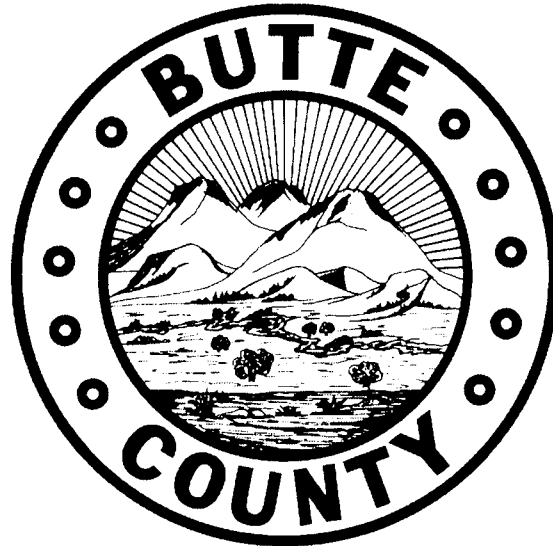


# BUTTE COUNTY BOARD OF SUPERVISORS

## AGENDA

NOVEMBER 6, 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**

**AGRICULTURE**

**3.01 \***

California Department of Food and Agriculture (CDFA) - approval is requested for a revenue agreement with CDFA to implement the Federal Emergency Order Restricting Interstate Movement of Nursery Stock and conduct emergency response activities as related to detections of Sudden Oak Death in nurseries. The term of agreement is July 1, 2007 though June 30, 2008 with a maximum amount payable to the County of \$38,179.24 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

**BEHAVIORAL**  
**HEALTH**

**3.02 \***

Authorization for Payment of Unauthorized Purchases - approval is requested for authorization of payment of eight invoices totaling \$13,388.04 payable to Wizard Graphics. These purchases circumvent the County's Purchasing authority and require Board approval of unauthorized purchases - action requested - AUTHORIZE PAYMENT OF INVOICES TOTALING \$13,388.04.

**3.03 \***

Loumark Associates - amendment - approval is requested for an amendment to the lease agreement with Loumark Associates for the property located at 564 Rio Lindo Avenue, Suite 100. The amendment extends the term of the lease through June 30, 2012 and increases the maximum amount payable by \$129,360 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X13694)

3.04 \* Gary Bess Associates - approval is requested for an agreement with Gary Bess Associates for evaluation and consultation services for Friday Night Live, Club Live, and the Friday Night Mentoring Program. The term of the agreement is November 1, 2007 through June 30, 2008 for a maximum amount payable of \$64,075.24 - 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 \* Butte County Mosquito and Vector Control District - Supervisor Yamaguchi submits his recommendation for District 5 representative - action requested - REAPPOINT MR. ALLAN SEEFELDT TO A TERM TO END DECEMBER 31, 2011.

CHIEF ADMINISTRATIVE OFFICE

3.06 \* Approval of Minutes - - action requested - APPROVE MINUTES OF OCTOBER 9, 2007; and OCTOBER 23, 2007.

3.07 \* Debra Lucero & Associates - amendment - approval is requested for an amendment to the agreement with Debra Lucero & Associates. The amendment would remove language in Attachment III that prohibits the contractor from billing the County more than \$3,750 per month, which is 1/36 of the total agreement amount. This amendment does not change the scope of work or the original agreement amount of \$135,000 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.08 \* MPM Engineering - approval is requested for a sole source agreement with MPM Engineering for the provision of Labor Compliance Coordination related to the Americans with Disabilities Act improvements for the Veterans Memorial Halls in Gridley, Paradise, and Oroville. Due to State and Federal requirements, the County must designate a Labor Standards Coordinator for each project. The term of the agreement is October 23, 2007 through December 31, 2009 with a maximum amount payable of \$30,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.09 \*

Two Resolutions Accepting the Pass Through of State Park Bond Allocations from the City of Oroville and the Feather River Recreation and Parks District to the County for Park Land Acquisition - consideration of resolutions which will initiate a process to allow the return of grant funds to the County in order for the County to take the lead in acquiring park land for a Veterans Memorial Park. The City of Oroville is considering returning Proposition 12 grant funds in the amount of \$328,770, and the Feather River Recreation and Parks District is considering returning \$88,000 in Proposition 40 funds - action requested - ADOPT TWO RESOLUTIONS AND AUTHORIZE THE CHAIR TO SIGN.

