

# BUTTE COUNTY BOARD OF SUPERVISORS

## AGENDA

OCTOBER 10, 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**

AUDITOR-  
CONTROLLER

**3.01 \***

Purchase of Fixed Assets and Office Improvements - approval is requested for the fixed asset purchase of modular workstations and furniture and needed office improvements. The proposed project will update furniture and equipment to address changes in workflow resulting from the automation of business practices, and replace furniture that is outdated and lacking in ergonomic considerations. The remodel project is estimated at \$215,000. The department currently has \$60,000 available for the project, and Board approval is also requested for a transfer of \$155,000 from the General Fund Appropriation for Contingencies to provide the allocation needed for the remaining project costs - action requested - APPROVE REMODEL PROJECT AND FIXED ASSET PURCHASE OF FURNITURE AND EQUIPMENT; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING \$155,000 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT.

BEHAVIORAL  
HEALTH

**3.02 \***

Donations in Memory of Lisa Swillinger - pursuant to Government Code Section 25355, approval is requested to accept and appropriate \$665.50 received from various donors in memory of Lisa Swillinger, a former employee of the department who worked with the homeless mentally ill. The funds will be donated to the Support, Employment Assistance, Recovery and Consumer Housing (SEARCH) Program, and will be used to develop the Lisa Swillinger Reading Room for SEARCH clients - action requested - ACCEPT DONATIONS; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING DONATED FUNDS AS DETAILED IN THE AGENDA REPORT.

CLERK OF  
THE BOARD

**3.03 \***

Approval of Minutes - action requested - APPROVE MINUTES OF JULY 25, 2006, AND AUGUST 8, 2006.

EMPLOYMENT  
AND SOCIAL  
SERVICES

3.04 \*

Resolution in Recognition of Mary Dickey upon Her Retirement from the Department of Employment and Social Services - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

HUMAN  
RESOURCES

3.05 \*

Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: BEHAVIORAL HEALTH-GENERAL SERVICES - adds 1 position of Mental Health Clinician/Mental Health Clinician, Intern, and 3 flexibly staffed positions of Mental Health Worker/Behavioral Health Counselor/Behavioral Health Counselor, Senior. PUBLIC HEALTH-GENERAL SERVICES - adds a half-time (.5) flexibly staffed term position of Public Health Nurse Associate/Public Health Nurse/Public Health Nurse, Senior/Certified Nurse Practitioner/Physician's Assistant (position end date 6-30-07). PROBATION - revises the salary range for the position of Legal Office Specialist from Range 24 to Range 26, retroactive to October 8, 2005. Deletes 1 position of Manager, Support Services. Adds 1 position of Manager, Personnel Operations, retroactive to May 8, 2006 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

LIBRARY

3.06 \*

Butte County 2005-2006 California Public Library Survey - submitted is the annual California Public Library Survey for fiscal year 2005-2006 - ACCEPT FOR INFORMATION.

PUBLIC  
HEALTH

3.07 \*

Enloe Medical Center - Amendment - approval is requested for an amendment to the agreement with Enloe Medical Center for the provision of ambulance services to residents in County Service Area No. 37 (Gridley/Biggs Ambulance Service). The amendment extends the term of the agreement through December 31, 2007, increases the maximum amount payable by \$60,000 (CSA funds) for the extended term, and decreases the termination notice requirement from 90 to 60 days. 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. X13329)

