

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

MARCH 14, 2006



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

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.

3.00 CONSENT AGENDA

BEHAVIORAL
HEALTH

3.01 * Rowell Family Empowerment of Northern California, Inc. - approval is requested for a sole source agreement with Rowell Family Empowerment of Northern California, Inc., for the provision of services to assist in the planning and implementation of the Connecting Circles of Care Grant Project. The term of the agreement is October 1, 2005, through June 30, 2006, with a maximum amount payable of \$182,576.25 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15931)

3.02 * State of California, Department of Alcohol and Drug Programs - Grant Award Amendment - approval is requested for an amendment to the Comprehensive Drug Court Implementation Grant Award Agreement for fiscal year 2004-2005. The amendment provides for an extension of time in which the County may expend year five funds to December 28, 2006. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40325)

3.03 * Davis Wright Tremaine LLP - Amendment - approval is requested for an amendment to the agreement with Davis Wright Tremaine LLP for the provision of specialized legal services for the department's Information Systems Division. The amendment extends the term of the agreement through June 30, 2006, and increases the maximum amount payable by \$15,000 (department budget) for the extended term. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15321)

3.04 * Feather River Tribal Health, Inc. - approval is requested for a sole source agreement with Feather River Tribal Health, Inc., for the provision of services to act as a Co-Director for the Connecting Circles of Care Grant Program. The Co-Director will serve on the administrative team and assist in planning and implementing the project. The term of the agreement is October 1, 2005, through June 30, 2006, with a maximum amount payable of \$110,389.51 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

BOARD OF SUPERVISORS

3.05 Community Action Agency - Supervisor Houx submits her nomination for District 3 Representative to the Community Action Agency Board - action requested - REAPPOINT TOM R. SAWYER, DISTRICT 3 REPRESENTATIVE, TO A TERM TO END DECEMBER 31, 2008.

CHIEF ADMINISTRATIVE OFFICE

3.06 * Certificate of Acceptance for Real Property and Operating Transfer - approval is requested to purchase the properties located at 492 and 554 Rio Lindo Avenue, Chico. The properties will be used as a Veterans Memorial Hall and adjacent public parking. Board approval is also requested to transfer \$1,254,000 from the General Fund Appropriation for Contingencies Fund to provide an appropriation for the purchase (\$1,235,000) until subsequent financing can be secured to repay the Fund, and to provide working capital to renovate 554 Rio Lindo Avenue to make it suitable for use as a Veterans Memorial Hall (\$19,000) - action requested - APPROVE PURCHASE AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO SIGN THE CERTIFICATE OF ACCEPTANCE; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING \$1,254,000 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT. (FROM 2-28-06 [3.04])

3.07 * Northern Rural Training and Employment Consortium - Joint Powers Agreement Amendment - approval is requested for an amendment to the Joint Powers Agreement (JPA) creating the Northern Rural Training and Employment Consortium. The JPA allows the County to operate the Workforce Investment Act Program. The proposed amendment will add Sierra County to the current nine member-county consortium - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL.

3.08 * Statewide Bond Proposals - County Infrastructure Projects - approval is requested for a list of County infrastructure projects to be submitted to the County's lobbyist for inclusion in the projects to be funded under the various pending statewide bond proposals - action requested - APPROVE THE LIST OF LOCAL INFRASTRUCTURE PROJECTS AND DIRECT THE CHIEF ADMINISTRATIVE OFFICER TO SUBMIT THE LIST TO PETERSON CONSULTING, INC.

COUNTY
COUNSEL

3.09 * An Ordinance Amending Sections 16-32 and 16-33 of Article IV, Entitled Park Facilities Fees in the Chico Urban Area; Sections 16-45 and 16-46 of Article V, Entitled Park Facility Fees in the Durham Recreation and Park District; Sections 16-62 and 16-63 of Article VI, Entitled Park Facility Fees in the Feather River Recreation and Park District; and Sections 16-77, 16-80, 16-81 and 16-82 of Article VII, Entitled Park Facility Fees in the Paradise Recreation and Park District of Chapter 16 of the Butte County Code, Entitled Parks and Recreation - approval is requested for an ordinance which will amend Chapter 16 of the Butte County Code relating to park and recreation facilities fees to specify the method for determining how park facilities fees are to be adjusted, that fees will not be charged for temporary mobile homes, and whether a fee may be charged for additional construction. The park districts concur with the proposed changes - action requested - WAIVE READING OF THE ORDINANCE.

