

# BUTTE COUNTY BOARD OF SUPERVISORS

## AGENDA

NOVEMBER 18, 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.**

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**3.00**            **CONSENT AGENDA**

**BEHAVIORAL**  
**HEALTH**

- 3.01 \***            Charis Youth Center - approval is requested for an agreement with Charis Youth Center for the provision of speciality mental health services for Butte County children placed in their facility. The term of the agreement is July 1, 2008 through June 30, 2009 with a maximum amount payable of \$47,083.26 (department budget utilizing Medi-cal and EPSDT funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.02 \***            Summitview Child Treatment Center - amendment - approval is requested for an amendment to the sole source agreement with Summitview for the provision of a day treatment rehabilitation program for emotionally disturbed youth. The amendment increases the maximum amount payable by \$8,080 (department budget utilizing Medi-cal and EPSDT funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17431)
- 3.03 \***            Youth with a Mission - Facility Use Agreements - approval is requested for two Facility Use Agreements for the High School and Junior High School "Reach for the Future" conferences which will be held at the Springs of Living Water Conference Grounds in March 2009. The terms of the agreements are March 12-14, 2009 and March 26-28, 2009 with a combined maximum amount payable of \$57,339.68 (department budget utilizing SAPT Federal Block Grant funds) -action requested - APPROVE AGREEMENTS (2) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.04 \* Butte County Behavioral Health Board - action requested - APPOINT WILLIAM KEHOE, COMMUNITY MEMBER TO A TERM TO END DECEMBER 31, 2011 AND REAPPOINT TOM LEBLANC, FAMILY MEMBER; AND PATRICIA JOHNSON TO TERMS TO END DECEMBER 31, 2011.

CHIEFADMINISTRATIVEOFFICE

3.05 \* Budget Transfer - The newly elected District 4 Supervisor takes office on January 5, 2009. Approval is requested for a budget transfer of \$15,000 from Contingencies as detailed in the agenda report for the purchase of certain office equipment and supplies needed for the Supervisor's district office, and for hiring a new Executive Assistant - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.06 \* Budget Transfer - Fiscal Year (FY) 2008 State Homeland Security Grant Program - approval is requested to accept and appropriate \$551,976 received from the State Homeland Security Grant Program. The funds will be used to purchase equipment and to provide trainings as detailed in the agenda report - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND AUTHORIZE THE EMERGENCY SERVICES OFFICER TO PURCHASE LISTED EQUIPMENT AND AUTHORIZE TRAINING.

CLERK-RECORDER

3.07 \* Premier Election Solutions - amendment - approval is requested for an amendment to the agreement with Premier Election Solutions to purchase fourteen Optical Scan units to tabulate ballots. The amendment increases the maximum amount payable by \$7,000 (department budget)- action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17073)

GENERALSERVICES

3.08 \* Ken Rubitsky and Associates - approval is requested for an agreement with Ken Rubitsky and Associates for the provision of design and engineering services to replace the emergency backup electrical generators serving the Emergency Operations Center, Sheriff's Administration, and the jail facilities. The term of the agreement is through December 31, 2008 with a maximum amount payable of \$45,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

HUMAN  
RESOURCES

3.09 \*

Managed Health Network (MHN) - amendment - approval is requested for an amendment to the agreement with MHN, the provider of the Butte County Employee Assistance Program. MHN has requested to amend the agreement which will change Section V, "Term and Termination" and Exhibit 2.5, "Work and Life Services" as detailed in the agenda report. This amendment does not include an adjustment of fees. 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.

3.10 \*

Fremont-Rideout Comp Clinic - approval is requested for an agreement with Fremont-Rideout Comp Clinic for the provision of pre-employment medical examinations for certain job classifications. The term of the agreement is October 1, 2008 through June 30, 2009. The maximum agreement amount of \$45,000 will be billed to individual departments recruiting for the positions - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

LIBRARY

3.11 \*

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 Year's 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 each of these days. No other branches will be impacted by the adjustment - action requested - AUTHORIZE THE LIBRARY TO CLOSE AT 5:00 P.M. ON NOVEMBER 26, DECEMBER 24, AND DECEMBER 31, 2008.

