

BUTTE COUNTY BOARD OF SUPERVISORS
MINUTES
October 25, 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

9:00 a.m. - Called to Order - 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.

1122-001 **CORRECTIONS AND/OR CHANGES TO THE AGENDA**

1. Debra Lucero & Associates - amendment to the agreement with Debra Lucero & Associates for the countywide tourism and marketing program. The amendment extends the term of the agreement through January 31, 2013 and increases the maximum amount payable by \$45,000 (department budget). Staff recommends extending the existing agreement with Debra Lucero & Associates while the County works toward the completion of a comprehensive countywide tourism development strategy. This strategy was adopted by the Board as an action item in General Plan 2030, and based on recent input from other jurisdictions within Butte County, there is unanimous support for the strategy - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

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

1122-002 **CONSENT AGENDA**

1. Resolutions Confirming Proposition 4 Appropriation Limit Calculations for Fiscal Year (FY) 2011-2012 – action requested – ADOPT RESOLUTIONS (2) AND AUTHORIZE THE CHAIR TO SIGN. (Auditor-Controller)
2. The Regents of the University of California - agreement with The Regents of the University of California for support of the Butte County Family Treatment Court Family Enrichment Support Team Project. The term of the agreement is September 30, 2010 through September 29, 2011 with a maximum amount payable of \$51,800.48 (department budget utilizing SAMHSA funding) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
3. State of California Department of Rehabilitation (DOR) - agreement with DOR for vocational rehabilitation services to adults and transitional age youth. The term of the agreement is July 1, 2011 through June 30, 2012. DOR will contribute funding and services in the amount of \$400,968. Butte County Behavioral Health will provide matching dollars in the amount of

- \$159,156 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND ADOPT RELATED RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Behavioral Health)
4. 2012 Board of Supervisors Meeting Calendar - action requested - APPROVE AND ADOPT 2012 REGULAR BOARD MEETING CALENDAR, AMENDING IF NEEDED. (Chief Administrative Office)
 5. Tim Snellings – employment agreement with Tim Snellings as Director of Development Services. The term of the agreement is October 31, 2011 through October 30, 2012 with an annual salary of \$157,777.88. This is the same rate as the prior agreement - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Chief Administrative Office)
 6. Liebert Cassidy Whitmore - agreement with Liebert Cassidy Whitmore for attorney services to assist in labor and employment related matters. The effective date of the agreement is November 1, 2011 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (County Counsel)
 7. Butte County Land Conservation (Williamson) Act Consistency Review of Lot Line Adjustment (LLA) 10-0016 – request by Loafer Creek LLC and Dennis McCosker to modify the Williamson Act contract on their properties to reflect an LLA between APN 047-220-008 AND 047-220-011 (LLA10-0016). On September 12, 2011, the Butte County Land Conservation (Williamson) Act Advisory Committee recommended to the Board approval of the contract amendment – action requested – FIND LLA10-0016 TO BE CONSISTENT WITH THE WILLIAMSON ACT WITH THE ADDITION OF DEED RESTRICTION; AND APPROVE MODIFICATION OF THE APPLICABLE CONTRACT TO INCLUDE MODIFIED LEGAL DESCRIPTIONS. (Development Services)
 8. Certification of Consistency with Butte County Oak Woodlands Management Plan The Northern California Regional Land Trust is submitting an application to the California Wildlife Conservation Board to fund the acquisition of a conservation easement on four privately owned properties located approximately 4 miles southeast of Forest Ranch on Ten Mile House Trail, 1.25 miles from SR-32 (APNs: 063-020-012, 056-390-035, 063-020-051, 056-390-038, 056-390-037, & 056-390-036). The complete application must contain a certification from the County that the project is consistent with the County’s Oak Woodlands Management Plan as required by the Oak Woodlands Conservation Act and Butte County Resolution 07-084 – APPROVE CERTIFICATION AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)
 9. Request to Extend Temporary Assignment to a Higher Level Classification – Per Personnel Rules 11.16, temporary assignments to higher level positions may be approved by the Department not to extend beyond 90 days. The Human Resources Department may approve an additional 90-day extension. A temporary assignment began on 5/2/11 for 90 days and was subsequently extended by the Human Resources Director for an additional 90 day period that will end on 11/2/11. The Department of Employment and Social Services is seeking authority to extend a current out-of-class assignment for an employee temporarily assigned the duties of Supervisor, Social Work in the absence of the incumbent due to a long term leave of absence – action requested – REQUEST TO EXTEND TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION FOR AN ADDITIONAL 180 DAYS OR UNTIL THE INCUMBENT RETURNS TO WORK. (Employment and Social Services)

