

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

DECEMBER 8, 2009



County Supervisors

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

Scott Tandy, 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**

AUDITOR

3.01 * Request of the Thompson Flat Cemetery District for a 3-Year Audit Period - The adoption of AB 2510 (La Malfa) in 2008 modified Government Code Section 26909(b)(3) which allowed special districts to replace the required annual audit with an audit to be conducted at specified intervals as recommended by the County Auditor. On October 27, 2009, the District Board of Trustees unanimously adopted a resolution requesting the extended audit period - action requested - UNANIMOUSLY APPROVE THOMPSON FLAT CEMETERY DISTRICT'S REQUEST FOR A 3-YEAR AUDIT PERIOD.

3.02 * Resolution Recognizing Kenneth G. Wiley Upon His Retirement from Butte County - action requested -ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

BEHAVIORAL
HEALTH

3.03 * Butte County Behavioral Health Board - action requested - APPOINT LAFAYETTE CLARK, COMMUNITY MEMBER AND KEVEN PARTRIDGE, CONSUMER MEMBER TO TERMS TO END DECEMBER 31, 2012.

3.04 * Best, Best, & Krieger - amendment - approval is requested for an amendment to the agreement with Best, Best, & Krieger for the provision of legal services related to administrative appeals and other areas requiring legal services. The amendment increases the maximum amount payable by \$10,000 (department budget utilizing realignment funds). 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. (Contract No. X15943)

- 3.05 * Kelly Services, Inc. - amendment - approval is requested for an amendment to this agreement for the provision of payroll services for Behavioral Health consumers who are participating in work experience and training programs. The amendment increases the maximum amount payable by \$25,000 (department budget utilizing Mental Health Services Act (MHSA) funds). 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. (Contract No. X17958)
- 3.06 * Country Villa Merced Behavioral Health - amendment - approval is requested for an amendment to this agreement for the provision of community mental health services for chronic mentally disordered patients. Because a client moved to another facility, this amendment decreases the maximum amount payable by \$55,790.60 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17873)
- 3.07 * 7th Avenue Center - amendment - approval is requested for an amendment to the agreement with 7th Avenue Center which provides beds and services to Behavioral Health clients who are in need of 24-hour skilled nursing services. Because a client moved to another facility, this amendment decreases the maximum amount payable by \$66,265 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17872)
- 3.08 * Accept Unanticipated Revenue - approval is requested to accept and appropriate a total of \$555,597 in unspent MHSA funds and Substance Abuse and Mental Health Services Administration (SAMHSA) funds from fiscal year 2008/2009. These funds are allowed to be carried over into fiscal year 2009/2010 - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
- 3.09 * Accept Unanticipated Revenue - approval is requested to accept and appropriate \$65,400 in MHSA Prevention and Early Intervention (PEI) Training, Technical Assistance, and Capacity Building funds - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.10 *

Youth With A Mission - amendment - approval is requested for an amendment to the facility use agreement with Youth With A Mission for the Youth Development Summit which was held at the Springs of Living Water Conference grounds on October 7-10, 2009. The amendment increases the maximum amount payable by \$2,224.26 (department budget utilizing State Department of Alcohol and Drug Program funds). The increase is a result of an increased number of registrants for the conference - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17966)

3.11 *

California Mental Health Services Authority (CMHSA) Resolution - On October 27, 2009, the Board of Supervisors adopted Resolution 09-154 which approved Butte County's participation in CMHSA, which is a Joint Powers Authority (JPA) that has been developed to combine resources and efforts to perform administrative requirements and duties related to five statewide MHSA Prevention and Early Intervention Projects. On October 27, the staff report and the adopted resolution erroneously identified the JPA'S name. The department has submitted a corrected copy of the resolution for approval - action requested - RESCIND RESOLUTION NUMBER 09-154; AND ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.12 *

Department of Alcohol and Drug Programs (ADP) - amendment - approval is requested for an amendment to the Combined Negotiated Net Amount (NNA) and Drug/Medical revenue agreement with ADP. The amendment increases the funding for fiscal year 2009/2010 by \$21,844 - action requested - APPROVE AGREEMENT AMENDMENT 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.