CLERK-RECORDER/

ELECTIONS

3.10 \*

Request for Consolidation - the Biggs Unified School District has submitted Resolution No. 13 ordering a school bond election, establishing specifications of the election order, and requesting consolidation of the election with the statewide Presidential Primary Election to be held on February 5, 2008 - action requested - APPROVE CONSOLIDATION.

DISTRICT

ATTORNEY

3.11 \*

Valley Toxicology Services - approval is requested for a sole source agreement with Valley Toxicology Services for the provision of forensic alcohol and drug testing, reporting and court testimony. The term of the agreement is July 1, 2007 through June 30, 2008 with a maximum amount payable of \$73,500 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

GENERAL

SERVICES

3.12 \*

Resolution to Continue the Water Infiltration Remediation at Courthouse Expansion - consideration of a resolution to continue the action taken by Resolution Number 07-153 which was adopted at the September 25, 2007 Board of Supervisors meeting. Section 22050(c) of the Public Contract Code requires that the Board adopt a resolution at each subsequent meeting until the findings of the initial resolution are no longer relevant - action requested - ADOPT RESOLUTION (4/5 vote required) AND AUTHORIZE THE CHAIR TO SIGN.

HUMAN

RESOURCES

3.13 \*

Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: BEHAVIORAL HEALTH - adds one position of Behavioral Health Education Specialist, Associate; Behavioral Health Education Specialist; Behavioral Health Education Specialist, Senior - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

LIBRARY

3.14 \*

Library Donations - pursuant to Government Code Section 25355, donations of \$1,672 from Oroville Friends of the Library; \$6,507 from Chico Friends of the Library; \$2,000 from Susan Drake in honor of Olga Papeman; \$2,334.01 from Paradise Friends of the Library; \$471 from an anonymous source; \$100 from Geneta Kaelin in honor of Mildred Jean Gnass; \$300 from Maudie Penney; and \$650.03 from Ruthmarie Ferris have been received for the purchase of books; \$675.47 from Paradise Friends of the Library has been received for operations - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

3.15 \*

Library Holiday Hours Adjustment - approval is requested to close library branches at 5:00 p.m. on the day before Thanksgiving, Christmas Eve, and New Years' Eve. The Chico Branch would normally be opened until 8:00 p.m. on each of these days and the Gridley Branch would normally be open until 7:00 p.m. on the day before Thanksgiving. No other branches will be impacted by the adjustment - action requested - AUTHORIZE THE LIBRARY TO CLOSE AT 5:00 P.M. ON NOVEMBER 21, DECEMBER 24, AND DECEMBER 31, 2007.

PUBLIC HEALTH

3.16 \*

Budget Transfer - approval is requested for a budget transfer of \$816 as detailed in the agenda report. The Board previously approved the purchase of a 4X4 SUV in the amount of \$18,000. The total purchase price, including tax, and license is actually \$18,815.67 - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

PUBLIC WORKS

3.17 \*

Rare Earth Estate Subdivision - consideration of a resolution making application to the Local Agency Formation Commission (LAFCo) regarding a proposal to establish a County Service Area (CSA) for street lighting, fire protection, and storm drainage maintenance service. In addition, the resolution will direct the commencement of procedures to impose new service charges in the proposed CSA and set a protest hearing and ballot proceeding to consider levying such charges for Fiscal Year 2007/2008 and future years - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT A PROTEST HEARING AND BALLOT PROCEEDING BE SET FOR JANUARY 8, 2008 AT 10:00 A.M.

