

# BUTTE COUNTY BOARD OF SUPERVISORS

## AGENDA

APRIL 7, 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 \* Work Training Center (WTC) - amendment - approval is requested for an amendment to the agreement with WTC for the provision of the Stomp Out Stigma program in which Department of Behavioral Health consumers provide information and education regarding mental illness to community groups. The amendment increases the maximum amount payable by \$12,000 (department budget utilizing Mental Health Services Act funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.02 \* Department of Alcohol and Drug Programs (ADP) - amendment - approval is requested for an amendment to the Combined Negotiated Net Amount (NNA) and Drug/Medical agreement with ADP. The amendment increases the Fiscal Year 2009/2010 amount receivable by \$58,747 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND ADOPT RELATED RESOLUTION APPROVING AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40955)

CHIEF  
ADMINISTRATIVE  
OFFICE

3.03 Adoption of an Ordinance Amending Chapter 8 of the Butte County Code Relating to Emergency Services - consideration of an ordinance which will change the name of the Butte County Office of Emergency Services to the Butte County Office of Emergency Management in order to remain consistent with the California Emergency Management Agency, formerly called the State Office of Emergency Services. The ordinance also contains minor changes to be consistent with State and Federal emergency response guidelines - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-24-09 [Item 3.11])

3.04 \*

Butte County Public Defender Consortium - In 2008, the Butte County Public Defender Consortium extended its agreement with the County for a three-year period. The agreement included a 1% cost of living adjustment (COLA) effective July 1, 2009. The Executive Director of the Consortium has informed the County that the Consortium has elected to forego this COLA - action requested - ACCEPT FOR INFORMATION.

COUNTY  
COUNSEL

3.05 \*

Oroville Cemetery District - On March 3, 2009, the Board of Supervisors passed a motion to remove a single trustee from the Oroville Cemetery District. While the Board has the authority to remove all appointed trustees and appoint itself as the board of trustees, the power to remove only one trustee is more limited - action requested - 1) RECONSIDER THE MARCH 3, 2009 ACTION REMOVING GORDON ANDOE FROM THE OROVILLE CEMETERY DISTRICT; 2) RESCIND THE MARCH 3, 2009 ACTION; AND 3) REINSTATE HIM TO A TERM TO END JANUARY 1, 2011.

DEVELOPMENT  
SERVICES

3.06

Adoption of an Ordinance Adopting Standards for Limited Density Owner-Built Dwellings with Findings - consideration of an ordinance adding regulations for Limited Density Owner-Built Rural Dwellings as provided in Title 25 of the California Code of Regulations to Chapter 26 of the Butte County Code. At the March 24, 2009 meeting, the Board directed that three references to the "principal residence" on pages 2, 3 and 5 of the proposed ordinance be changed to only show "residence" - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-24-09 [Item 4.05])

3.07 \*

Resolution Approving the Utilization of Twenty-Four (24) Density Transfer Units (DTUs) for the Emerald Sea Tentative Subdivision Map (TSM 05-18 Schuster) - consideration of the utilization of 24 DTUs for the Emerald Sea Tentative Subdivision Map in accordance with the provisions of the Stephens' Development Agreement relating to the Sierra Moon Subdivision (TSM 03-01 Schuster). The Butte County Planning Commission approved TSM 05-18 to divide a 250-acre property located at 3746 Keefer Road in and adjacent to the North Chico Specific Plan into 34 residential parcels ranging in size from 1.39 acres to 64.60 acres on February 26, 2009. The Planning Commission conditioned approval of TSM 05-18 upon adoption of a resolution by the Board of Supervisors authorizing the utilization of the DTUs in the proposed subdivision - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.08 \* Pacific Municipal Consultants (PMC) - amendment - approval is requested for an amendment to the agreement with PMC to modify and clarify the scope of work on the Las Plumas Master Environmental Assessment Project. The amendment extends the term of the agreement through September 30, 2009 and increases the maximum amount payable by \$6,925 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

DISTRICT  
ATTORNEY

3.09 \* Transfer of Equipment - approval is requested to transfer two computers to the Butte Interagency Narcotics Task Force (BINTF). The computers are not on the department's fixed asset ledger and are valued under \$50 each - action requested - AUTHORIZE TRANSFER OF TWO COMPUTERS TO BINTF.

