

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

MARCH 30, 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.
- 2.00** CORRECTIONS AND/OR CHANGES TO THE AGENDA.

3.00 CONSENT AGENDA

BEHAVIORAL
HEALTH

- 3.01** * Victor D. Mlotok, M.D. - amendment - approval is requested for an amendment to the agreement with Victor D. Mlotok for the provision of psychiatric services and oversight of medical treatment for Behavioral Health clients. The amendment decreases the maximum amount payable to \$99,750. This is a a decrease of \$14,250 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.02** * Lynn Pappas, M.D. - amendment - approval is requested for an amendment to the agreement with Lynn Pappas, M.D. for the provision of psychiatric services, consultation, and chart review. The amendment decreases the maximum amount payable to \$31,625. This is a decrease of \$40,135 - action requested - APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X17807)
- 3.03** * Youth For Change - amendment - approval is requested for an amendment to the agreement with Youth For Change for the provision of services associated with the Mental Health Services Act (MHSA) Living Insight, New Knowledge (LINK) Program. The amendment increases the maximum amount payable to \$807,855.94. This is an increase of \$34,498.74 (department budget utilizing MHSA funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X17918)

3.04 * MC2 Design Group - amendment - approval is requested for an amendment to the agreement with MC2 Design Group for the provision of design services to help create a website for the Butte County Behavioral Health Department. The amendment is for expanded Scope of Work and increase the maximum amount payable to \$25,914.55. This is an increase of \$1,750 (department budget using various grant funds) - action requested - APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X17852)

3.05 * North Valley Behavioral Health - amendment - approval is requested for an amendment to the agreement with North Valley Behavioral Health for the provision of therapeutic and rehabilitative services. The amendment increases the maximum amount payable to \$72,192. This is an increase of \$47,616 (department budget utilizing Federal Medicaid and Realignment funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract X18022)

BOARD OF
SUPERVISORS

3.06 * Resolution Declaring March 30, 2010 as Welcome Home Vietnam Veterans Day in Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Supervisor Dolan)

3.07 * Ratification of Letter to Sent to Central Valley Flood Protection Board (CVFPB) - approval is requested to ratify a letter sent to CVFPB requesting more time to study the application by the California Department of Parks and Recreation (CDPR) to remove two existing berms east side of River Road near the proposed Sacramento-Bidwell State Park. The County was not notified of the application by CDPR until March 23, 2010. The deadline to comment of the application was March 29, 2010. Due to the late notice, the Chair of the Board sent a letter to CVFPB requesting more time to study the application - action requested - RATIFY LETTER SENT TO CENTRAL VALLEY FLOOD PROTECTION BOARD. (Supervisor Dolan)

CHIEFADMINISTRATIVEOFFICE

3.08 *

Dease Group Consulting - approval is requested for an agreement with Dease Group Consulting for the provision of consultation services related to the update of the Emergency Operations Plan as part of the Fiscal Year 2009 State Homeland Security Grant Program funds. The maximum amount payable on this agreement is \$63,950 - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.

3.09 *

Authorization to Pursue Amendments to the Revenue Sharing Agreement with City of Oroville - The Development Services Department is exploring several potential land development projects which may not be fiscally sustainable for the County of Butte if the properties are annexed by the City of Oroville. Fiscal sustainability can be achieved, in part, through a revised revenue sharing agreement with the City of Oroville in order for the County to access sufficient revenues to maintain countywide services that extend to new development within annexation areas - action requested - AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER OR DESIGNEE TO MEET WITH THE CITY OF OROVILLE TO DISCUSS THE CURRENT REVENUE SHARING AGREEMENT AND NEGOTIATE AMENDMENTS, SUBJECT TO FUTURE BOARD OF SUPERVISORS APPROVAL.

3.10 *

Approval of Minutes - action requested - APPROVE MINUTES OF MARCH 16, 2010.

COUNTYCOUNSEL

3.11 *

Private Industry Council - approval is requested for an agreement with Private Industry Council (PIC) for the construction of the Butte County Veterans Memorial Park. Ordinarily, the contract would go out for the bidding process. However, PIC has offered to provide its services for the construction in exchange for One Dollar (\$1.00). PIC intends to use the construction of the Park as a training experience for the participants in PIC's Contractor's Youth Construction Pre-Apprenticeship Program - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND ADOPT THE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

DEVELOPMENT
SERVICES

3.12 *

Butte County Land Conservation (Williamson) Act - Submitted is an informational report advising the Board that the Butte County Williamson Act Advisory Committee adopted Committee guidelines regarding recommendations to the Board at their November 16, 2009 meeting - ACCEPT FOR INFORMATION.

