

# BUTTE COUNTY BOARD OF SUPERVISORS

## AGENDA

MARCH 3, 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.**
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**3.00**            **CONSENT AGENDA**

**BEHAVIORAL**  
**HEALTH**

**3.01 \***            Youth for Change - amendment - approval is requested for an amendment to the agreement with Youth for Change for the provision of services associated with the Mental Health Service Act LINK Program which provides mental health services for children, transitional age youth, and their families. The amendment increases the maximum amount payable by \$149,500 (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 \***            CSU, Chico Research Foundation - approval is requested for an agreement with the CSU, Chico Research Foundation Passages Program for the provision of comprehensive assessment, intervention, and ongoing support to older adults in Butte County. The term of the agreement is March 3, 2009 through June 30, 2009 with a maximum amount payable of \$108,166.08 (department budget utilizing MHSA funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

**BOARD OF**  
**SUPERVISORS**

3.03            Change in Oroville Cemetery District - action requested - REMOVE GORDON ANDOE AS TRUSTEE.

CHIEFADMINISTRATIVEOFFICE

3.04 \*

Budget Transfer - The Butte County Office of Emergency Services (OES) filed a claim with the Federal Emergency Management Agency (FEMA) for reimbursement of the 2006 Storm Damage Projects. OES received FEMA funds in advance, but has been holding the funds until the projects were completed. Approval is requested to appropriate \$126,701 into the OES expenditure account in order to disburse the funds to the Public Works department as the projects are now completed - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.05 \*

Approval of Minutes - action requested - APPROVE MINUTES FROM FEBRUARY 24, 2009 BOARD OF SUPERVISORS MEETING.

PUBLICWORKS

3.06 \*

Resolution of Support of the Federal Clean Water Act with Advocation for Revisions to the Section 404 Permit Program - consideration of a resolution supporting the streamlining of the 404 permitting process by an amendment to the Clean Water Act. The County Engineers Association of California (CEAC) is requesting support from members - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT STAFF TO DISTRIBUTE RESOLUTION TO THE CALIFORNIA STATE ASSOCIATION OF COUNTIES AND TO CONGRESSMAN HERGER'S OFFICE.

3.07 \*

Recommendation for Preferred Contractor for Master Plan for Recycling and Associated Facilities at the Neal Road Landfill - A Request for Proposals (RFP) was issued for design, engineering, permit assistance, and preparation of bid documents for the project. Seven responses were received and reviewed by the technical evaluation committee. HDR was determined to be the most responsible and responsive bidder. The contract is for \$432,721. Phase 1 is budgeted for the current Fiscal Year - action requested - SELECT HDR AS THE PREFERRED CONTRACTOR AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE AGREEMENT SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

SHERIFF-  
CORONER

3.08 \*

Motorola Incorporated - approval is requested for a maintenance agreement with Motorola for the provision of the electronic system of inmate tracking through use of inmate identification cards and video capture stations. The term of the agreement is April 1, 2009 through March 31, 2010 with a maximum amount payable of \$34,698 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.09 \*

State of California, Department of Water Resources (DWR) - approval is requested for continued negotiations with DWR for funding for the Thermalito Afterbay Boating Enforcement Program. The State is proposing a three-year agreement not to exceed \$720,390 - action requested - APPROVE CONTINUED NEGOTIATIONS AND AUTHORIZE THE PREPARATION OF A MINUTE ORDER.

3.10 \*

Accept Unanticipated Revenue - approval is requested to accept \$1,982 received through the State of California as reimbursement for Correctional Officer training - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.

TREASURER/  
TAX COLLECTOR

3.11 \*

Monthly Investment Report - submitted is the Monthly Investment Report dated January 30, 2009, in accordance with the Statement of Investment Policy dated July 1, 2008 - action requested - ACCEPT FOR INFORMATION.

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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.