FIRE

3.10 \* California Department of Forestry and Fire Protection (CAL FIRE) - approval is requested for the cooperative agreement with CAL FIRE for the provision of fire protection services in the unincorporated areas of Butte County. The term of this agreement is July 1, 2008 through June 30, 2009 with a maximum amount payable of \$13,058,827 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND ADOPT RELATED RESOLUTION APPROVING AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.

GENERAL  
SERVICES

3.11 \* Signature Services, A Property Management Company - approval is requested for a recast lease agreement with Signature Services for the property located at 5910 Clark Road, Suites H & I. The Department of Behavioral Health operates the Paradise Community Counseling Center out of this location. The facility is comprised of approximately 2,736 square feet of office space. The term of the agreement is April 1, 2009 through March 31, 2012 with an initial monthly payment of \$2,276.54 which is \$0.83207 per square foot. Fixed rate increases of 1.5% and 2.5% in the second and third years of the lease replace less favorable escalation terms based on the Consumer Price Index - action requested - APPROVE RECAST LEASE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

HUMAN  
RESOURCES

3.12 \*

Resolutions Honoring Butte County Employees for Dedicated Years of Service - presentation of awards to Butte County employees. Jane Dolan, Walter Dunn, Rosemary Dickson, and Vance Severin each have thirty years of service to Butte County - action requested - ADOPT RESOLUTIONS (4) AND AUTHORIZE THE CHAIR TO SIGN.

LIBRARY

3.13 \*

Library Donations - pursuant to Government Code Section 25355, donations of \$731.80 from the Oroville Friends of the Library; \$3,000 from the Chico Friends of the Library; \$200 from Maudie Penney; \$225.50 from an anonymous source; \$100 from Ron and Nancy Brower in honor of Edith Springer; \$200 from Sheri Pybas; and \$550 from CA Bilingual Association have been received for Books; \$471.60 from Friends of the Library; and \$435.95 from Gridley Friends of the Library have been received for Operations - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

3.14 \*

Resolution Establishing Public Service Hours for Butte County Library - consideration of a resolution which details new public service hours for all branches of the Butte County Library as detailed in the agenda report. These changes are a result of the need to immediately reduce budget expenditures - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

PUBLIC  
HEALTH

3.15 \*

California Department of Public Health - (CDPH) - approval is requested for a revenue agreement with CDPH for the provision of activities that will raise the immunization rates of infants, preschool age, and school age children. The term of the agreement is January 1, 2009 through December 31, 2009 with a maximum amount receivable of \$67,683 (department budget)- action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLIC  
WORKS

3.16 \*

Resolution of Intent to Name a Public Road - Reconstruction of Highway 99 created a new frontage road that requires a road name. The County requested that the property owners served by the road submit road name preferences. Four of the five property owners who responded recommended the name Book Farm Road. One property owner requested three alternate names, each of which duplicated existing roads within Butte County. The road name coordinator recommends the name Book Farm Road be approved - action requested - ADOPT RESOLUTION WHICH SETS A PUBLIC HEARING FOR APRIL 21, 2009 AT 10:10 A.M. AND AUTHORIZE THE CHAIR TO SIGN.

SHERIFF-  
CORONER

3.17 \*

Transfer of Asset - In 1996, the Sheriff's office accepted a 1984 military ambulance for use as the Sheriff's SWAT vehicle which was used until last year when a new vehicle was purchased with OES grant funds. In 1996, the title was recorded to show Butte County as the sole owner, but the title should have shown the U.S. Government as the lien holder. Approval is requested to transfer the vehicle back to the U.S. Government - action requested - APPROVE TRANSFER OF COUNTY VEHICLE #768 BACK TO THE U.S GOVERNMENT.

TREASURER/  
TAX COLLECTOR

3.18 \*

Monthly Investment Report - submitted is the Monthly Investment Report dated February 27, 2009, in accordance with the Statement of Investment Policy dated July 1, 2008 - action requested - ACCEPT FOR INFORMATION.

