

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

May 24, 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 9:03 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.

1112-001 **CORRECTIONS AND/OR CHANGES TO THE AGENDA.**

1. Budget Adjustments – request for budget adjustments totaling \$98,000 for additional unanticipated costs of the June 7, 2011 special election for the City of Chico. The City of Chico has pre-paid the County for the total estimated cost of \$151,000. \$53,000 has already been appropriated. This action appropriates the remaining \$98,000. When the actual election costs are determined in July 2011, the City will either be invoiced for additional costs or reimbursed if costs are below the estimate – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required). (Clerk-Recorder/Registrar of Voters)

KELLY MEAGHER, A MEMBER OF THE PUBLIC, REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

2. LPA, Incorporated - agreement with LPA, Incorporated for consultation services related to the Oroville Government Campus for expansion. The term of the agreement is 365 days beginning upon execution of the agreement and has maximum amount payable of \$195,700 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)

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

3. Recommendations of the Butte County Water Commission for Appointments to the Butte County Water Advisory Committee – As recommended by the Water Commission, appoint John Scott as Cherokee Sub-Inventory Unit Representative; Matthew Meninga as Chico Urban Area Sub-Inventory Unit Representative; Mike Miller as Pentz Sub-Inventory Unit Representative; Larry Lloyd as At-Large Foothill/Mountain Inventory Units Representative; Sharon Wallace as At-Large Big Chico Creek Watershed Alliance Representative; and Mark Sorenson as At-Large Municipality – City of Chico Representative – action requested – MAKE APPOINTMENTS. (Water and Resource Conservation)

THE DEPARTMENT REQUESTED THIS ITEM BE REMOVED FROM THIS AGENDA. THE ITEM WILL RETURN ON A FUTURE AGENDA. NO ACTION WAS TAKEN TODAY.

1112-002 **CONSENT AGENDA**

1. Letter in Opposition of Senate Bill 744 – Senate Bill 744 proposes to eliminate protections provided by County Sealers of Weights and Measures to test and seal water submeter devices for accuracy at the time of installation and during use. The legislation would allow unlicensed individuals to put a device into service without notifying the Sealer of Weights and Measures, as is now required – action requested – APPROVE LETTER OF OPPOSITION AND AUTHORIZE THE CHAIR TO SIGN. (Agriculture)
2. California Department of Food and Agriculture - amendment to the agreement with the Department of Food and Agriculture for the placement and servicing of traps for the detection of exotic pests which are considered hazardous to agriculture and to the economy of California. The amendment increases the maximum amount receivable by \$41,433 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Agriculture)
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 \$23,500 (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. On Site Medical Services PA Corporation - amendment to the agreement with On Site Medical Services PA Corporation for physicals and medical evaluations for clients in the Butte County Psychiatric Health Facility. The amendment increases the maximum amount payable by \$7,600 (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)
5. State of California Department of Rehabilitation (DOR) - amendment to the agreement with DOR for vocational rehabilitation services. The amendment decreases the maximum amount payable by \$89,545 (department budget utilizing 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)
6. Behavioral Health Board – the department requests approval of Kristina Kaufman’s application to fill a consumer member vacancy – action requested – APPOINT KRISTINA KAUFMAN AS A CONSUMER MEMBER TERM TO END DECEMBER 31, 2012. (Behavioral Health)

7. Department of Employment and Social Services (DESS) - agreement with DESS for coordination and training activities for the Family Enrichment and Support Team Project and for services related to the Butte County Family Treatment Court Program. The term of the agreement is September 30, 2010 through September 29, 2011 with a maximum amount payable of \$147,201 (department budget utilizing grant funds) - 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). (Behavioral Health)
8. Letter to the California Department of Fish and Game (DFG) Regarding Fish Stocking in Butte Creek - letter to DFG requesting a meeting between DFG, Butte County, and a representative from the Butte Meadows Community Coalition to discuss DFG's decision to discontinue planting fish on Butte Creek in Butte Meadows – action requested – APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN. (Supervisor Yamaguchi)
9. Resolution Agreeing to Tax Split with Town of Paradise - The Town of Paradise has requested a property tax split agreement for the Mooney Territory Annexation to the Town and the Paradise Irrigation District. The Town endorsed the application for annexation and authorized its submittal to the Local Agency Formation Commission (LAFCo). Prior to LAFCo completing the application processing, the County and the Town must enact a property tax revenue split agreement, per the Revenue and Taxation Code. Staffs from the Town and County recommend a 56/44 split, with the Town receiving 56% and the County receiving 44%, as agreed to in prior tax split agreements between the two agencies. This agreement achieves revenue neutrality - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
10. DFM Associates - amendment to the agreement with DFM Associates for the Elections Information Management System (EiMS), a software package that automates the County Registrar of Voters' office. The amendment extends the term of the agreement through June 30, 2014 and increases the maximum amount payable by \$189,344.52 for the first year by \$76,675. Future years' costs will be based on the number of transactions from the previous year (department budget). This is the same rate as the current fiscal year - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Clerk-Recorder/Registrar of Voters)
11. DFM Associates – amendment to the agreement with DFM Associates for the Recorder's Information and Image Management System (RiiMS), a software package that automates the County Recorder's office. The amendment extends the term of the agreement through June 30, 2014 and increases the maximum amount payable by \$189,344.52 for the first year by \$74,796. Future years' costs will be based on the number of transactions from the previous year (department budget). This is the same rate as the current fiscal year - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Clerk-Recorder/Registrar of Voters)

