbursement for staff expenses – action requested - APPROVE BUDGET ADJUSTMENTS (4/5 vote required). (Public Works)
22. Resolution Authorizing Submittal of Waste Tire Grant Applications for Butte County – consideration of a resolution authorizing the County of Butte to apply for grant funds available through the California Department of Resources Recycling and Recovery for FY 2010/2011 through FY 2014/2015 – action requested - ADOPT RESOLUTION NO. 11-021 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
23. Award of Bid for the Rehabilitation of Hegan Lane from the Railroad Tracks to the Midway, County Project No. 48203-2007-1 – approval is requested to award a bid for the rehabilitation project on Hegan Lane to Franklin Construction Company of Chico. Public Works solicited bids for this project beginning February 21, 2011. Three bids were received and opened publicly on March 16, 2011. Franklin Construction was the lowest responsive and responsible bidder with a bid in the amount of \$1,124,195. Butte County will contribute \$347,000 of Prop 1B funds and the City of Chico will fund the majority of the project with funds from their Chico urban area impact fees – action requested – AWARD BID TO FRANKLIN CONSTRUCTION COMPANY AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN AGREEMENT. (Public Works)

- 24. Avtex - agreement with Avtex for emergency notification services. The term of the agreement is February 22, 2011 through February 21, 2014 with a maximum amount payable of \$25,500 (department budget utilizing Emergency Management grant funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)
- 25. Central Valley Toxicology, Inc. - amendment to the agreement with Central Valley Toxicology, Inc. for laboratory services to process forensic samples as requested by the Butte County Coroner’s office. The amendment extends the term of the agreement through March 14, 2014 and increases the maximum amount payable by \$165,000 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)
- 26. Accept Donations – The department has received the following donations from the 1033 Military Surplus Program: a 1993 dump trailer valued at \$3,000, a 1990 US Army Trailer, and a 1993 Horse Trailer – action requested – ACCEPT DONATIONS. (Sheriff-Coroner)
- 27. Immedia, A Division of Columbia Ultimate - amendment to the agreement with Immedia for the software collections system utilized by the department. The amendment extends the term of the agreement through June 30, 2012 and decreases the maximum amount payable to \$25,000 per year (an annual decrease of \$2,000) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Treasurer/Tax Collector)
- 28. Durham Mosquito Abatement District – action requested – AT THE INDIVIDUALS’ REQUEST, REAPPOINT WILLIAM M. DEMPSEY AND LANCE SMITH AS TRUSTEES. (TERMS TO END DECEMBER 31, 2014) (Other Departments and Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEMS 3.17 AND 3.24 WHICH WERE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA AND WITH THE AMENDMENT READ INTO RECORD FOR ITEM 3.17.

2 M

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

CHAIR LAMBERT REGISTERED A ‘NO’ VOTE ON ITEM 3.08 – THE AGREEMENT WITH BUTTE COUNTY ECONOMIC DEVELOPMENT CORPORATION (EDC)

1106-003 Items Removed from the Consent Agenda for Board Consideration and Action.

- 1. Resolution to Amend the Salary Ordinance – The resolution will amend the salary ordinance as follows:

CHILD SUPPORT – requests to delete one flexibly staffed vacant position of Child Support Attorney IV/III/II/I. This change will decrease the total allocations in the department from 110.5 to 109.5 and decrease annual salary and benefits within the department by \$146,373 per year.

SHERIFF – requests to extend the sunset date for the following eight (8) grant funded positions to June 30, 2012: 5 positions of Deputy Sheriff (position to end 06/30/12); 1 position Crime Prevention Officer (position to end 06/30/12); and 2 positions of Sheriffs Clerk III/II/I (position to end 06/30/12). The positions are funded by the State Department of Boating and Waterways, the California Emergency Management Agency, Rural County Funds, or the Butte Interagency Narcotics Task Force. These changes will leave the total allocations in the department unchanged.