3.19 \*

Resolution Authorizing the Issuance of Butte-Glenn Community College District Election of 2002 General Obligation Bonds, Series C - consideration of a resolution authorizing the issuance of Series C Bonds to complete the construction and improvement projects approve by the voters in 2002. These bonds are general obligations of the District and do not constitute an obligation of the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AUTHORIZE THE DEPARTMENT TO PROCESS ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE AND ISSUANCE OF BONDS.

WATER AND  
RESOURCE  
CONSERVATION

3.20 \*

Water Advisory Committee - action requested - ACCEPT THE RECOMMENDATION OF THE BUTTE COUNTY WATER COMMISSION, AND REAPPOINT NORA TODENHAGEN TO A TERM TO END JANUARY 6, 2013.

3.21 \*

Amendment to Butte County Water Advisory Committee (WAC) By-Laws - approval is requested for amendments to the WAC by-laws. The Butte County Water Commission reviewed and approved the amendments at their March 4, 2009 meeting - action requested - ACCEPT THE RECOMMENDATION OF THE BUTTE COUNTY WATER COMMISSION, AND APPROVE AMENDED BY-LAWS.

**4.00**

**REGULAR AGENDA**

BOARDS,  
COMMISSIONS AND  
COMMITTEES

4.01

Boards, Commissions and Committees.

\*

1.

Appointments to Listed Vacancies.

\*

2.

Discussion on Board Representative to Northern Regional Training and Education Consortium (NoRTEC) Governing Board and Workforce Investment Board (WIB) - action requested - CONSIDER NEW BOARD REPRESENTATIVE TO NORTEC/WIB AND MAKE APPOINTMENT; AND/OR AUTHORIZE FORMAL REQUEST TO NORTEC TO CHANGE MEETING DATES. (Supervisor Dolan)

3. 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.

PRESENTATION  
AND DISCUSSION  
ITEMS

4.04 \*

Discussion Regarding Butte County Assessor Vacancy - On March 20, 2009, Butte County's Assessor, Ken Reimers announced his resignation from his position as County Assessor effective April 30, 2009. Pursuant to Government Code Section 25304, the Board of Supervisors must fill a vacancy to this position. The appointee will hold office for the balance of the term which ends January 3, 2011 - action requested - DISCUSS THE APPOINTMENT PROCESS AND DIRECT STAFF AS NEEDED. (Chief Administrative Office)

4.05 \*

Consideration of Options for County Service Area (CSA) No. 31 (Schohr's Swimming Pool District) and CSA No. 34 (Gridley Swimming Pool District) - The Butte Local Agency Formation Commission (LAFCO) has requested the Board of Supervisors review and consider options for the two swimming pool districts - action requested - PROVIDE COMMENTS FOR STAFF TO SUBMIT TO LAFCO. (Public Works/Chief Administrative Office)

4.06

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

Recess as the Butte County Board of Supervisors and Convene as the Thompson Flat Cemetery District Board of Directors.

**THOMPSON FLAT CEMETERY DISTRICT**

**BOARD OF DIRECTORS**

**AGENDA**

**APRIL 7, 2009**

1.00            **Call to Order** - Butte County Board of Supervisors Room,  
25 County Center Drive, Oroville.

2.00            **Agenda Items**

**2.01 \***            Election of Butte Local Agency Formation Commission  
(LAFCO) Special District Representatives - submitted is  
an election ballot for two LAFCO positions: the Non-  
Enterprise Special District Regular Commissioner and  
the Enterprise or Non-Enterprise Special District  
Alternate Commissioner. The Board of Directors may  
vote for the nominees included on the ballot for either  
or both positions or may vote for a write-in  
candidate - action requested - 1) SELECT A CANDIDATE  
FOR THE NON-ENTERPRISE SPECIAL DISTRICT REGULAR  
COMMISSIONER; AND 2) SELECT A CANDIDATE FOR THE  
ENTERPRISE OR NON-ENTERPRISE SPECIAL DISTRICT ALTERNATE  
COMMISSIONER.

3.00            **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 is prohibited from taking action on any  
item not listed on the agenda.

**Adjournment**

Adjourn as the Thompson Flat Cemetery District Board of  
Directors and convene as the Butte County Board of  
Supervisors.

**5.00            PUBLIC HEARINGS AND TIMED ITEMS (None)**

**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            PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER AND LIBRARY DIRECTOR.

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.

7.03            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.

7.04 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.

## **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)