12. Resolution Increasing the County Clerk-Recorder Change Funds – The department requests approval for a resolution to increase the department’s change funds from \$425 to \$650 to better handle the daily volume of cash transactions – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Clerk-Recorder/Registrar of Voters)
13. Budget Adjustment – Due to increased activity in County funded litigation in preparation for trial or dispositive hearings, the department requests a budget adjustment in the amount of \$60,000 for outside counsel. The increase in appropriations is offset by unanticipated revenue received from fees and services provided to the Public Guardian/Public Administrator. There is no financial impact to the General Fund – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required). (County Counsel)
14. Benchmark Land Use Group, Inc. - amendment to the agreement with Benchmark Land Use Group, Inc. for analysis of the proposed off-channel gravel mining operation and preparation of an Environmental Impact Report for the proposed Power House Aggregate Expansion Project. The amendment extends the term of the agreement through June 30, 2012 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Development Services)
15. Design, Community and Environment (DC&E) - amendment to the agreement with DC&E for the preparation of supplemental environmental impact reports for the Zoning Ordinance Update and for the amendment to General Plan 2030 in order to apply corrections to the General Plan and land use map. The amendment extends the term of the agreement through June 30, 2012 and increases the maximum amount payable by \$47,444 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Development Services)
16. Federal Department of Justice Grant – request to accept and appropriate \$46,369 in grant funds from the Federal Department of Justice for the District Attorney’s Drug Endangered Children (DEC) Program. Approval is also requested for a Memorandum of Understanding (MOU) with the Butte County Department of Employment and Social Services for child protective social services related to the DEC program. The term of the agreement is March 1, 2011 through February 28, 2014 with a maximum amount payable of \$59,600 (department budget utilizing grant funds) – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required); AND APPROVE RELATED AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (District Attorney)
17. Resolution Setting the Maximum Rate for General Assistance (GA) – consideration of a resolution which will decrease the GA rate to \$259 per month effective July 1, 2011. This decrease is in accordance with Welfare and Institutions Code section 17000.5 (d) which links any adjustments made in the CalWORKs program to a corresponding adjustment in the GA Program – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Employment and Social Services)