3.12 \*

Library Donations - pursuant to Government Code Section 25355, donations of \$1,487 from the Oroville Friends of the Library; \$109 from an anonymous source; \$3,171.38 from the Chico Friends of the Library; \$350 from Ruthmarie Ferris; \$1,200 from the Paradise Friends of the Library; \$100 from Maudie Penney have been received for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

PUBLIC  
WORKS

3.13 \* Butte County 2007/2008 California Public Library Survey - submitted is the annual California Public Library Survey for Fiscal Year 2007/2008 - ACCEPT FOR INFORMATION.

3.14 \* Contract Change Order for the Durham-Pentz Road/Butte Campus Drive Intersection Signalization Project, County Project No. 43341-06-01 - approval is requested for this change order which provides for increased funding for thermoplastic traffic striping, altering an east bound turn lane, changing traffic signal program software, removing a tree along Butte Campus Drive, and decreasing the quantities of asphaltic emulsion, liquid asphalt, and sand cover. This contract change order results in an overall increase to the contract of \$6,199.28. Due to cost savings elsewhere, the fund project has funds available to cover the increase - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN.

3.15 \* Notice of Completion - Durham-Pentz Road/Butte Campus Drive Intersection Signalization Project, County Project No. 43341-06-01 - All contract work has been completed in accordance with the plans and specifications - action requested - ACCEPT CONTRACT WORK; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND AUTHORIZE THE RECORDING OF THE NOTICE OF COMPLETION.

3.16 \* Sierra Moon Subdivision, Phase 1, APN 047-710-001 - Sierra Moon Subdivision is located on the west side of Hicks Lane, approximately one-half mile south from Hicks Lane and Keefer Road, Chico. It is comprised of fifty lots for single family residences. The developer has provided performance bonds and a Subdivision Agreement to guarantee the construction of the onsite improvements. The Subdivision Agreement has expired, and the developer wishes to execute a new Subdivision Agreement to extend the completion deadline for construction of the remaining improvements to October 9, 2009. The department recommends approval of the agreement - action requested - APPROVE NEW SUBDIVISION AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.

3.17 \*

Rocky Bluffs Subdivision, Phase 3, APN 011-680-024 - Rocky Bluffs Subdivision is located on the north side of the Skyway and on the north side of Lava Rock Road from Rocky Bluff Road to the end of Lava Rock Road. Phase 3, the last phase of the subdivision, is a conditionally approved private street subdivision that includes twelve lots in the forty-three lot subdivision. The developer has complied with the Conditions of Approval, constructed the required improvements, and has provided a maintenance bond to guarantee the maintenance of improvements for one year beginning October 21, 2008 - action requested - 1) APPROVE FINAL MAP FOR ROCKY BLUFFS SUBDIVISION, PHASE 3; 2) ACCEPT ON BEHALF OF THE PUBLIC THOSE PUBLIC SERVICE EASEMENTS AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; AND 3) AUTHORIZE THE CHAIR TO SIGN THE SUBDIVISION AGREEMENT.

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.

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 \* Library Advisory Board - presentation regarding the Library Advisory Board's mission, 2008 goals and accomplishments - action requested - ACCEPT FOR INFORMATION. (Library Advisory Board)

4.06 \* Southside Oroville Community Center - Report by the Private Industry Council (PIC) on the activities, services, fiscal situation, and condition of the Southside Oroville Community Center - action requested - ACCEPT FOR INFORMATION. (Private Industry Council)

4.07 \* National Forest Service Road - authorization is requested for a letter of support for public access to the US Forest Service (USFS) non-paved roads. The USFS is currently taking inventory of all roads and trails in the National Forest System (NFS). The USFS will submit proposed closures of some roads and trails. The letter requests NFS roads designated as Level 3 and 4 be maintained and remain open and accessible to the public - action requested - APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN. (Supervisor Connelly and Supervisor Yamaguchi)

4.08 \*

Introduction of an Ordinance Establishing Speed Limits on Certain Roads - In response to citizens' concerns regarding the speed on portions of the following roads: Miners Ranch Road, Oroville - from 1.2 miles north of Oro Bangor Highway to Oro Bangor Highway; 12<sup>th</sup> Street - from Oroville Dam Boulevard to Nelson Avenue; and Santa Clara Avenue, Chico - from End to the Chico City Limits. The department has performed speed studies and Engineering & Traffic Surveys. Based on these findings, it is recommended that the speed limits be changed on the designated portions as follows: Miners Ranch Road to 45 mph and 12<sup>th</sup> Street and Santa Clara Avenue to 35 mph - action requested - WAIVE THE READING OF THE ORDINANCE. (Public Works)

