

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

SEPTEMBER 25, 2007



County Supervisors

Bill Connelly, District 1
Jane Dolan, District 2
Maureen Kirk, District 3
Curt Josiassen, District 4
Kim Yamaguchi, District 5

Starlyn Brown, Interim 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 *

County Service Area (CSA) 26, Thermalito - Sewer - approval is requested to establish appropriations and revenues for CSA 26 - action requested - APPROVE ESTABLISHMENT OF APPROPRIATION FOR CSA 26.

BEHAVIORAL
HEALTH

3.02 *

Debra Villasenor - approval is requested for a sole source agreement with Debra Villasenor for the development of plans for the use of Mental Health Service Administration Housing funds for the benefit of Behavioral Health clients. The term of the agreement is September 1, 2007 through June 30, 2008 with a maximum amount payable of \$67,500 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.03 *

Milhaus Children's Services - approval is requested for a sole source agreement with Milhaus Children's Services for the provision of services for seriously emotionally disturbed youth with full scope Medi-Cal. The term of the agreement is August 16, 2007 through June 30, 2008 with a maximum amount payable of \$66,075.30 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.04 *

Homeless Mentally Ill Funding Program - Funding Elimination - approval is requested for a budget transfer to reduce Assembly Bill (AB) 2034 funding from the department's Fiscal Year 2007/2008 budget due to funding eliminations at the State level - action requested - APPROVE BUDGET TRANSFER REDUCING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.05 *

Substance Abuse and Crime Prevention Act (SACPA/Proposition 36) - Funding Reduction - approval is requested for a budget transfer to reduce Proposition 36 funding from the Probation and Behavioral Health departments' Fiscal Year 2007/2008 budget due to funding reductions at the State level - action requested - APPROVE BUDGET TRANSFER REDUCING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.06 *

Rowell Family Empowerment of Northern California - approval is requested for a sole source agreement with Rowell Family Empowerment of Northern California who will participate in key program components of the Connecting Circles of Care Program. The term of the agreement is July 1, 2007 through June 30, 2008 with a maximum amount payable of \$499,273.25 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.07 *

Consumer Donations - pursuant to Government Code Section 25355, approval is requested to accept \$1,127 in donations made to Behavioral Health's Drop-In Center through various consumer activities - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.

3.08 *

Fixed Asset Purchases and Budget Transfer - approval is requested for the purchase of two passenger vans originally approved in Fiscal Year 2006-2007 to be used for Behavioral Health's 23-Hour program and for the purchase of CISCO network and routing connectivity components to allow utilization of the existing fiber optic connectivity. The estimated costs are \$35,000 for the two vans and \$10,500 for the CISCO network - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASES OF TWO VANS AND CISCO COMPONENTS.

COUNTY COUNSEL

3.09 *

Approve a Memorandum of Understanding (MOU) between Solano County Water Agency, City of Yuba City, Napa County Flood Control and Water Conservation District, Plumas County, and County of Butte to pursue a claim that they are entitled to a 100% supply under their respective water supply contracts with the Department of Water Resources (DWR). - action requested - APPROVE MOU AND AUTHORIZE CHAIR TO SIGN.

EMPLOYMENT
AND SOCIAL
SERVICES

3.10 *

Northern Valley Catholic Social Services (NVCSS) - approval is requested for an agreement with NVCSS for the provision of counseling and assessment services to Children's Services clients. The term of the agreement is July 1, 2007 through June 30, 2008 with a maximum amount payable of \$75,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16787)

3.11 *

Joe M. Azevedo, Ph.D. - amendment - approval is requested for an amendment to the agreement with Joe M. Azevedo, Ph.D. for the provision of Learning Disability Evaluations for CalWORKS clients. The amendment increases the maximum amount payable by \$20,000. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16507)

FIRE
DEPARTMENT

3.12 *

Accept Donation - approval is requested to accept and appropriate \$3,525 in unanticipated revenue received from the Northern Circle Indian Housing Authority and the Mooretown Rancheria for the purchase of the following equipment for the Palermo Fire Station: 1) Two hose rollers; 2) A hose cleaner; 3) Four hose packs; 4) Two hotel packs; 5) An air deodorizer; and 6) Two deodorizer solutions - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.