3.13 *

Application for Inclusion - Butte County Land Conservation (Williamson) Act (LCA) - This is a request by Lana Gunn to amend the Williamson Act contract on her property (APN 041-120-00, 125, 041-330-041 and 052) to reflect minor changes in boundary lines pursuant to approved Lot Line Adjustment LLA09-0002. On November 16, 2009 the Butte County LCA Advisory Committee unanimously recommended the Board of Supervisors approve this contract amendment - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.14 *

Application for Inclusion - Butte County Land Conservation(Williamson) Act - This is a request by David Martin to amend the Williamson Act contract on his property (APN 072-320-031-032)to reflect minor changes in boundary lines pursuant to approved Lot Line Adjustment LLA09-0006. On November 16, 2009 the Butte County Land Conservation (Williamson) Act Advisory Committee unanimously recommended the Board of Supervisors approve this contract amendment - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

HUMAN
RESOURCES

3.15 *

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

BEHAVIORAL HEALTH - requests to delete one position of Psychiatric Technician, Senior/Psychiatric Technician and add one position of Staff Nurse, Senior/Staff Nurse/Staff Nurse, Associate. This change will allow for greater flexibility and increased medical care in the department. The difference in salary will be offset by salary savings in the current fiscal year budget. This change will leave the total allocations in the department unchanged at 291.25 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLIC
HEALTH

3.16 *

Half a Bubble Out Advertising - approval is requested for an agreement with Half a Bubble Out Advertising for consultation services to develop medical/health (specifically influenza related) media campaigns. The term of the agreement is April 1, 2010 through July 20, 2010 with an amount not to exceed \$60,000. The contract will be paid with 100% grant funding - action requested - APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.17 *

Resolution Recognizing April 5-11, 2010 as National Public Health Week - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.18 *

California Department of Public Health - amendment - approval is requested for an amendment to the master agreement with the State for a variety of AIDS related services under Master Agreement 07-65042. Through Amendment No. 04 to this Master Agreement, the HIV Prevention program, HIV Counseling and Testing Program, and the Early Intervention program have all been eliminated and replaced with a block grant type case management program referred to as the "HIV Care Program." The amendment decreases the maximum amount receivable to \$259,869 for Fiscal Year 2009/2010. This is a decrease of \$179,828 - action requested - APPROVE MASTER AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE AMENDMENT TO PROGRAM AND AUTHORIZE THE DIRECTOR OF PUBLIC HEALTH TO SIGN THE HIV CARE MOU SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLIC
WORKS

3.19 *

State Route 99 (SR99) Frontage Road Construction Reimbursement - In 1998, the Board of Supervisors initially adopted the Chico Urban Area Street Improvements Impact Fees. The fees are collected and used towards capital improvements specified within the City of Chico Nexus study. The most recent project completed by the Department of Public Works was the construction of the new SR99 Frontage Road at a total cost of \$1,124,291.76. Approval is requested for reimbursement from the Chico Urban Area Street Improvements Impact Fees fund. Approval is also requested for reimbursement of this project's curb/gutter/sidewalk expenditures as detailed in the agenda report - action requested - APPROVE TRANSFER OF FUNDS AS DETAILED IN THE AGENDA REPORT.

3.20 * Resolution Certifying Annual Changes to Butte County Maintained Mileage - consideration of a resolution approving the changes to the County's maintained mileage. The maintained mileage for 2009 was determined to be 1,306.720 miles. This is an addition of 4.707 miles from the previous year - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

SHERIFF-
CORONER

3.21 * Acceptance of Grant Funds from State of California - Department of Boating & Waterways - approval is requested to accept grant funds in the amount of \$159,342 from the State of California for maintaining safe waterways via boater safety education, enforcement of unsafe acts and water rescue (departmental budget)- action requested - action requested - ACCEPT GRANT AWARD AND AUTHORIZE THE SHERIFF OR DESIGNEE TO SIGN THE AGREEMENT AND OTHER DOCUMENTS AS OUTLINED IN THE AGENDA REPORT; AND ADOPT RELATION RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.22 * Accept Donation - a donation of a 1994 Chevrolet K3500 ambulance available through the 1033 Military Surplus Program has been received as a mobile command post for Search and Rescue - action requested - ACCEPT DONATION.

3.23 * Accept Donation - a donation of a 2008 Bombardier RXT Personal Watercraft has been received from Butte County Search and Rescue to be used in water rescue operations - action requested - ACCEPT DONATION.

3.24 * California Department of Justice (DOJ) Domestic Violence Firearms Program - amendment - approval is requested to extend the agreement with DOJ through June 30, 2010 and to accept \$117,251.48 in grant funds. These funds will be used to ensure that domestic violence restraining orders are served in a timely manner and to proactively confiscate firearms and ammunition from domestic violence perpetrators who are prohibited from possessing firearms and ammunition - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; APPROVE BUDGET ADJUSTMENT (4/5 vote required)ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

TREASURER -

TAX COLLECTOR 3.25 *

Monthly Investment Report - submitted is the Monthly Investment Report dated February 28, 2010, in accordance with the Statement of Investment Policy dated July 1, 2007 - action requested - ACCEPT FOR INFORMATION.

