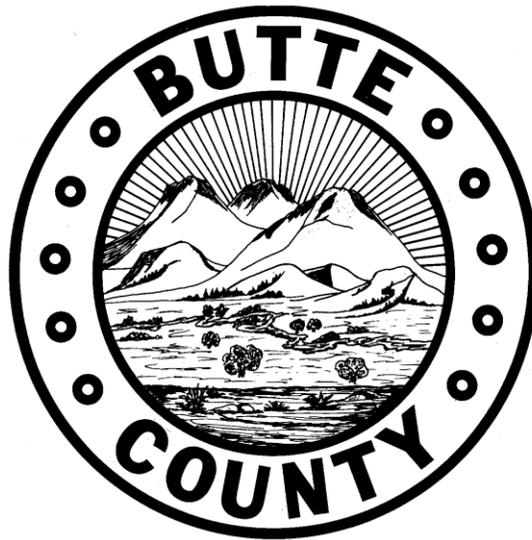


BUTTE COUNTY BOARD OF SUPERVISORS
MINUTES
August 9, 2011



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.

CORRECTIONS AND/OR CHANGES TO THE AGENDA. (NONE)

1118-001 CONSENT AGENDA

1. Butte County Public Health Department – amendment to the agreement with Butte County Public Health Department for HIV/AIDS education, prevention and detection services for substance abuse clients from Butte County Department of Behavioral Health. The amendment extends the term of the agreement through June 30, 2012 and increases the maximum amount payable by \$23,500 (department budget utilizing federal 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)
2. Prior Year Grants Budget Appropriations – The Board of Supervisors previously authorized the Emergency Services Officer to apply for funding and make grant purchases under the Fiscal Year (FY) 2009 Homeland Security Grant Program (HSGP) and the FY 2010 Interoperable Emergency Communications Grant Program (ICGP). All grant funds were not expended in the prior fiscal year and need to be recognized as unanticipated revenue and appropriated for FY 2011/2012 - action requested – ACCEPT UNANTICIPATED REVENUE AND APPROVE BUDGET ADJUSTMENTS. (Chief Administrative Office)
3. Budget Adjustment for Community Development Block Grant Disaster Recovery Initiative (CDBG DRI) Program Activities – request for budget adjustment which appropriates funds for grant related activities, increases appropriations by \$4,467,580 including an increase to General Fund Contingencies by \$23,180, and authorizes a \$500,000 cash advance from the General Fund to the CDBG fund for rehabilitation activities until reimbursement is received – action requested – APPROVE BUDGET ADJUSTMENTS (4/5 vote required) AND APPROVE CASH ADVANCE FROM GENERAL FUND OF UP TO \$500,000 THROUGH JUNE 30, 2012. (Chief Administrative Office)
4. Griffith & Masuda, A Professional Law Corporation – amendment to the agreement with Griffith & Masuda, A Professional Law Corporation to retain attorney services – action requested – APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (County Counsel)

5. Counseling Solutions, Inc. - agreement with Counseling Solutions for the Supporting Our Families Transition (SOFT) program to Butte County families in the child welfare system. The term of the agreement is July 1, 2011 through June 30, 2012 with a maximum amount payable of \$205,008 (department budget utilizing various grant and program funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Employment and Social Services)
6. Resolution to Amend the Salary Ordinance – The combination of changes listed below will decrease the total County allocations by two positions. The resolution will amend the salary ordinance as follows:

Human Resources: The department of Human Resources is requesting to add the classification of Water Resources Scientist (Class Code 1019) to section 57, reference F of the Salary Ordinance titled, "Management, Confidential and Supervisory Unit." The salary range for this classification shall be set at 54 (Biweekly Salary: Step 1-\$2,079.57 to Step 7-\$2,786.82). This change was agreed to by both the Human Resources Department and applicable employee association.

Water & Resource Conservation: In conjunction with the request by Human Resources above, the department requests to delete one vacant position of Manager, Program Development and add one position of Water Resources Scientist. This change in classification is necessary to reflect the department staff priorities that include conducting complex technical water resource evaluations, preparing water resource analysis and managing special water resource programs. This change will result in a cost decrease to the department of approximately \$10,188 per year. This change will leave the total allocations in the department unchanged.

District Attorney: The District Attorney's Office is requesting to delete one vacant position of Supervisor, Deputy District Attorney and add one flexibly staffed position of Deputy District Attorney IV/III/II/I. This change will allow for more flexibility in recruiting and the reorganization of the caseload that was handled by the previous incumbent. In addition the office requests to delete one vacant position of Assistant District Attorney. These changes will decrease the allocation in budget unit 320-001 from ~~79.5 to 78.5~~ 80.5 to 79.5 and decrease the total allocations in the department from ~~87.5 to 86.5~~ 88.5 to 87.5.

