

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

November 8, 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.**
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3.00 CONSENT AGENDA

**CHIEF
ADMINISTRATIVE
OFFICE**

- 3.01** * 3CORE, Inc. - amendment to the Sub-grant agreement with 3CORE. The sub-grant agreement allows repayments of business loans to return to the County as de-federalized funds. The amendment will allow 3CORE, Inc. to provide the administration and management of de-federalized funds resulting from sub-grant repayments to provide business assistance activity in Butte County. The costs for service will be paid from the de-federalized fund or from income or funds from the CDBG Business Expansion/Retention Loan Fund. These funds are managed and housed by 3CORE, Inc. and therefore no budgetary action is required - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.02** * Home & Health Care Management – agreement with Home & Health Care management for several levels of functional care for individuals in temporary emergency shelters. With any shelter activation, there will be shelter residents that require help with functional support needs. Upon the opening of any shelters, the county will establish a communications link with Home and Health Care Management to determine availability of its staff to work in the shelters if required. This agreement is being put in place to be used in the event of an emergency or disaster and has no termination date. The rates for services range from \$20 per hour to \$85 per hour plus mileage if clients are transported - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- COUNTY COUNSEL **3.03** * Excess Proceeds from the Sale of Tax Defaulted Property – From June 19-22, 2010, the Butte County Tax Collector sold twenty parcels of tax defaulted property. Pursuant to Revenue and Taxation Code Section 4675, priorities are set for payment of excess proceeds. Claims were received on eleven of the twenty parcels sold, and the department submits recommendations for distribution of the proceeds – action requested – ADOPT RECOMMENDATIONS FOR THE DISTRIBUTION OF EXCESS PROCEEDS FROM THE SALE OF TAX DEFAULTED PROPERTY AND ORDER DISTRIBUTION PURSUANT TO REVENUE AND TAXATION CODE SECTION 4675.
- EMPLOYMENT AND SOCIAL SERVICES **3.04** * Budget Adjustment – request to accept and appropriate \$3,500 in unanticipated revenue for the Veterans Service Office (VSO). Funding for software and maintenance is provided by the State of California for reimbursement to VSOs that purchase and install VetPro software. Due to budget constraints, the VSO is unable to pay for the software and maintenance until funding is received. The software vendor provided their product with the understanding that Butte County VSO would pay for the product and services upon receipt of their funding from the State of California. Funding was received from the Department of Veteran Affairs on August 25, 2011 – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required).
- 3.05** * Budget Adjustment – The California Department of Motor Vehicles receives revenue from issuing and renewing California “Kids” vehicle license plates. The intent of this revenue is to help fund programs to reduce child injury and child abuse in the state. Pursuant to Welfare and Institutions Code Section 18285.5 and California Motor Vehicle Code Section 5072, the proceeds from these vehicle license plates are disbursed to various entities including county Children’s Trust Funds. These funds are identified to be used for child abuse prevention activities and education including vehicular safety. Approval is requested to accept \$10,617 from the State of California – APPROVE BUDGET ADJUSTMENT (4/5 vote required).