- 3.08 \* James E. Brown - Amendment - approval is requested for an amendment to the lease agreement with James E. Brown for the property located at 1311 Mangrove Avenue, Suite D, Chico. The property is used by the Women, Infants and Children (WIC) program. The amendment extends the term of the agreement through December 31, 2007, at the continued lease rate of \$2,132 per month (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15877)
- 3.09 \* Accordis, Inc. - Amendment - approval is requested for an amendment to the agreement with Accordis, Inc., for the provision of computerized billing services for the Medical Therapy Unit of the California Children's Services program. The amendment increases the maximum amount payable by \$35,000 (department budget). 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. X13724)
- 3.10 \* Donation for Animal Control - pursuant to Government Code Section 25355, a donation of \$100 has been received from Nigel and Dolores Parkhurst to pay for heartworm treatment for a rescued animal. The animal will be suitable for adoption once treatment is complete - action requested - ACCEPT DONATION AND AUTHORIZE A LETTER OF APPRECIATION.
- 3.11 \* Walker Land Investment - approval is requested for a lease agreement with Walker Land Investment for the property located at 82 Table Mountain Boulevard, Oroville (currently under construction). The majority of the office space will be used by federally subvented programs. The term of the agreement is January 1, 2007, through June 30, 2016, with an initial square footage lease rate of \$1.14, and a total cost of the multi-year lease of \$1,400,000 (department budget). The agreement also includes a one-time payment of \$250,000 for tenant improvements, and Board approval is also requested for a transfer of Realignment growth savings to provide the appropriation for the tenant improvements, and for the fixed asset purchase of the structure improvements - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO APPROVAL OF 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.

PUBLIC  
WORKS

3.12 Adoption of an Ordinance Establishing Speed Limits on Certain Roads Within the County of Butte, State of California - consideration of an ordinance which would establish speed zones on various Butte County roads as follows: Lone Pine Avenue (County Road #50175-E), from Crouch Avenue to Chico River Road, 35 miles per hour; Foothill Boulevard (County Road #21571), from Lower Wyandotte Road to Miners Ranch Road, 45 miles per hour; Kelly Ridge Road (County Road #26551), from Olive Highway to Hillcrest Avenue, 45 miles per hour - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 9-26-06 [3.30])

3.13 \* County Service Area (CSA) No. 102 (Meadowlark Acres Subdivision) Budget Transfer - approval is requested for a transfer of \$500 from the Designated Fund Balance to the CSA No. 102 budget to provide the appropriation needed to pay for draining pumps repairs and inspection services - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

3.14 \* Golder Associates, Inc. - approval is requested for a sole source agreement with Golder Associates, Inc., for development of a Modular 4, Phase C Base Liner design for the Neal Road Sanitary Landfill. The term of the agreement is October 2, 2006, through completion of the scope of work, with a maximum amount payable of \$33,058 (Neal Road Landfill Enterprise Fund) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

WATER AND  
RESOURCE  
CONSERVATION

3.15 \* Grant Funding - approval is requested to accept and appropriate grant funding in the amount of \$250,000 from the United States Department of the Interior-Bureau of Reclamation to support the Butte Basin Groundwater Model - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING GRANT FUNDS AS DETAILED IN THE AGENDA REPORT.

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

Adoption of an Ordinance Amending Chapter 3 Fees; Chapter 11 Junk Dealers, Pawnbrokers and Secondhand Dealers; Chapter 20 Subdivisions; Chapter 23C Registration Requirements for Commercial Weighing and Measuring Instruments; Chapter 36 Incarceration; and Chapter 43 Public Health Department Fees of the Butte County Code - consideration of an ordinance which will: reformat various Butte County Code Sections relating to fees to make them easier to read, clarify fee descriptions for better understanding, reorder fees to organize alphabetically or by related functions, and add language in some sections to allow for periodic increases to County-determined fees based on the Employment Cost Index (following a public hearing) - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (CHIEF ADMINISTRATIVE OFFICE [FROM 9-26-06 (4.04)])

4.04 \*

Program 2.2 of the General Plan Agricultural Element - 300-Foot Agricultural Buffer - pursuant to the Board's direction of September 12, 2006, submitted is additional information relating to the applicability of the 300-foot buffer requirement in Program 2.2 of the General Plan Agricultural Element - action requested - ACCEPT FOR INFORMATION; AND PROVIDE STAFF DIRECTION AS NEEDED. (DEVELOPMENT SERVICES [FROM 9-12-06 (4.03)])