18. Accept Unanticipated Revenue – request to accept \$10,714 in grant funds from Fraud Investigations and Program Integrity for the In-Home Supportive Services Program (IHSS) Program. Approval is also requested for a related MOU with the Butte County District Attorney for fraud investigation services. The term of the agreement is July 1, 2010 through June 30, 2011 with a maximum amount payable of \$179,553 (department budget utilizing grant funds) – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required); AND APPROVE RELATED AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Employment and Social Services)
19. Notice of Completion – County Service Area 34 Gridley Swimming Pool Repair – All contract work has been completed to the satisfaction of the Butte County Fair Board and department staff in accordance with the terms of the contract – action requested – ACCEPT CONTRACT WORK AS COMPLETE; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION AND DIRECT THE RECORDING OF THE NOTICE OF COMPLETION. (General Services)
20. Justeson Ranch, Inc. – lease agreement with Justeson Ranch, Inc. for the property located at 2491 Carmichael Drive, Suite 400 in Chico. The Butte County Public Health department will occupy the space. The term of the agreement is June 1, 2011 through May 31, 2016 with a monthly lease amount of \$6,351.56 per month (\$.97 per square foot). The lease amount includes base rent, utilities, and all common area maintenance charges (department budget) – action requested – APPROVE LEASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
21. Agreement Amendments for Centralized Janitorial Services for Leased Facilities – On June 8, 2010 the Board of Supervisors awarded three agreements for centralized janitorial services for leased facilities broken down into five zones throughout Butte County. Amendments to these agreements are requested as follows: 1) Clean King by DeHart – amendment adds services for 556 Cohasset Road, Chico and increases the maximum amount payable by \$7,605 (department budget; 2) Chico Office Cleaning – This agreement will be cancelled due to lack of performance. The company with the next best proposal is Peerless Building Maintenance; 3) Peerless Building Maintenance – amendment adds services for facilities in the Oroville and Gridley areas and increases the maximum amount payable to \$51,012 (department budget) - action requested - APPROVE AGREEMENT AMENDMENTS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
22. Replacement of the Jail Security System – The Board of Supervisors has approved the replacement of the Jail Security System. Department staff has determined that the project should be capitalized and recommends that the project be transferred from the General Fund to the Capital Projects Fund. It is requested the project budget be increased by \$16,590 for additional monitor and camera equipment that will be funded by Inmate Welfare restricted cash. Approval of an agreement with Pendulum Companies for construction management throughout the initial phase of the project is also requested. The maximum amount payable is \$86,950 (department budget) – action requested – 1) APPROVE BUDGET ADJUSTMENTS (4/5 vote required); 2) APPROVE AMENDMENT OF THE CAPITAL IMPROVEMENT PROGRAM TO INCLUDE THE JAIL SECURITY SYSTEM PROJECT; AND 3) APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)

23. Resolution to Amend the Salary Ordinance – The resolution will amend the salary ordinance as follows:
- LIBRARY – requests to extend two sunset positions of Library Assistant through June 30, 2012. These positions will continue to be fully funded by the City of Chico for the Chico Library. In addition, the department requests to add two fifty percent positions of Library Assistant. On February 22, 2011 the Board of Supervisors authorized a budget expansion request to additional open hours at the Gridley and Durham branches. This increased budget expansion provided the funding for these two fifty percent Library Assistant positions. These changes will increase the total allocations in the department from 26.75 to 27.75 and increase the total County allocations by one position. This action has no budgetary impact on the County's General Fund – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)
24. Library Donations – The Library has received the following donations for books: \$100 from Maudie A. Penney; \$100 from Sigma Phi Gamma-Delta Nu Chapter; \$309 from Beta Chapter of Omega Nu Foundation; and \$975 from Chico Friends of the Library – action requested – ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)
25. Resolution Relating to the California Department of Water Resources' Early Implementation Grant Funding Program – resolution that formally acknowledges the current level of flood risk within the County of Butte – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
26. Accept Unanticipated Revenue – approval is requested to accept \$5,000 in unanticipated funding from the Department of Justice which will be utilized by law enforcement personnel who will assist in Organized Crime Drug Enforcement Task Force investigations – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required). (Sheriff-Coroner)
27. Chico Research Foundation - agreement with Chico Research Foundation for Legal Research Assistants at the Jail Library. The term of the agreement is July 1, 2011 through June 30, 2012 with a maximum amount payable of \$38,526 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)
28. Columbia Ultimate Business Systems, Inc. - amendment to the agreement with Columbia Ultimate Business Systems, Inc. for technical assistance and licensing to the users of their collector software systems. The amendment extends the term of the agreement through June 30, 2012 and increases the maximum amount payable by \$24,629 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Treasurer/Tax Collector)
29. Adoption of Ordinance Delegating Investment Authority – Pursuant to Government Code Section 53607, approval is requested for an ordinance which will delegate investment authority to the Treasurer-Tax Collector for Fiscal Year 2011/2012. This ordinance will replace No. 4022 which expires June 30, 2011 – action requested – ADOPT ORDINANCE NO. 4028 AND AUTHORIZE THE CHAIR TO SIGN. (Treasurer/Tax Collector)

- 30. Drought Status Report – The department has submitted this report which details the current drought situation in California and the Drought Task Force’s (DTF) priorities for drought response – action requested – ACCEPT FOR INFORMATION. (Water and Resource Conservation)
- 31. Resolution Designating the Friends of the Arts-Butte County as the Local Partner for the California Arts Council’s State-Local Partnership Program - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Other Departments and Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 3.32, WHICH WAS REMOVED FROM TODAY’S AGENDA, AND ITEMS 3.13 AND 3.20 WHICH WERE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

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

REGULAR AGENDA

1112-003 Items Removed from the Consent Agenda for Board Consideration and Action.