3.10 * James A. Curtis - Amendment - approval is requested for an amendment to the agreement with James A. Curtis for the provision of specialized legal services. The amendment updates the contractor contact information, sets the hourly billing rate at \$175 for attorney services and \$85 for paralegal services (department budget), provides for reimbursement of expenses, and updates language regarding representation rights and responsibilities. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X11529)

3.11 * Regional and Economic Sciences - Amendment - approval is requested for an amendment to the agreement with Regional and Economic Sciences for research related to the analysis of the socio-economic impact of Project 2100 (the Lake Oroville Dam) on the economy of Butte County. The amendment extends the term of the agreement through January 1, 2007. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13877)

EMERGENCYSERVICES

3.12 * State Homeland Security Grant Program for Fiscal Year 2006 - approval is requested for a resolution approving the application for up to \$74,121 in grant funds from the State Homeland Security Grant Program for Fiscal Year 2006. The funds will be used to support activities that contribute to the mitigation, prevention, preparation, response and recovery from emergencies and disasters. The resolution also designates a Deputy Administrative Officer and the Emergency Services Officer as authorized representatives of the County for activities related to the grant - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.13 * State Homeland Security Grant Program for Fiscal Year 2005 - approval is requested to increase the fixed asset purchase authority for a Reverse 911 System from \$25,000 to \$30,000 (grant funds). The equipment was part of the proposed equipment to be purchased under the 2005 State Homeland Security Grant Program. Savings generated on other fixed asset equipment purchases have resulted in sufficient grant funds remaining to fund the proposed increase - action requested - APPROVE INCREASED FIXED ASSET PURCHASE AUTHORITY FOR REVERSE 911 SYSTEM TO \$30,000.

EMPLOYMENTAND SOCIALSERVICES

3.14 * Resolution in Appreciation of Ophir School - pursuant to Government Code Section 25355, approval is requested for a resolution accepting and acknowledging a donation of \$495 from the Ophir School to the Frank Watters Children's Trust Fund - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.15 * Resolution Declaring March 2006 as Social Worker Month - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

GENERALSERVICES

3.16 * Waste Management - Amendment - approval is requested for an amendment to the agreement with Waste Management of Chico, for the provision of solid waste disposal and recycling services for various County buildings and locations. The amendment extends the term of the agreement through April 30, 2007, and increases the maximum amount payable by \$33,600 (department budget) for the extended term. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14860)

HUMANRESOURCES

3.17 *

Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: ASSESSOR - deletes 1 position of Auditor-Appraiser, Senior/Auditor-Appraiser. Adds 1 position of Property Appraiser, Senior/Property Appraiser/Appraiser Specialist. EMPLOYMENT AND SOCIAL SERVICES-ADMINISTRATION - deletes 8 positions of Legal Clerk. Adds 8 positions of Legal Clerk/Office Specialist, Senior/Office Specialist. INFORMATION SYSTEMS-CENTRAL COMMUNICATIONS - extends the position term date for 1 position of Manager, Telecommunications, from 3-1-06 to 12-31-06. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE C, GENERAL (BCEA) UNIT CLASSIFICATIONS - deletes the salary schedule in its entirety and adds the salary schedule which implements the compensation plan resulting from the countywide compensation study, retroactive to October 8, 2005. Deletes the position of Crime Prevention Coordinator from the unit. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY (BCMEA) UNIT CLASSIFICATIONS - adds the position of Crime Prevention Coordinator to the unit and sets the salary at Range 34. SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS - adds back the severance accruals for elected officials which were inadvertently deleted from the last ordinance update. The accruals provision will end at the start of the new term in 2007 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.18 *

Butte County Employees' Association - Memorandum of Understanding - the County has met and conferred with the Butte County Employees' Association to come to agreement on a successor memorandum of understanding. The major provisions include implementation of the compensation study with salaries retroactive to October 8, 2005, a 2% cost of living adjustment in October 2006, a 2% cost of living adjustment in October 2007, and a standardization of leave accruals for vacation and holidays. The agreement has a three-year term ending in 2008 - action requested - APPROVE MEMORANDUM OF UNDERSTANDING AND AUTHORIZE THE CHAIR TO SIGN.

3.19 * SIGMA Data Systems Incorporated - Amendment - approval is requested for an amendment to the agreement with SIGMA Data Systems Incorporated for the provision of specialized software for the Human Resources Department. The amendment extends the technical support agreement through March 5, 2007, increases the maximum amount payable by \$3,575 (department budget) for the extended term, and includes language to revise the contractor's corporate name to SIGMA Data Systems, a Division of CPS Human Resource Services. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15169)

PUBLIC
WORKS

3.20 Adoption of an Ordinance Establishing Speed Limits on Certain Roads Within the County of Butte - approval is requested for an ordinance which will establish speed limits on roads within the County of Butte as follows: 1. Biggs Avenue (County Road No. 26455-E) from Eighteenth Street to Twelfth Street, in Thermalito, 25 miles per hour; 2. White Avenue (County Road No. 058205-Q) from East Avenue to the Chico city limits, in north Chico, 25 miles per hour; and 3. Turner Avenue (County Road No. 04385-D) from State Highway 99 to Larkin Road, south of Gridley, 40 miles per hour - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 2-28-06 [3.25])

3.21 * Introduction of an Ordinance Establishing Speed Limits on Certain Roads Within the County of Butte - approval is requested for an ordinance which will establish a speed limit of 35 miles per hour on Sixth Avenue (County Road No. 14355-A) from Pryde Avenue to Dakota Avenue, in Biggs - action requested - WAIVE READING OF THE ORDINANCE.

