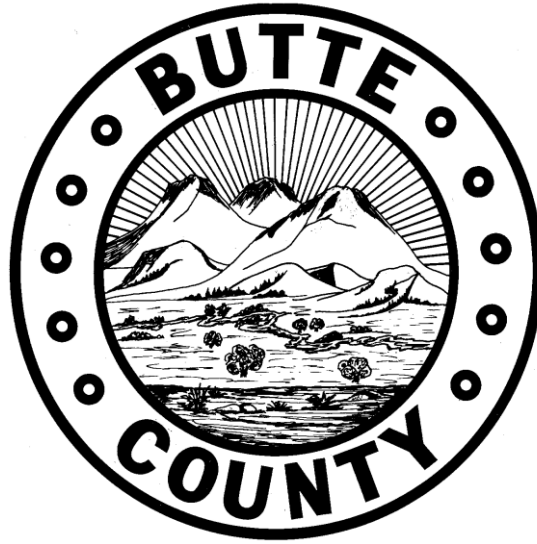


BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

January 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.

1.00 CALL TO ORDER

- 1.01 Call to Order - Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville.
- 1.02 Pledge of Allegiance to the Flag of the United States of America.
- 1.03 Observation of a Moment of Silence.

2.00 CORRECTIONS AND/OR CHANGES TO THE AGENDA.

**BEHAVIORAL
HEALTH**

3.00 CONSENT AGENDA

3.01 * Budget Adjustment – request to accept and appropriate \$61,051 received through the Mental Health Services Act – Prevention and Early Intervention program for Fiscal Years 2008/2009, 2009/2010, and 2010/2011 - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required).

3.02 * Sutter Health Sacramento Sierra Region dba Sutter Center for Psychiatry - agreement for inpatient psychiatric hospitalization services for clients referred by Butte County Behavioral Health. The term of the agreement shall begin on the date of execution through June 30, 2011. Approximately eighteen clients will be served at a cost of \$5,932 per client. Butte County’s realignment funding will be directly offset by the State Department of Mental Health for hospital claims - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.03. * Victor Treatment Centers, Inc. - agreement with Victor Treatment Centers, Inc. for intensive day treatment services and medication support services for emotionally disturbed children. The term of the agreement is July 28, 2010 through June 30, 2011 with a maximum amount payable of \$28,532.40 (department budget utilizing State and Federal Medi-cal revenue) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

**DISTRICT
ATTORNEY**

3.04 * Valley Toxicology Services, Inc. – amendment to the agreement with Valley Toxicology for forensic and drug toxicology testing, reporting, and court testimony. The amendment extends the term of the agreement through June 30, 2011 and increases the maximum amount payable by \$41,268 (department budget) – action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

EMPLOYMENT ANDSOCIAL SERVICES

- 3.05 * In-Home Supportive Services Advisory Committee – request for reappointment of the following members: Dorothy Churchill, Dominic Console, Cheryl Leeth, and Sarah Okumbe. All terms to end December 19, 2013 – action requested – MAKE APPOINTMENTS AS LISTED.

HUMANRESOURCES

- 3.06 * Resolution to Amend the Salary Ordinance - The resolution will amend the salary ordinance as follows:

BEHAVIORAL HEALTH - requests to increase a Psychiatrist position from 50% to a 75% position. Any additional costs associated with this change will be absorbed through salary savings for FY 10/11 due to two current Psychiatrist vacancies in the department. In addition, the department requests to delete one vacant position of Account Clerk, Senior/Account Clerk/Accounting Specialist and one vacant position of Contracts Specialist, Senior/Contracts Specialist.

The department also requests to add four positions of Behavioral Health Counselor II/I and one position of Administrative Analyst, Senior/Administrative Analyst/Administrative Analyst, Associate. The department has received approval of its Mental Health Services Act (MHSA) Innovative Programs plan which allows for the addition of these five positions. These changes will increase the allocations in budget unit 541-011 from 285.25 to 288.50 and increase the total allocations in the department from 308.75 to 312.25.

