

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

October 11, 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

**CHIEF
ADMINISTRATIVE
OFFICE**

- 3.01 *** Resolution Approving Application for Fiscal Year (FY) 2011 Emergency Management Performance Grant Program – The Butte County Operational Area has been allocated \$166,116 by the California Emergency Management Agency to support activities that contribute to the mitigation, prevention, preparation, response and recovery from emergencies and disasters. Approval is requested for a resolution authorizing the Chief Administrative Officer and/or the Emergency Services Officer to apply for the grants – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.02 *** Resolution Requesting the Governor Declare a Statewide Emergency and Take Necessary Actions to Protect California Waters - Quagga and zebra mussels are among the most devastating invasive species to North American fresh waters. These mussels have been found in several western states and in the California counties of San Diego, Riverside, San Bernadino, San Benito, and Orange. To prevent the spread of these mussels to Lake Oroville and other bodies of water in Butte County, staff recommends approval of a resolution urging the Governor to declare a statewide emergency - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.03 *** Butte County Superior Court of California - agreement with Superior Court of California for all services provided by Butte County to the Court and by the Court to the County pursuant to Government Code §77212(d)(1) for FY 2011-2012 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.04 *** Year-End Budget Adjustments – The Finance and Risk Management Office submits the FY 2010-2011 year-end budget adjustments. These adjustments do not require use of contingencies nor do they result in any change to the final fund balance – action requested – APPROVE BUDGET ADJUSTMENTS (4/5 vote required); AND APPROVE THE USE OF FUND BALANCE IN FISCAL YEAR 2011-2012 TO INCREASE THE BUDGET IN CDBG FUND 0142.

CHILD SUPPORTSERVICES

- 3.05** * Change in Business Hours – request to change the lobby hours from 7:00 a.m. to 7:00 p.m. Monday through Thursday to 7:00 a.m. to 6:00 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Fridays in order to more closely align the department’s availability to customers with the business hours of other health and human services departments operating in the same facility – action requested – APPROVE CHANGE IN BUSINESS HOURS FOR THE DEPARTMENT OF CHILD SUPPORT SERVICES.

COUNTY COUNSEL

- 3.06** * Pierce Atwood, LLP - agreement with Pierce Atwood to retain Carol A. Smoots for legal services related to Federal Energy Regulatory Commission (FERC) proceedings – action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 3.07** * Butte County Public Law Library Conflict of Interest Code – action requested – APPROVE CONFLICT OF INTEREST CODE.

DEVELOPMENTSERVICES

- 3.08** * 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 properties owned by the California Department of Fish and Game located approximately 4 miles southeast of Forest Ranch on Ten Mile House Trail, 1.25 miles from SR-31 (APNs: 063-020-012, 056-390-035, 063-020-051, 056-390-038, 056-390-037, & 056-390-036). The complete application must contain 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.

EMPLOYMENT ANDSOCIAL SERVICES

- 3.09** * Budget Adjustment - request for a \$3,000 budget adjustment from the restricted fund balance to cover the final negotiated contract amount with Catalyst Domestic Violence Services for Fiscal Year 2011-2012 – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required).

GENERALSERVICES

- 3.10** * Budget Adjustments – In an effort to reduce Behavioral Health lease expenses, several facilities-related projects were initiated last fiscal year. Construction is planned this fiscal year for facilities located at 592 Rio Lindo, 560 Cohasset and 492 Rio Lindo in Chico. The total cost of the projects, including prior year expenses, is estimated to be \$957,307. Funding for the projects is available in the Behavioral Health’s department budget – action requested – 1) APPROVE BUDGET ADJUSTMENTS (4/5 vote required); 2) APPROVE FIXED ASSET COSTS OF \$376,500 FOR 492 RIO LINDO AND \$15,000 FOR 560 COHASSET; AND 3) APPOINT THE GENERAL SERVICES DIRECTOR AS THE OFFICER OF THE PROJECTS.