PRESENTATION  
AND DISCUSSION  
ITEMS

4.04 \* Assistance for Employees Impacted by Layoff - Presentation regarding services that the Departments of Employment and Social Services and Human Resource will provide to employees impacted by layoffs - action requested - ACCEPT FOR INFORMATION. (Human Resources and Department of Employment and Social Services)

4.05 \* Introduction of an Ordinance Amending Section 32A-7 of Chapter 32A of the Butte County Code - consideration of an ordinance which will amend Chapter 32A of the Butte County Code to allow travel time in cost recovery and to clarify administrative costs - action requested - WAIVE FIRST READING OF THE ORDINANCE. (Development Services)

4.06 \*

Cleanrite-Buildrite Frontage Improvements on State Highway (SR) 32 in Chico Urban Area - Cleanrite-Buildrite is proposing to construct a new building on State Route 32 (Nord Avenue). Butte County Code requires the installation of curb, gutter, and sidewalk. Because SR-32 is a State highway, Caltrans is responsible to grant an encroachment permit. Caltrans is requiring a maintenance agreement which would make the County responsible for the project's landscaping, planting, irrigation systems and other upkeep - action requested - REQUIRE CLEANRITE-BUILDRITE TO INSTALL CURB, GUTTER, AND DRIVEWAY ALONG SR-32 AND TO PAY AN IN LIEU FEE HELD IN RESERVE FOR A FUTURE SIDEWALK; DIRECT STAFF TO MEET WITH THE CITY OF CHICO AND CALTRANS TO NEGOTIATE A POLICY TO ADDRESS COUNTY BUILDING PERMITS ALONG STATE HIGHWAYS IN URBAN AREAS. (Public Works)

4.07 \*

SR-99/Southgate Avenue Interchange and Corridor Study - The City of Chico is currently planning efforts for the SR-99/Southgate Avenue Interchange and Corridor Study. The purpose of this study is to identify and evaluate alternative designs for both an interchange and corridor improvements that may be carried into the design and environmental approval phase - action requested - ACCEPT THE CITY OF CHICO'S SR-99/SOUTHGATE AVENUE INTERCHANGE AND CORRIDOR STUDY REPORT FOR INFORMATION; AND DIRECT COUNTY STAFF TO PARTICIPATE IN MEETINGS AND PROVIDE PEER REVIEW. (Public Works)

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 - Amended and Restated Chico Urban Area Fire and Rescue Agreement - approval is requested for this amended and restated Automatic Aid agreement between the Butte County Fire Department and the Chico Fire Department. Per recommendations of the Local Government Committee, this agreement restates the 1999 Chico Urban Area Fire Rescue Agreement (CUAFRA). It is also requested that the Board accept the 2008 Annual Report from CUAFA - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND ACCEPT ANNUAL REPORT.

10:15 A.M. **5.02 \***

Public Hearing - Appeal of the Planning Commission's Approval of Tentative Parcel Map (TPM) 08-0002 (Egan) - consideration of an appeal of the Planning Commission's approval of TPM08-0002. The appeal is based on concerns that the project would create lighting, noise, dust, and access issues. The project is located on the north side of Bidwell Avenue, South of West Sacramento Avenue. The project is zoned Suburban Residential 1/2-acre minimum with a Low Density Residential (LDR) General Plan land use designation - action requested - STAFF RECOMMENDS ADOPTING RESOLUTION WHICH:

- 1) DENIES THE APPEAL BY JOHN AND KATHY DAHLGREN AND PHILIP AND PEGGY PROTT WITH FINDINGS AS DOCUMENTED; AND
- 2) ADOPTS A MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA; AND
- 3) APPROVES TPM08-0002 WITH FINDINGS, CONDITIONS, AND EXCEPTIONS AS DOCUMENTED IN THE RESOLUTION. (Development Services)

1:30 P.M. 5.03 \*

Timed Item - Recommendations for Ongoing Cost Reductions - Due to the deepening global economic recession and reductions in State funding sources, the Butte County General Fund has an annualized structural budget deficit of \$18 million. The interim Chief Administrative Officer will provide recommendations for immediate cost reduction measures which will provide approximately \$11 million in savings. The cost reduction measures include the elimination of 115 positions. Over half of these positions are currently filled - action requested - DIRECT STAFF TO IMPLEMENT STAFF ALLOCATION AND CONTRACT SERVICE CHANGES AS RECOMMENDED, OR AS OTHERWISE DIRECTED BY THE BOARD OF SUPERVISORS. (Chief Administrative Office)

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. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION(NIGC); CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA.
- 3. LIGHTNER V. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 136070.

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

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

## **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)