

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

JANUARY 25, 2005



County Supervisors

Bill Connelly, District 1
Jane Dolan, District 2
Mary Anne Houx, District 3
Curt Josiassen, District 4
Kim Yamaguchi, District 5

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board

Bruce Alpert, County Counsel

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- 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.
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3.00 CONSENT AGENDA

BOARD OF SUPERVISORS

- 3.01 * Resolution in Appreciation of Bob Thomas - Supervisor Josiassen is requesting the Board adopt a resolution in appreciation of Bob Thomas upon his retirement from the Gridley-Biggs Cemetery District - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

CHIEF ADMINISTRATIVE OFFICE

- 3.02 * Tri-County Economic Development Corporation - Amendment - approval is requested for an amendment to the Master Subrecipient Agreement with Tri-County Economic Development Corporation for the provision of staff services related to the State Community Development Block Grant Program. The proposed amendment revises Exhibit No. 9, Project Budget, to allow for reduced distribution to an authorized subcontractor. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13032)
- 3.03 * Relief of Accountability - approval is requested for relief of accountability for a fixed asset document scanner (fixed asset no. 24622). The equipment was inadvertently sent to surplus without proper documentation. The District Attorney and Auditor-Controller have reviewed the request - action requested - GRANT RELIEF OF ACCOUNTABILITY.

CHILD SUPPORT SERVICES

- 3.04 * Peerless Building Maintenance - Amendment - approval is requested for an amendment to the agreement with Peerless Building Maintenance for the provision of janitorial services for county-leased buildings. The amendment extends the term of the agreement through December 31, 2005. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14638)

- 3.05 * Resolution to Establish Trust Fund - approval is requested for a resolution which will create a new trust fund for child support payments. The action is being taken in support of the conversion to the new Child Support Automation System CASES - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.06 * Resolution to Establish Trust Fund - approval is requested for a resolution which will create a new trust fund for issuing excess and pass-on payments. The action is being taken in support of the conversion to the new Child Support Automation System CASES - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.07 * Resolution to Establish Trust Fund - approval is requested for a resolution which will create a new trust fund for issuing disregard payments. The action is being taken in support of the conversion to the new Child Support Automation System CASES - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.08 * Dr. and Mrs. M. Robert Ching - Amendment - approval is requested to ratify a lease agreement amendment with Dr. and Mrs. M. Robert Ching for the property located at 1474 Myers Street, Oroville. The property was sold to the Egedio and Elena Marchi Family Trust in November 2004, and the proposed amendment provides for a change in payee. All other terms and provisions remain the same. The agreement was signed prior to Board action to insure timely payment to the new payee - action requested - RATIFY LEASE AGREEMENT AMENDMENT.
- 3.09 * Transfer for November Election Costs - approval is requested to accept and appropriate \$85,000 in Help America Vote Act grant funds, and \$30,000 in unanticipated revenue from increased elections billings to help offset unanticipated election costs associated with the General Election held November 2, 2004. The unanticipated election expenses totaled \$162,454, and Board approval is also requested to transfer the remaining needed funds, in the amount of \$37,454, from the General Fund Appropriation for Contingencies - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE, INCLUDING A TRANSFER FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES, AS DETAILED IN THE AGENDA REPORT.

CLERK -
RECORDER

COUNTY
COUNSEL

3.10 * FMY Associates, Inc. - approval is requested for an agreement with FMY Associates, Inc., for the provision of legal services relating to the Federal Energy Regulatory Commission's re-licensing of the California Department of Water Resources' facility at Lake Oroville. The agreement commences December 1, 2004, and continues through completion of the Scope of Work, with an hourly compensation rate of \$295 per hour (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.

3.11 * Carol A. Smoots - Amendment - approval is requested for an amendment to the agreement with Carol A. Smoots, of Thelen, Reid & Priest, LLP., for the provision of legal services relating to the Federal Energy Regulatory Commission's re-licensing of the California Department of Water Resources' facility at Lake Oroville. The amendment revises the term commencement date from December 14, 2004, to November 11, 2004. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.

DISTRICT
ATTORNEY

3.12 * Butte Justice Agencies Data Sharing Project - Memorandum of Understanding Amendment - approval is requested for an amendment to the Memorandum of Understanding between the Superior Court of California, County of Butte, the District Attorney's Office, the Sheriff's Office, the Probation Department, and the Information Systems Department regarding the Butte Justice Agencies Data Sharing Project. The amendment revises the project description to include activities in support of Phase 2 of the project, and increases the maximum amount payable by \$50,000 for the additional work. Funding for the amendment is available from the Automated Warrant System Assessment account, and Board approval is also requested for a transfer of those funds - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

EMPLOYMENT
AND SOCIAL
SERVICES

3.13 * Resolution Adopting the Indigent Burial Policy for the County of Butte - approval is requested for a resolution which will rescind and replace the County's Indigent Burial Policy adopted in 1975 with an updated policy - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.14 * Youth For Change - Amendment - approval is requested for an amendment to the agreement with Youth For Change for the provision of services to support the Promoting Safe and Stable Families program and adoption promotion and support services. The amendment increases the maximum amount payable by \$5,084 (department budget) for additional services. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13830)

