

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

FEBRUARY 24, 2009



County Supervisors

Bill Connelly, District 1
Jane Dolan, District 2
Maureen Kirk, District 3
Steve Lambert, District 4
Kim Yamaguchi, District 5

Gregory G. Iturria, 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

BEHAVIORAL
HEALTH

3.01 * Debra Villasenor - amendment - approval is requested for an amendment to the sole source agreement with Debra Villasenor for the development of plans for the use of Mental Health Services Administration Housing funds for the benefit of Behavioral Health clients. The amendment extends the term of the agreement through June 30, 2009 and increases the maximum amount payable by \$36,000 (department budget utilizing MHSa funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.02 * Youth Leadership Institute (YLI) - approval is requested for a sole source agreement with YLI to continue to work with the department in the areas of youth development evaluation, training, and youth-adult partnerships. The term of the agreement is February 15, 2009 through September 30, 2009 with a maximum amount payable of \$27,775 (department budget utilizing grant funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.03 * Willow Glen Care Center - amendment - approval is requested for an amendment to the sole source agreement with Willow Glen Care Center which provides residential board and care for Behavioral Health clients. The amendment, which adds 915 additional bed days due to increased need for client placement, increases the maximum amount payable by \$80,560 (department budget utilizing realignment revenue)- action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.04 * Proposition 63 - Mental Health Services Act (MHSA) Capital Facilities and Information Technology (IT) Plan - submitted is the MHSA Capital Facilities and IT Plan which details a strategy to modernize and transform clinical and administrative systems to improve quality of care, operational efficiency, and cost effectiveness; and also provides tools for increasing client and family access to health information - action requested - ACCEPT FOR INFORMATION.

3.05 * Butte County Behavioral Health Board - action requested - APPOINT PATTY KRAUSE TO A TERM TO END DECEMBER 31, 2011.

CHIEF

ADMINISTRATIVE

OFFICE

3.06 * North Highland - approval is requested for an agreement with North Highland for the provision of an emergency services planning consultant for a Northern Planning Area Interoperability Assessment. The term of the agreement is February 24, 2009 through February 1, 2010 with a maximum amount payable of \$482,760 (utilizing 2007 Public Safety Interoperable Communications (PSIC) Grant funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

DISTRICT

ATTORNEY

3.07 * Transfer of Equipment - approval is requested to transfer two computers from the District Attorney's office to the Butte Interagency Narcotic Task Force (BINTF). The computers are not in the DA's fixed asset ledger and the market value for each is under \$50 - action requested - AUTHORIZE THE TRANSFER OF TWO COMPUTERS DESCRIBED IN THE AGENDA REPORT TO BINTF.

EMPLOYMENT

AND SOCIAL

SERVICES

3.08 * Premier InfoSource - approval is requested for an agreement with Premier InfoSource for the provision of alcohol and drug testing services. The term of the agreement is March 1, 2009 through June 30, 2009 with a maximum amount payable of \$60,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.09 * California Department of Social Services (CDSS) - approval is requested for an agreement with CDSS. This agreement specifies the duties of CDSS and DESS to provide for adoptive planning services and the placement of children in out-of-home care. The term of the agreement is October 1, 2008 through June 30, 2013. There are no costs to the County under this agreement - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND ADOPT RELATED RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

LIBRARY

3.10 * Adjustment of Library Hours at the Chico Branch Library - approval is requested to close the Chico Branch Library on Easter Sunday, April 12, 2009. No other branches will be impacted by the adjustment - action requested - AUTHORIZE THE CHICO BRANCH LIBRARY TO CLOSE ON APRIL 12, 2009.

PROBATION

3.11 * Paradise Unified School District (PUSD) - approval is requested for an agreement with PUSD in which one officer will serve as a Truancy Officer at District schools. The term of the agreement is July 1, 2008 through June 30, 2009 with PUSD contributing \$41,027 to the County from the Safe Schools Healthy Students grant - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLIC
WORKS

3.12 * Contract Change Order for the Construction of the Durham-Dayton Highway Bridge across Hamlin Slough; Federal Project No. BHLS-5912(056), County Project No. 44201-02-1 - approval is requested for this change order which provides for the following: 1) a decrease in the Engineer's Estimate for roadway embankment, liquid asphalt, sand cover, and asphaltic emulsion; 2) an increase in funding for completion of a stream fence; and 3) funding for the hydroseeding of the project area. This contract change order results in an overall decrease to the contract of \$12,266.47 - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN.