GENERAL
SERVICES

3.13 *

Budget Transfer - Chico Veterans Memorial Hall Capital Project - approval is requested for budget transfer to complete the remaining work on the Chico Veterans Memorial Hall at an estimated cost of \$82,447. The remaining work includes: 1) improving landscape and parking lot; 2) installing exterior signage, a flag pole, a dedication plaque, and additional lighting and electrical; 3) moving the veteran's belongings from the old building; 4) creating storage bays; 5) purchasing tables, chairs, carts, display cases, and miscellaneous items; and 6) performing miscellaneous finish work throughout the building - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.14 *

Discount Mail Service, Inc. - approval is requested for an agreement with Discount Mail Service, Inc. for the provision of a variety of mail related services. The term of the agreement is October 1, 2007 through September 30, 2010 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

HUMAN

RESOURCES

3.15 *

Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: HUMAN RESOURCES - the department requests to correct Section 58J of the Salary Ordinance, Classifications With Flat Rate Assignments. The LAFCo Executive Director's salary should be corrected to reflect a 4.07 % CPI increase effective July 1, 2006, a 5% merit increase effective May 20, 2007, and a 2.98% CPI increase effective July 1, 2007. This correction will change the annual salary from \$95,500 to \$102,402 effective July 1, 2007. TREASURER-TAX COLLECTOR - adds one position of Administrative Analyst, Associate; Administrative Analyst or Administrative Analyst, Senior - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.16 *

Advanced Step Hire - pursuant to Personnel Rules, Section 11.13, the Human Resources Department is requesting approval for the Advanced Step Hire of a Labor Relations Officer to Step 6 of the salary range based on the candidate's knowledge and experience - action requested - APPROVE ADVANCED STEP HIRE OF LABOR RELATIONS OFFICER CANDIDATE TO STEP 6 OF THE SALARY RANGE.

PUBLIC

WORKS

3.17 *

Fiscal Year 2007/2008 Budget Adjustments for Various County Service Areas - submitted are various County Service Area (CSA) budget adjustments for Fiscal Year 2007/2008 - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

SHERIFF-

CORONER

3.18 *

Appriss Intelligent Communications Solutions - amendment - approval is requested for an amendment to the agreement with Appriss Intelligent Communications Solutions for the provision of the Victim Information and Notification Everyday (VINE) system. The system provides automated victim notification services. The amendment extends the term of the agreement to October 19, 2008 and increases the maximum amount payable by \$14,628 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X11383)

3.19 *

Accept Donation of Vehicle - approval is requested to accept the donation of a 1985 Ford van from the Chico Police Department. The vehicle will be used by the Sheriff's Team of Active Retired Seniors (STARS) to assist with the eradication of graffiti - action requested - ACCEPT DONATION AND AUTHORIZE THE CHAIR TO SIGN A LETTER OF APPRECIATION.

WATER AND
RESOURCE

CONSERVATION 3.20 *

Butte Region Watershed and Critical Habitat Assessment Study - approval is requested for the submittal of a grant application to the Sierra Nevada Conservancy in order to fund the Butte Region Watershed and Critical Habitat Assessment Study, which uses migratory deer herds as an indicator species for watershed health - action requested - ADOPT RESOLUTION IN SUPPORT OF THE STUDY AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE SUBMITTAL OF THE GRANT APPLICATION.

4.00

REGULAR AGENDA

BOARDS,
COMMISSIONS AND
COMMITTEES

4.01 *

Boards, Commissions and Committees.

- 1. Appointments to Listed Vacancies.
- 2. Board Member or Committee Reports.

