

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

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

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.
- 1.04 **CORRECTIONS AND/OR CHANGES TO THE AGENDA.**

3.00 CONSENT AGENDA

**BEHAVIORAL
HEALTH**

- 3.01 *** 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.

**CHIEF
ADMINISTRATIVE
OFFICE**

- 3.02 *** 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.

- 3.03 *** 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.

COUNTY COUNSEL

- 3.04 *** 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.

EMPLOYMENT AND
SOCIAL SERVICES

- 3.05 * 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.

HUMAN
RESOURCES

- 3.06 * 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 and decrease the total allocations in the department from 87.5 to 86.5.

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 AND AUTHORIZE THE CHAIR TO SIGN.

- 3.07 * 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.

**INFORMATION
SYSTEMS**

- 3.08 * 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.

**PUBLIC
WORKS**

- 3.09 * 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 AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required).

4.00 REGULAR AGENDA

**BOARDS,
COMMISSIONS AND
COMMITTEES**

- 4.01 * Boards, Commissions and Committees
 1. Appointments to Listed Vacancies
 2. 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 * General Plan Follow-Up and Implementation by Director of Development Services
- 4.04 Items Removed from the Consent Agenda for Board Consideration and Action.

**PRESENTATION AND
DISCUSSION ITEMS**

- 4.05** * Presentation on the Suspension of Election and Voter Registration Related Mandates – The Clerk Recorder/Registrar of Voters will provide a report regarding the suspension of election and voter registration related mandates pertaining to the State budget bill (SB) 87 which is an estimated loss of \$250,000 to the general fund – action requested – FOR INFORMATION ONLY. (Clerk-Recorder/Registrar of Voters)
- 4.06** * 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 re-plastering of pools - action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)
- 4.07** * 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)
- 4.08** * 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)

5.00 **PUBLIC HEARINGS AND TIMED ITEMS**

9:30 A.M.

- 5.01** * Public Hearing – Community Development Block Grant (CDBG) Program Income Reuse Plan Amendment – Butte County receives Program Income from various previously funded CDBG activities. The State requires local jurisdictions to adopt a Reuse Plan for the purpose of establishing guidelines on the policies and procedures for the administration and utilization of Program Income. The County is required to amend the Reuse Plan to incorporate the CDBG Disaster Recovery Initiative (DRI) Program. At this time, the State has not completed their review and approval of the proposed revisions to the Reuse Plan, therefore it is requested that the hearing to consider adoption of additional amendments to the plan be continued to a future date – action requested – OPEN PUBLIC HEARING AND CONTINUE TO A FUTURE MEETING. (Administration)

9:40 P.M. **5.02** * 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)

1:00 P.M. **5.03** * 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)

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 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

7.02 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.

**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