

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

MAY 19, 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 *** Lawrence C. Mayerle, M.D. - amendment - approval is requested for an amendment to the agreement with Lawrence C. Mayerle, M.D. for the provision of psychiatric services. The amendment decreases the maximum amount payable by \$17,385 (proposed department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.02 *** Thomas Lancaster, M.D. - amendment - approval is requested for an amendment to the agreement with Thomas Lancaster, M.D. for the provision of psychiatric services and medical treatment of Behavioral Health clients. The amendment increases the maximum amount payable by \$22,210 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.03 *** Feather River Tribal Health, Inc. (FRTH) - amendment - approval is requested for an amendment to the agreement with FRTH. This organization acts as Co-Director to the Connecting Circles of Care grant from the Substance Abuse and Mental Health Services Administration (SAMHSA). The amendment increases the maximum amount payable by \$27,266.44 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.04 *

Trilogy Integrated Resources LLC - amendment - approval is requested for an amendment to the agreement with Trilogy Integrated Resources LLC for the maintenance of the Network of Care website which provides an array of on-line social services. The amendment extends the term of the agreement through June 30, 2009 and increases the maximum amount payable by \$18,000 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.05 *

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 decreases the the Fiscal Year 2008/2009 amount receivable by \$35,944 - 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)

3.06 *

Butte County Department of Employment and Social Services (DESS) and Butte County Probation - approval is requested for a Memorandum of Understanding with the Butte County Department of Employment and Social Services and Butte County Probation for staff services to support the Supportive and Therapeutic Options Program (STOP). The term of the agreement is July 1, 2008 through June 30, 2009. DESS will reimburse Butte County's Department of Behavioral Health (BCDBH) the state allocation, including the County match, up to \$104,901, and Probation will reimburse DESS for up to 30% of the services provided by BCDBH - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

CHIEF
ADMINISTRATIVE
OFFICE

3.07 *

Approval of Minutes - action requested - APPROVE MINUTES OF APRIL 21, 2009; MAY 5, 2009; AND MAY 12, 2009.

3.08 * Gallina, LLP - approval is requested for an agreement with Gallina, LLP (formerly Bartig, Basler, & Ray, CPAs) for the provision of annual auditing services. The term of the agreement is June 30, 2009 through June 30, 2012. The maximum amount payable, by fiscal year (FY), is as follows: \$81,000 for FY 2009/2010; \$83,000 for FY 2010/2011; and \$85,000 for FY 2011/2012 - action requested - APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.09 * Board Meeting Calendar Amendment - approval is requested to cancel the July 7, 2009 regular Board of Supervisors meeting in order to accommodate holiday and travel schedules - action requested - APPROVE AMENDMENT TO BOARD OF SUPERVISOR MEETING CALENDAR.

3.10 * Resolution Approving Application for Fiscal Year (FY) 2009 Emergency Management Performance Grant Program - consideration of a resolution which authorizes the Chief Administrative Officer and/or Emergency Services Officer to apply for the FY 2009 Emergency Management Performance Grant and to sign all necessary documents related to obtaining the grant. The California Emergency Management Agency has allocated \$105,824 to the Butte County Operational Area. Participation in the grant requires a dollar for dollar County match - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

DISTRICT
ATTORNEY

3.11 * Harold Thomas - amendment - approval is requested for an amendment to the agreement with Harold Thomas, an attorney with the California Department of Fish and Game assigned to the District Attorney's office. The proposed amendment extends the term of the agreement to December 31, 2009 and increases the maximum amount payable by \$8,165 for incidental business expenses. The funds for Mr Thomas' expenses are from monetary settlements of environmental cases - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. X15184)

3.12 * Accept Unanticipated Revenue - approval is requested to accept \$89,916 in unanticipated revenue as detailed in the agenda report. The District Attorney's (DA) Office litigated environmental cases against Jaeger Construction, Inc. and Chico Scrap Metal. The monetary settlement requires the defendants to make annual reimbursement payments to the DA. The payments are then distributed to reimburse damaged parties - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.