10. First 5 Butte County Children & Families Commission (BCCFC) - agreement with BCCFC for the Parent Education Experiential Resource (PEER) Program. The term of the agreement is July 1, 2011 through June 30, 2012 with a maximum amount receivable of \$92,950 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET ADJUSTMENTS. (Employment and Social Services)
11. Guillon Inc. – lease agreement with Guillon Inc. for property located at 205 Mira Loma Drive, Suite 30 in Oroville. The location will be utilized by the Butte County Clerk-Recorder/Registrar of Voters. The term of the agreement is November 1, 2011 through October 31, 2013 with a monthly rate of \$5,430.82 (\$0.67589 per square foot including a variable monthly Common Area Maintenance rate) (department budget). This is a decrease from the prior lease amount – action requested – APPROVE LEASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
12. Guillon Inc. – lease agreement with Guillon Inc. for property located at 205 Mira Loma Drive, Suite 40 in Oroville. The location will be utilized by the Butte County Public Health Department. The term of the agreement is November 1, 2011 through October 31, 2013 with a monthly rate of \$1,657 (\$0.500 per square foot including a variable monthly Common Area Maintenance rate) (department budget). This is a decrease from the prior lease amount – action requested – APPROVE LEASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
13. Guillon Inc. – lease agreement with Guillon Inc. for property located at 205 Mira Loma Drive, Suite 50 in Oroville. The location will be utilized by the Butte County Department of Employment and Social Services. The term of the agreement is November 1, 2011 through October 31, 2018 with a monthly rate of \$12,885.68 (\$0.76774 per square foot including a variable monthly Common Area Maintenance rate) (department budget). This is a decrease from the prior lease amount – action requested – APPROVE LEASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
14. Allana, Buick & Bers, Inc. - agreement with Allana, Buick & Bers, Inc. for the evaluation of the roof, HVAC assesmbly, design and permit specifications, and construction administration at Fire Station 72 in Palermo. The term of the agreement runs through June 30, 2012 with a maximum amount payable of \$31,590 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
15. Adoption of Salary Ordinance for FY 2011-2012 – The department has prepared a salary ordinance for FY 2011-2012 that incorporates position changes already approved in FY 2011-2012, previously approved negotiated changes, and outstanding obligations. The following is a summary of the proposed ordinance:

Section 1: Subject and Short Title. Identifies the subject of the ordinance as determining salaries and positions, and that it shall be known as the “Salary Ordinance.”

Section 2 through 56: Allocated Positions. Identifies the number of positions and appropriate classifications authorized for each designated department or budget unit, by budget unit number and department name.

Section 57: Salary Plan for Classified Positions. Identifies the Classified Positions and the appropriate salary designation per classification by employee association unit. The effective date of all salary tables for Classified Positions is listed on the specific tables. This includes 2012 and 2013 wage increases that were negotiated with different bargaining groups. These effective dates may vary depending on individual bargaining units.

Section 58: Salary Plan for Elected and Appointed Officials. Identifies the appropriate salary designation for appointed and elected officials. This includes 2012 and 2013 wage increases that were agreed upon by the Appointed Officials and the Consumer Price Index (CPI) deferral from 2008 for the effected Appointed Department Heads.

Section 59: Payment of Salaries and Wages. Specifies salary and wage policies shall be in accordance with the Merit System Ordinance and Resolution, and when salaries are to be paid.