AGRICULTURE – requests a current sunset position of Agricultural Biologist/Weights & Measures I be converted to a regular help full time position with no sunset date and flexibly staffed to include Agricultural Biologist/Weights & Measures Inspector, Senior/Agricultural Biologist/Weights & Measures Inspector III/II/I. This position was added in 2005 as a sunset position to assist in supporting implementation of the Irrigated Lands Regulatory Pilot Program (ILRP) contract. As this ILRP funding was being reduced during the last two years, the department received additional federal, state and industry funded contracts to perform increased pest detection, monitoring, and if needed, eradication activities for Light Brown Apple Moth, Asian Citrus Psyllid and European Grapevine Moth. The position's activities were transitioned during the last two years to help support these long term programs at no additional cost to the department and utilize additional funds being received by the department. This proposed position with salary and benefit costs of approximately \$51,929 annually will be fully funded through a combination of existing pest detection contracts and other departmental resources, including funds received for additional pest monitoring activities. This change will leave the total allocations in the department unchanged.

GENERAL SERVICES – requests to flexibly staff one Janitor / Lead Janitor position effective March 19, 2011 at a cost of \$1,002 for the remainder of the existing fiscal year and \$3,723 for next fiscal year (included within the existing budget). In an effort to reduce costs and to improve janitorial support through re-negotiation of leases in leased facilities, General Services implemented a centralized contract providing janitorial support that spans several departments in several facilities. General Services has also taken an active role in overseeing vendor performance with improved results. However, the single existing Supervisor and single existing Lead is insufficient in overseeing Janitorial staff located in dispersed locations. This change will leave the total allocations in the department unchanged.

HUMAN RESOURCES - Effective January 3, 2011, the Auditor-Controller and Clerk-Recorder were elected to another term in office. Resolution 09-170 titled, Salary and Benefits for Butte County Elected Officials states that, "...in lieu of leave accrual, salary is augmented two percent for each previous term or portion thereof, served in office by the respective elected official." In addition, Resolution 10-080 titled, Salary and Benefits for Non-Represented Classifications states, "The top step of an assistant department head salary shall be set at the range that is closest to either a differential of twenty percent for single assistant department heads or a differential of twenty-five percent for multiple assistant department heads below the actual salary of the respective department head." Based on the legal requirements of the resolutions, the Board of Supervisors shall adjust salary ranges effective January 3, 2011 for the following classifications that are linked to Elected Department Head salaries: Assistant Auditor/Controller moves from range 75 to 76, an annual increase ranging from \$2,182 to \$2,924 depending upon the step; Assistant County Clerk-Recorder moves from range 71 to 72, an annual increase ranging from \$1,977 to \$2,649 depending upon the step; and Assistant County Clerk-Registrar of Voters moves from range 71 to 72, an annual increase ranging from \$1,977 to \$2,649

depending upon the step. In addition, per Board direction on March 15, 2011, the Human Resources Department is requesting to add a new classification of Manager, Economic and Community Development at salary range 69 to Section 57f of the Salary Ordinance titled "Management, Confidential and Supervisory Unit". This classification was agreed to by both the department and applicable employee association.

ADMINISTRATION – requests to delete one vacant position of Financial Technician, Senior/Financial Technician. The department also requests, in conjunction with the request by the Human Resources Department above, to add one position of Manager, Economic and Community Development to their allocated positions. On March 15, 2011 the Board of Supervisors approved the implementation of an Economic and Development Unit within the Administration Department including the addition of a new Manager, Economic and Community Development position. Funding for the new position will be provided by a combination of existing General Fund resources ~~that were allocated to a current vacant position in the department, and~~ outside grant revenue within the Administration Department ~~and an amount of new General Fund resources in FY 2011-2012 not to exceed \$30,000.~~ These changes will leave the total allocations in the department unchanged at 26.

DISTRICT ATTORNEY – requests a current sunset position of Office Assistant be converted to a regular help full time position with no sunset date and flexibly staffed to include Office Specialist, Senior/Office Specialist. The District Attorney's Office had a Statutory Rape Vertical Prosecution (SRVP) grant from 1999 through 2008. Originally a Legal Secretary was funded by the grant. The grant award was reduced annually until it was eliminated. In 2006, because of the decreased funding, the District Attorney deleted the Legal Secretary sunset position and added the Office Assistant sunset position at a savings of approximately \$15,000/ year. The position provides clerical support for statutory rape investigations and prosecutions which are on-going work in the office with or without grant funding. The department worked to create \$90,000 a year in on-going savings within its existing budget by reducing the costs per blood sample draws on suspected drunken drivers charged by the three hospitals in the county. The justification for requesting the position to be classified as Office Assistant/Office Specialist/Office Specialist, Senior is to provide flexibility in recruitment and assignment. All other Office Assistant/ Office Specialist/ Office Specialist, Senior positions in the department are classified flexibly. Funding is available within the current fiscal year budget and the FY 2011-2012 requested budget to maintain the position up to and including an Office Specialist, Senior. Annualized salary and benefit costs for the flexed position are as follows: a) Office Assistant-\$33,084 b) Office Specialist-\$36,550 c) Office Specialist, Senior-\$40,326. This change will leave the total allocations in the department unchanged – action requested – ADOPT RESOLUTION NO. 11-019 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

RUDY JENKINS AND STEVE ALLEN ADDRESSED THE BOARD.