3.13 * Budget Transfer - Due to reductions in State of California grants, the DA's office was awarded \$38,463 less than anticipated from the Vertical Prosecution Block Grant. The requested budget transfer as detailed in the agenda report is needed to reduce the affected revenues and appropriations to balance the department's budget - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.14 * Accept Revenue - approval is requested to accept \$176,664 in revenue received through the Indian Gaming Special Distribution Fund Grant for Fiscal Year 2008/2009 - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

EMPLOYMENT
AND SOCIAL
SERVICES

3.15 * Request to Extend Temporary Assignments to a Higher Level Classification - approval is requested to extend two current out-of-class assignments. One is for an employee temporarily assigned the duties of Assistant Director of Employment and Social Services (DESS). This assignment began when the incumbent went out on long term medical leave and continues because the incumbent has since retired. The second out-of-class assignment is for an employee assigned to the duties of Program Manager of DESS who is covering for the employee temporarily assigned to the Assistant Director position. Temporary assignments to a higher level classification may be approved by the Department for ninety days and the Director of Human Resources for an additional ninety days - action requested - APPROVE EXTENSION OF EACH TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION FOR AN ADDITIONAL 180 DAYS FOR A CUMULATIVE TOTAL OF 360 DAYS OR UNTIL THE HIRING PROCESS TO FILL THE VACANT ASSISTANT DIRECTOR POSITION CAN BE COMPLETED, WHICHEVER OCCURS FIRST.

- 3.16 * Accept Unanticipated Revenue - approval is requested to accept a total of \$354,765 in revenue from the State of California for the CalWORKS program. These funds will be used for contracted services that are currently in place - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.

HUMAN
RESOURCES

- 3.17 * Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows:

DISTRICT ATTORNEY - requests to extend the sunset date for the following positions through June 30, 2010: one position of Office Assistant; one 50% FTE position of Paralegal; two positions of Investigator I/II; one 50% FTE position of Investigative Assistant; two positions of Investigative Assistant; and one position of Supervisor, Deputy District Attorney. The department also requests to delete one position of Deputy District Attorney IV/III/II/I with a sunset date of June 30, 2009. The change will decrease the total allocations in the department from 82.5 to 81.5 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

- 3.18 * Advanced Step Hire - Manager, Program Development - Pursuant to Personnel Rule 11.13, the Director of Human Resources is requesting the Board approve the Advanced Step Hire of Jennifer Macarthy at step 7 of the salary range for the Manager, Program Development position effective the date of hire. Ms. Macarthy held this position with Butte County from January 2004 through February 2006 and at that time was paid at the top step of the salary range due to her extensive education, training, and experience - action requested - APPROVE ADVANCED STEP HIRE OF JENNIFER MACARTHY TO STEP 7 OF THE SALARY RANGE.

- 3.19 Roger Pearson - approval is requested for an employment agreement with Roger Pearson for the position of Interim Director - Library. The initial term of the agreement begins May 26, 2009 and will terminate after six months or upon the hiring of the permanent Library Director. The starting bi-weekly salary is \$4,560 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL.

LIBRARY

3.20 *

Library Donations - pursuant to Government Code Section 25355, donations of \$1,200 from the Oroville Friends of the Library; \$300 from Patricia C. Warren; \$269.85 from Ruthmarie Ferris; \$100 from an anonymous source; \$200 from Elizabeth Van Laan in honor of James Lindsey; \$100 from Marilyn Niepoth in honor of James Lindsey; and \$250 from Dorothy Dingfelder have been received for Books; \$471.60 from Paradise Friends of the Library have been received for Operations - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

PUBLIC
HEALTH

3.21 *

CSU Chico Research Foundation - amendment - approval is requested for an amendment to this agreement. The CSU Chico Research Foundation serves as one of the participating agencies for the provision of Targeted Case Management (TCM) Services. The amendment increases the maximum amount payable by \$18,766.35 (covered 100% with TCM revenue)- action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.22 *

Northern California EMS, Inc. - approval is requested for this sole source agreement for Northern California EMS, Inc. to act as the designated local emergency medical services (EMS) agency to perform functions as required by the Emergency Medical Services Act. The term of the agreement is July 1, 2009 through June 30, 2010 with a maximum amount payable \$95,026.34 (department budget)- action requested - APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLIC
WORKS

3.23 *

North Yuba Water District - Water Facility Acquisition - The North Yuba Water District would like to obtain ownership from Sierra Pacific Industries of a 1.03-acre portion of APN 073-160-049 that now houses the District's existing water tank. The property in question is located on the west side of Forbestown Road at the intersection with School Street. The proposed parcel is smaller than the minimum lot size allowed under the current U Zoning designation but is consistent with the General Plan. It is requested that the Board make a finding that the filing of a Parcel Map is not required for the conveyance of this property provided that a specific notation, as detailed in the agenda report, is included in the deed - action requested - PURSUANT TO GOVERNMENT CODE 66428(a)(2), FIND THAT PUBLIC POLICY DOES NOT NECESSITATE THE FILING OF A PARCEL MAP FOR NORTH YUBA WATER DISTRICT TO ACQUIRE A PORTION OF APN 073-160-049.