Section 60: Repeal. Repeals the existing Salary Ordinance No. 4014, all amendments thereto, and any and all other inconsistent ordinances.

Section 61: Severability. The invalidity of any part of the ordinance shall not affect the remaining parts.

Section 62: Effective Date and Publication. The Salary Ordinance shall be in effect as of October 25, 2011. Within fifteen (15) days after its passage, a summary shall be published with names of those supervisors voting for and against it, and a certified copy of the full text shall be posted in the Office of the Clerk of the Board of Supervisors – action requested – ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 10-11-11 [Item 4.08]) (Human Resources)

16. Resolution to Amend the Salary Ordinance - The combination of the changes below will increase the total County allocations by thirty-three positions.

Human Resources: requests to add the classification of Fleet Administrative Assistant (Class Codes 1061) to Section 57, reference C of the Salary Ordinance titled, "General Unit (BCEA) Classifications". The salary range for this classification shall be set at 28. This new classification was agreed to by both the Department of Human Resources and the applicable Employee Association.

Public Works: Concurrent with the request by Human Resources above, the Public Works department is requesting to reclassify one position of Inventory Warehouse Specialist, Senior to a Fleet Administrative Assistant position. This change better reflects the duties currently being performed by the incumbent and helps address the current and future operational needs of the Fleet Services Division of the department. This reclassification was agreed to by both the applicable Employee's Association and the Human Resources Department. The increase in cost of approximately \$1,978 for this fiscal year will be funded by salary savings from vacant positions in the department. This change will leave the total allocations in the

department unchanged.

Public Health: requests to delete one vacant position of Financial Technician, Senior/Financial Technician and add one position of Administrative Analyst, Senior/Administrative Analyst/Administrative Analyst, Associate. This change is to address operational needs for the Finance Division of the department. The increase in cost of approximately \$8,962 for this fiscal year was included in the department's approved FY 2011-2012 budget. This change will leave the total allocations in the department unchanged.

Employment & Social Services: The department requests the following changes:

1. Add the following positions to budget unit 570-001: three Office Specialist, Senior/Office Specialist/Office Assistant positions; one Account Clerk, Senior/Account Clerk position; one Information Systems Technician, Senior/Information Systems Technician, Associate position; and one Administrative Assistant, Senior position. These administrative support positions will help support our new CalWORK's and Medi-Cal units being added and other department operational needs. The costs for these positions are funded with unanticipated revenue from CalWORK's, Medi-Cal and Cal Fresh State Allocations. There will be no unbudgeted impacts to the County General Fund. These changes will increase the allocations in budget unit 570-001 from 163 to 169;
 2. Add the following positions to budget unit 570-003: two Supervisor, Employment & Eligibility positions; four Employment & Eligibility Specialist, Senior positions; eight Employment & Eligibility Specialist positions; and ten Eligibility Specialist positions. These positions will support the increased demand for services by Butte County citizens as a result of Butte County's poor economic conditions and high unemployment rate. The costs for these positions are funded with unanticipated revenue from CalWORK's, Medi-Cal and Cal Fresh State Allocations. There will be no unbudgeted impacts to the County General Fund. These changes will increase the allocations in budget unit 570-003 from 241 to 265; and
 3. Add the following positions to budget unit 570-004: two Social Worker Senior/Social Worker positions. These positions will provide for enhanced service delivery to families who are eligible for CalWORK's consistent with statewide recognized models like B 429 and "Linkages". The costs for these positions are funded with unanticipated revenue from CalWORK's State Allocations. There will be no unbudgeted impacts to the County General Fund. These changes will increase the allocations in budget unit 570-003 from 114 to 116 – action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)
17. Budget Adjustment – request to accept \$20,000 from T-Mobile for increased propane fuel and maintenance costs of the County microwave facilities – action requested – APPROVE BUDGET ADJUSTMENT. (Information Systems)
 18. Library Donations – The Library has received the following donations for books: \$100 from Maudie A. Penney and \$500 from Jim and Mary Johnson – action requested – ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)

