

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

APRIL 11, 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

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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

AUDITOR-
CONTROLLER

3.01 * Annual Audit Report for Fiscal Year 2004-2005 - submitted is the annual Independent Auditor's Report and Financial Statements for the County of Butte and the Independent Accountant's Report on Applying Agreed-Upon Procedures for the Fiscal Year Ended June 30, 2005. The report was prepared by the audit firm of Gilbert Associates, Inc., Certified Public Accountants - action requested - ACCEPT FOR INFORMATION.

BEHAVIORAL
HEALTH

3.02 * Butte County Office of Education - approval is requested for a Memorandum of Understanding with the Butte County Office of Education for funds from the Drug Free Communities Support Project to support one high school Friday Night Live Program, and to provide scholarship funds for youth and adults to attend youth development leadership and capacity building activities. The term of the agreement is October 1, 2005, through September 30, 2006, with a maximum amount payable to the County of \$8,000. Board approval is also requested to accept and appropriate the unanticipated revenue - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

3.03 * Butte County Office of Education - approval is requested for a Memorandum of Understanding with the Butte County Office of Education for funds to support the development and implementation of up to four RESPECT Days by the Behavioral Health Prevention Unit. The term of the agreement is October 1, 2005, through October 30, 2006, with a maximum amount payable to the County of \$2,793. Board approval is also requested to accept and appropriate the unanticipated revenue - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

CLERK OF
THE BOARD

3.04 * Approval of Minutes - action requested - APPROVE MINUTES OF FEBRUARY 28, 2006, AND MARCH 14, 2006.

3.05 * Set Special Meeting - at the request of the Public Works Department, approval is requested to set a Special Meeting for Tuesday, May 2, 2006, at 9:00 a.m. The meeting will be a workshop with staff to discuss the Capital Improvement Plan for the Neal Road Sanitary Landfill, and possible financing options - action requested - DIRECT A SPECIAL MEETING BE SET FOR TUESDAY, MAY 2, 2006, AT 9:00 A.M.

HUMAN
RESOURCES

3.06 * Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: NEAL ROAD SANITARY LANDFILL-MANAGEMENT - deletes 3 positions of Landfill Equipment Operator, Senior, and 3 positions of Landfill Equipment Operator. Adds 6 flexibly staffed positions of Landfill Equipment Operator, Senior/Landfill Equipment Operator - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

INFORMATION
SYSTEMS

3.07 * Fixed Asset Equipment Funding - approval is requested to transfer \$20,000 from the ISF Equipment Replacement Fund to the department's budget to provide the appropriation needed to complete the purchase of an enterprise backup and data storage system. Increases in the cost of network switching equipment have resulted in the need for additional funding - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING EQUIPMENT REPLACEMENT FUND REVENUE AS DETAILED IN THE AGENDA REPORT.

- LIBRARY 3.08 * Library Donations - pursuant to Government Code Section 25355, donations of \$2,339.87 from the Paradise Friends of the Library, \$1,850 from the Chico Friends of the Library, \$1,291.01 from anonymous donors, \$731.80 from the Oroville Friends of the Library, and \$250 from the Women of the Moose-Paradise, have been received for the Butte County Trust Fund for the purchase of books. Donations of \$2,083.81 from the Gridley Friends of the Library, and \$275.17 from an anonymous donor, have been received for staff support hours - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.
- PROBATION 3.09 * Juvenile Justice Crime Prevention Act - Prior Year Funds - approval is requested to reappropriate \$18,145 in unexpended fiscal year 2004-2005 Juvenile Justice Crime Prevention Act funds. The funds were unexpended at the end of the fiscal year and the encumbrance was subsequently released. Pursuant to Juvenile Justice Crime Prevention Act funding regulations, the period of time to expend the fiscal year 2004-2005 funds can be extended to June 30, 2006. The department is proposing to utilize the funds for youth development activities at the Juvenile Hall - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING PRIOR YEAR FUNDS AS DETAILED IN THE AGENDA REPORT.
- 3.10 * Juvenile Justice Crime Prevention Act - approval is requested for a resolution authorizing application to the California Department of Corrections and Rehabilitation, Standards Corrections Authority, for the County's per capita funding distribution under the Schiff-Cardenas Crime Prevention Act of 2000. The department's distribution for fiscal year 2006-2007 is estimated at \$600,000, with no County matching funds required - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHIEF PROBATION OFFICER TO SIGN APPLICATION ON BEHALF OF THE COUNTY.
- PUBLIC HEALTH 3.11 * Gen-Probe - approval is requested for a sole source agreement with Gen-Probe for the purchase of testing kits for chlamydia and gonorrhea, and for the County's use of lab testing equipment, at no charge, for the term of the agreement. The term of the agreement is April 1, 2006, through March 31, 2009, with an estimated yearly amount payable of \$55,000 (department budget). The actual cost will be based on the number of tests performed - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLIC
WORKS