3.13 *

Esplanade Enterprises, Inc. dba Merit Medi-Trans, Inc. - amendment - approval is requested for an amendment to the agreement with Esplanade Enterprises, Inc. for the provision of Emergent and Non-Emergent client transportation services. The amendment increases the maximum amount payable by \$20,000 (department budget utilizing State Managed Care revenue) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17822)

3.14 *

First Responder Emergency and Medical Services, Inc. - approval is requested for an amendment to this agreement for the provision of emergent and non-emergent client transportation services. The amendment increases the maximum amount payable by \$10,000 (department budget utilizing realignment funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17902)

BOARD OF
SUPERVISORS

3.15 *

Appointment of Sheriff-Coroner - Sheriff Perry Reniff announced his retirement effective December 30, 2009. The qualifications of Sheriff are detailed in Government Code Section 24004.3(a) which requires that the candidate either hold an advanced certificate issued by the Commission on Peace Office Standards and Training or meet one of four listed conditions outlining a combination of experience and education. At the November 10, 2009 Board of Supervisors meeting, a motion of intent was unanimously approved to appoint Captain Jerry Smith to the position of Sheriff-Coroner. Captain Smith holds the required advanced certificate and also meets the education and experience criteria - action requested - APPOINT CAPTAIN JERRY SMITH AS THE BUTTE COUNTY SHERIFF-CORONER EFFECTIVE DECEMBER 30, 2009.

3.16 *

Resolution Regarding the Salary and Benefits of Elected Officials - consideration of a resolution which details recommendations from the Compensation Committee - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.17 *

Resolution Regarding the Salary and Benefits of Appointed Department Heads - consideration of a resolution which details recommendations from the Compensation Committee - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.18 *

Letter of Support - Henri Brachais, Chief of CAL FIRE Butte Unit/Butte County Fire, has announced his retirement effective December 30, 2009. His successor will be selected by the Director of CAL FIRE. Deputy Chief George Morris has applied for the position. It is requested that the Board support the selection of George Morris for the CAL FIRE Butte Unit/Butte County Fire Chief position - action requested - APPROVE LETTER OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN.

3.19 *

Resolution Recognizing Karen Hellar Upon Her Retirement from Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

CHIEF
ADMINISTRATIVE
OFFICE

3.20 *

Appointment of Interim Chief Administrative Officer, Scott Tandy - ratification is requested for a temporary employment agreement with Scott Tandy for the position of Interim Chief Administrative Officer. The term of the agreement is for six months beginning November 23, 2009. The terms of the agreement include \$20,000 per month in compensation and \$4,000 per month to cover temporary living expenses - action requested - RATIFY AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.21 *

Approval of Minutes - action requested - APPROVE MINUTES OF OCTOBER 27, 2009.

CLERK-
RECORDER/
ELECTIONS

3.22 *

Resolution Approving Applications for Funds Under the Help America Vote Act of 2002 - consideration of a resolution approving application for funds available through the Help America Vote Act (HAVA) of 2002 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE COUNTY CLERK-RECORDER TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE APPLICATION.

COUNTY
COUNSEL

3.23 *

Approval of Agreement for Bruce S. Alpert, County Counsel - approval is requested a new agreement with Bruce S. Alpert for the position of County Counsel. The term of the agreement is December 8, 2009 through December 7, 2013 with a annual salary of \$191,007 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

DEVELOPMENT
SERVICES

3.24 *

Butte County Land Conservation Act Advisory Committee - action requested - APPOINT HOLLY FOSTER AS FARM BUREAU REPRESENTATIVE.

3.25 *

Request to Amend Conveyance of Development Rights and Open Area Easement - consideration of a request by David Chinchon for approval of an Amended Conveyance of Development Rights and Open Area Easement in order for the "Non-Development" Easement related to a 1981 homesite segregation reflects the changes to the legal description of the two parcels of land resulting from the approved Lot Line Adjustment LLA07-0006. The parcels are located west of the Nelson Avenue and Highway 99 intersection, east of the communities of Nelson and Richvale - action requested - APPROVE THE AMENDED CONVEYANCE OF DEVELOPMENT RIGHTS AND OPEN AREA EASEMENT.