19. Library Hours – Due to upcoming holidays, approval is requested to close library branches at 5:00 p.m. on November 23, 2011 and at 12:00 p.m. on December 24th and 31st – action requested – APPROVE CHANGE TO LIBRARY HOURS. (Library)
20. Paradise Unified School District (PUSD) - agreement with PUSD for a truancy/probation officer. The term of the agreement is July 1, 2011 through June 30, 2012 with a maximum amount payable of \$40,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Probation)
21. Aegis USA, Inc. - agreement with Aegis USA, Inc. for transcription services. The term of the agreement is July 1, 2011 through June 30, 2014 with a maximum amount payable of \$45,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Probation)
22. Northern Valley Catholic Social Services (NVCSS) - amendment to the agreement with NVCSS for weekly educational services at the Butte County Juvenile Hall. The amendment increases the maximum amount payable by \$35,000 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Probation)
23. Resolution Authorizing Reimbursement from County Service Area 24 (CSA 24) to the City of Chico for FEMA Accreditation of Non-Urban Levees in the Chico Urban Area – the proposed resolution provides for the authorization to reimburse the City of Chico from CSA 24 for their work to accredit the non-urban levees – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required). (Public Works)
24. Fixed Asset Purchase – request for the fixed asset purchase of a portable generator for the Neal Road Waste and Recycling Facility. It is estimated the cost of the generator will be \$10,000 – action requested – APPROVE BUDGET ADJUSTMENT AND FIXED ASSET PURCHASE. (Public Works)
25. Resolution Approving Application for the Farm and Ranch Cleanup and Abatement Grant – The Farm and Ranch Cleanup Abatement Grant has \$1,000,000 available for the cleanup and abatement of eligible illegal dump sites in the county – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO ACT AS AGENCY APPLYING FOR THE GRANT; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE ALL NECESSARY APPLICATIONS. (Public Works)
26. Introduction of an Ordinance Establishing Speed Limit on La Porte Road – proposed is an ordinance which will set the following speed zone: La Porte Road from 0.5 miles west of Binet Road to 1.25 miles east of Binet Road 35 mph – action requested – WAIVE THE FIRST READING OF THE ORDINANCE. (Public Works)

- 27. Butte Meadows Hillsliders Snowmobile Club - agreement with the Hillsliders Snowmobile Club to groom snowmobile trails and provide roadway snow removal for winter recreation in Butte County. The term of the agreement is November 1, 2011 through June 2014 with a maximum amount payable of \$180,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE DIRECTOR OF PUBLIC WORKS TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)

- 28. 2011 Local Justice Assistance Grant (JAG) Program – request to accept \$14,702 in grant funding from the Chico Police Department for the purchase of safety vests for front line officers - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required); RATIFY SHERIFF SMITH’S SIGNATURE ON THE MOU BETWEEN THE CITY OF CHICO AND THE COUNTY OF BUTTE; AND DESIGNATE THE SHERIFF’S OFFICE TO SUBMIT REQUIRED FINANCIAL STATEMENTS AND DOCUMENTATION TO THE CITY OF CHICO. (Sheriff-Coroner)

- 29. Paradise Unified School District - agreement with Paradise Unified School District for a school resource officer. The term of the agreement is August 1, 2011 through June 30, 2012 with a maximum amount payable of \$20,664 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)

- 30. Butte County Superior Court - amendment to the agreement with Butte County Superior Court for the Enhanced Collection and Compliance Program. The amendment increases the maximum amount payable by \$21,000 (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)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 3.06 WHICH WAS REMOVED FROM THE CONSENT AGENDA DISCUSSION ON THE REGULAR AGENDA.