- 3.11** * Notice of Completion and Budget Adjustment – All contract work related to the integrated electronic security control system for Butte County Jail has been completed in accordance with the plans and specifications. Approval is requested for a budget adjustment in the amount of \$400 from the Sheriff’s operating budget to cover the cost additional materials needed – action requested – ACCEPT CONTRACT WORK AS COMPLETE AND AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required) AND ADDITIONAL FIXED ASSET COST OF \$400.

SHERIFF-
CORONER

- 3.12** * Sentinel Offender Services - amendment to the agreement with Sentinel Offender Services for additional electronic monitoring services needed due to recent legislative changes incorporated in Assembly Bill (AB) 109. Butte County will begin using a one-piece “UniTrak” GPS device offered by Sentinel in addition to the passive tracking devices currently in use. The amendment increases the maximum amount payable by \$500,000 (department budget utilizing AB 109 funds and Inmate Welfare Funds) - action requested - APPROVE AGREEMENT AMENDMENT 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).

- 3.13** * Transfer Vehicle Asset – The Butte County Sheriff’s Office accepts ownership of all Butte County Search and Rescue (S&R) equipment that is purchased by S&R or is donated by private citizens for use by S&R. Previously, the Sheriff’s office accepted ownership of a 1999 snow machine trailer purchased by S&R. The department requests to transfer ownership of a 1999 snow machine trailer back as the trailer is no longer of use and will be sold by S & R - action requested – AUTHORIZE TRANSFER OF OWNERSHIP TO BUTTE COUNTY SEARCH AND RESCUE.

OTHER
DEPARTMENTS
AND AGENCIES

- 3.14** * Butte Water District – Appointments in Lieu of Election - The Secretary of the Butte Water District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Director does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy – action requested - APPOINT RONALD GIOVANNETTI AND DARIN PANTALEONI TO 4-YEAR TERMS TO END DECEMBER 4, 2015; AND DALE SMITH TO A 2-YEAR TERM TO END DECEMBER 6, 2013.

- 3.15** * Richvale Irrigation District - Appointments in Lieu of Election - The Secretary of the Richvale Irrigation District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Director does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the person who had filed a Declaration of Candidacy – action requested – APPOINT LYLE JOB TO A 4-YEAR TERM TO END DECEMBER 4, 2015.

- 3.16 * Resolution Recognizing October 2011 as Domestic Violence Awareness Month - action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
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4.00 REGULAR AGENDA

**BOARDS,
COMMISSIONS AND
COMMITTEES**

4.01 * Boards, Commissions and Committees

1. Appointments to Listed Vacancies

2. California State Association of Counties Board of Directors - action requested - APPOINT BOARD OF SUPERVISORS REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO A ONE YEAR TERM BEGINNING NOVEMBER 29, 2011.

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 * 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 * Fiscal Year 2010/2011 Fourth Quarter Financial Report – The Fourth Quarter Financial Report provides economic, expenditure, revenue, cash balances and long-term debt information for the entire fiscal year ending June 30, 2011 – action requested – NO ACTION REQUIRED. ACCEPT FOR INFORMATION. (Administration)

4.06 * Resolution – Salary and Benefits for Appointed Department Heads - Due to the poor economic climate at the Federal, State and local level, the Butte County Appointed Department Heads have volunteered to modify their contracts to reflect a change that will phase in the payment of the employee contribution to CalPERS in a manner consistent with those other labor groups that agreed to new Memoranda of Understanding (2% the pay period after Board adoption; an additional 2% the pay period including 1/1/12; and an additional 3% the pay period including 1/1/13 for “miscellaneous” Appointed Department Heads; and 2% the pay period after Board adoption; an additional 3% the pay period including 1/1/12; and an additional 4% the pay period including 1/1/13 for “safety” Appointed Department Heads). These employees will also receive a salary increase consistent with what other labor groups received. These changes are reflected in contract amendments for each of the Appointed Department Heads and a revised Salary and Benefits Resolution – action requested - ACCEPT VOLUNTARY CONTRACT AMENDMENTS FOR APPOINTED DEPARTMENT HEADS AND AUTHORIZE CHAIR TO SIGN; AND ADOPT RESOLUTION AND AUTHORIZE CHAIR TO SIGN. (Human Resources)