BUDGET, LEGISLATIVE
OR COUNTY RELATED

UPDATES 4.02

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

4.03

Update of General Plan 2030 Process by Director-Development Services.

PRESENTATION
AND DISCUSSION

ITEMS 4.04

Demonstration by CALFire of the use of the Automated External Defibrillator (AED) recently installed in the Board Chambers. (Fire)

4.05 *

Water Infiltration Remediation at Courthouse Expansion - approval is requested for amendments to the agreements with: 1) Superior Court of California, County of Butte - for the design and construction of the Basement Infill Project at One Court Street, Oroville. The amendment clarifies what efforts will be made to fix the water infiltration problem at the Courthouse and increases the maximum amount payable from Court to County by \$356,000; 2) WCS/Ca - the amendment adds construction management and expert witness services and increases the maximum amount payable by \$56,160. Approval is also requested for a resolution, pursuant to Public Contract Code sections 22050 and 22035, authorizing the Chief Administrative Officer to sign a contract, specifically to allow repair of the addition to the main courthouse to proceed on an urgency basis - action requested - APPROVE AGREEMENT AMENDMENTS (2) AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; APPROVE BUDGET TRANSFER (4/5 vote required) AND ADOPT RESOLUTION (4/5 vote required) AND AUTHORIZE THE CHAIR TO SIGN. (General Services)

4.06 *

Discussion of Veterans Memorial Park land acquisition purchase, negotiations, and legislative action on Propositions 12 and 40 funds. (County Counsel)

4.07

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

5.00PUBLIC HEARINGS AND TIMED ITEMS

- 10:00 A.M. 5.01 * Public Hearing - Consideration of Tentative Immediate Partial Cancellation of Williamson Act Contract - Mead Orchards Inc. requests the Tentative Immediate Partial Cancellation of Williamson Act Contract on APN 039-260-060 which is a parcel that is approximately 2.82 acres located between Ord Ferry Road and Reinemer Road, just northeast of the unincorporated Town of Dayton, CA. The proposed alternative use is that the General Plan designation would be changed from Orchard and Field Crops (OFC) to Agricultural Residential (AR) and the land would be Rezoned from Agricultural 40-acre minimum (A-40) to Suburban Residential one-acre minimum (SR-1) for potential subdivision into residential lots - action requested - THE BUTTE COUNTY LAND CONSERVATION ACT ADVISORY COMMITTEE RECOMMENDS APPROVAL OF THE TENTATIVE IMMEDIATE PARTIAL CANCELLATION; AND IF APPROVED, ADOPT MITIGATED NEGATIVE DECLARATION. (Development Services)
- 10:30 A.M. 5.02 * Public Hearing - Annual County Service Area Per Parcel Service Charges - consideration of a resolution adopting the per parcel service charges for the various County Service Areas for Fiscal Year 2007/2008 - action requested - OPEN PUBLIC HEARING TO ACCEPT ALL OBJECTIONS AND/OR PROTESTS; AND ADOPT A RESOLUTION CONFIRMING THE COUNTY SERVICE AREA PER PARCEL SERVICE CHARGES IN THE COUNTY OF BUTTE FOR FISCAL YEAR 2007/2008 AND AUTHORIZE THE CHAIR TO SIGN. (From 8-28-07 [Item 3.01]) (Auditor-Controller)
- 10:35 A.M. 5.03 * Public Hearing - Citizens' Option for Public Safety (COPS) - pursuant to California Government Code Section 30061(c)(1), consideration of the allocation and spending plan of COPS state funds for the District Attorney and Sheriff's Office for Fiscal Year 2007/2008 and consideration of the purchase of fixed asset equipment - action requested - ACCEPT AND APPROVE THE COPS FISCAL YEAR 2007/2008 SPENDING PLAN SUBMITTED BY THE DISTRICT ATTORNEY AND SHERIFF-CORONER; AND APPROVE THE FIXED ASSET PURCHASE OF COMPUTER SYSTEM REPLACEMENTS AND SUPPORT, PATROL CARS, AND JAIL RADIOS AS DETAILED IN THE AGENDA REPORT. (Sheriff/District Attorney)