3.26 *

New Williamson Act Contracts - approval is requested for six new Williamson Act contracts. The applicants' names and applicable parcel numbers are: 1) Clinton and Gail Moffitt, APNs 025-130-018, 042 totaling 145 acres; 2) Robert and Betty Storm, APNs 021-060-001 totaling 105 acres; 3) Nosej Farms, APNs 022-050-022, 023 totaling 313 acres; 4) Joe Justeson, APN 021-050-031 totaling 127 acres; 5) Sean and Jennifer Fenn, APNs 038-100-013 and 038-110-001 totaling 1,267 acres; and 6) Johnson Family Farms, APNs 038-130-025, 027, 048, and 049 totaling 808 acres. Additional details are available in the agenda report - action requested - APPROVE THE WILLIAMSON ACT CONTRACTS WITH THE DETERMINATION THAT THE CONTRACTS ARE EXEMPT FROM CEQA UNDER CATEGORICAL EXEMPTION SECTION 15317.

EMPLOYMENT
AND SOCIAL
SERVICES

3.27 *

Butte County District Attorney's (DA) Office - approval is requested for an agreement with the DA's office for the implementation of the In-Home Supportive Services Program Integrity and Fraud Investigations Plan. The term of the agreement is January 1, 2010 through June 30, 2010 with a maximum amount payable of \$111,054. The Plan does require a County match of \$32,244 from Contingencies. Approval is also requested for a fixed asset purchase in the amount of \$20,000 for a mid-sized sedan which will be used by the DA investigators - action requested - 1) APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; 2) APPROVE BUDGET TRANSFERS (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND 3) AUTHORIZE THE FIXED ASSET PURCHASE OF A SEDAN.

FIRE

3.28 *

Mooretown Rancheria - approval is requested for this revenue agreement for the provision of certain fire dispatch services within the Mooretown Rancheria. The term of the agreement is July 1, 2009 through June 30, 2012 with per call dispatch fees as follows: 1) \$40 per incident in fiscal year (FY) 2009/2010; 2) \$45 per incident in FY 2010/2011; and 3) \$50 per incident in FY 2011/2012 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

GENERAL
SERVICES

3.29 *

Chico Veterans Memorial Hall Committee - action requested - APPOINT HENNIE VAN DE VELDE, DELEGATE AND RON MATHESON, ALTERNATE, CARING VETERANS INC. TO TERMS TO END JUNE 30, 2010.

3.30 *

Surplus Vehicles - approval is requested to surplus a total of sixteen vehicles from various departments. As detailed in the agenda report, these vehicles are in need of costly repairs, are not currently working, or are obsolete - action requested - DECLARE SURPLUS THE VEHICLES DETAILED IN AGENDA REPORT AND REMOVE EACH FROM FIXED ASSET LEDGER.

3.31 *

Resolution Authorizing Application for Assistance from the California Energy Commission (CEC) Energy Partnership Program - consideration of a resolution approving an application for technical assistance from CEC in preparing the application for an American Recovery & Reinvestment Act (ARRA) 1% loan - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE APPLICATION.

3.32 *

Resolution Authorizing the Submission of an Application to the Department of Housing and Urban Development (HUD) - consideration of a resolution approving an application for Economic Development Initiative funds. The funding has been appropriated to the County, but HUD requires the County submit a specific form - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE APPLICATION.

HUMAN
RESOURCES

3.33 *

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

EMPLOYMENT AND SOCIAL SERVICES - requests to add one sunset position of Social Worker to end June 30, 2010. This position is being added for the In-Home Supportive Services (IHSS) Program Integrity and Fraud Investigation Services and will be funded by a combination of additional allocations received by the State and local discretionary matching funds, upon approval of the Board. This change will increase the total allocations in the department from 557.4 to 558.4.

PUBLIC HEALTH - requests to delete the following positions: one-half position of Public Health Nurse, Senior/Public Health Nurse/Public Health Nurse, Associate/Staff Nurse, Senior/Staff Nurse/ Staff Nurse, Associate; one position of Medical Records Technician, Senior/Medical Records Technician; one position of Administrative Assistant; and one position of Public Health Education Specialist, Senior/Public Health Education Specialist/ Public Health Education Specialist, Associate.

The Public Health Department also requests to add the following: three-quarter position of Public Health Nurse, Senior/Public Health Nurse/Public Health Nurse, Associate/Staff Nurse, Senior/Staff Nurse/ Staff Nurse, Associate; one position of Public Health Assistant, Senior/Public Health Assistant; one position of Financial Technician, Senior/Financial Technician; and one position of Supervisor, Public Health Education. Due to restructuring and shifting of duties within the department, the positions being added will more closely reflect the duties and tasks that need to be performed in the department. The positions being added will be funded by salary savings from the vacant positions being deleted. These changes will increase the total allocations in the department from 162.05 to 162.30.