3.15 * Butte County Office of Education-Regional Occupational Program - approval is requested for an agreement with the Butte County Office of Education-Regional Occupational Program for the provision of the Career Discoveries Program. The term of the agreement is January 1, 2005, through June 30, 2006, with a maximum amount payable of \$113,143 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.16 * Family Tree Services - Amendment - approval is requested for an amendment to the agreement with Family Tree Services for the provision of supervised visitation and parenting services for Children's Services clients. The amendment increases the maximum amount payable by \$25,000 (department budget) for additional services. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14941)

FIRE**DEPARTMENT**

3.17 * Accept Revenue and Fixed Asset Purchase - approval is requested to accept and appropriate \$2,915 received from the Kelly Ridge Volunteer Fire Company to assist in the purchase of a new squad for the Company. In November 2004, the department was awarded a grant in the amount of \$60,000 from the Office of Traffic Safety for the purchase of a new squad, however, the bid amount for the purchase totaled \$62,915. The donated funds will provide the remaining needed allocation, and Board approval is also requested to increase the fixed asset purchase approval for the squad to \$62,915 - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE INCREASE OF FIXED ASSET PURCHASE OF SQUAD TO \$62,915.

GENERAL
SERVICES

3.18 * Accept Unanticipated Revenue - approval is requested to accept and appropriate \$204,959 received from the Superior Court of California, County of Butte, to provide the appropriation needed for change orders associated with the Courthouse expansion project - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

3.19 * Wood Rodgers, Inc. - Amendment - approval is requested by the Emergency Services Division for an amendment to the agreement with Wood Rodgers, Inc., for preparation of a Floodplain Management Plan. The amendment revises the scope of work to include a countywide flood mitigation plan, extends the term of the agreement through February 28, 2006, to allow completion of the additional work, and increases the maximum amount payable by \$50,000. Funding for the additional work will be provided by grant funds from the Federal Emergency Management Agency's Flood Mitigation Assistance Grant and Board approval is also requested to accept and appropriate \$50,000 in grant funds - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING GRANT FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13945)

HUMAN
RESOURCES

3.20 * Introduction of a Salary Ordinance Amendment - approval is requested for a salary ordinance amendment which will amend the current salary ordinance substantially as follows: incorporates the changes necessary to implement the classification portion of the County's classification/compensation study; adds one position of Forensic Accountant to the District Attorney-Criminal budget; adjusts the salary range for the position of Revenue and Reimbursement Officer, Senior to \$14.72-\$17.89; adjusts the salary range for the position of Assistant Chief Investigator to \$25.44-\$32.46; adjusts the salary range for the position of Program Manager, Employment and Social Services to \$31.85-\$38.71; adjusts the salary range for the position of Program Manager, Environmental Health to \$26.51-\$32.23 (effective 9-25-04), and adjusts the salary range for the position of Supervisor, Environmental Health to \$24.11-29.31 - action requested - WAIVE READING OF THE ORDINANCE.

LIBRARY

3.21 * Donations for Books - pursuant to Government Code Section 25355, donations of \$1,239.70 from the Oroville Friends of the Library, and \$200 from the Fraternal Order of Eagles, Chico Auxiliary #218, have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

3.22 * Donations for Operations - pursuant to Government Code Section 25355, donations of \$5,000 from the Chico Friends of the Library, and \$700 from the Paradise Friends of the Library, have been received to fund extra-help staff support for the Books By Mail program and the Paradise Branch Library - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

3.23 * Library Advisory Board Appointments - action requested - APPOINT MARIAN MILLING TO A TERM TO END DECEMBER 31, 2006, AND B.T. CHAPMAN AND JACKIE WESTBROOK TO TERMS TO END DECEMBER 31, 2008; AND REAPPOINT DORIS LITHGOW, FRED DAVIS AND CINDY GARIGLIANO TO TERMS TO END DECEMBER 31, 2008.

PUBLIC
WORKS

3.24 * Appointment to Specified Salary Step - pursuant to Personnel Rule 11.13, approval is requested to appoint an Assistant Director of Public Works candidate to Step 4 of the salary range based on credentials and experience. Board approval is also requested for a Side Letter Agreement with the Butte County Management Employees' Association concerning moving expenses and potential reimbursement - action requested - APPOINT ASSISTANT DIRECTOR OF PUBLIC WORKS CANDIDATE TO STEP 4 OF THE SALARY RANGE; AND APPROVE SIDE LETTER AGREEMENT CONTINGENT UPON APPROVAL OF THE BUTTE COUNTY MANAGEMENT EMPLOYEES' ASSOCIATION.

