

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

MARCH 16, 2010



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.
- 1.04 CORRECTIONS AND/OR CHANGES TO THE AGENDA.

3.00 CONSENT AGENDA

AGRICULTURE **3.01 *** Pest Detection Survey Program - approval is requested to accept and appropriate \$60,792 in revenue from the California Department of Food and Agriculture to be used to conduct a survey to determine the presence of Asian Citrus Psyllid and European Grape Vine Moth in Butte County - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

CHIEF
ADMINISTRATIVE
OFFICE

3.02 * Accept Unanticipated Revenue - Fiscal Year 2009 State Homeland Security Grant Program - approval is requested to accept and appropriate \$1,176 in unanticipated revenue from Butte County Search and Rescue. These funds will supplement State Homeland Security grant funds for the purchase of an all-terrain vehicle for Search and Rescue - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

3.03 * 3CORE - amendment - approval is requested for an amendment to the master subrecipient agreement with 3CORE (formerly known as Tri-County Economic Development Corporation [TCEDC]) for the provision of staff services related to the Community Development Block Grant (CDBG) Program. The amendment deletes the name of the organization (TCEDC) and replaces it with the name 3CORE. The amendment also extends the term date of the agreement to January 31, 2013 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.04 * 2009 DNA Identification Fund Report - pursuant to Government Code Section 76104.6, submitted is the 2009 DNA Identification Fund Report. The report includes the total fines collected, allocated, and expended for each authorized program under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act. The County is required to submit the report to the Legislature and the Department of Justice by April 1 each year - action requested - APPROVE THE REPORT FOR CALENDAR YEAR 2009.

3.05 * Letter of Support of Senate Bill 942 (SB 942) - The Regulatory Burden Reduction Act - approval is requested for a letter of support for SB 942 (Dutton). The purpose of the Regulatory Burden Reduction Act is to reduce the state's regulatory burden on private businesses by requiring the Bureau of State Audits to do a complete review of specified regulations and recommend elimination or revision of any regulation that is not cost-effective - action requested - APPROVE LETTER OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN.

3.06 * MPM Engineering - amendment - approval is requested for an amendment to the agreement with MPM Engineering for the provision of Labor Compliance Coordination. The amendment extends the term through June 30, 2010 and increases the maximum amount payable to \$31,500. This is an increase of \$1,500 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

EMPLOYMENT
AND SOCIAL
SERVICES

3.07 * Resolution Recognizing March 2010 as Social Work Month in Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

GENERAL
SERVICES

3.08 * Notice of Completion - Oroville Veterans Memorial Hall Americans with Disabilities Act (ADA) Improvements - All contract work related to the installation of an elevator and work on the front entrance of the Hall has been completed in accordance with the plans and specifications - action requested - ACCEPT CONTRACT WORK; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND DIRECT THE RECORDING OF THE NOTICE OF COMPLETION.

HUMAN
RESOURCES

3.09 *

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

TREASURER TAX-COLLECTOR - requests to add one position of Accounting Specialist/Account Clerk, Senior/Account Clerk. This position is being added as the first step in a minor restructuring within the department that will ultimately delete two positions and add one other position resulting in no net change to total position allocations. The position will provide needed administrative and clerical support to the revenue officers in the department. This change will temporarily increase the total allocations in the department to 24 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

LIBRARY

3.10 *

Library Donations - The Library has received the following donations for books: \$600 from the Oroville Friends of the Library; \$500 from the Chico Friends of the Library; \$100 from Maudie Penney - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

PROBATION

3.11 *

Accept Donation - approval is requested to accept a donation in the amount of \$200 from the Beta Chapter of the Omega Nu Foundation for the Juvenile Hall Facility - action requested - ACCEPT DONATION; ADOPT RESOLUTION OF APPRECIATION AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE BUDGET ADJUSTMENT (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

PUBLIC
HEALTH

3.12 *

Medifax-EDI, LLC - amendment - approval is requested for an amendment to the agreement with Medifax-EDI, LLC for the provision of electronic billing services. The amendment increases the maximum amount payable to \$90,000. This is an increase of \$45,000 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 3.13 * Fixed Asset Purchases - approval is requested for an amendment to the fixed asset purchase of two vehicles that were approved by the Board of Supervisors on January 26, 2010. The total cost for both vehicles was originally estimated at \$62,000, but the Department provided an updated estimate of \$55,000 for both vehicles. The department requests to add an additional fixed asset purchase of a six compartment slide-in animal control unit which will be used in one of the new vehicles. The estimated cost of this unit is \$13,500 - action requested - APPROVE AMENDED FIXED ASSET PURCHASES OF TWO VEHICLES TOTALING \$55,000 AND THE FIXED ASSET PURCHASE OF A SLIDE-IN ANIMAL CONTROL UNIT FOR \$13,500.