DISTRICT ATTORNEY - requests to add the following: one sunset position of Investigator II/I; and one sunset position of Investigative Assistant. Both positions will end June 30, 2010. These positions are being added to establish a fraud investigation component for the IHSS Program this is in conjunction with the Employment & Social Services Department. Funding for both positions will be provided by the Employment & Social Services Department per an MOU Agreement which will be funded with a combination of additional

allocations received by the State and local discretionary matching funds, upon approval of the Board. These changes will increase the total allocations in the department from 83.5 to 85.5 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

LIBRARY

3.34 *

California Public Library Survey - submitted is the annual California Public Library Survey for fiscal year 2008/2009 - ACCEPT FOR INFORMATION.

3.35 *

Library Holiday Hours Adjustment - approval is requested to close library branches at 5:00 p.m. on December 24, 2009 and December 31, 2009. The Chico Branch would normally be open until 8:00 p.m., and the Paradise Branch would normally be open until 7:00 p.m. No other branches will be impacted - action requested - AUTHORIZE THE LIBRARY TO CLOSE AT 5:00 ON DECEMBER 24 AND DECEMBER 31, 2009.

PROBATION

3.36 *

Accept Unanticipated Revenue - approval is requested to accept \$12,520 received through the Standards and Training for Corrections (STC) Program for required probation officer training - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

PUBLIC
HEALTH

3.37 *

Clean King by DeHart - amendment - approval is requested for an amendment to the agreement with Clean King by DeHart for the provision of janitorial services at 82 Table Mountain Boulevard in Oroville, CA. The amendment extends the term of the agreement through June 30, 2010 and increases the maximum amount payable by \$4,908 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15863)

3.38 *

California Department of Public Health (CDPH) - approval is requested for a revenue agreement with CDPH to provide funding for the implementation of the pandemic H1N1 influenza vaccination program. The term of the agreement is July 31, 2009 through July 30, 2010 with a maximum amount receivable of \$420,974 - action requested - APPROVE AGREEMENT 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.

PUBLIC
WORKS

- 3.39 Adoption of an Ordinance Amending Article I, Entitled "Grading," of Chapter 13, Entitled "Grading and Mining," of the Butte County Code - consideration of a proposed ordinance which includes revisions to Section 13-5.1 which is a provision for a Determination of Exemption on grading projects of over 50 cubic yards but less than 1,000 cubic yards that do not qualify for a standard exemption - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 11-10-09 [Item 5.05])
- 3.40 * Contract Change Order and Notice of Completion for Overlay of Midway from Richvale Highway to Western Canal, County Project No. AC-2009-01 - approval is requested for this change order which provides additional funding for the placement of pavement reinforcing fabric on the Richvale Highway and increases the original engineer's estimate to reflect the quantities actually placed during the project. All contract work has been completed in accordance with the plans and specifications - action requested - 1) APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE THE CHAIR TO SIGN; 2) ACCEPT CONTRACT WORK AND AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND 3) AUTHORIZE THE RECORDING OF THE NOTICE OF COMPLETION.
- 3.41 * Notice of Completion - Construction of Aguas Frias Road Bridge, County Project No. 23201-95-1 - All contract work has been completed in accordance with the plans and specifications - action requested - ACCEPT CONTRACT WORK AND AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND AUTHORIZE THE RECORDING OF THE NOTICE OF COMPLETION.
- 3.42 * Award of Contract for Environmental Monitoring and Reporting Services for the Neal Road Recycling and Waste Facility - In October 2009, the Department of Public Works (DPW) released a Request for Proposals (RFP) for monitoring and report services at the Neal Road Recycling and Waste Facility. Six proposals were received and scored with URS Corp receiving the highest score. Staff recommends awarding the contract to URS Corp for a total cost of \$211,327 - action requested - AWARD CONTRACT TO URS CORP SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY.