Behavioral Health: The Behavioral Health Department is requesting to delete one vacant position of Psychiatrist. The department has been successful in entering into contract psychiatric services and no longer need this allocation. These changes will decrease the allocations in budget unit 541-011 from 289.5 to 288.5 and decrease the total allocations in the department from 315 to 314 – action requested – ADOPT RESOLUTION NO. 11-083 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

7. Appointment of Ken Morgan as Interim Chief Probation Officer – With the retirement of Chief Probation Officer John Wardell on August 31, 2011, it is recommended by the Courts and County Administration that Assistant Chief Probation Officer Ken Morgan be appointed as interim Chief Probation officer - action requested – APPROVE APPOINTMENT OF KEN MORGAN AS INTERIM CHIEF PROBATION OFFICER EFFECTIVE SEPTEMBER 1, 2011. (Human Resources)

- 8. North Highland - amendment to the agreement with North Highland for interoperable communications systems planning activities which benefit the eighteen counties that comprise the Northern Planning Area of California. The amendment extends the term of the agreement through September 30, 2012 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Information Systems)
- 9. Resolution Appropriating Monies to County Service Area (CSA) 82 – Stirling City Sewer – request for a \$15,000 loan from the CSA revolving loan fund to CSA 82 in order to provide maintenance to the aging sewer main. The loan will be paid back utilizing annual supplemental property assessment service charges from the parcel owners within the County Service Area – action requested – ADOPT RESOLUTION NO. 11-084 AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required). (Public Works)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE CORRECTIONS MADE TO THE HUMAN RESOURCES ITEM (AS READ INTO THE RECORD BY THE CHIEF ADMINISTRATIVE OFFICER)

2 M

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

1118-002 CHAIR LAMBERT INTRODUCED KEN MORGAN, BUTTE COUNTY’S NEW INTERIM CHIEF PROBATION OFFICER.

REGULAR AGENDA

1118-003 Boards, Commissions and Committees

1. Appointments to Listed Vacancies

MOTION: I MOVE TO APPOINT MARVIN MITCHELL TO THE OROVILLE MOSQUITO ABATEMENT DISTRICT. (TO FILL VACATED TERM TO END DECEMBER 31, 2011) (3:47)

M 2

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

2. Board Member or Committee Reports

SUPERVISOR YAMAGUCHI REPORTED ON A MEETING OF THE FIRE SAFE COUNCIL AT WHICH THE NEW SRA FEE REGULATIONS (AB29X – BLUMENFIELD) WERE DISCUSSED. HE REQUESTED THAT THE CHIEF ADMINISTRATIVE OFFICE DRAFT A LETTER TO BE SENT TO THE BOARD OF FORESTRY AND FIRE PROTECTION OPPOSING THE FEE.

1118-004 Update of Current Budget and Legislative Issues by the Chief Administrative Officer.

PAUL HAHN, CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT. (15:14)

PUBLIC HEARINGS AND TIMED ITEMS

1118-008 Public Hearing - Interim Urgency Ordinance Prohibiting the Consumption of Alcohol and Possession of Alcohol Containers along Specified Reaches of the Sacramento River during the Labor Day Holiday Weekend – State law requires that both Butte and Glenn counties pass ordinances in order for an alcohol ban on specified reaches of the Sacramento River during the Labor Day Holiday weekend to be in full affect, therefore staff recommends this hearing be continued to August 23 in hopes that Glenn County will pass an ordinance as well - action requested – OPEN PUBLIC HEARING AND CONTINUE TO THE AUGUST 23, 2011 MEETING. (County Counsel)

PAUL HAHN, CHIEF ADMINISTRATIVE OFFICER, PROVIDED A REPORT.

MOTION: I MOVE TO CONTINUE THIS ITEM TO AUGUST 23, 2011 AT 10:15.

2 M

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

REGULAR AGENDA

1118-009 Resolution Adopting Pilot Program to Promote Workers’ Compensation Coverage of Contractors and Owner/Builders for Pool and Roofing Permits – On July 26, 2011, a staff report was presented regarding the impacts local contractor are experiencing due to an “underground economy” of unlicensed and semi-licensed contractors performing work without permits or undercutting other contractors by foregoing required Workers’ Compensation coverage. The Board of Supervisors directed staff to prepare a pilot program for pool and roofing permits and permits required for replastering of pools - action requested – ADOPT RESOLUTION NO. 11-085 AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

SUPERVISOR CONNELLY RECUSED HIMSELF AND LEFT THE CHAMBERS.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES AND NANCY SPRINGER, ASSISTANT BUILDING OFFICIAL PROVIDED REPORTS.

MOTION: I MOVE TO ADOPT THE RESOLUTION ADOPTING THE PILOT PROGRAM TO PROMOTE WORKERS’ COMPENSATION COVERAGE OF CONTRACTORS AND OWNER/BUILDERS FOR POOL AND ROOFING PERMITS WITH THE CHANGE FROM A SIX-MONTH PILOT PROGRAM TO A TWELVE-MONTH PILOT PROGRAM. (46:09)

M 2

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

SUPERVISOR CONNELLY RECUSED HIMSELF FROM THIS ITEM. “NV” LISTED ABOUT INDICATES THAT SUPERVISOR CONNELLY DID NOT VOTE ON THIS ITEM.