3.22 * County Service Area (CSA) No. 47 (East and Guynn Avenues Drainage) - Budget Transfer - approval is requested for a transfer of \$1,470 from the Designated Fund Balance Schedule 15 to the CSA No. 47 operating budget to provide the appropriation needed to pay repair costs for the CSA's storm drainage pump - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

SHERIFF'S
OFFICE

3.23 * 2005 Buffer Zone Protection Program Grant Funds - approval is requested to accept and appropriate grant funds in the amount of \$48,500 from the Governor's Office of Homeland Security under the 2005 Buffer Zone Protection Grant Program. The funds will be used to purchase equipment for the patrol division (digital hand-held radios and laptop computers) - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

3.24 * Relief of Accountability - approval is requested for relief of accountability for a fixed asset washing machine (fixed asset no. 23841) used in the Jail Division. 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.

OTHER
DEPARTMENTS AND
AGENCIES

3.25 * Resolution Recognizing March as National Nutrition Month - approval is requested by the California Health Collaborative for a resolution which will recognize the month of March as National Nutrition Month in Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

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 AND
LEGISLATIVE
UPDATE

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

PRESENTATION
AND DISCUSSION
ITEMS

4.03 * California State Association of Counties Finance Corporation - Report to the Board - presentation by representatives of the California State Association of Counties Finance Corporation on programs and services - action requested - ACCEPT FOR INFORMATION.

4.04 * Methamphetamine Strike Force - Report to the Board - presentation by the Sheriff's Office of the efforts taking place to combat methamphetamine use in Butte County - action requested - ACCEPT FOR INFORMATION. (SHERIFF-CORONER)

4.05 * 20-Year Roads and Bridges Capital Improvement Program - consideration of the 20-Year Roads and Bridges Capital Improvement Program for fiscal year 2005-2006 - action requested - APPROVE 20-YEAR ROADS AND BRIDGES CAPITAL IMPROVEMENT PROGRAM. (PUBLIC WORKS)

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

5.00 PUBLIC HEARINGS AND TIMED ITEMS

10:30 A.M. **5.01** * Timed Item - Resolution of Necessity Regarding Acquisition of Real Property or Interest in Real Property by Eminent Domain for Public Road Purposes; Road Construction (Code of Civil Procedure Section 1245.230(a)), County of Butte Intersection Expansion and Traffic Signal Installation Project at the Intersection of Lincoln Boulevard and Ophir Road, County Project No. 21461-98-2, Assessor's Parcel Numbers 036-270-028 and 036-270-082 - consideration of a resolution of necessity to acquire necessary rights of way and easements for the reconstruction, expansion and traffic signal installation project at Lincoln Boulevard and Ophir Road - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

10:45 A.M. 5.02 * Public Hearing - Monty A. Vander Beek - Rezone - consideration of a request to rezone an 18.9+/- acre parcel from U (Unclassified, 20 acre minimum parcel size) to TM-5 (Timber Mountain, 5 acre minimum parcel size). With this rezone, and upon approval of a subsequent parcel map, the project site could be divided into three parcels for single family residential use. The property is located on both sides of Forbestown Road, approximately 915 feet north of Bamford Way, approximately 1.8 miles east of Forbestown in the east Butte County area, and identified as APN 073-300-037 - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I(A-E) AS DETAILED IN THE STAFF REPORT DATED MARCH 14, 2006, ADOPT A MITIGATED NEGATIVE DECLARATION;

2. FIND THAT THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5 IS REQUIRED BECAUSE THE PROJECT HAS THE POTENTIAL TO CAUSE IMPACTS TO FISH OR WILDLIFE OR THEIR HABITAT; AND

3. SUBJECT TO FINDINGS III(A-K) AS DETAILED IN THE STAFF REPORT DATED MARCH 14, 2006, ADOPT AN ORDINANCE REZONING THE PROPERTY IDENTIFIED AS APN 073-300-027 FROM U (UNCLASSIFIED, 20 ACRE MINIMUM PARCEL SIZE) TO TM-5 (TIMBER MOUNTAIN, 5 ACRE MINIMUM PARCEL SIZE) AND AUTHORIZE THE CHAIR TO SIGN. (REZ 04-02) (FROM 2-14-06 [3.18])

11:15 A.M. **5.03** * Continued Public Hearing - Gate Fees Chargeable at the Neal Road Landfill - consideration of an ordinance amending Chapter 3, Article VII, entitled Gate Fees Chargeable at the Neal Road Landfill, relating to fees for disposal of solid waste - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 2-28-06 [5.02])

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):

- 1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
- 2. REASONABLE EXPANSION V. BUTTE COUNTY (BUTTE COUNTY SUPERIOR COURT NO. 133646).

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

7.03 CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

PROPERTIES: APN 026-100-027;

AGENCY NEGOTIATORS: BILL CURRY, DIRECTOR-GENERAL SERVICES;

NEGOTIATING PARTIES: CINDY LEMIRE AND JESSE LEMIRE;

UNDER NEGOTIATION: PRICE AND TERMS OF LEASE.

7.04 CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE.

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