

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

FEBRUARY 26, 2008



County Supervisors

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

C. Brian Haddix, 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** * Irrigated Lands Pilot Program - approval is requested for an agreement between the State Water Resources Control Board, the Central Valley Regional Water Quality Control Board, the California Department of Pesticide Regulation, and Butte and Glenn County Agricultural Commissioners. The Irrigated Lands Pilot Program provides technical and outreach support to the agricultural industry and the Central Valley Regional Board staff for the agricultural Conditional Waiver of Waste Discharge program. The annual funding amount of \$67,860 for the pilot program is provided through a contract with the Central Valley Regional Water Quality Control Board - action requested - APPROVE AGREEMENT AND AUTHORIZED THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- AUDITOR-CONTROLLER **3.02** * 2007 DNA Identification Fund Report - pursuant to Government Code Section 76104.6, submitted is the 2007 DNA Identification Fund Report. The report includes the total fines collected, allocated, and expended for each authorized program under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act. The County is required to submit the report to the Legislature and the Department of Justice by April 1 each year - action requested - ACCEPT REPORT FOR INFORMATION.
- BEHAVIORAL HEALTH **3.03** * Rowell Family Empowerment of Northern California, Inc. - amendment - approval is requested for an amendment to this agreement. The provider assists in planning and implementing the Connecting Circles of Care project. The amendment decreases the maximum amount payable by \$50,225 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16871)

- 3.04 * Cherokee Restoration Fellowship - amendment - approval is requested for an amendment to the agreement with Cherokee Restoration Fellowship for the provision of residential treatment services and alcohol and drug free housing for clients referred by the Department of Behavioral Health. The amendment increases the maximum amount payable by \$30,777.86 (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. X16718)
- 3.05 * Tri-County Treatment - amendment - approval is requested for an amendment to the agreement with Tri-County Treatment for the provision of short-term residential recovery services and day care services for eligible residents referred by the Department of Behavioral Health. The amendment increases the maximum amount payable by \$25,020 (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. X16700)
- 3.06 * Skyway House - amendment - approval is requested for an amendment to the agreement with Skyway House for the provision of long-term residential recovery services, day care habilitative services, and alcohol and drug free housing for eligible residents referred by Butte County Department of Behavioral Health. The amendment increases the maximum amount payable by \$44,951.21 (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. X16701)
- 3.07 * Department of Alcohol and Drug Programs - Comprehensive Drug Court Implementation (CDCI) Dependency Drug Court Grant Award - approval is requested for a revenue agreement for the implementation of an integrated Dependency Drug Court. The term of the agreement is July 1, 2007 through June 30, 2008 with a maximum amount to be received by Butte County of \$265,496 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.08 *

Butte County Office of Education (BCOE) - approval is requested for a revenue agreement with BCOE for the provision of activities, services, and programs that promote healthy childhood development and prevent violence, alcohol, and other drug abuse. The term of the agreement is October 1, 2007 through September 30, 2008 with a maximum amount to be received by Butte County of \$394,183 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R41009)

CHIEF
ADMINISTRATIVE
OFFICE

3.09 *

Resolution of Termination of Local Emergency - consideration of a resolution to terminate the local emergency that was declared on January 8, 2008 as a result of the heavy rains, high winds, and widespread power outages - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

CHILD SUPPORT
SERVICES

3.10 *

Butte County District Attorney - amendment - approval is requested for an amendment to the agreement which provides for a vehicle for the primary investigator assigned to Child Support Services. The amendment provides that all maintenance for the vehicle will be the responsibility of the DA's office. The amendment also increases the maximum amount payable by \$30,000 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. X16706)

DISTRICT
ATTORNEY

3.11 *

Budget Transfer - approval is requested to accept and appropriate \$30,000 in unanticipated funds for the replacement of a vehicle to be used by the Child Support Investigator - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND AUTHORIZE THE ADDITION OF ONE SAFETY EQUIPPED VEHICLE TO THE DISTRICT ATTORNEY'S FISCAL YEAR 2007/2008 BUDGET.

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 08-009 which was adopted at the January 29, 2008 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.

3.13 *

Award of Contract for the Americans with Disabilities Act (ADA) Remodel at the Paradise Veterans Memorial Hall - Two bids were received in response to Invitation for Bids (IFB) 53-08. The lowest responsible and responsive bidder was Don Azevedo Construction in the amount of \$153,728- action requested - AWARD CONTRACT TO DON AZEVEDO CONSTRUCTION OF CHICO IN THE AMOUNT OF \$153,728 AND APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.