- 3.12 * Butte County Sheriff's Office - approval is requested for Memoranda of Understanding (2) with the Butte County Sheriff's Office for the inmate labor programs. The first agreement covers the vegetative overgrowth and debris removal program, with a maximum amount payable of \$125,000 (department budget). The second agreement covers the illegal dumping and debris cleanup program, with a maximum amount payable of \$35,000 (department budget). The term of both agreements is July 1, 2006, through June 30, 2007 - action requested - APPROVE AGREEMENTS (2) AND AUTHORIZE THE CHAIR TO SIGN. (Contract Nos. X15950 and X15953)
- 3.13 * Resolution for Summary Vacation for a Water Pipeline Right-of-Way from the Miocene Canal to the Old County Infirmary - the department has received a developer request to vacate an old water pipeline right-of-way traversing a parcel (APN 031-030-031) located within the City of Oroville. The right-of-way was granted to the County in 1886 to provide water to the County infirmary. The pipe no longer exists and the old infirmary building is currently serviced by the Thermalito Irrigation District and an on-site well. The Thermalito Irrigation District, Butte County Facilities Services, and Butte County Water and Resource Conservation have no objections to the vacation of this water pipeline right-of-way. The developer has been advised to work with the City of Oroville to vacate any public interest that may exist within the incorporated area - action requested - FIND THAT THE WATER PIPELINE RIGHT-OF-WAY DESCRIBED IN THE RESOLUTION FOR SUMMARY VACATION FOR A WATER PIPELINE RIGHT-OF-WAY FROM THE MIOCENE CANAL TO THE OLD COUNTY INFIRMARY IS NO LONGER NECESSARY OR REQUIRED; ADOPT A RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE A QUITCLAIM DEED AND AUTHORIZE THE CHAIR TO SIGN.
- 3.14 * Letters Regarding Intent to Issue an Exclusive Franchise for Collection and Recycling Services in the Upper Ridge Area - approval is requested for a letter which would give current waste collection companies operating in the affected areas notice of the County's intent to issue an exclusive franchise for collection and recycling services in the defined areas (Upper Ridge area). AB939 requires jurisdictions to notify the current collection companies operating in the area of the County's intent to issue an exclusive franchise for those defined areas - action requested - AUTHORIZE PUBLIC WORKS TO ISSUE A NOTICE LETTER TO PERMITTED SOLID WASTE COLLECTION COMPANIES OPERATING IN THE UPPER RIDGE AREA OF THE COUNTY'S INTENT TO ISSUE AN EXCLUSIVE FRANCHISE FOR COLLECTION AND RECYCLING SERVICES.

- 3.15 * Resolution of Application Requesting Dissolution of County Service Areas 88, 113, 118, 144 and 154 and Their Spheres of Influence - approval is requested for a resolution making application to the Local Agency Formation Commission to dissolve County Service Area 88 (Heritage Estates Lighting and Drainage), County Service Area 113 (Pleasant Valley Industrial Park Lighting and Drainage), County Service Area 118 (Watkins Subdivision Lighting and Drainage), County Service Area 144 (Durham Vintage Estates Lighting and Drainage), and County Service Area 154 (Forebay Vista Lighting and Drainage). The County Service Areas are not providing their intended services - action requested - FIND THAT THE APPLICATION TO DISSOLVE COUNTY SERVICE AREAS 88, 113, 118, 144, AND 154, IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER SECTION 15320; APPROVE THE APPLICATION AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT A RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.16 * Kennedy/Jenks Consultants - Amendment - approval is requested for an amendment to the agreement with Kennedy/Jenks Consultants for the preparation of short and long range plans for septage management within the County. The amendment revises the completion date to December 31, 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. X15087)
- 3.17 * Surplus Equipment - approval is requested to declare surplus a Scotchlite Heat Applicator sign-making machine. The equipment is obsolete and materials are no longer available for purchase. The department has purchased replacement equipment - action requested - DECLARE FIXED ASSET ITEM (10416) SURPLUS TO THE NEEDS OF THE COUNTY AND AUTHORIZE DISPOSAL IN ACCORDANCE WITH COUNTY POLICY.
- 3.18 * Tri-American Inc. - Amendment - approval is requested for an amendment to an agreement with Tri-American Inc., for the rental of a crack seal machine. The amendment extends the term of the agreement through April 25, 2005, to include all dates wherein the equipment was used, and increases the maximum amount payable by \$3,000 (department budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14831)