PUBLIC
WORKS

- 3.14 * Resolution Authorizing the Submittal of Waste Tire Enforcement Grant Application - consideration of a resolution authorizing the application for grant funds available through the California Department of Resources Recycling and Recovery for Fiscal Year (FY) 2010/2011 through FY 2014/2015 - action requested - 1) ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; 2) AUTHORIZE THE BUTTE COUNTY PUBLIC WORKS DEPARTMENT TO ACT AS AGENCY FOR THE PURPOSE OF APPLYING FOR AND ADMINISTERING THE GRANTS; AND 3) AUTHORIZE THE BUTTE COUNTY PUBLIC WORKS DIRECTOR, OR DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE GRANTS.

- 3.15 * Adoption of an Ordinance Amending Butte County Code Section 20-68 of Chapter 20 - consideration of a proposed ordinance to be in alignment with the State of California Government Code 66452.6(e), changing the maximum total time extension for subdivision maps from five years to six years - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (From 2-23-10 [Item 3.21])

- 3.16 * Resolution Prohibiting Stopping, Parking, or Standing of Vehicles in County Jurisdiction at the Intersections of Nord Avenue, Rodeo Drive, and Henshaw Avenue in Chico - No parking zones were established under the authority of the Butte County Public Works Director on the above streets. However, the California Highway Patrol has requested the County establish a "No Parking Tow-Away Zone" along both sides of this section of Nord Avenue and Rodeo Drive due to safety concerns - action requested - ADOPT THE RESOLUTION AND AUTHORIZE CHAIR TO SIGN.

3.17 * Budget Adjustment for County Service Area (CSA) 23 - Pleasant Valley Drainage - approval is requested for a budget adjustment in the amount of \$28,000 as detailed in the agenda report to provide appropriation from the Reserved/Designated Fund Balance for work done to the drainage system - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

3.18 * Forest Products & Excavation - amendment - approval is requested for an amendment to the agreement with Forest Products & Excavation for the provision of debris and snow removal for Butte County. The amendment extends the term of the agreement through June 30, 2010 and increases the maximum amount payable to \$70,593. This is an increase of \$25,000. (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17536)

3.19 * Resolution Amending the Improvement Standards Pursuant to Chapter 20 of the Butte County Code - consideration of a resolution which will revise the existing Gridley Urban Area Boundaries as defined in Appendix I of the Butte County Improvement Standards - action requested - ADOPT THE RESOLUTION AND AUTHORIZE CHAIR TO SIGN.

SHERIFF-
CORONER

3.20 * Budget Adjustments - approval is requested to accept and appropriate a total of \$36,920 in grant funds received from participation in the multi-county Sexual Assault Felony Enforcement (SAFE) Team and a multi-jurisdictional DUI task force - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required) ACCEPTING AND APPROPRIATING REVENUE AS DETAILED IN THE AGENDA REPORT.

3.21 * Central Valley Toxicology (CVT) - approval is requested for an agreement with CVT for the provision of forensic pathological toxicology services. The term of the agreement is March 16, 2010 through March 16, 2011 with a maximum amount payable of \$40,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

TREASURER -

TAX COLLECTOR 3.22 *

Monthly Investment Report - submitted is the Monthly Investment Report dated January 31, 2010, in accordance with the Statement of Investment Policy dated July 1, 2009 - action requested - ACCEPT FOR INFORMATION.

OTHER

DEPARTMENTS AND AGENCIES 3.23 *

Housing Authority of the County of Butte - action requested - REAPPOINT SHIRLEY ANDREWS AND LENA WHITE TO TERMS TO END APRIL 11, 2012.

PRESENTATION OF RESOLUTIONS ADOPTED ON THE CONSENT AGENDA.

4.00

REGULAR AGENDA

BOARDS, COMMISSIONS AND COMMITTEES 4.01

Boards, Commissions and Committees.

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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 by Director-Development Services.