ADMINISTRATION – requests to add one position of Risk Management Analyst, Senior/Risk Management Analyst. Once a departmental promotional recruitment is conducted, the vacated position will then be deleted on a future Board of Supervisors agenda. This change will initially increase the allocations in the department from 27 to 28 until the vacated position is deleted at a future Board meeting – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

LIBRARY

- 3.07 * Overdrive, Inc. – amendment to the agreement with Overdrive, Inc. in order to offer access to digital books on the library website. The amendment increases the maximum amount payable by \$9,600 through February 2014 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLICHEALTH

- 3.08 * Enloe Medical Center - amendment to the agreement with Enloe Medical Center for ambulance service within the boundaries of County Service Area 37 – Gridley/Biggs Ambulance Service. The amendment extends the term of the agreement through December 31, 2011 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 3.09** * Joint Exercise of Powers Agreement (JPA) for Regional Emergency Medical Services Agency – The Emergency Medical Services Act authorizes a county to designate a local emergency medical services agency to perform particular functions that are required by the Emergency Medical Services Act. There are 10 member counties, now including Butte County, that contract with Sierra-Sacramento Valley Emergency Medical Services Agency to perform this function. Payment by each county is based on base payment of \$10,000 plus an additional payment of \$0.42 per capita. The amount for Butte County for Fiscal Year 2010/2011 was \$103,142 – action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLIC
WORKS

- 3.10** * Resolution Declaring an All-Way Stop Intersection at Monte Vista Avenue and Lower Wyandotte Road in Oroville – Traffic data and field observations indicate this intersection has become a safety concern. The Department of Public Works requests the Board declare the intersection an all-way stop and instruct the department to install legal STOP signs and markings at the appropriate entrances thereto – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.11** * Lincoln Boulevard Median Safety Improvement Project, County Project No. 18491-2008-1 – Bids were received and opened publicly on January 6, 2011 for the construction of raised concrete median safety improvements on a portion of Lincoln Boulevard in Oroville. The County received five bids with Franklin Construction, Inc. of Chico submitting the lowest responsive and responsible bid in the amount of \$883,998 – action requested - AWARD AGREEMENT TO FRANKLIN CONSTRUCTION, INC. SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY.
- 3.12** * Lincoln Boulevard Median Landscaping Improvement Project, County Project No. 18491-2009-1 - Bids were received and opened publicly on January 6, 2011 for the construction of median landscaping on a portion of Lincoln Boulevard in Oroville. The County received three bids with Franklin Construction, Inc. of Chico submitting the lowest responsive and responsible bid in the amount of \$36,100 – action requested - AWARD AGREEMENT TO FRANKLIN CONSTRUCTION, INC. SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY.
- 3.13** * Little Chico Creek Pedestrian and Bicycle Path – The City of Chico requests approval for extra-territorial acquisition rights to purchase 0.151 acres of property located within Butte County’s jurisdiction to accommodate the construction of a pedestrian and bicycle path and pedestrian bridge over Little Chico Creek between the Chapman Neighborhood, Community Park, and Chapman Elementary School – action requested – APPROVE THE CITY OF CHICO’S REQUEST FOR ACQUISITION OF PROPERTY AND DIRECT THE PUBLIC WORKS DIRECTOR TO NOTIFY THE CITY OF THE COUNTY’S ACTION.

3.14 * Budget Adjustment and Fixed Asset Purchase – request to upgrade the department’s Geographic Information System (GIS) server. The total cost of the upgrade is \$10,716.75. Funds are available in the Road Fund Appropriation for Contingency for this fixed asset purchase – action requested – APPROVE FIXED ASSET PURCHASE OF TWO SOFTWARE LICENSES AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required).

3.15 * HDR Engineering, Inc. – amendment to the agreement with HDR Engineering for the Neal Road Recycling and Waste Facility Master Plan design which is still in progress. The amendment revises the term to end upon project completion date – action requested – APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

**SHERIFF-
CORONER**

3.16 * Budget Adjustment – request to accept \$5,784.96 in unanticipated revenue received through the Shasta County Sheriff’s Office, California Methamphetamine Enforcement Team grant. This revenue is for aircraft expenses and personnel costs that have already been expended – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required) AND INCREASE APPROPRIATIONS.

**TREASURER/
TAX COLLECTOR**

3.17 * Monthly Investment Report - submitted is the Monthly Investment Report dated November 30, 2010, in accordance with the Statement of Investment Policy dated July 1, 2010 – action requested – ACCEPT FOR INFORMATION.

**WATER & RESOURCE
CONSERVATION**

3.18 * Butte County Water Advisory Committee – reappoint the following individuals to terms to end January 11, 2015: Catherine Cottle – Angel Slough Sub-Inventory Unit; Chuck Kutz – At-large Watershed-Butte Creek Watershed Conservancy; Gary Cole – At-large Watershed-Cherokee Watershed Alliance; Rick Ponciano – Esquon Sub-Inventory Unit; J. Baxter Knight – Vina Inventory Unit; and Ted Trimble – Western Canal Water District Sub-Inventory Unit – action requested – MAKE APPOINTMENTS AS LISTED.