SHERIFF-  
CORONER

3.18 \*

Budget Transfer - approval is requested for a budget transfer of \$3,000 as detailed in the agenda report. The Board previously approved the purchase of the inmate transport bus in the amount of \$218,000. Minor modifications are necessary requiring the additional funds - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.19 \*

Budget Transfer and Fixed Asset Purchase - approval is requested for a budget transfer of \$6,526 for the purchase of furniture to increase the number of work stations and to allow the Civil Division and Records Division to use the handicap accessible window - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE OF FURNITURE IN THE AMOUNT OF \$6,526.

3.20 \*

School Resource Officer - approval is requested for an agreement with the Butte County Office of Education (BCOE) and the Oroville Union High School District to assign a deputy sheriff as a School Resource Officer at Las Plumas High School for the 2007/2008 school year. The position will be funded through a \$47,000 Safe Schools Healthy Students grant received by the BCOE and with \$5,000 for overtime provided by the Oroville Union High School District - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.21 \*

Office of Emergency Service Grant - approval is requested to accept and appropriate \$67,734 in funds for the Sexual Assault Felony Enforcement (SAFE) team. Shasta County designed the program to serve twelve Northern California counties. The grant will be used to fund overtime shifts for investigators to conduct 290 registrant sweeps and a seven month Sheriff's Clerk sunset position to support the SAFE program - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND RATIFY THE SHERIFF'S SIGNATURE ON THE AGREEMENT WITH SHASTA COUNTY.

TREASURER/  
TAX COLLECTOR

3.22 \*

Monthly Investment Report - submitted is the Monthly Investment Report dated September 30, 2007, in accordance with the Statement of Investment Policy dated July 1, 2007 - action requested - ACCEPT FOR INFORMATION.

OTHER

DEPARTMENTS

AND AGENCIES

3.23 \*

Butte County Children and Families Commission - action requested - APPOINT MARLENA SPARKS TO A TERM TO END JULY 1, 2009.

3.24 \*

Butte County Fair Association 2008 Annual Budget - action requested - APPROVE 2008 BUTTE COUNTY FAIR ASSOCIATION BUDGET AND AUTHORIZE THE CHAIR TO SIGN.

3.25 \*

Resolution Recognizing November 2007 as National Adoption Month - 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, 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.

\*

1. Design, Community & Environment (DC&E) - amendment - approval is requested for an amendment to the agreement with DC&E to amend scope of work changes. Approval is also requested for a budget transfer of \$154,875 from contingencies to fund the scope of work amendments - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.



PRESENTATION  
AND DISCUSSION

ITEMS

4.04 \*

Sutter-Butte Flood Control Agency Joint Exercise of Powers Agreement (JPA) - approval is requested for this JPA with multiple jurisdictions within Butte and Sutter Counties. The state budget approved in August 2007 appropriated a total of \$774.4 million from Proposition 1E and Proposition 84 to repair and evaluate critical levees and to provide subventions to help local governments protect their communities from floods. The State Department of Water Resources has indicated that preference will be given to regional efforts. Over a year ago, various agencies within Butte and Sutter Counties began to meet to decide on the proper approach for addressing the need for coordinated planning - action requested - APPROVE THE SUTTER-BUTTE FLOOD CONTROL AGENCY JPA, SUBJECT TO THE PROVISION THAT ALL JURISDICTIONS PARTY TO THE AGREEMENT SIGN THE SAME AGREEMENT AS APPROVED BY THE BUTTE COUNTY BOARD OF SUPERVISORS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL; AND APPOINT TWO BOARD MEMBERS AS DIRECTORS ON THE GOVERNING BODY AND TWO BOARD MEMBERS AS ALTERNATES. (Chief Administrative Office)