3.25 * Tamara Miller, P.E. - approval is requested for an agreement with Tamara Miller, P.E., for preparation of the permit package for the Neal Road Landfill Solid Waste Facility Permit. The term of the agreement is October 1, 2004, through June 30, 2005, with a maximum amount payable \$30,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15305)

3.26 * Resolution Supporting Renewal of the Chico/Northern Butte County Recycling Market Development Zone - approval is requested for a resolution of support for continuation of a program which provides incentives to businesses that use recycled materials to make new or other manufactured products - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.27 * Purchase of Vehicles - approval is requested for the fixed asset purchase of two 4-wheel drive pick-up trucks in the combined amount of \$90,000 (department budget). The vehicles will be used at the Neal Road Sanitary Landfill and are replacing vehicles that are beyond economic repair - action requested - APPROVE FIXED ASSET PURCHASE OF TWO 4-WHEEL DRIVE PICK-UP TRUCKS.

3.28 * Construction of Module 4, Phase B, Neal Road Sanitary Landfill - approval is requested to advertise for bids for the construction of a landfill waste containment module. The project will consist of excavation, construction of a soil and geo-membrane liner system, placement of a soil operations layer, and installation of a leachate and storm water collection system - action requested - AUTHORIZE THE DIRECTOR-PUBLIC WORKS TO RELEASE A REQUEST FOR BIDS FOR CONSTRUCTION OF A LANDFILL WASTE CONTAINMENT MODULE.

SHERIFF-CORONER

3.29 * James M. Callas - Amendment - approval is requested for an amendment to the employment agreement with James M. Callas for the position of Undersheriff. The amendment extends the term of the agreement through December 31, 2006, increases the annual salary rate by \$4,134 (department budget), and provides for additional compensation for possession of advanced Police Officer Standards and Training certifications - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.

TREASURER-TAX COLLECTOR

3.30 * Monthly Investment Report - submitted is the Monthly Investment Report dated December 31, 2004, in accordance with the Statement of Investment Policy dated July 1, 2004 - action requested - ACCEPT FOR INFORMATION.

4.00

REGULAR AGENDA

BOARDS, COMMISSIONS AND COMMITTEES

4.01

Boards, Commissions and Committees.

* (circled)

1. Appointments to Listed Vacancies.

* (circled)

2. Board of Supervisors Committee and Subcommittee Assignments - consideration of the various board, commission, committee and subcommittee assignments for Board of Supervisors members - action requested - ALTER OR REAFFIRM CURRENT ASSIGNMENTS LISTING; AND MAKE NEEDED APPOINTMENTS.

* (circled)

3. Butte County Water Advisory Committee - action requested - ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION AND APPOINT CATHERINE COTTLE, BERNOY BRADFORD, MYRON OPENSHAW, AND LES HERINGER.

4. Board Member or Committee Reports.

BUDGET AND
LEGISLATIVE
UPDATE

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

- (*) 1. Federal Legislative Platform - action requested - ACCEPT THE RECOMMENDATION OF THE CHIEF ADMINISTRATIVE OFFICER TO SEEK FEDERAL FUNDING AS DETAILED IN THE AGENDA REPORT AND/OR BOARD DIRECTION ON ALTERNATIVE PROJECTS.

- 2. Board Calendar Modification - discussion regarding possible changes to the Board Meeting Dates Calendar for the month of March - action requested - BOARD DIRECTION.

PRESENTATION
AND DISCUSSION
ITEMS

(4.03) * Resolution Honoring Butte County Employees for Dedicated Years of Service - presentation of awards to employees with 30 years of service to the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND PRESENT AWARDS TO EMPLOYEES WITH 30 YEARS OF SERVICE. (HUMAN RESOURCES)

4.04 Community Service Grant Program - Report to the Board - presentation of a program which provides volunteer community service opportunities to young people suspended or expelled from school - action requested - ACCEPT FOR INFORMATION. (SUPERVISOR HOUX)

(4.05) * Butte Creek Watershed Floodplain Management Plan - presentation and public comment on the final draft Floodplain Management Plan - action requested - ACCEPT FOR INFORMATION; AND ACCEPT PUBLIC COMMENT. (EMERGENCY SERVICES AND PUBLIC WORKS)

(4.06) * Butte County Tourism Program - Report to the Board - status report on tourism activities - action requested - ACCEPT FOR INFORMATION. (CHIEF ADMINISTRATIVE OFFICE AND BUTTE COUNTY ECONOMIC DEVELOPMENT CORPORATION)

4.07 * Wastewater Ponds in Butte County - Report to the Board - report regarding the use of wastewater ponds for treatment, storage and/or disposal - action requested - ACCEPT FOR INFORMATION; AND BOARD DIRECTION AS NEEDED. (PUBLIC HEALTH)

4.08 An Ordinance of the County of Butte, California, Adding Chapter 49 to the Butte County Code Establishing Unlawful Refuse Dumping Violations, An Administrative Enforcement Program for Such Violations and a Civil Remedial Process for the Forfeiture of Vehicles Connected with the Unlawful Dumping of Refuse - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (PUBLIC WORKS [FROM 1-11-05/4.05])

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

5.00 PUBLIC HEARINGS AND TIMED ITEMS (NO ITEMS)

6.00 PUBLIC COMMENT

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 LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): C.S.M.C.S (Case #ARB-03-2357).

7.02 CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE.

7.03 PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS, INCLUDING GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

1. CHIEF ADMINISTRATIVE OFFICER;
2. COUNTY COUNSEL.

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