**OTHER
DEPARTMENTS
AND AGENCIES**

3.19 * Local Child Care Planning Council (LPC) Membership – The Butte County Office of Education submits the annual request for Board of Supervisors’ certification of the composition of the LPC - action requested – APPROVE MEMBERSHIP COMPOSITION OF THE LOCAL CHILD CARE PLANNING COUNCIL.

3.20 Oroville Cemetery District – action requested – REAPPOINT MARK WISTERMAN TO A TERM TO END JANUARY 1, 2015. (Supervisor Connelly)

3.21 * Northern Sacramento Valley Integrated Regional Water Management Governing Board - action requested – APPOINT GREG JOHNSON AS AT-LARGE MEMBER OF PREDOMINATELY SURFACE WATER DEPENDENT AREA. (TERM TO END DECEMBER 31, 2012)

4.00 REGULAR AGENDA

**BOARDS,
COMMISSIONS AND
COMMITTEES**

4.01 BOARDS, COMMISSIONS, AND COMMITTEES

- *** 1. Appointments to Listed Vacancies

- 2. Board of Supervisors Committee Assignments to the Remote Access Network (RAN) and the Northern Rural Training Employment Consortium (NoRTEC) - On January 11, 2011, the Board of Supervisors voted to disband the RAN Board has not met in many years. It has been determined that the RAN Board needs to remain intact as counties are eligible to receive equipment and/or funding for such equipment provided they have a local RAN Board. It is also requested that the Board of Supervisors appoint a member to serve on the NoRTEC Governing Board – actions requested – 1) RESCIND JANUARY 11, 2011 VOTE TO DISBAND THE RAN BOARD AND APPOINT A BOARD MEMBER; AND 2) APPOINT A BOARD MEMBER TO SERVE ON THE NORTEC GOVERNING BOARD.

- 3. Board Member or Committee Reports

**BUDGET, LEGISLATIVE
OR COUNTY RELATED
UPDATES**

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

- 4.03 Update of General Plan 2030 Process by Director of Development Services

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

5.00 PUBLIC HEARINGS AND TIMED ITEMS

- 9:45 A.M. **5.01** ***** Timed Item – Consideration of the Draft Butte County Regional Economic Development Strategy and Plan for Implementation – Butte County General Plan 2030 included an Economic Development Element which details the goals, objectives, and action items associated with economic development planning over the next twenty years. Staff has created a draft Butte County Regional Economic Development Strategy which provides a program based around three key initiatives: 1) ensure Butte County is a competitive location for new investment; 2) grow existing key industry sectors; and 3) coordinate business development services on a regional basis. Staff will outline a plan for implementing this strategy - action requested - APPROVE THE BUTTE COUNTY REGIONAL ECONOMIC DEVELOPMENT STRATEGY; AND APPROVE THE CREATION OF AN ECONOMIC DEVELOPMENT AND COMMUNITY DEVELOPMENT UNIT WITHIN ADMINISTRATION. (Administration)

10:15 A.M. **5.02** * Timed Item - Matter On Which a Public Hearing Has Been Held and Motion of Intent Adopted - Appeal of the Planning Commission's Approval of Use Permit (UP) 09-0005 (Webber-Smith) - The Board of Supervisors conducted and closed a public hearing regarding UP09-0005 at its November 23, 2010 meeting. The appeal is based on concerns regarding six specific issues raised by the appellants with regard to the operation of the existing feed store business on APN 027-100-028, located on the south side of She-Yo Lane, approximately 750 feet east of Reservoir Road in Palermo. The Board made a motion of intent to deny the appeal based upon modified findings and additional conditions of approval to limit the expansion of the current operation – actions requested –

- 1) ADOPT MITIGATED NEGATIVE DECLARATION WITH FINDINGS;
- 2) FIND THAT THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 IS REQUIRED PRIOR TO FILING A NOTICE OF DETERMINATION FOR THE PROJECT UNLESS THE PROJECT PROPONENT PROVIDES VERIFICATION FROM FISH AND GAME THAT THE PROJECT IS EXEMPT FROM THE FEE REQUIREMENT;
- 3) MAKE USE PERMIT FINDINGS DETAILED IN THE ATTACHMENT TO THE RESOLUTION; AND
- 4) ADOPT RESOLUTION DENYING THE APPEAL AND APPROVING USE PERMIT 09-0005 SUBJECT TO CONDITIONS AS SET FORTH AS AN ATTACHMENT TO THE RESOLUTION. (Department of Development Services)