- GENERAL SERVICES **3.06** * MMMM LLC – lease agreement with MMMM LLC for the facility located at 2445 Carmichael Drive in Chico. County departments that occupy 42,000 square feet of the facility include the Butte County Department of Employment and Social Services (DESS), Behavioral Health and Department of Child Support Services. Currently, the monthly base lease payment is \$0.97 per square foot office space plus a variable monthly Common Area Maintenance (CAM) rate averaging \$0.30 per square foot for a total monthly lease payment of \$1.27 per square foot or approximately \$40,635 per month. Under the new lease, the same County departments propose occupying 53,975 square feet at a base rent payment of \$0.90 per square foot plus a monthly CAM rate of \$0.19 per square foot for a total monthly lease payment of \$1.09 per square foot or a total of \$58,832.75 per month. The space occupied by both Behavioral Health and Child Support Services will remain unchanged and DESS will be occupying additional space for additional programs and to accommodate the Veterans Service Office. The lease provides for a 2% annual escalation of the base rent only beginning in year three. The term of the lease is November 15, 2011 through November 30, 2018, and includes the option to extend - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 3.07 * Request to Apply for United States Department of Agriculture (USDA) Loan – Construction of a Butte County Hall of Records is included in the Capital Improvement Program and will provide a central climate controlled repository for County records, eliminate the need to lease several scattered and inadequate facilities, provide public offices for the Clerk - Recorder and Elections Offices and improve over-crowding in a portion of 25 County Center Drive in Oroville. Staff recommends that the Chief Administrative Officer (CAO) be authorized to apply for a loan with the USDA as a source of revenue and to approve the related budget adjustments. These adjustments allow an appropriation of \$600,000 to be offset by anticipated loan proceeds. The adjustment covers \$380,000 for land acquisition and \$220,000 for initial engineering design work and cost estimating for final budget development. It is anticipated that upon approval, the USDA loan proceeds will reimburse the initial project costs within the Capital Project Fund 41 and fund the balance of the project. Funding for the repayment of the USDA loan include multiple revenue sources for Clerk-Recorder services, elections revenues and reimbursement, and existing General Fund within the Elections budget that is currently being used for lease payments. General Services will oversee the project – action requested – AUTHORIZE THE CAO TO SIGN THE PRE-APPLICATION OF LOAN WITH USDA; AND APPROVE RELATED BUDGET ADJUSTMENTS (4/5 VOTE REQUIRED); AND APPOINT THE GENERAL SERVICES DIRECTOR AS THE OFFICER OF THE PROJECT.
- 3.08 * Budget Adjustment – In order to relocate the Butte County Victim Witness Program and to better utilize limited space, a portion of the existing Finance office located at 25 County Center Drive in Oroville requires remodeling. This project includes construction of new walls, electrical and data cabling enhancements and improves compliance with the Americans with Disabilities Act. This project was originally funded in the FY 2011/2012 General Services budget in the amount of \$46,456. After further design consideration, the project scope has increased requiring an additional appropriation of \$34,544 for a total project cost of \$81,000 and staff now recommends that the project be capitalized using a new budget unit in the Capital Improvement Fund. Once completed, the budget adjustments will provide \$8,500 in funding within General Services for labor charges and \$72,500 in the Capital Improvement Fund for capitalization of the construction charges. General Services will oversee the project – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required) AND FIXED ASSET PROJECT COSTS; AND APPOINT THE GENERAL SERVICES DIRECTOR AS THE OFFICER OF THE PROJECT.