- 3.43 * Professional Environmental Engineering Services for Development of Module 4, Phase D Base Liner for the Neal Road Recycling and Waste Facility, County Project 757-5917 - approval is requested to award a contract to Golder Associates, Inc. to provide a Module 4, Phase D Base Liner design. The proposed total cost is \$39,511 (department budget) - action requested - AWARD CONTRACT TO GOLDBER ASSOCIATES, INC. SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY.
- 3.44 * Resolution Approving and Adopting the Methodology for the Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level of 13% for Federal Fiscal Year 2009/2010 - As a condition of receipt of federal funding for transportation projects, the County must adopt a DBE program in compliance with Title 49 CFR, Part 26. On May 5, 2009, Butte County adopted the California Department of Transportation (Caltrans) DBE Implementation Agreement (Exhibit 9-A) and is now required to adopt and submit the Annual Anticipated DBE Participation Level calculations and methodology (Exhibit 9-B) for FY 2009/2010 - action requested - ADOPT RESOLUTION APPROVING AND ADOPTING EXHIBIT 9-B AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE DIRECTOR OF PUBLIC WORKS TO EXECUTE SUCH ADOPTION IN ORDER TO FACILITATE SUBMISSION TO CALTRANS FOR APPROVAL ON BEHALF OF BUTTE COUNTY.
- 3.45 Palm Crest Village Subdivision Reimbursement Agreement - the Community Housing Improvement Program (CHIP), as owner of a majority of the lots within the interior of the Palm Crest Village Subdivision in Thermalito, has constructed Park Way, West Way and portions of Crest Drive and Mountain Vista Drive to County standards and formed County Service Area No. 181 for maintenance of the drainage systems and street lighting. These improvements serve two lots (11 and 12) within the subdivision which are not owned by CHIP. CHIP and the owners have agreed to a reimbursement in the amount of \$27,953 per lot prior to the issuance of development permits. The County will collect the per parcel amounts, temporarily deposit the funds into a restricted cash account, and then forward to CHIP for reimbursement - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE CREATION OF RESTRICTED CASH ACCOUNT.

SHERIFF-
CORONER

3.46 *

Resolution Recognizing Sheriff Perry Reniff Upon His Retirement from Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

TREASURER/
TAX COLLECTOR

3.47 *

Treasury Oversight Committee By-Laws - The Butte County Treasury Oversight Committee was established in April of 2000 to allow local agencies and the public to participate in the review policies that guide the investment of public funds. While the mandate for the existence of this committee was suspended by the State of California in 2004, the Treasurer's office has elected to continue the program. In order to allow for increased flexibility and reduction in costs, the department has submitted amended By-Laws. These amendments were approved and adopted by the committee at their October 13, 2009 meeting - action requested - ACCEPT FOR INFORMATION.

WATER AND
RESOURCE
CONSERVATION

3.48 *

Drought Status Report - The department has submitted this report which details the current drought situation in California and the Drought Task Force's (DTF) priorities for drought response - action requested - ACCEPT FOR INFORMATION.

3.49 *

West Yost Associates - approval is requested for an agreement with West Yost Associates to begin the Integrated Regional Water Management Planning Process. The term of the agreement is December 14, 2009 through October 30, 2010 with a maximum amount payable of \$49,943 - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

OTHER
DEPARTMENTS
AND AGENCIES

3.50 *

Durham Mosquito Abatement District - action requested - REAPPOINT STEVE GALE AND JOHN "JACK" AZEVEDO TO TERMS TO END DECEMBER 31, 2013.

3.51 *

Insufficient Nominee Appointments in Lieu of Election - Rock Creek Reclamation District - action requested - APPOINT PAUL BEHR AND BRUCE MCGOWAN AS TRUSTEES TO TERMS TO END DECEMBER 6, 2013.

- 3.52 * Insufficient Nominee Appointments in Lieu of Election - Sacramento River Reclamation District - action requested - APPOINT PAUL BEHR AND BRUCE MCGOWAN AS TRUSTEES TO TERMS TO END DECEMBER 6, 2013.
-

PRESENTATION OF RESOLUTIONS ADOPTED ON THE CONSENT AGENDA.

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 *

Accept Unanticipated Revenue from the American Recovery and Reinvestment Act (ARRA) Stimulus Funds for Implementation of Subsidized Employment Programs - approval is requested to accept \$3,500,000 in unanticipated revenue to be used for the Subsidized Employment Program which will allow for payments to employers or third parties to help provide for costs of employee wages, benefits, supervision, and training. This program is self-funding and will not require the use of any County discretionary funds. DESS currently has an agreement with the Private Industry Council (PIC) for the provision of Assessment Testing; Work Experience Site Development and Enhancement Services; and supportive services for CalWORKS Welfare-to-Work participants. Approval is also requested for a related amendment to the agreement with PIC for the implementation of the Subsidized Employment Program and to extend the term of the agreement through September 30, 2010 - action requested - APPROVE BUDGET TRANSFER(4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Department of Employment and Social Services)

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 In-Home Supportive Services Public Authority Board.