M 2

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

1122-003 Debra Lucero & Associates - amendment to the agreement with Debra Lucero & Associates for the countywide tourism and marketing program. The amendment extends the term of the agreement through January 31, 2013 and increases the maximum amount payable by \$45,000 (department budget). Staff recommends extending the existing agreement with Debra Lucero & Associates while the County works toward the completion of a comprehensive countywide tourism development strategy. This strategy was adopted by the Board as an action item in General Plan 2030, and based on recent input from other jurisdictions within Butte County, there is unanimous support for the strategy - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

JAMIE JOHANSSON ADDRESSED THE BOARD. CASEY HATCHER, MANAGER OF PROGRAM DEVELOPMENT ANSWERED QUESTIONS FROM THE BOARD.

MOTION: I MOVE TO APPROVE AGREEMENT AMENDMENT 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)

REGULAR AGENDA

1122-004 Boards, Commissions and Committees

- 1. Appointments to Listed Vacancies

MOTION: I MOVE TO APPOINT CHRIS NICODEMAS AS DISTRICT 2 REPRESENTATIVE TO THE BUTTE COUNTY CODE ENFORCEMENT ADVISORY BOARD.
 M 2

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

- 2. Board Member or Committee Reports

SUPERVISOR CONNELLY REPORTED ON A MEETING AT SOUTHSIDE OROVILLE COMMUNITY CENTER.

SUPERVISOR WAHL REPORTED ON A CHAPMAN NEIGHBORHOOD MEETING.

1122-005 Update of Current Budget and Legislative Issues by the Chief Administrative Officer.

PAUL HAHN, CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT. (15:02)

1122-006 Recommended FY 2011-2012 Department of Social Services (DESS) Budget Adjustments – DESS was recently notified by the California Department of Social Services that Butte County’s allocations for CalWORKs and Cal Fresh have increased from last fiscal year. The allocations for the administration of the Medi-Cal program also been increased by the California Department of Health Care Services (DHCS). State allocations for social service programs have increased in recent years in an attempt to meet the demand for public services and assistance. DESS requests approval of budgetary and position allocation adjustments to accommodate the service demands in Butte County. There will be a total of 33 positions added to the department due to these changes. Of the 33 positions being added, only two of these positions will cause an insignificant fiscal impact (1 Info. Systems Tech. and 1 Admin. Assistant, Senior). All of the other 31 positions will be fully covered by State and Federal funds. The total estimated annual fiscal impact is \$5,000 or less. In the current fiscal year, the fiscal impact is not expected to exceed \$2,500 – action requested – APPROVE BUDGET ADJUSTMENTS (4/5 vote required) IN THE AMOUNT OF \$1,444,352 FOR FUND 20 AND \$24,801 FOR FUND 10. (Department of Employment and Social Services)

CATHI GRAMS, DIRECTOR OF DESS AND SEAN FARRELL ASSISTANT DIRECTOR OF DESS PROVIDED REPORTS TO THE BOARD.

MOTION: I MOVE TO APPROVE BUDGET ADJUSTMENTS (4/5 vote required) IN THE AMOUNT OF \$1,444,352 FOR FUND 20 AND \$24,801 FOR FUND 10.

2 M

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

1122-007 **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.

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD REGARDING IN-HOME SUPPORTIVE SERVICE WORKERS: CHERYL SMITH; VICKIE ELLIS; TAMI SMITH; AND GOLDEN SIZEMORE.

PUBLIC HEARINGS AND TIMED ITEMS

1122-008 9:45 a.m. - Timed Item - Request for Easement Across County “No Access Strips” – At the September 13, 2011 Board of Supervisors meeting a resolution was passed granting access to an easement across two County owned one foot no access strips in the Forest Ranch area. There were questions regarding the placement of utilities and after a field review of the subdivision the Public Works Department has the following recommendations: authorize the Chair to execute an easement in favor of Mr. Houar allowing ingress and egress over the one foot no access strips in a manner consistent with his current rights to use the subdivisions roads, subject to: 1) review by Public Works and County Counsel; 2) Mr. Houar’s agreement to participate in the maintenance of the Vineyard Vista Subdivision’s roads; 3) restricting the use of said easement to that which is consistent with a single family residential use; and 4) require undergrounding utilities except for the power main, which can be overhead until it comes off the pole and is to be placed underground to the point of service and thence to the house – action requested – APPROVE RECOMMENDATIONS AS LISTED ABOVE. (Public Works)

THIS ITEM WAS CONTINUED TO NOVEMBER 8, 2011 AT 9:45. THERE WAS NO ACTION TAKEN TODAY.