WATER

AND RESOURCE

CONSERVATION 3.26 *

Bay Delta Conservation Plan (BDCP) - the BDCP effort is a collaborative program led by state, federal and local water agencies intended to formulate a plan that could ultimately be approved as a Habitat Conservation Plan (HCP) under the provisions of the federal Endangered Species Act section 10(a)(1)(B) and a Natural Community Conservation Plan (NCCP) under the Fish and Game Code sections 2800 et seq., and/or the California Endangered Species Act (CESA), sections 2050 et seq. The Butte County Water Commission further discussed the issues associated with the BDCP and approved the following recommendations: 1) Direct the Department of Water and Resource Conservation to continue to monitor the developments of the BDCP and related processes in collaboration with the Four County Group; 2) Authorize a letter to the California Resources Agency requesting that the BDCP program establish a northern Sacramento Valley Advisory Group; and 3) Direct staff to continue to evaluate whether Butte County should pursue joining the BDCP Steering Committee - action requested - ACCEPT THE RECOMMENDATIONS FROM THE WATER COMMISSION; AND APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN.

OTHER

DEPARTMENTS

AND AGENCIES 3.27 *

Resolution Recognizing April 2010 as Child Abuse Prevention Month - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.28 *

Resolution Recognizing April 2010 as Sexual Assault Awareness Month - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

4.00

REGULAR AGENDA

BOARDS,
COMMISSIONS AND
COMMITTEES

4.01 *

Boards, Commissions and Committees.

1. Appointments to Listed Vacancies.

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2. Board Member or Committee Reports - action requested - DETERMINE THE SPECIFIC BOARDS, COMMITTEES, COMMISSIONS FOR WHICH BOARD MEMBERS WILL PROVIDE REGULAR REPORTS; AND PROVIDE DIRECTION TO DISSOLVE AND/OR COMBINE ANY BOARDS, COMMITTEES, COMMISSIONS.

BUDGET, LEGISLATIVE
OR COUNTY RELATED

UPDATES 4.02

Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

4.03

Update of General Plan 2030 Process by Director-Development Services.

PRESENTATION
AND DISCUSSION

ITEMS 4.04 *

Request for Interpretation of Butte County Code Section 24-195 (TPZ-160) Regarding a Spring Water Collection Operation - Dale Mancino has requested an interpretation of Butte County Code Section 24-195 (TPZ-160) to determine if a spring water collection operation is a use permitted within TPZ-160 zoned parcels - action requested - STAFF RECOMMENDS THAT THE BOARD OF SUPERVISORS AFFIRM BY MINUTE ORDER THE PLANNING DIVISION'S DETERMINATION THAT THE PROPOSED SPRING WATER COLLECTION OPERATION IS NOT A PERMITTED USE FOR TPZ-160 ZONED PARCELS AS PROVIDED IN BUTTE COUNTY CODE SECTION 24-195. (Department of Development Services)

4.05 *

Options for Preservation of the Bell House and Other Historical and Cultural Resources - Staff requests Board of Supervisors direction regarding the proposed amendment to the Butte County Code and establishment of the Historical and Cultural Resources Inventory. Specifically, staff requests direction on the following: 1) If owner consent should be required; and 2) If a fee should be charged for applications - action requested - PROVIDE DIRECTION TO STAFF.

4.06 *

Resolution Amending Rule 5.A.5.d of Butte County Williamson Act Procedures and Rules Regarding Minimum Parcel Size for Establishing a Residence - The Williamson Act Advisory Committee recommends the Board adopt changes to Rule 5.A.5.d of the Butte County Administrative Procedures and Uniform Rules for implementing the California Land Conservation Act (LCA). This rule applies to minimum parcel size for establishing a residential use, to bring Rule 5.A.5.d into conformity with the acreage standards found in the Government Code regarding transferring ownership of Williamson Act contracted land to an immediate family member - action requested - ADOPT THE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

4.07 *

Introduction of an Ordinance Amending Butte County Code, Chapter 31, "Solid Waste Collection, Management and Recycling" - consideration of an ordinance which will update Butte County Code to be in compliance with existing state law. There have been significant changes in the field of solid waste and management and recycling over the last several years. The proposed ordinance reflects those changes including: updating recycling requirements for construction and demolition and updating standard terminology that is currently used in solid waste management ordinances throughout the State - action requested - WAIVE READING OF THE ORDINANCE.

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

5.00 **PUBLIC HEARINGS AND TIMED ITEMS**

9:45 A.M. **5.01** * Timed Item - Presentation Regarding Sutter Butte Flood Control Agency's Proposal for an Assessment District - The Sutter Butte Flood Control Agency (SBFCA) is working on an Early Implementation Project (EIP) with the Department of Water Resources (DWR) to restore the levees on the west bank of the Feather River to provide flood protection to the southwesterly portion of the Butte County including Gridley and Biggs. SBFCA is proposing an Assessment District in order to raise the funds needed for the EIP. It is estimated that 30% of the total project cost needs to be raised in order to receive the balance of funding from DWR. Kim Floyd with SBFCA will provide a report - action requested - ACCEPT FOR INFORMATION.

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; DIRECTOR OF BEHAVIORAL HEALTH;
AND DIRECTOR OF HUMAN RESOURCES.

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 ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a):
ONE CASE

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);

7.04 INITIATION OF LITIGATION PURSUANT TO GOV. CODE SEC.54956
(c): 1 POTENTIAL CASE

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