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

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

2. Request for Easement Across “No Access Strips” – On behalf of Michael Houar, Stewart Title has requested an easement across two county owned one-foot no access strips in the Forest Ranch Area. The no access strips are located adjacent to the property line between the Vineyard Vista Subdivision and land owned by Mr. Houar, who currently has an easement over the roads in the subdivision. However, the right to cross the no access strip is not clear – action requested – GRANT TO MICHAEL HOUAR AND HIS SUCCESSORS AN EASEMENT TO CROSS THE TWO ONE-FOOT NO ACCESS STRIPS OWNED BY BUTTE COUNTY AT THE ENDS OF CABERNET WAY AND BURGUNDY LANE AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE DOCUMENTS. (Public Works)

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

SHAWN O’BRIEN, ASSISTANT DIRECTOR OF PUBLIC WORK ANSWERED QUESTIONS FROM THE BOARD.

THERE WAS NO ACTION TAKEN ON THIS ITEM. PUBLIC WORKS STAFF WAS DIRECTED TO DETERMINE IF BUTTE COUNTY IS STILL THE LEGAL OWNER OF THIS ACCESS STRIP AND IF THERE IS ANY ACTION THAT CAN OR SHOULD BE TAKEN BY THE BOARD.

REGULAR AGENDA

1106-004 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. (40:17)

SUPERVISOR KIRK REPORTED THAT SHE AND SHERIFF SMITH ATTENDING A MEETING IN FOREST RANCH TO INTRODUCE NEW DEPUTIES PATROLLING THE AREA.

CHAIR LAMBERT REPORTED ON A MEETING OF CALIFORNIA STATE ASSOCIATION OF COUNTIES. (46:11)

SUPERVISOR CONNELLY REPORTED THAT HE MET WITH SENATOR BOXER’S OFFICE REGARDING THE RELICENSING OF THE OROVILLE DAM.

1106-005 Update of Current Budget and Legislative Issues by the Chief Administrative Officer.

PAUL HAHN, CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT. (53:06)

1106-006 Update of the Capital Improvement Program (CIP) – The CIP is a budgeting plan for the County’s service and transportation infrastructure needs over the next ten years. This plan is not a comprehensive list of all the County’s infrastructure needs, but rather, a spending plan that is based on current revenue projections. As new revenue sources are identified, additional projects will be included in the CIP - action requested – APPROVE THE UPDATED CAPITAL IMPROVEMENT PROGRAM. (Administration)

GREG ITURRIA, CHIEF FINANCIAL OFFICER AND DAN BLAIR, MANAGEMENT ANALS PROVIDED A REPORT.

MOTION: I MOVE TO THE UPDATED CAPITAL IMPROVEMENT PROGRAM.

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

1106-007 Successor Memorandum of Understanding (MOU), Deputy Sheriff’s Association – Management and Supervisory Unit - Over the past several months, the County and the bargaining team for the Deputy Sheriff’s Association-Management and Supervisory Unit (DSA-Mgmt) have met and conferred over a new MOU. DSA-Mgmt has ratified the terms of the County’s offer for a new MOU that will supersede and replace the expired 2005-2008 MOU and the imposed Terms and Conditions of Employment that expired on June 30, 2010 – action requested - APPROVE THE NEW MOU FOR THE DEPUTY SHERIFF’S ASSOCIATION-MANAGEMENT AND SUPERVISORY UNIT FOR THE TERM OF JULY 1, 2010 THROUGH SEPTEMBER 30, 2013. (Human Resources)

BRIAN RING, DIRECTOR OF HUMAN RESOURCES AND JACK HUGHES, LABOR NEGOTIATOR PROVIDED A REPORT.

ROBERT THOMAS III ADDRESSED THE BOARD.