4.09 \*

Presentation Regarding Federal Emergency Management Agency (FEMA) Map Modernization - FEMA is in the process of updating their Flood Insurance Rate Maps (FIRM) and converting the maps to a digital format. As required by the provisions of the Code of Federal Regulations, FEMA is reviewing all of the levee systems looking for certification that the levees will provide protection for a 100-year event. If any levees are not or cannot be certified, then large areas of Butte County, including Biggs, Gridley, part of Oroville, and most of Chico will be placed in flood plains. FEMA is offering Provisionally Accredited Levee (PAL) agreements which will give levee owners and the local community up to two years for a complete engineering analysis and certification of the levee systems. The analysis is expensive and does not guarantee certification. PAL agreements must be signed by the property owner, community, and operator and must be returned to FEMA by January 29, 2009 - action requested - ACCEPT FOR INFORMATION. (Public Works)

4.10 \*

Discussion of Agricultural Exempt Building Permit Expirations and Transferability of a New Property Owner - consideration of information regarding the expiration of and ability to transfer agricultural exempt building permits in Butte County. On January 1, 2008, the 2007 California Building Codes became effective and requires building permits for all structures including agricultural buildings - action requested - STAFF RECOMMENDS THAT THE BOARD DIRECT THE FOLLOWING: AGRICULTURAL EXEMPT PERMITS ISSUED PRIOR TO JANUARY 1, 2008 DO NOT EXPIRE AND WILL REMAIN VALID ONLY WHEN HELD BY THE ORIGINAL PERMIT APPLICANT ON THE PARCEL FOR WHICH THE ORIGINAL PERMIT WAS ISSUED. (Department of Development Services)

4.11 \*

Discussion of Payment Options for Building Permit Fees in the Concow Fire Areas - consideration of an alternative for the payment of fees for replacement of non-permitted residences on the Concow fire areas. The current method available for building permit applicants requires total payment of all fees prior to issuance of permits - action requested - ACCEPT FOR INFORMATION AND PROVIDE DIRECTION TO STAFF REGARDING ISSUANCE OF BUILDING PERMITS PRIOR TO PAYMENT OF ALL COUNTY BUILDING PERMIT FEES. (Department of Development Services)

4.12 \*

Discussion of Regulations for Limited Density Owner-Built Rural Dwellings - consideration of the use and adoption of regulations for Limited Density Owner-Built Rural Dwellings in Concow fire areas for a three-year trial period with regulations added to ensure fire/life/safety oversight - action requested - ACCEPT FOR INFORMATION AND DIRECT STAFF TO PREPARE AN ORDINANCE. (Department of Development Services)

4.13

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

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

10:00 A.M.    **5.01** \*

Public Hearing - Resolution for the Submittal of a Community Development Block Grant (CDBG) Application - Each year CDBG allocates funds for eligible CDBG activities. Current funds are available for Economic Enterprise activities. Eligible jurisdictions may apply for up to \$300,000 for CDBG Economic Enterprise funds. If the grant application is approved, the Tri-County Economic Development Corporation will provide local leverage through in-kind services of \$550 and \$10,000 in private funding - action requested - ADOPT RESOLUTION APPROVING THE SUBMITTAL OF A STATE CDBG ECONOMIC ENTERPRISE FUND GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)

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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.

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**7.00**                    **CLOSED SESSION**

7.01                    ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FOUR CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. ACE AMERICAN INSURANCE CO. V. BUTTE COUNTY; BUTTE COUNTY SUPERIOR COURT CASE NO. 138749;
3. COUNTY OF BUTTE V. GEORGE SCOTT. CHICO SCRAP METAL; BUTTE COUNTY SUPERIOR COURT CASE NO. 140892;
4. BUTTE ENVIRONMENTAL COUNCIL V. COUNTY OF BUTTE, BUTTE COUNTY SUPERIOR COURT CASE NO. 144968.

7.02 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.

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**Information and Procedures Concerning the Agenda and Conduct of  
the Board of Supervisors Meetings**

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**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)