HUMAN
RESOURCES

3.14 *

Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: HUMAN RESOURCES - Pursuant to Resolution 06-062, which establishes that the top step of Assistant Department Heads' salary ranges be set at the range that is closest to twenty percent differential to the Department Head salary. The Assistant Director of Employment and Social Services salary should be set at range 78 effective January 1, 2008; SHERIFF - adds one term position of Deputy Sheriff to end June 30, 2008 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

LIBRARY

3.15 *

Budget Transfer - approval is requested to accept and appropriate \$20,000 as detailed in the agenda report for the purchase of new books - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

PUBLIC
WORKS

3.16 *

Resolution Authorizing Submittal of Grant Applications for the Highway Safety Improvement Program (HSIP) - consideration of a resolution that will authorize the Director of Public Works to act as the official representative in nominating and submitting grant applications for the HSIP - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

SHERIFF-
CORONER

3.17 *

Budget Transfer and Fixed Asset Purchase - approval is requested for a budget transfer of \$4,993 as detailed in the agenda report. This amount was used to purchase standard safety equipment for a Sheriff's patrol unit - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE OF SAFETY EQUIPMENT IN THE AMOUNT OF \$4,993.

OTHER
DEPARTMENTS
AND AGENCIES

3.18 *

Resolution of Appreciation to Supporters of the Eleventh Annual Community Wide True Love Waits Campaign - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (SUPERVISOR CONNELLY)

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 Chief Administrative Officer.

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1. Mid-Year Budget Review Report - The Chief Administrative Officer will provide a review of the County's financial condition, mid-year budgetary status, and outlook for the new budget year commencing July 1, 2008 - action requested - ACCEPT FOR INFORMATION.

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

4.04 Update Regarding Upcoming Butte County Code Amendments.

**PRESENTATION
AND DISCUSSION
ITEMS**

4.05 * City Watch System - Presentation regarding the mass notification system used to provide information to the public in an emergency - action requested - ACCEPT FOR INFORMATION. (Sheriff-Coroner)

4.06 * Introduction of an Ordinance Adding Chapter 50 to the Butte County Code Relating to Stormwater Management and Discharge Control - consideration of an ordinance to comply with the Federal Clean Water Act and the California State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) - action requested - WAIVE THE READING OF THE ORDINANCE. (Public Works)

4.07 * Road Fund Report - submitted is a status report to provide information regarding the following: 1) the County's Road Fund revenues, Proposition 42 funds, Proposition 1B bond funds, and gas tax subvention funds; 2) the County's two year pavement maintenance program for Fiscal Years 2006/2007 and 2007/2008; 3) the County's Capital Improvement Program Projects, including recommendations on allocating an additional \$1.1 million of Proposition 1B bond funds for Fiscal Year (FY) 2007/2008; and 4) the County's Gravel Road Maintenance program, including a request to approve a prioritized list of gravel roads for future Air Quality Management District (AQMD) grant funds - action requested - APPROVE THE ALLOCATIONS FOR THE REMAINING \$1.138 MILLION OF UNANTICIPATED AND UNPROGRAMMED PROPOSITION 1B FUNDS FOR FY 2007/2008 AS DETAILED IN THE AGENDA REPORT ; AND APPROVE THE PRIORITY LIST OF GRAVEL ROADS THAT WILL BE ELIGIBLE FOR AQMD FUNDS IF AND WHEN FUNDS ARE AVAILABLE AS DETAILED IN THE AGENDA REPORT.

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

5.00 PUBLIC HEARINGS AND TIMED ITEMS

10:00 A.M. 5.01 * Timed Item - Palermo Community Association - consideration of a resolution recognizing the Palermo Community Association as representative of the Palermo Community - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office on behalf of Supervisor Connelly)

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

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. DEORLE V. RUTHERFORD U.S.D.C. 97-0434;
3. L.P., A MINOR, BY AND THROUGH HIS GUARDIAN AD-LITEM, D.P. V. COUNTY OF BUTTE, A PUBLIC ENTITY; NORTHERN CALIFORNIA YOUTH AND FAMILY PROGRAMS, A CORPORATION; BRIAN SCOTT WILLIAMS, AN INDIVIDUAL; AND DOES 1 TO 20. BUTTE COUNTY SUPERIOR COURT CASE NO. 141988.

7.02 CONFERENCES WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOV. CODE SEC. 54956.8:

PROPERTY: APN 006-240-280
AGENCY NEGOTIATOR: CHIEF ADMINISTRATIVE OFFICER
NEGOTIATING PARTY: TW DUFOUR & ASSOCIATES
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;

PROPERTY: APN 002-180-112, 002-180-113
AGENCY NEGOTIATOR: CHIEF ADMINISTRATIVE OFFICER
NEGOTIATING PARTY: TOM DIGIOVANNI
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;

PROPERTY: APN 040-600-049, 040-600-050, 040-600-057, AND 040-600-060
AGENCY NEGOTIATOR: CHIEF ADMINISTRATIVE OFFICER
NEGOTIATING PARTY: DONALD SWARTZ
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;

PROPERTY: 2400-2450 MONTGOMERY
AGENCY NEGOTIATOR: BRUCE ALPERT
NEGOTIATING PARTY: LESA FRANCO/CITY OF OROVILLE
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT.

7.03 INITIATION OF LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(C) - TWO POTENTIAL CASES.

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

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

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
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