MOTION: I MOVE TO APPROVE THE NEW MOU FOR THE DEPUTY SHERIFF’S ASSOCIATION-MANAGEMENT AND SUPERVISORY UNIT FOR THE TERM OF JULY 1, 2010 THROUGH SEPTEMBER 30, 2013.

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

1106-008 Resolution Resolving Impasse in the Meet and Confer Process – Butte County Deputy Sheriff’s Association – General Unit (DSA General) - California Government Code Sections (GC) 3500-3511 (“Meyers-Milias-Brown Act”) provide that the County shall meet and confer in good faith with representatives of a recognized employee organization in order to endeavor to reach agreement regarding proposed changes in wages, hours and other terms and conditions of employment. The County and representatives of DSA General have been meeting and conferring since July 20, 2010. The County presented its last, best and final offer on December 27, 2010, which was rejected by the DSA General Unit members in early January. Impasse was reached on January 19, 2011 and the County and DSA General followed up with an impasse meeting on February 2, 2011, which did not resolve the impasse. GC Section 3505.4 provides that if after meeting and conferring in good faith, and impasse has been reached, and impasse procedures, where applicable, have been exhausted, a public agency that is not required to proceed to interest arbitration may implement its last, best, and final offer. Butte County is not required to proceed to interest arbitration – action requested - ADOPT THE RESOLUTION NO. 11-022 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

BRIAN RING, DIRECTOR OF HUMAN RESOURCES AND JACK HUGHES, LABOR NEGOTIATOR PROVIDED A REPORT.

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: STEVE ALLEN; CHERYL SCHEILE; ANTHONY BORGMAN; RUDY JENKINS

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

M 2

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

1106-009 Resolutions for Compliance with 2010-13 Deputy Sheriff’s Association – Management and Supervisory Unit Memorandum of Understanding and Deputy Sheriff’s Association – General Unit 2011 Impasse Resolution; Contract Amendment for the Undersheriff; and Acceptance of Irrevocable Waiver from the Sheriff - In order to complete implementation of the previous items on this agenda regarding the Deputy Sheriff’s Association – Management and Supervisory Memorandum of Understanding and the Deputy Sheriff’s Association – General Unit 2011 Impasse Resolution, the Board of Supervisors must approve an irrevocable signed waiver by the Sheriff, a voluntary contract amendment for the Undersheriff’s contract, and the two attached PERS resolutions. The resolutions reflect the following changes:

First Resolution:

1. The elimination of the reporting of the value of Employer Paid Member Contribution (“EPMC”) as additional compensation (Government Code Section 20636(c)(4)) for members of the Butte County Deputy Sheriff’s Association – Management and Supervisory Unit, the Sheriff and the Undersheriff;
2. EPMC modifications agreed to by Butte County Deputy Sheriff’s Association – Management and Supervisory Unit, reducing the employer contribution from 9% to 7%;
3. The reduction of EPMC made to the Butte County Deputy Sheriff Association – General Unit from 9% to 6%, in response to Impasse Resolution 11-022.

Second Resolution: Modification of Internal Revenue Code Section 414(h)(2) Resolution to reflect that contributions designated as “employee contributions” can be made in any combination by the County of Butte and by the employee – actions requested – 1) ACCEPT THE IRREVOCABLE SIGNED WAIVER FROM THE SHERIFF; 2) APPROVE THE CONTRACT AMENDMENT FOR THE UNDERSHERIFF AND AUTHORIZE THE CHAIR TO SIGN; AND 3) ADOPT THE RESOLUTION NOS. 11-023 AND 11-024 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

BRIAN RING, DIRECTOR OF HUMAN RESOURCES AND JACK HUGHES, LABOR NEGOTIATOR PROVIDED A REPORT. (2:12:45)

SHERIFF SMITH AND KORY HONEA, UNDERSHERIFF ADDRESSED THE BOARD.

MOTION: I MOVE TO: 1) ACCEPT THE IRREVOCABLE SIGNED WAIVER FROM THE SHERIFF; 2) APPROVE THE CONTRACT AMENDMENT FOR THE UNDERSHERIFF AND AUTHORIZE THE CHAIR TO SIGN; AND 3) ADOPT THE RESOLUTIONS AND AUTHORIZE THE CHAIR TO SIGN.

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

1106-010 PUBLIC COMMENT (each speaker limited to five minutes)

ANTHONY BORGMAN ADDRESSED THE BOARD.