3.13 * Notice of Completion - Durham-Dayton Highway Bridge across Hamlin Slough; Federal Project No. BHLS-5912(056), County Project No. 44201-02-1 - 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.

3.14 *

Southgate Acres Subdivisions, County Service Area 90, Zones 1 and 2 - consideration of a resolution to direct the commencement of procedures to impose an increased annual service charge and to set a public hearing to consider the charges. The property owners have petitioned the County to increase the maximum service charge to provide for storm drainage maintenance - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT A PROTEST HEARING AND BALLOT PROCEEDING BE SET FOR APRIL 21, 2009 AT 9:45.

3.15 *

Resolution Amending the Improvement Standards in the Paradise Urban Area - consideration of a resolution which will amend the improvement standards for developments within the Paradise Sphere of Influence/Urban Area. The Town of Paradise approved these standards on December 8, 2008 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

OTHER DEPARTMENTS AND AGENCIES

3.16 *

Resolution of Appreciation to Supporters of the Twelfth 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.

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 * American Economic Recovery and Reinvestment Act - Federal Economic Stimulus Package - a report will be given that will provide a summary of the types of funding that have been approved by Congress and what funding may be available to Butte County. A list of projects and programs that may benefit from the economic stimulus plan will be provided in the report - action requested - ACCEPT FOR INFORMATION; APPROVE LIST, AMENDING AS NEEDED; AND AUTHORIZE STAFF TO PURSUE AVAILABLE ECONOMIC STIMULUS FUNDING FROM BOTH THE FEDERAL AND STATE GOVERNMENTS. (Chief Administrative Office)

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 Hearings - Itemized Cost of Nuisance Abatement for the Following Properties -

- A. 939 Dewsnup Avenue, Gridley, APN 021-190-026 - After the hearing officer's decision, the property was self-abated by the property owner between February 14 - March 17, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$1,898.57; 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.

- B. 1962 Cox Lane, Oroville, APN 027-350-200 - After the hearing officer's decision, the property was self-abated by the property owner as of December 2, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$3,453.90; 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.
- C. 18 Melandjo Court, Oroville, APN 078-250-021 - After the hearing officer's decision, the property was self-abated by the property owner between July 9 - August 6, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$2,693.70; 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.
- D. 1134 14th Street, Oroville, APN 030-181-016 - After the hearing officer's decision, the property was self-abated by the property owner as of July 29, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$4,744.12; 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.
- E. 1147 Berrington Road, Chico, APN 039-090-048 - This property was abated May 23 - 27, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$2,887.64; 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.
- F. 3431 Hoffman Road, Concow, APN 058-310-016 - This property was abated November 5 - 6, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$7,110.48; 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.

- G. 1645 20th Street, Oroville, APN - 030-071-028 - This property was abated between June 20 - 24, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$2,719.55; 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.
- H. 5855 Pine Canyon Drive, Magalia, APN 066-360-033 - After the hearing officer's decision, the property was self-abated by the property owner between July 7 - September 16, 2008 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$2,700.29; 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)

10:20 A.M. 5.02 *

Public Hearing - Annual Adjustment of Development Impact Fees - approval is requested for the adoption of the following three (3) ordinances:

- A. Adoption of an Ordinance Amending Sections 3-15, 3-175, 3-194, 3-213, 3-232, 3-251 and 3-270 of Chapter 3 of the Butte County Code - This ordinance will adjust Countywide Development Impact Fees as detailed in the agenda report; and
- B. Adoption of an Ordinance Amending Sections 3-164 of Chapter 3 and Section 10-33.5 of Chapter 10 of the Butte County Code - This ordinance will adjust the North Chico Specific Plan Fees and Chico Urban Area Street Facilities Fees as detailed in the agenda report; and
- C. Adoption of an Ordinance Amending Section 3-103(c) of Chapter 3 of the Butte County Code - This ordinance will adjust the Chico Storm Drainage Master Plan Area Storm Drainage Fees as detailed in the agenda report - action requested - ADOPT ORDINANCES (3) AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office and Public Works)