1118-010 Relief from Accountability – approval is requested for relief of accountability in the amount of \$1,432,279.03 for uncollectable client balances from prior Fiscal Years 1988-1989 through 2006-2007. The Auditor-Controller’s office supports this request. The amount requested represents only 0.72% of the average Medi-Cal claims – action requested – APPROVE RELIEF OF ACCOUNTABILITY IN THE AMOUNT OF \$1,432,279.03. (Department of Behavioral Health)

ANNE ROBIN, DIRECTOR OF BEHAVIORAL HEALTH PROVIDED A REPORT.

MOTION: I MOVE TO APPROVE RELIEF OF ACCOUNTABILITY IN THE AMOUNT OF \$1,432,279.03.

M 2

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

1118-011 Budget Adjustments – request for budget adjustment to the Mental Health budget due to changes to revenues in the State of California’s Fiscal Year 2011/2012 budget – action requested – APPROVE BUDGET ADJUSTMENTS. (4/5 vote required)(Department of Behavioral Health)

ANNE ROBIN, DIRECTOR OF BEHAVIORAL HEALTH PROVIDED A REPORT.

MOTION: I MOVE TO APPROVE THE BUDGET ADJUSTMENTS.

M 2

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

1118-012 PUBLIC COMMENT (each speaker limited to five minutes)

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: DOUG TEETER, MICHELLE DEESE, STEPHANIE ROCHEY (1:16:35), ART LEMMER, AND PAULINE.

1118-013 CLOSED SESSION

THE BOARD RECESSED AT APPROXIMATELY 10:32 A.M. TO CLOSED SESSION REGARDING:

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): 2 CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. SOLANO COUNTY WATER AGENCY v. CALIFORNIA DWR, SACRAMENTO SUPERIOR COURT CASE NO. 016388.

POTENTIAL LITIGATION PURSUANT TO GOV.CODE SEC. 54956.9(c) – 1 POTENTIAL CASE.

THE BOARD RECONVENED AT APPROXIMATELY 1:08 P.M. FROM CLOSED SESSION. (NO ANNOUNCEMENTS)

PUBLIC HEARINGS AND TIMED ITEMS

1118-014 Timed Item – Reconsideration of the Medical Marijuana Cultivation Ordinance (MMCO) – California Elections Code Section 9144 requires that the Board of Supervisors reconsider ordinances protested by petition. The first reading of the MMCO was May 4, 2011, and the Board adopted the ordinance on May 24, 2011. The effective date of the ordinance would have been June 23, 2011, but a petition protesting the adoption of the MMCO was filed with the Clerk of the Board of Supervisors on June 22, 2011, and transferred to the County Clerk-Recorder/Registrar of Voters for signature verification.

The County Clerk-Recorder/Registrar of Voters has verified that there are sufficient valid signatures on the petition, as set forth in the Certification to Referendum Petition, therefore the MMCO is legally suspended at this time. Pursuant to California Elections Code Section 9145, the Board has the option of either repealing the ordinance in its entirety or submitting the ordinance to the voters at the next regularly scheduled county election occurring not less than 88 days after the date of the Board's order submitting the ordinance to the voters, or at a special election called specifically to vote on the ordinance at least 88 days after the order. If the ordinance were submitted to the voters, it would only become effective if a majority of voters voting on the ordinance voted in favor of it – action requested –

- 1) REPEAL THE MEDICAL MARIJUANA CULTIVATION ORDINANCE;
OR
- 2) ORDER THE MEDICAL MARIJUANA CULTIVATION ORDINANCE TO BE SUBMITTED TO THE VOTERS AT THE JUNE 3, 2012 PRIMARY ELECTION;
OR
- 3) ORDER THE MEDICAL MARIJUANA CULTIVATION ORDINANCE TO BE SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TO BE HELD NOT LESS THAN 88 DAYS AFTER THE DATE OF THE ORDER. (County Clerk-Recorder/Registrar of Voters)

BRUCE ALPERT, COUNTY COUNSEL AND PAUL HAHN, CHIEF ADMINISTRATIVE OFFICER PROVIDED REPORTS.

PUBLIC COMMENT: WENDELL VALENTINE; WESTON MIKEY; ROB MACKENZIE; DANIEL LEVINE; BENSON (12:10); RICHARD TOGNOLI; JAMIE KERN; WILLIAM HIBBARD; AND CARMEL MORALES.

MOTION: I MOVE TO REPEAL THE MEDICAL MARIJUANA CULTIVATION ORDINANCE AND ATTEMPT TO COME UP WITH ANOTHER ORDINANCE THAT IS LEGALLY DEFENSIBLE AND SUBSTANTIALLY DIFFERENT FROM THE CURRENT VERSION.

M 2

VOTE: 1 N 2 N 3 Y 4 Y 5 N (MOTION FAILED TO CARRY; 2-3 VOTE)

MOTION: I MOVE TO ORDER THE MEDICAL MARIJUANA CULTIVATION ORDINANCE TO BE SUBMITTED TO THE VOTERS AT THE JUNE 5, 2012 PRIMARY ELECTION.

M 2

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

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD THE MEETING WAS ADJOURNED AT 1:38 P.M. AND WILL RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, AUGUST 23, 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