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.

1106-011 CLOSED SESSION

THE BOARD RECESSED AT 11:38 A.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
BCCOA - GENERAL UNIT
NON-REPRESENTED EMPLOYEES

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

PROPERTY: APN 031-070-091
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: BILL BROUHARD
NEGOTIATIONS: TERMS OF LEASE

PROPERTY: APN 031-070-090
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NEGOTIATING PARTY: BILL BROUHARD
NEGOTIATIONS: TERMS OF LEASE

PROPERTY: APN 031-070-087
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: BILL BROUHARD
NEGOTIATIONS: TERMS OF LEASE

PROPERTY: APN 005-570-010
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: MARK GERHART
NEGOTIATIONS: TERMS OF LEASE

ACTUAL LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(a) – ONE CASE:

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100)

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

THE BOARD RECOJNVENED 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
BCCOA - GENERAL UNIT
NON-REPRESENTED EMPLOYEES

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

PROPERTY: APN 031-070-091
AGENCY NEGOTIATOR: GRANT HUNSICKER
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NEGOTIATIONS: TERMS OF LEASE

PROPERTY: APN 031-070-090
AGENCY NEGOTIATOR: GRANT HUNSICKER
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NEGOTIATIONS: TERMS OF LEASE

PROPERTY: APN 031-070-087
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: BILL BROUHARD
NEGOTIATIONS: TERMS OF LEASE

PROPERTY: APN 005-570-010
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: MARK GERHART
NEGOTIATIONS: TERMS OF LEASE

ACTUAL LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(a) – ONE CASE:

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100)

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 (No Announcements)

PUBLIC HEARINGS AND TIMED ITEMS

1106-012 Timed Item - Impact of the Private Industry Council (PIC) of Butte County, Inc. Closure – In February 2011, PIC, a local non-profit agency that provided Workforce Investment Act services and other employment and training services to Butte County residents, announced it was closing its doors. Staff will provide a report regarding the impact of PIC’s closure in three specific areas: services, leased facilities, and the Southside Oroville Community Center - action requested - ACCEPT FOR INFORMATION. (Administration, Department of Employment and Social Services, and General Services)

SHARI MCCRACKEN, DEPUTY ADMINISTRATIVE OFFICER PROVIDED A REPORT.

CATHI GRAMS, DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES; AND GRANT HUNSICKER, DIRECTOR OF GENERAL SERVICES PROVIDED REPORTS.

NO BOARD ACTION WAS TAKEN. THIS ITEM WAS FOR INFORMATION ONLY.

1106-013 Timed Item – Workshop – Neal Road Recycling and Waste Facility (NRRWF) and the Butte County’s Waste Management Program – Sustainable revenue is required to ensure operation of the NRRWF and to provide for the development of adequate landfill capacity and revenue for waste related programs, such as the household hazardous waste program and the illegal dumping investigation and clean up programs. Staff will provide options for Board consideration that could result in a sustainable revenue stream and for the long term management of septage – action requested – PROVIDE DIRECTION TO STAFF REGARDING OPTIONS TO EVALUATE FOR SUSTAINABLE REVENUE; AND DIRECT STAFF TO PROCEED WITH EVALUATION OF A RENEWABLE ENERGY OPTION TO UTILIZE SEPTAGE WASTE.

MIKE CRUMP, DIRECTOR OF PUBLIC WORKS AND BILL MANNEL, MANAGER OF THE WASTE MANAGEMENT DIVISION PROVIDED A REPORT TO THE BOARD.

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: STEVE CULLETON (57:09), RHYNE JOHNSON, JOE MATZ, AND DOUG SPEICHER.

MOTION: I MOVE TO ACCEPT STAFF RECOMMENDATIONS TO DIRECT STAFF AS FOLLOWS: EVALUATE FOR SUSTAINABLE REVENUE FOR THE COUNTY’S WASTE MANAGEMENT PROGRAM; AND PROCEED WITH EVALUATION OF A RENEWABLE ENERGY OPTION THAT COULD UTILIZE SEPTAGE WASTE TO CREATE ENERGY, INCLUDING A POTENTIAL PUBLIC/PRIVATE PARTNERSHIP.

M 2

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

ADJOURNMENT: THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT APPROXIMATELY 3:35 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS TO BE HELD TUESDAY, APRIL 12, 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: _____