- 3.19 * Resolution Concerning Changes in Maintained Mileage Within Butte County - approval is requested for a resolution which certifies the annual changes to the County's maintained mileage. The maintained mileage for the current year is 1,330.582 miles, a reduction of 20.157 miles from the previous year. The reduction is due primarily to annexations to local jurisdictions - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.20 * City of Oroville - on February 28, 2006, the Board approved a consulting agreement to update the Thermalito Master Drainage Studies, and an agreement with the City of Oroville to share the cost of that update. Subsequent to that approval, a modification was made to the agreement with the City of Oroville to clarify that payments are due within 30 days of receipt of each invoice and Board approval is requested for the revised agreement with the City - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.21 * Request to Advertise for Bids - approval is requested to advertise for bids for contractors to provide Cape Seal, Microsurfacing and/or Chip Seal Treatments for certain roads in the Kelly Ridge area, Estates Drive area, Midway Bike Path area and Keefer Road area - action requested - AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ADVERTISE FOR BIDS FOR CONTRACT SURFACE TREATMENT SERVICES FOR ROADS DETAILED IN TABLE "A" OF THE AGENDA REPORT.
- 3.22 * Introduction 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 in the Gridley area of the County of Butte as follows: 1. Higgins Avenue (County Road No. 04385-B) from Myers Avenue to Larkin Road; 2. Nielson Avenue (County Road No. 07375-K) from State Highway 99 to end; 3. O'Brien Avenue (County Road No. 07375-J) from the west end to Larkin Road; and 4. Wright Avenue (County Road No. 07375-L) from State Highway 99 to end - action requested - WAIVE READING OF THE ORDINANCE.

OTHER DEPARTMENTS

AND AGENCIES

3.23 *

Resolution Recognizing April 24 through April 30, 2006, as Mosquito and Vector Control and West Nile Virus Awareness Week - the Butte County Mosquito and Vector Control District is requesting the Board adopt a resolution recognizing Mosquito and Vector Control and West Nile Virus Awareness Week - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.24 *

Resolution Proclaiming April 24 through April 30, 2006, as TV-Turnoff Week in Butte County - Valley Oak Children's Services is requesting the Board adopt a resolution proclaiming TV-Turnoff Week in Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.25 *

Butte County Fair Association Bylaw Amendments - approval is requested by the Butte County Fair Association for amendments to the Association's bylaws. The changes are clarifications to existing language regarding appointments, and a time change for the annual meeting - action requested - APPROVE BUTTE COUNTY FAIR ASSOCIATION BYLAW AMENDMENTS.

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 *

Phase 2, Final Closure of Modules 1 and 3 at the Neal Road Sanitary Landfill, County Project No. 757-5857 - Award Contract - consideration of the award of a contract for the final closure of Modules 1 and 3 at the Neal Road Sanitary Landfill. The department will report on the bids received April 5, 2006 - action requested - AWARD CONTRACT FOR PROJECT TO THE LOWEST RESPONSIBLE BIDDER AS REPORTED AND RECOMMENDED BY THE DIRECTOR-PUBLIC WORKS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (PUBLIC WORKS)

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

4.05 Recess as the Butte County Board of Supervisors and Convene as the Butte County In-Home Supportive Services Public Authority Board.

BUTTE COUNTY
IN-HOME SUPPORTIVE SERVICES
PUBLIC AUTHORITY BOARD
AGENDA
APRIL 11, 2006

1.00 Call to Order - Butte County Board of Supervisors Room,
25 County Center Drive, Oroville.

2.00 Agenda Items (NO ITEMS)

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

4.00 Closed Session

4.01 RECESS TO A CLOSED SESSION CONFERENCE WITH LABOR
NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE
SECTION 54957.6:

AGENCY REPRESENTATIVES: JEANNE GRAVETTE AND CRAIG JORY.

EMPLOYEE ORGANIZATION: CALIFORNIA UNITED HOMECARE
WORKERS.

Adjournment

Adjourn as the Butte County In-Home Supportive Services
Public Authority Board and Reconvene as the Butte
County Board of Supervisors.

BUTTE COUNTY BOARD OF SUPERVISORS

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 078-090-041 and 078-090-042 (formerly 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.

10:40 A.M. 5.02 Continued Public Hearing - Feather River Recreation and Park District - pursuant to Butte County Code Section 16-63, consideration of a resolution increasing the park facility fees for the area within the Feather River Recreation and Park District - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-28-06 [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. LIGHTNER V. COUNTY OF BUTTE
 (BUTTE COUNTY SUPERIOR COURT CASE NO. 136070);
3. HAUSELT V. COUNTY OF BUTTE
 (BUTTE COUNTY SUPERIOR COURT CASE NO. 122288).

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

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

1. AGRICULTURAL COMMISSIONER
2. DIRECTOR-BEHAVIORAL HEALTH
3. CHIEF ADMINISTRATIVE OFFICER
4. CHIEF PROBATION OFFICER
5. COUNTY COUNSEL
6. DIRECTOR-CHILD SUPPORT SERVICES
7. DIRECTOR-DEVELOPMENT SERVICES
8. DIRECTOR-EMPLOYMENT AND SOCIAL SERVICES
9. DIRECTOR-HUMAN RESOURCES
10. DIRECTOR-INFORMATION SYSTEMS
11. DIRECTOR-LIBRARIES
12. DIRECTOR-PUBLIC HEALTH
13. DIRECTOR-PUBLIC WORKS
14. DIRECTOR-WATER AND RESOURCE CONSERVATION.

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