PRESENTATION
AND DISCUSSION
ITEMS

4.05 * Fiscal Year (FY) 2009/2010 Midyear Financial Report - At a previous Board meeting, the Board of Supervisors directed the Chief Administrative Officer to provide a midyear budget update and revised financial forecast. In addition, the Board also requested a report discussing options and recommendations regarding potential cuts to restore public safety funding. Both reports will be presented for Board consideration - action requested - ACCEPT FOR INFORMATION.

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

5.00PUBLIC HEARINGS AND TIMED ITEMS9:30 A.M. **5.01** *

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

- A. An Ordinance Amending Sections 3-14, 3-175, 3-194, 3-213, 3-232, 3-251 and 3-270 of Chapter 3 of the Butte County Code - This ordinance will adjust Countywide Development Impact Fees as detailed in the agenda report; and
- B. An Ordinance Amending Sections 3-164 of Chapter 3 and Section 10-33.5 of Chapter 10 of the Butte County Code - This ordinance will adjust the North Chico Specific Plan Fees and Chico Urban Area Street Facilities Fees as detailed in the agenda report; and
- C. An Ordinance Amending Section 3-103(c) of Chapter 3 of the Butte County Code - This ordinance will adjust the Chico Storm Drainage Master Plan Area Storm Drainage Fees as detailed in the agenda report - action requested - ADOPT ORDINANCES (3) AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office and Public Works)

9:35 A.M. 5.02 *

Timed Item - Adoption of On-Site Wastewater Program - On February 23, 2010, the Board of Supervisors adopted a resolution certifying the Environmental Impact Report for the Butte County updated On-Site Wastewater Program. Consideration is requested for the following:

- A. Adoption of an Ordinance Repealing Butte County Code Chapter 19 Entitled "Sewage Disposal," and renaming the Chapter "On-Site Wastewater Systems" - consideration of an ordinance establishing new requirements and standards for on-site treatment systems - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 2-23-2010 [Item 5.05])
- B. Resolution Adopting On-Site Wastewater Manual - consideration of a resolution adopting the manual which provides the technical and procedural requirements for the program - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- C. Wastewater Advisory Committee - consideration of a resolution appointing members to the Wastewater Advisory Committee to advise the Public Health Department on matters pertaining to program development and establishing the Committee's by-laws as detailed in the agenda report. The nine recommended appointees are: Ted Runge, William Dinsmore, Buddy Nottingham, Ken Shuey, Nick Wagel, Jack Biggs, Jan Jill, Rick McCauley, DC Jones, and Doug Flesher as an alternate - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)

9:45 A.M. 5.03 *

Public Hearing - Resolution Adopting Fee Adjustments Resulting from Changes to Butte County Code Chapter 19 - On-Site Wastewater Systems - Contingent upon approval of the On-Site Wastewater Ordinance and Manual (item 5.02 on this agenda), approval of this resolution will establish fees associated with new or additional County services related to the On-Site Wastewater Program. These services include additional site evaluations, design reviews, inspections and certifications - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Public Health and Chief Administrative Office)

10:15 A.M. 5.04 *

Timed Item - Introduction of an Ordinance Amending Butte County Code Section 26-2, Entitled "Buildings," and Section 28A-1, Entitled "Mobilehome and Mobilehome Lot Standards" - consideration of a proposed ordinance which would prohibit the installation of manufactured homes older than ten years of age in Butte County - action requested - WAIVE THE FIRST READING OF THE ORDINANCE. (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.

RECESS

Recess as the Butte County Board of Supervisors and Convene as the In-Home Supportive Services Public Authority Board.

7.00 CLOSED SESSION

7.01 PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER; DIRECTOR OF BEHAVIORAL HEALTH; AND DIRECTOR OF HUMAN RESOURCES.

7.02 CONFERENCES WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

PROPERTY: APN 069-520-038
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: ROBERT VANDERLIP/COMCAST COMMUNICATIONS
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;

PROPERTY: APN 002-180-139
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: TOM DIGIOVANNI/NEW URBAN BUILDERS
NEGOTIATIONS: STATUS REPORT AND DIRECTION

7.03 ACTUAL LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(a) - TWO CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. LP V. COUNTY OF BUTTE; SUPERIOR COURT CASE NO. 141988.

7.04 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1) - ONE POTENTIAL CASE.

7.05 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

**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
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