4.05 \*

State Water Project (SWP) - Table A Allocation - Butte County has an allocation for SWP water of 27,500 feet per year per an agreement made with the Department of Water Resources when the Oroville Dam was built. Currently, the County does not have a local use for the entire Table A allocation and has historically had a reduction agreement to purchase only the amount of water used. Beginning 2008, the County will be required to pay for the entire Table A or risk losing it for future use. The cost for the water in 2008 is \$811,214. The department would like to investigate a temporary sale of the Table A water to re-coup the associated costs to the County - action requested - PROVIDE DIRECTION TO STAFF REGARDING THE POSSIBILITY OF CONTRACTING WITH OTHER SWP CONTRACTORS TO PURCHASE THE COUNTY'S EXCESS SWP TABLE A ALLOCATION FOR 2008. (Water and Resource Conservation)

4.06

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



**5.00****PUBLIC HEARINGS AND TIMED ITEMS**

- 10:00 A.M. **5.01 \*** Public Hearing - Itemized Cost of Nuisance Abatement for property located at 6371 Imperial Way, Magalia, APN 065-450-036. This property was abated on July 17 and July 20, 2007 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$5,958.86; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. (Development Services)
- 10:05 A.M. **5.02 \*** Timed Item - Planning Agreement Regarding the Butte County Natural Community Conservation Plan (NCCP) and Habitat Conservation Plan (HCP) - approval is requested for a planning agreement between the following entities: Butte County; the cities of Biggs, Chico, Gridley, and Oroville; the California Department of Fish and Game; the United States Fish and Wildlife Service; and the National Marine Fisheries Service. Staff from the Butte County Association of Governments (BCAG) will make a presentation - action requested - APPROVE PLANNING AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office on behalf of BCAG)
- 10:30 A.M. **5.03 \*** Timed Item - Report on the Local Impact of the Digital Infrastructure and Video Competition Act (the Act) of 2006 - discussion of the impacts of Comcast's application for a state franchise agreement. The passage of the Act eliminated the ability for local jurisdictions to negotiate local franchise agreements with providers of video services after January 2, 2008 - action requested - ACCEPT FOR INFORMATION. (Chief Administrative Office)

1:30 P.M. 5.04 \*

Continued Public Hearing - M & T Chico Ranch Mine (MIN 96-03) - consideration of two appeals of the Planning Commission's certification of the Final Environmental Impact Report (EIR) and approval of the M & T Chico Ranch Mine. The project consists of a long-term gravel mining operation proposal by Baldwin Construction. The mining would take place on 193-acres of a 235-acre site over a 20-30 year period. Reclamation would occur incrementally and would consist of the creation of open-water wetland wildlife habitat and agricultural uses. The aggregate would be processed on a 40-acre area of the site. The project is located on a portion of the Ranch approximately 1.5 miles east of the Sacramento River and approximately 5 miles southwest of Chico. Access to the site would be from River Road, Chico. The APNs are 039-530-023 and 039-530-025 (formerly 036-530-019 and 039-530-020) - action requested - OPEN HEARING AND CONTINUE TO JANUARY 8, 2008, AT 1:30 P.M. (FROM 5-22-07 [5.02]) (Development Services)

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**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 CONFERENCES WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SEC. 54956.8:

PROPERTY: A.P. NO. 007-240-078  
AGENCY NEGOTIATOR: RICHARDS HALL  
NEGOTIATING PARTY: CITY OF CHICO  
NEGOTIATIONS: PRICE AND TERMS OF SALE;

PROPERTY: A.P. NO. 047-600-005  
AGENCY NEGOTIATOR: RICHARDS HALL  
NEGOTIATING PARTY: OJI TRUST  
NEGOTIATIONS: PRICE AND TERMS OF PURCHASE.

7.02 PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: DIRECTOR - DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES.

7.03 ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): THREE CASES

1. FIRST RESPONDER, ENLOE & OROVILLE HOSPITAL V. NOR CAL-EMS AND COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 137303.
2. PEOPLE OF THE STATE OF CALIFORNIA AND THE COUNTY OF BUTTE V. GEORGE W. SCOTT, SR.; CHICO SCRAP METAL, INC., ET AL; BUTTE COUNTY SUPERIOR COURT CASE NO. 140892.
3. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100).

7.04 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOV. 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](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  
[www.buttecounty.net/cob](http://www.buttecounty.net/cob)