- 1. Budget Adjustments – request for budget adjustments totaling \$98,000 for additional unanticipated costs of the June 7, 2011 special election for the City of Chico. The City of Chico has pre-paid the County for the total estimated cost of \$151,000. \$53,000 has already been appropriated. This action appropriates the remaining \$98,000. When the actual election costs are determined in July 2011, the City will either be invoiced for additional costs or reimbursed if costs are below the estimate – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required). (Clerk-Recorder/Registrar of Voters)

KELLY MEAGHER, A MEMBER OF THE PUBLIC, REQUESTED THIS ITEM BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

CANDACE GRUBBS, CLERK-RECORDER/REGISTRAR OF VOTERS ANSWERED QUESTIONS FROM THE BOARD AND MR. MEAGHER.

MOTION: I MOVE TO APPROVE THE BUDGET ADJUSTMENT.

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

- 2. LPA, Incorporated - agreement with LPA, Incorporated for consultation services related to the Oroville Government Campus for expansion. The term of the agreement is 365 days beginning upon execution of the agreement and has maximum amount payable of \$195,700 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)

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

GRANT HUNSICKER, DIRECTOR OF GENERAL SERVICES ANSWERED QUESTIONS FROM SUPERVISOR WAHL. (6:43)

MOTION: I MOVE TO APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

2 M

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

1112-004 Boards, Commissions and Committees

1. Appointments to Listed Vacancies (NONE)
2. Appointment of Alternate Board of Supervisors Representative to the Butte County Integrated Waste Management Local Task Force (BCIWMLTF) – action requested – APPOINT ALTERNATE BOARD OF SUPERVISORS MEMBER.

MOTION: I MOVE TO APPOINT SUPERVISOR CONNELLY AS ALTERNATE BOARD OF SUPERVISORS MEMBER (OF THE BUTTE COUNTY INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE (BCIWMLTF)

2 M

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

3. Board Member or Committee Reports

SUPERVISOR YAMAGUCHI REPORTED ON A MEETING WITH THE FEDERAL RESOURCE ADVISORY COMMITTEE.

SUPERVISOR YAMAGUCHI REPORTED ON A TOWN HALL MEETING OF THE BEHAVIORAL HEALTH BOARD.

1112-005 Update of Current Budget and Legislative Issues by the Chief Administrative Officer.

PAUL HAHN, CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT. (20:14)

ADJOURNMENT

Adjourned at 9:23 a.m. as the Butte County Board of Supervisors and convened as the Butte County In-Home Supportive Services Public Authority Board.

BUTTE COUNTY
IN-HOME SUPPORTIVE SERVICES
PUBLIC AUTHORITY BOARD
MINUTES
MAY 24, 2011

Called to Order at 9:23 a.m. in the Butte County Board of Supervisors Room, 25 County Center Drive, Oroville. Members present: Connelly, Kirk, Wahl, Yamaguchi and Chair Lambert. Also present: Assistant Clerk, Kathleen Moghannam.

CONSENT AND REGULAR AGENDA (NO ITEMS)

PUBLIC COMMENT (NONE)

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to 1.5 minutes. Please note that pursuant to California State Law, the Board is prohibited from taking action on any item not listed on the agenda.

1101-001

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATOR: CATHI GRAMS, JACK HUGHES & BRIAN RING

EMPLOYEE ORGANIZATION: CUHW (No Announcements)

THIS CLOSED SESSION ITEM WAS HEARD CONTEMPORANEOUSLY WITH THE BUTTE COUNTY BOARD OF SUPERVISORS CLOSED SESSION ITEMS.

ADJOURNMENT

Adjourned at approximately 9:45 a.m. as the In-Home Supportive Services Public Authority Board and reconvened as the Butte County Board of Supervisors.

PUBLIC COMMENT (NONE)

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to 1.5 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.

CLOSED SESSION

1112-006

THE BOARD RECESSED AT APPROXIMATELY 9:25 A.M. TO CLOSED SESSION REGARDING:

ACTUAL LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(a) – THREE CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BEC V. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 152362; AND
3. CALIFORNIA SPORTFISHING PROTECTION ALLIANCE V. COUNTY OF BUTTE; USDC-EASTERN DISTRICT CASE NO. 10-03203.