3.24 *

Consent of City Acquisition of Extra-Territorial Property - approval is requested to give consent to the City of Chico to acquire extra-territorial private property located along the south side of State Route 99 between Community Park and Humboldt Avenue in order to construct and maintain the proposed Little Chico Creek Bike Path. The proposed property is located on four parcels within an area of the City's Planning Boundary that is currently outside of the City's jurisdiction - action requested - APPROVE THE CITY OF CHICO'S REQUEST FOR ACQUISITION OF EXTRA-TERRITORIAL PROPERTY AND DIRECT THE PUBLIC WORKS DIRECTOR TO NOTIFY THE CITY OF CHICO OF BUTTE COUNTY'S ACTION.

TREASURER-
TAX COLLECTOR

3.25 *

Adoption of an Ordinance Amending Butte County Code Section 2-166 Delegating Investment Authority to the Butte County Treasurer-Tax Collector - pursuant to Government Code Section 53607, approval is requested for an ordinance which will delegate investment authority to the Treasurer-Tax Collector for Fiscal Year 2009/2010. This ordinance will replace No. 3985 which expires June 30, 2009 - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN.

3.26 *

Resolution Authorizing and Approving 2009/2010 Butte County Office of Education (BCOE) Tax & Revenue Anticipation Notes (TRAN) - consideration of a resolution which authorizes the BCOE to issue TRANs not to exceed \$32,000,000. The notes will be a general obligation of the Office of Education, and Butte County has no fiduciary responsibility regarding the repayment of these notes - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.27 *

Annual Certification of Compliance with Continuing Disclosure Requirements for Debt Issuance - submitted for Board review are the Continuing Disclosure filings for Fiscal Year 2007/2008 - action requested - ACCEPT FOR INFORMATION.

OTHER
DEPARTMENTS
AND AGENCIES

3.28 *

Local Child Care Planning Council (LPC) County Priorities Report - The LPC is required to submit an updated Priorities Report to the Board of Supervisors. This report identifies the areas within Butte County with the greatest need for child care - action requested - ACCEPT AND APPROVE THE 2009 PRIORITIES DESIGNATION AS SUBMITTED.

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 *

Scoping Comments for the Transmission Agency of Northern California (TANC) Transmission Project - consideration of scoping comments regarding the development of the proposed TANC Transmission Project. Two of the three proposed alignments for the transmission lines would pass through Butte County. The Western Power Administration is accepting scoping comments for the preparation of an Environmental Impact Report/Environmental Impact Statement through May 31, 2009 - action requested - PROVIDE DIRECTION TO STAFF REGARDING PREPARATION OF COMMENTS ON THE TANC TRANSMISSION PROJECT AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

4.06

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

5.00

PUBLIC HEARINGS AND TIMED ITEMS

9:30 A.M.

5.01 *

Public Hearing - Transfer of Community Development Block Grant (CDBG) Program Income and Award of Contract for Americans with Disabilities Act (ADA) Remodel at Oroville Veterans Memorial Hall - approval is requested to transfer \$110,000 from the Housing and Community Development (HCD) Program Income Loan Fund to the CDBG Program Grants fund. These funds will be used for ADA improvements to the Oroville Veterans Memorial Hall, which include the installation of an elevator. Four bids were received for the improvement project at the Oroville Veterans Memorial Hall. The lowest responsible and responsive bidder was Carey Construction of Oroville, CA with a bid in the amount of \$403,194 - action requested - 1)APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; 2) ADOPT RELATED RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 3) AWARD BID TO CAREY CONSTRUCTION OF OROVILLE, CA. (Administration/General 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. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION(NIGC); CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA;
3. BORGE V. COUNTY OF BUTTE; USDC CASE NO. 06-2228.

7.02

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.

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
www.buttecounty.net/cob