10:40 A.M. 5.04 * Public Hearing - Durham Recreation and Park District (DRPD) - Park Facility Fees - consideration of a resolution adopting an increase in park facility fees in the DRPD as requested by the DRPD Board of Directors. In compliance with Section 16-44 of the Butte County Code and California Government Code Section 66001, the park facility fees on new and additional residential development will be increased as follows: 1) Single Family Residence - \$2.35 per square foot; 2) Multi-Family Residence - \$3.95 per square foot; and 3) Residential Additions - \$2.35 per square foot - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)

10:45 A.M. 5.05 Continued Public Hearing - Consideration of Tentative Immediate Partial Cancellation of Williamson Act Contract - Wayne and Kathy Birkholz and Jim and Carol Wilson request the Tentative Immediate Partial Cancellation of Williamson Act Contract on APNs 026-250-021 and 026-250-022 which total 31.21 acres for the alternative use of subdivision and sale of portions of the land for development of additional single family residential uses. The parcels are located approximately one-half mile southwest of Palermo, CA, at the eastern terminus of Sunnybrook Lane - action requested - THE BUTTE COUNTY LAND CONSERVATION ACT ADVISORY COMMITTEE RECOMMENDS DENIAL OF THE TENTATIVE IMMEDIATE PARTIAL CANCELLATION, OR PROVIDE DIRECTION TO STAFF REGARDING PREPARATION OF AN ENVIRONMENTAL DOCUMENT FOR SUBSEQUENT ACTION. (From 8-14-07 [Item 5.04]) (Development Services)

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 PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT,
PURSUANT TO GOVERNMENT CODE SECTION 54957:
1. CHIEF ADMINISTRATIVE OFFICER;
2. DIRECTOR OF WATER AND RESOURCE CONSERVATION.

7.02 ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC.
54956.9(a) :

1. PEOPLE OF THE STATE OF CALIFORNIA AND THE COUNTY
 OF BUTTE V. GEORGE W. SCOTT, SR.; CHICO SCRAP
 METAL, INC.; ET AL. BUTTE SUPERIOR COURT CASE
 NO. 140892;
2. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
3. LIGHTNER V. COUNTY OF BUTTE; BUTTE COUNTY
 SUPERIOR COURT CASE NO. 136070.
4. BCEA v. COUNTY OF BUTTE, GRIEVANCE NO. 07-01-12

7.03 CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO
GOVERNMENT CODE SECTION 54957.6: AGENCY NEGOTIATORS:
JEANNE GRAVETTE AND CURTIS LYON; EMPLOYEE
ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION
(GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES
ASSOCIATION (MANAGEMENT, CONFIDENTIAL AND SUPERVISORY
UNIT); COMMUNICATIONS WORKERS OF AMERICA (SOCIAL
SERVICES WORKERS' UNIT); BUTTE COUNTY PROFESSIONAL
EMPLOYEES UNIT; BUTTE COUNTY DEPUTY SHERIFFS'
ASSOCIATION (GENERAL AND MANAGEMENT/SUPERVISORY
UNIT); AND BUTTE COUNTY CORRECTIONAL OFFICERS'
ASSOCIATION (GENERAL AND MANAGEMENT/SUPERVISORY
UNIT).

7.04 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO
GOVERNMENT CODE SECTION 54956.9(b)(1) - ONE POTENTIAL
CASE.

7.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO
GOV. CODE SEC. 54956.8:

PROPERTY: APN 012-041-004
AGENCY NEGOTIATOR: BRUCE ALPERT
NEGOTIATING PARTY: LESA FRANCO
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT.

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
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