HUMANRESOURCES

- 3.09 * Resolution to Amend the Salary Ordinance – The combination of the changes below will temporarily increase the total County allocations by two positions:

Behavioral Health – requests to add one flexibly staffed position of Administrative Analyst, Senior/Administrative Analyst/Administrative Analyst, Associate and one flexibly staffed position of one Information Systems Technician, Senior, Information Systems Technician/Information Systems Technician, Associate. The department is also requesting to delete one vacant Administrative Assistant/Administrative Assistant, Senior. This will increase the department's overall FTE allocation by one, however, it is the intent of the department to eliminate the next vacant administrative position to reduce the overall FTE back down by one. The positions will be funded with savings in the department's Professional Services line item. There is no impact to the County's General Fund.

Information Systems – requests to add one flexibly staffed position of Information Systems Analyst, Senior/Information Systems Analyst/Information Systems Analyst, Associate. Once this position is added there will be a departmental recruitment conducted, and the position that is vacated will be deleted at a future Board of Supervisors meeting. This change will temporarily increase the total allocations in the department by one. The additional costs for this change were approved in the department's FY 2011-2012 budget – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

LIBRARY

- 3.10 * Resolution Authorizing the Library Director to Accept Donations on Behalf of the Butte County Library System – Government Code, Section 25355 allows the Board of Supervisors to delegate to any County officer or employee the power to “accept any gift, bequest, or devise made to or in favor of the County” and requires that this delegate file a quarterly report with the Board of Supervisors describing the source and value of each gift valued in excess of \$10,000 – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

- 3.11 * Agreements for Library Services & Technology Act (LSTA) and California Council for the Humanities (CCH) Grants – The Library has been awarded the following three grants: 1) The LSTA Out of School Time Online Homework Help grant in the amount of \$20,700 to purchase a one year subscription to an online tutoring database called tutor.com; 2) The LSTA ZIP Books grant in the amount of \$49,998 to purchase books requested by patrons that are not available in the Butte County Library collection. Twenty Kindles will be purchased to fill these requests electronically and the Kindles will be checked out to patrons. Requested materials not available electronically will be purchased from a used book site and mailed directly to the patron; 3) The CCH California Reads grant in the amount of \$7,500 to purchase multiple copies of *Lost City Radio* by Daniel Alarcon and to host public book discussion groups to be held in Chico, Oroville, and Paradise – action requested – RATIFY THE LIBRARY DIRECTOR'S SIGNATURE ON THE GRANT AGREEMENTS; AND APPROVE RELATED BUDGET ADJUSTMENTS (4/5 vote required).

PROBATION

- 3.12 * Budget Adjustment - The Probation Department received a grant award (accepted by the Board of Supervisors on June 22, 2010) from the California Emergency Management Agency, which administers the Federal Edward Byrne Memorial Block Grant Program. The award period runs from March 1, 2010 through February 28, 2012, with an award total of \$336,123. The funds are used for overtime costs associated with law enforcement staff involved with the Butte Interagency Narcotics Task Force (BINTF). \$224,420 of the grant award total has been expended through the 2010-2011 Fiscal Year, with \$111,703.00 left to appropriate and expend during the 2011-2012 Fiscal Year. Board approval is requested to appropriate revenues and expenses relative to the 2011-2012 Fiscal Year – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required).

PUBLICHEALTH

- 3.13 * Look Ahead Veterinary Hospital - amendment to the agreement with Look Ahead Veterinary Hospital for veterinary services for animals impounded by the Animal Control Division. The amendment, which increases the maximum amount payable by \$30,000 (department budget), is needed to address an increased need for large animal services - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLICWORKS

- 3.14 * Contract Change Order No. 1 for the Lincoln Boulevard Median Improvement Project - Contract Change Order No. 1 for the Lincoln Boulevard Median Improvement Project provides additional compensation to the contractor for extra work which includes: 1) Extra work for potholing requested by Butte County; 2) Extra work for storm drain modifications at various locations; 3) Adjustment of compensation for drainage inlet ordered but not installed; 4) Markup of work performed by subcontractor; 5) Adjustment of compensation for substituting reinforced concrete elliptical pipe; 6) Increase in engineer's estimate at contract unit price for various items; and 7) Decrease in engineer's estimate at contract unit prices for various items. The fiscal impact is an increase in compensation to the contractor of \$10,638.29. There is sufficient funding available through the project's Grant and Department budget to cover this Change Order – action requested - APPROVE CONTRACT CHANGE ORDER NO. 1 FOR THE LINCOLN BOULEVARD MEDIAN IMPROVEMENT PROJECT FOR AN INCREASED AMOUNT OF \$10,638.29 AND AUTHORIZE THE CHAIR TO SIGN.

- 3.15 Adoption 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 – ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN.