10:30 A.M. **5.03** * Public Hearing – Paradise Summit - TSM08-0006 and PUD08-0001 (Wyckoff) - The project is an application for a Planned Unit Development consisting of a phased Tentative Subdivision Map to subdivide +/- 333 acres into 312 single-family residential parcels while preserving +/-195 acres as open space for various uses. The Board has received public testimony, correspondence, and additional information throughout the public hearing process that supports a fair argument that the project may have a significant impact on the environment and therefore, would require the preparation of an Environmental Impact Report (EIR) pursuant to Public Resources Code and CEQA guidelines – actions requested –

- 1) DETERMINE THAT THERE IS SUBSTANTIAL EVIDENCE THAT THE PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THE DRAFT MITIGATED NEGATIVE DECLARATION CANNOT BE ADOPTED; AND
- 2) REQUIRE AN EIR BE PREPARED AND REMAND THE PROJECT TO THE BUTTE COUNTY PLANNING COMMISSION. (Department of Development Services)

6.00 **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.

7.00 **CLOSED SESSION**

7.01 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.

7.02 ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9 (a) – 3 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.

**Information and Procedures Concerning the Agenda and Conduct of
the Board of Supervisors Meetings**

Meeting Information:

Meetings are generally held the second and fourth Tuesday of each month. Meetings start at 9:00 a.m. and are held in the Board of Supervisors Chambers, County Administration Building, 25 County Center Drive, Oroville. At the end of each year the Board adopts a meeting schedule for the upcoming year. Meeting dates can be changed as a result of holidays or other events so please check the meeting calendar to be certain. Copies of the adopted meeting calendar for the year are available in the County Administrative Office or at the Clerk of the Board website at www.buttecounty.net/cob.

Agenda Information:

The agenda for every meeting of the Board is posted in front of the County Administration Building at least 72 hours before each meeting, and is available by mail subscription, e-mail subscription, or at the Clerk of the Board website. A copy of the agenda and supporting materials provided to the Board of Supervisors members to explain each agenda item (excluding documents that are not a public record within the meaning of the Public Records Act) are available for your review at the County Administrative Office, the Chico, Oroville, and Paradise libraries (please do not remove items from these files), and at the Clerk of the Board website. Copies of supporting materials can be made for you at a charge to cover costs. The list of communications included with the agenda packages is not comprehensive. Additional communications to the Board of Supervisors may have been received but not included in the agenda supporting material. Copies of all communications received by the Board of Supervisors (excluding documents that are not a public record within the meaning of the Public Records Act) are available at the Administrative Office upon request. An (*) appearing before an agenda item signifies that material has been provided to the Board of Supervisors members to explain that item.

Agenda Format and Meeting Order:

The agenda is usually organized into the following areas and meetings generally proceed in the following order:

1. **Consent Agenda:** these are items that are considered routine and are handled by one motion and vote of the Board. If you wish to discuss any item on the Consent Agenda you can either fill out a speaker card (located in the back of the board room) and give it to the Clerk of the Board (sitting to the right of the Board) or, when the Chair asks if there is anything anyone would like to remove from the Consent Agenda, stand and approach the podium and request the item be removed. The removed items are discussed at the end of the Regular Agenda.
2. **Regular Agenda:** this is where presentations to the Board and items that require full discussion are heard. Items removed from the Consent Agenda are discussed under this section.
3. **Public Hearing and Timed Items:** this is where items that are required by law to be heard as a public hearing are set. This is the section where appeals before the Board are usually discussed. Hearings may start after the time listed, but will never start before the time listed.
4. **Public Comment:** this is the area of the agenda where members of the audience may address the Board on any matter not listed on the agenda. The Board, by law, cannot take action on any matter not listed on the agenda, but may respond to statements or questions and provide staff direction.
5. **Closed Session:** the Board is authorized, by law, to meet in a closed session in certain circumstances. This area of the agenda identifies those items that will be discussed during the closed session.

Public Participation:

It is the policy of the Board of Supervisors, and a requirement of the California Open Meetings Law, to allow members of the public the opportunity to comment on all matters before the Board. Public participation is limited to matters within the subject matter jurisdiction of the Board pursuant to Government Code Section 54954.3. The Board has adopted policy and procedures to facilitate the meeting process and conduct. A complete listing of these policies and procedures can be found in the printed booklet agenda, obtained at the County Administrative Office, or viewed at the Clerk of the Board website.

The Board of Supervisors is also committed to making its proceedings accessible to all citizens. Individuals with special needs should call the Clerk of the Board at 530-538-7631, Monday through Friday, 8:00 a.m. to 5:00 p.m. to request disability-related modifications/accommodations or to request materials in alternate formats. All requests for special accommodations and/or alternative format documents must be made 48 hours prior to the meeting.

For further information contact the:

Clerk of the Board of Supervisors
County Administrative Office
25 County Center Drive, Oroville, CA 95965
530-538-7631
www.buttecounty.net/cob