- 4.05 \* Introduction of an Ordinance Prohibiting Consumption of Alcohol and Possession of Opened Alcohol Containers in Specified Areas in and Along Butte Creek and Within Specified Areas of the Honey Run Road and Centerville Road Rights-of-Way - pursuant to Board direction, consideration of an ordinance banning alcohol in and along Butte Creek - action requested - WAIVE READING OF THE ORDINANCE. (COUNTY COUNSEL)
- 4.06 \* Participation in the Lower Tuscan Coordinating Group - consideration of a recommendation by the Butte County Water Commission for County participation in the Lower Tuscan Coordinating Group. The group is a forum convened to assist local governments, local water purveyors, groundwater users, conservation organizations, state and federal agencies and other interested parties to better understand and manage the Lower Tuscan Formation - action requested - PROVIDE STAFF DIRECTION REGARDING PARTICIPATION OPTIONS. (WATER AND RESOURCE CONSERVATION)
- 4.07 \* Establish General Services Department - consideration of a reorganization of the divisions of Purchasing, Central Stores, Courier Services, Facilities Services, Veterans Services, Print Shop and General Services Administration into a General Services Department, and the conversion of the position of Director-General Services to an appointed department head position reporting directly to the Chief Administrative Officer - action requested - DIRECT HUMAN RESOURCES TO PREPARE A SALARY ORDINANCE AMENDMENT ESTABLISHING THE GENERAL SERVICES DEPARTMENT AND CONVERTING THE POSITION OF DIRECTOR-GENERAL SERVICES TO AN APPOINTED DEPARTMENT HEAD POSITION; AND AUTHORIZE INITIATION OF A RECRUITMENT. (CHIEF ADMINISTRATIVE OFFICER)
- 4.08 Items Removed from the Consent Agenda for Board Consideration and Action.

5.00PUBLIC HEARINGS AND TIMED ITEMS

10:30 A.M. 5.01 \*

Martin Marietta Materials (Table Mountain Quarry) Mining Permit and Reclamation Plan 04-01/Modification of Use Permit 96-02 - consideration of an appeal of the Planning Commission's approval of a Mining Permit and Reclamation Plan 04-01 and the modification of Use Permit 96-02 to expand the permitted mining area of an existing operation to include approximately 44+ additional acres of olivine basalt on the top of north Table Mountain. The project also includes: the reconstruction of approximately 2,800 feet of road along the existing road grade from the plant site and approximately 1,500 feet of new road construction; the installation of an elevated conveyor system to transport rock from the quarry to the processing facility; the relocation of the processing facility approximately 700 feet to the northeast; a time extension of Use Permit 96-02 to the year 2029; the construction of a 4,000 square-foot shop building; and the construction of a new rail spur adjacent and parallel to the existing rail spur. The applicant has also filed a petition to cancel a 175-acre portion of 460 acres subject to a Land Conservation Act Agreement, and has submitted a revised Reclamation Plan in accordance with the Surface Mining and Reclamation Act. This is a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. The Table Mountain Quarry is located on north Table Mountain at 2216 Table Mountain Boulevard, northeast of the intersection of State Route 70 and State Route 149, north of Oroville, and identified as 041-140-014, 028, 032, 034; 041-160-031, 037, 039, 044 and 045; and 041-210-045 - action requested - OPEN HEARING AND CONTINUE OPEN TO NOVEMBER 21, 2006.

6.00PUBLIC 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. POE INTERVENTION (FERC PROJECT 2107)
3. COUNTY OF BUTTE V. CALIFORNIA EMERGENCY MEDICAL SERVICES AGENCY (BUTTE COUNTY SUPERIOR COURT NO. 137303)
4. FISHER V. COUNTY OF BUTTE (USDC 2:05-CV-00600-WBS-JFM).

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

7.03            CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): TWO POTENTIAL CASES.

7.04            CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

AGENCY REPRESENTATIVE: JEANNE GRAVETTE;

EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFFS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); AND BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT).

7.05            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](http://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  
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