10:50 A.M. 5.03 * Public Hearing - Resolution Adopting a Maximum Load Posting for the Bridge on Central House Road Crossing Wyman Ravine, State Bridge No. 12C-0111 - After required biennial inspections of bridges under County jurisdiction, Caltrans Area Bridge Maintenance Engineers have determined that the Maximum Load Posting for the bridge on Central House Road Crossing Wyman Ravine shall be revised from "22 tons per Truck, 34 tons per Semi-Trailer Combination, 34 tons per Truck and Full Trailer" to "20 tons per Truck, 31 tons per Semi-Trailer Combination, 38 tons per Truck and Full Trailer" - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

11:00 A.M. 5.04 * Public Hearing - Resolution of Necessity Regarding Acquisition of Real Property or Interest in Real Property by Eminent Domain for Public Road Purposes; Road Construction (Code of Civil Procedure Section 1245.230(a)), Skyway Road FH-171 Highway Project, Project No. CA PFH 171-1(1) - consideration of eight (8) resolutions of necessity to acquire necessary rights-of-way for the following properties: 1) 059-140-007; 2) 059-180-031; 3) 060-100-041; 4) 059-180-036; 5) 059-180-028; 6) 059-180-034; 7) 060-100-047; and 8) 060-100-051 - action requested - ADOPT RESOLUTIONS (8) AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

1:30 P.M. 5.05 *

Timed Item - Update on Butte County Wastewater Program - Staff will provide a report on the progress of the establishment of a comprehensive wastewater program that will provide regulatory oversight for meeting current and future infrastructure needs - action requested -

- 1) ACCEPT INFORMATION ON INDIVIDUAL ON-SITE WASTEWATER ORDINANCE AND MANUAL; AND
- 2) PROVIDE DIRECTION ON THE PROPOSED ESTABLISHMENT OF A COUNTY SERVICE AREA TO SERVE AS THE COUNTY'S MANAGEMENT ENTITY FOR ITS COMMUNITY WASTEWATER SYSTEMS AND DIRECT STAFF TO ADDRESS THE CUMULATIVE GROWTH IMPACTS IN THE BUTTE COUNTY GENERAL PLAN 2030 PROCESS; AND
- 3) PROVIDE DIRECTION REGARDING THE AREAS IN WHICH THE PROPOSED COMMUNITY WASTEWATER ORDINANCE WILL BE APPLICABLE AND DIRECT THE PROPOSED COMMUNITY WASTEWATER SYSTEMS MANAGEMENT ENTITY BE CONSISTENT WITH THE GENERAL PLAN 2030 PREFERRED LAND USE ALTERNATIVE; AND
- 4) APPROVE THE PROPOSED TIMELINE AS DETAILED IN THE AGENDA REPORT FOR COMPLETION OF THE COMMUNITY WASTEWATER ORDINANCE AND THE ESTABLISHMENT OF A COMMUNITY WASTEWATER SYSTEMS MANAGEMENT ENTITY. (Departments of Public Health, Public Works, and 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 ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): THREE CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. COUNTY OF BUTTE V. DLR (BUTTE COUNTY SUPERIOR COURT CASE NO. 137233);
3. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION(NIGC); CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA.

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

1. AGRICULTURAL COMMISSIONER
2. BEHAVIORAL HEALTH DIRECTOR/INTERIM DIRECTOR
3. INTERIM 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.

7.03 CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: BILL AVERY/LAURA BRUNSON
EMPLOYEE ORGANIZATION: BCEA, BCMEA, CWA, DSA - MANAGEMENT/SUPERVISORY UNIT, DSA - GENERAL UNIT, BCCOA - SUPERVISORY UNIT, BCCOA - GENERAL UNIT, PPOA, AND PEA.

7.04 INITIATION OF LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(c) - 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.

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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