- 3.16 * Resolution Calling a Public Hearing to Determine Public Necessity for the Formation of an Underground Utility District on Myers Street from Wyandotte Avenue to Lincoln Blvd. In Oroville - Pacific Gas & Electric Company (PG&E) Rule 20A allocates funds for local jurisdictions to place existing overhead wires, cables, poles, and associated appurtenances underground. Butte County Code Chapter 26A establishes a procedure for the creation of underground utility districts and requires as the initial step in such procedures the holding of a public hearing to ascertain whether public necessity, health, safety and welfare require the removal of poles, overhead wires and facilities for supplying electric, communications, or similar or associated services in any such district. Public Works has worked with the City of Oroville and PG&E on a proposed joint underground utility district on Myers Street between Oroville Dam Blvd. and Lincoln Blvd. – action requested – ADOPT RESOLUTION DIRECTING PUBLIC HEARING TO BE HELD ON NOVEMBER 22, 2011 AT 10:00 AND AUTHORIZE THE CHAIR TO SIGN.

SHERIFF-
CORONER

- 3.17 * Sexual Assault Felony Enforcement (SAFE) Team Grant - The Butte County Sheriff's Office receives funding from the Shasta County Sheriff's Office for a SAFE Team grant. These state grant funds are utilized to track and monitor 290 registrants, investigate sex crimes and complete community education and outreach for sexual crime prevention. Shasta County recently notified the Sheriff's Office that two grant funding allowances are available for expenditure in FY 2011/2012 by Butte County. There are remaining grant funds in the amount of \$2,220 from a prior grant and \$51,248 in new grant funds – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required).
- 3.18 * Department of Justice, Drug Enforcement Administration (DOJ/DEA) Letter of Agreement (LOA) - The Butte County Sheriff's Office currently has an LOA with the DOJ/DEA in the amount of \$60,000. The DOJ/DEA has agreed to amend the LOA and increase the Sheriff's Office award by \$15,000, for a total of \$75,000 for FY 2011/2012. The funds will be utilized by the Sheriff's Office Counterdrug Unit to investigate the illegal cultivation and trafficking of marijuana in Butte County utilizing ground and aerial detection – action requested – RATIFY THE SHERIFF'S SIGNATURE ON THE AMENDMENT TO THE LOA NO. 2011-16 AND DESIGNATE THE SHERIFF'S OFFICE PERSONNEL TO SUBMIT REQUIRED FINANCIAL STATEMENT AND GRANT REIMBURSEMENTS AS REQUIRED; 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 * Fiscal Year (FY) 2011-2012 First Quarter Financial Report - The FY 2011-2012 First Quarter Financial Report provides economic, expenditure, revenue, cash balance, long-term debt and summary information from the first three months of the FY. The report includes tables and graphs of historical data to help provide context and demonstrate trends in the economy, expenses, revenues and balances – action requested – ACCEPT FOR INFORMATION. (Administration)

5.00 PUBLIC HEARINGS AND TIMED ITEMS

9:45 A.M.

5.01 * Request for Easement Across County "No Access Strips" by Stewart Title - On behalf of Mr. Michael Houar, the Stewart Title Company has requested an easement across two County owned one-foot no access strips in the Forest Ranch area. The one-foot no access strips are located between the property lines of the parcel owned by Mr. Houar and the Vineyard Vista Subdivision. Mr. Houar currently has the right to use the Vineyard Vista Subdivision's roads with the exception of the County one-foot no access strips. At the Board meeting on September 13, 2011, the Board passed a resolution of intent to grant said easement; however, there were some questions regarding the placement of utilities. A field review of the subdivision has found that the main power line is overhead along the road and underground when it leaves the main, with remaining utilities underground. Public Works is recommending the Board follow through with the approved Resolution of Intent and grant Mr. Houar an easement to cross the County owned one-foot no access strips with certain conditions – action requested - 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 SUBDIVISION'S 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) REQUIRES UNDERGROUNDING THE UTILITIES EXCEPT FOR THE POWER MAIN, WHICH CAN BE OVERHEAD UNTIL IT COMES OFF THE POLE AND IS THEN TO BE PLACED UNDERGROUND TO THE POINT OF SERVICE AND TO THE HOUSE. (Public Works)

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.

**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, online at the Chico, Oroville, and Paradise libraries, 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:

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25 County Center Drive, Oroville, CA 95965
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