5.00**PUBLIC HEARINGS AND TIMED ITEMS**

- 9:30 A.M. 5.01 * Timed Item - Presentation by a Representative from the California Department of Consumer Affairs Regarding Available Services - action requested - ACCEPT FOR INFORMATION.
- 9:45 A.M. 5.02 * Continued Public Hearing - Consideration of Planning Commission's Recommendation of Denial Of General Plan Amendment (GPA) 06-0002, Rezone (REZ) 06-0004) and Tentative Subdivision Map (TSM) 06-0011 (Jones) - consideration of a recommendation for denial for a General Plan Amendment from Orchard & Field Crops to Agricultural Residential; a Rezone from Agriculture 20-acre minimum to Suburban Residential 1-acre minimum; and a Tentative Subdivision Map to divide two parcels into 46 single-family lots and with a community septic system. The project site is bounded by Durham-Dayton Highway to the north, Burdick Road to the south, and Turner Lane to the east and is located west of the community of Durham. This item was continued open from September 15, 2009 at the request of the applicant - action requested - ADOPT RESOLUTION DENYING THE GENERAL PLAN AMENDMENT, REZONE, AND TENTATIVE SUBDIVISION MAP WITH FINDINGS AS DETAILED IN THE AGENDA REPORT. (Department of Development Services)
- 10:15 A.M. 5.03 * Continued Public Hearing - Appeal of Planning Commission's Denial of Tentative Parcel Map (TPM08-0007) for South Oroville Land Development, LLC - consideration of an appeal to divide two parcels, totaling 732 acres into 28 parcels ranging in size from 20 to 52 acres. The project site is located east of Palermo with access to the site off of Cox Lane. Staff recommends denial of the appeal. This item was continued open from November 10, 2009 due to a error on the original public hearing notice - action requested - ADOPT RESOLUTION DENYING THE APPEAL WITH FINDINGS AS DETAILED IN THE AGENDA REPORT. (Department of Development Services)

- 10:30 A.M. 5.04 * Public Hearing - Proposed Fee Increases in the Clerk-Recorder, Elections and Probation Departments - consideration of a resolution to adopt proposed fee increases following recent passage of SB676, which allows fee increases in the Clerk-Recorder's Office and Juvenile Hall as detailed in the agenda report. The Clerk-Recorder/Elections Office is also recommending a number of increases as a result of an updated time study and cost of service data. Along with the requested fee increases, approval is requested for an ordinance to remove the specific fee amounts in the Butte County Code as fees are now reflected in the Master Fee Schedule established on March 24, 2009 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
- 10:45 A.M. 5.05 * Timed Item - Fire and Emergency Response Services Funding Options - The Board of Supervisors has directed staff to explore options for funding countywide fire and emergency response services. A report will be provided that addresses funding options for these services - action requested - ACCEPT FOR INFORMATION AND PROVIDE DIRECTION TO STAFF AS NEEDED. (Chief Administrative Office)
- 1:30 P.M. 5.06 * Timed Item - Consideration of Adjustments to the General Plan 2030 Land Use Designations in the Concow and Yankee Hill Communities - The Concow Citizens' Committee for General Plan 2030 and the Golden Feather Community Alliance have requested further review concerning land use designations in their communities - action requested - TAKE PUBLIC COMMENT AND PROVIDE DIRECTION TO STAFF AS NEEDED. (Department of 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 PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER.

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.

7.03 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.

7.04 ACTUAL LITIGATION PURSUANT TO GOV. CODE SECTION
54956.9(a) - FOUR CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. SALERNO V. COUNTY OF BUTTE, USDC CASE 07-2157;
3. DRY CREEK COALITION V. NORTH CONTINENT LAND AND
TIMBER, ET AL.; BUTTE COUNTY SUPERIOR COURT CASE
NO. 144532; AND
4. WILLIAMS V. BUTTE COUNTY SUPERIOR COURT CASE NO.
137329.

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