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

THIS CLOSED SESSION ITEM WAS HEARD CONTEMPORANEOUSLY WITH THE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY BOARD CLOSED SESSION ITEM.

THE BOARD RECONVENED AT APPROXIMATELY 9:45 A.M. FROM CLOSED SESSION REGARDING:

ACTUAL LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(a) – THREE CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BEC V. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 152362; AND
3. CALIFORNIA SPORTFISHING PROTECTION ALLIANCE V. COUNTY OF BUTTE; USDC-EASTERN DISTRICT CASE NO. 10-03203.

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 (No Announcements)

****MINUTES OF ADJOURNED REGULAR MEETING****

The adjourned regular meeting shown below (Minute Order No. 1112-007) was held at the Butte County Fairgrounds located at 199 East Hazel Street in Gridley, CA. The Board of Supervisors adjourned from the Board of Supervisors Chambers in Oroville and opened the adjourned regular meeting at Goldie’s (Building 12) at the Butte County Fairgrounds at 10:30 a.m.

PUBLIC HEARINGS AND TIMED ITEMS

Called to order at 10:37 a.m. at the Butte County Fairgrounds, 199 East Hazel Street, Gridley, CA 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.

1112-007

Timed Item - Adoption of Medical Marijuana Cultivation Ordinance - 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. This ordinance was introduced at a Special Meeting of the Board of Supervisors on May 4, 2011. The Board waived the first reading of the ordinance and approved introduction of the ordinance as verbally amended at the meeting. The amended ordinance has been available for public viewing on the Butte County website and in the Office of the Clerk of the Board at 25 County Center Drive, Suite 200 in Oroville, California since Thursday, May 12, 2011. Public testimony will be taken at this meeting. Individual speaking time will be limited to a maximum of one and a half minutes per person – action requested – ADOPT ORDINANCE NO. 4029 AND AUTHORIZE THE CHAIR TO SIGN. (County Counsel)

BRUCE ALPERT, COUNTY COUNSEL PROVIDED A REPORT.

THE PUBLIC HEARING WAS OPENED AND APPROXIMATELY 75-80 MEMBERS OF THE PUBLIC ADDRESSED THE BOARD. THE PUBLIC HEARING WAS CLOSED AT 12:55 P.M.

MOTION: I MOVE TO AMEND THE PROPOSED ORDINANCE AS FOLLOWS:
(SUPERVISOR KIRK)

1) AMEND THE ALLOWABLE NUMBER OF PLANTS AND SETBACKS AS FOLLOWS:

PARCELS .5 ACRES OR LESS: ALLOW INDOOR GROWS, INCLUDING GREENHOUSES, WITH
A MAXIMUM OF 6 PLANTS;

.5 - 1.5 ACRES: 6 PLANT MAXIMUM WITH A 15-FOOT SETBACK;

1.5 – 10 ACRES: 12 PLANT MAXIMUM WITH A 50-FOOT SETBACK;

10-20 ACRES: 24 PLANT MAXIMUM WITH A 100-FOOT SETBACK;

20-40 ACRES: 36 PLANT MAXIMUM WITH A 200-FOOT SETBACK

40-60 ACRES: 48 PLANT MAXIMUM WITH A 300-FOOT SETBACK;

60-80 ACRES: 60 PLANT MAXIMUM WITH A 400-FOOT SETBACK;

80-100 ACRES: 72 PLANT MAXIMUM WITH A 500-FOOT SETBACK;

100-160 ACRES: 84 PLANT MAXIMUM WITH A 600-FOOT SETBACK;

OVER 160 ACRES: 99 PLANT MAXIMUM WITH A 600-FOOT SETBACK

2) DIRECT THAT CONTIGUOUS PARCELS WITH A SINGLE OWNER SHOULD BE CONSIDERED
SEPARATE PARCELS/PREMISES FOR THE PURPOSES OF THIS ORDINANCE.

MOTION FAILED TO CARRY FOR LACK OF SECOND

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

M 2

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

THE BOARD OF SUPERVISORS DIRECTED STAFF TO PROVIDE A REPORT AT A FUTURE BOARD MEETING REGARDING THE IMPLEMENTATION OF THE ADOPTED ORDINANCE. THE BOARD DIRECTED THIS REPORT COME FORWARD BY FEBRUARY 2012.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD THE MEETING WAS ADJOURNED AT APPROXIMATELY 2:15 P.M. AND WILL RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, JUNE 14, 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