1122-009 10:00 a.m. - Public Hearing – Assembly Bill (AB) 1265 – Potential Amendment of Butte County’s Williamson Act Program – In response to substantially reduced subvention payments and thus increased impacts to local government budgets under the Williamson Act, the State has adopted new legislation allowing local jurisdictions to amend their Williamson Act programs. AB 1265 allows counties to modify their Williamson Act contracts in order to restore a portion of the property tax revenues otherwise foregone under the Act. The program may be implemented in any

year in which the previous year’s subvention payment was less than one-half of the foregone property tax revenues, as was the case in 2011. The program sunsets in 2016. Staff and the Land Conservation (Williamson) Act Advisory Committee recommend implementation of the program in 2012, subject to the County’s continuing acceptance of applications for new Williamson Act contracts. Implementation of the program would revise the term of affected Williamson Act contracts in the county from 10 years to 9 years and restore approximately 40 percent of the property tax revenues otherwise foregone under the Act – action requested – ADOPT RESOLUTION IMPLEMENTING AN AMENDED WILLIAMSON ACT PROGRAM UNDER AB 1265 IN 2012 AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

CLAUDIA STUART, PRINCIPAL PLANNER FROM DEVELOPMENT SERVICES PROVIDED A REPORT.

BLAKE BAILEY, ASSISTANT ASSESSOR, ANSWERED QUESTIONS OF THE BOARD. (53:02)

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: <NAME UNKNOWN>, CLAYTON GUNN (59:25); COLLEEN CECIL; MARY KENNEDY; DOUG TEETER.

MOTION: I MOVE TO ADOPT RESOLUTION IMPLEMENTING AN AMENDED WILLIAMSON ACT PROGRAM UNDER AB 1265 IN 2012 AND AUTHORIZE THE CHAIR TO SIGN. (1:17:27)

M 2

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

1122-010 1:00 p.m. - Public Hearing – Adoption of an Ordinance Adding Article I, Entitled “Marijuana Dispensaries,” Chapter 34B – The proposed Marijuana Dispensaries Ordinance adding Chapter 34B to the Butte County Code prohibits the establishment and operation of Marijuana Dispensaries (i.e. fixed or mobile facilities where marijuana is made available for medical purposes) in the unincorporated area of Butte County. Ordinance 4015, which constituted an interim urgency ordinance prohibiting Marijuana Dispensaries, will expire in January 2012. On October 13, 2011, the Butte County Planning approved a resolution recommending approval of the proposed ordinance - action requested – ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (County Counsel)

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

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: PATRICIA VANCE; GORDON DICE; ROBERT THOMAS WAHL; RICHARD TOGNOLI; AND ANDREW MERKEL.

MOTION: I MOVE TO ADOPT ORDINANCE WITH AN AMENDMENT TO PAGE 4, LINE 18 CHANGING THE WORD “MAY” TO “SHALL” AND AUTHORIZE THE CHAIR TO SIGN. (1:47:51)

2 M

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

1122-011 **CLOSED SESSION**

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): 4 CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. SOLANO COUNTY WATER AGENCY v. CALIFORNIA DWR, SACRAMENTO SUPERIOR COURT CASE NO. 016338;
3. BEC v. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 152362;
4. BUTTE COUNTY EMPLOYEE ASSOCIATION v. BUTTE COUNTY (GRIEVANCE NO 08-01-01.

POTENTIAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(c) – 1 POTENTIAL CASE - US FOREST SERVICE/PLUMAS NATIONAL FOREST TRAVEL MANAGEMENT PLAN.

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. (No Announcements)

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD THE MEETING WAS ADJOURNED AND WILL RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, NOVEMBER 8, 2011 AT 9:00 A.M.