4.07 * Resolution for Employer Paid Member Contributions (EPMC) – In order to complete implementation of the previous agenda item (Item 4.06 above) regarding the amendments to the Appointed Department Head contracts and the related modification to the Salary and Benefits Resolutions for the Appointed Department Heads, the Board of Supervisors must approve the attached PERS resolution to adhere to CalPERS regulations. The resolution details the EPMC modifications for the Appointed Department Heads, reducing the employer contribution from 7% to 5% for “miscellaneous” Appointed Department Heads and from 9% to 7% for “safety” Appointed Department Heads – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

4.08 * Salary Ordinance for Fiscal Year 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 – WAIVE FIRST READING OF THE ORDINANCE. (Human Resources)

4.09 * Consideration of a Mitigated Negative Declaration, Regarding Environmental Impact for the Proposed Foothill Boulevard Bridge Across Wyman Ravine, County Project No. 21581-03-1, Federal Bridge Replacement Project BRLS-5912(060) – The proposed project involves removing an existing reinforced concrete bridge located on Foothill Boulevard, constructing an approximately 36-foot long, three span, cast-in-place culvert bridge, and reconstructing 900 linear feet of roadway. The project is part of the Federal Highway Bridge Program – actions requested –

- 1) FIND THAT THE ENVIRONMENTAL DOCUMENTS FOR THE FOOTHILL BOULEVARD BRIDGE ACROSS WYMAN RAVINE IDENTIFIED POTENTIALLY SIGNIFICANT EFFECTS ON THE ENVIRONMENT THAT WILL BE MITIGATED AS DETAILED IN THE AGENDA REPORT;
- 2) ADOPT THE MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS WITH FINDINGS AND MITIGATIONS 4.3.1 THROUGH 4.5.1 AS DETAILED IN THE AGENDA REPORT AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

Adjourn as the Butte County Board of Supervisors and convene as the Thompson Flat Cemetery District Board of Directors.

THOMPSON FLAT CEMETERY DISTRICT
BOARD OF DIRECTORS
AGENDA
OCTOBER 11, 2011

1.00 **CALL TO ORDER** - Butte County Board of Supervisors Room, 25 County Center Drive, Oroville.

The Board of Directors is required to convene at least once a quarter pursuant to Health and Safety Code 9029.

2.00 **CONSENT AGENDA** (None)

3.00 **REGULAR AGENDA** (None)

4.00 **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 is prohibited from taking action on any item not listed on the agenda.

ADJOURNMENT

Adjourn as the Thompson Flat Cemetery District Board of Directors and reconvene as the Butte County Board of Supervisors.

5.00 **PUBLIC HEARINGS AND TIMED ITEMS**

9:45 A.M. **5.01** * Timed Item – Information Presentation on Transfer Flow, Inc. – Bill Gaines, Senior Engineer and Chairman of the Board of Transfer Flow, Inc. will provide a presentation related to the company’s business activity and community impact. Transfer Flow, which is located in Chico, specializes in manufacturing aftermarket fuel tanks and Original Equipment Manufactured fuel tank systems –action requested – NO ACTION REQUIRED. ACCEPT FOR INFORMATION. (Administration on behalf of Supervisor Wahl)

10:00 A.M. **5.02** * Public Hearing - Community Development Block Grant (CDBG) Program Income Reuse Plan Amendment - The County of Butte receives revenue, also known as Program Income, from various previously funded State 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 received as a result of activities funded under the State CDBG Program. The Reuse Plan Amendment incorporates changes to comply with State and Federal regulations, noting specifically the handling of re-captured program funds from the CDBG Disaster Recovery Initiative (DRI) Program. The Plan also incorporates the CDBG DRI Housing Assistance Program Guidelines which were developed based on the County’s existing CDBG Housing Rehabilitation Loan Program Guidelines, incorporating the specific requirements of the DRI Program – action requested - APPROVE THE AMENDED REUSE PLAN; AND ADOPTED RELATED RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Administration)

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 ACTUAL LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(a): 3 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.

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

- 7.03 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

**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