

Called to Order at 9:05 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Dolan, Yamaguchi, Josiassen and Chair Beeler. Supervisors not present: Houx. Also present: Paul McIntosh, Chief Administrative Officer; Bruce Alpert, County Counsel, and Marion Reeves, Assistant Clerk of the Board.

Pledge of Allegiance to the Flag of the United States of America.

Invocation - Reverend Norm Gardner, The Rock Fellowship, Magalia.

Corrections and/or Changes to the Agenda. (74)

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03-018

ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

1. Accept Unanticipated Revenue - approval is requested to accept and appropriate an additional \$63,737 in Glassy-Winged Sharpshooter activity funds. The department included \$50,000 in its fiscal year 2002-2003 budget and has received notice that the final award will be \$113,737. The additional funds will be utilized to support trapping, monitoring, inspecting and treatment activities - action requested - APPROVE BUDGET TRANSFER B-238 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. ITEM IS TO BE AMENDED AND RETURNED TO THE AGENDA OF FEBRUARY 11, 2003.

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CONSENT AGENDA

03-019

1. Agricultural State of Disaster - approval is requested to ratify a letter signed by Chair Beeler on January ~~21~~, 23, 2003, requesting the United States Secretary of Agriculture declare that an agricultural state of disaster exists in Butte County as a result of damage to crop trees caused by windstorms coupled with rain-soaked grounds - action requested - RATIFY LETTER SIGNED BY THE CHAIR REQUESTING AN AGRICULTURAL STATE OF DISASTER BE DECLARED IN BUTTE COUNTY.
2. Annual Audit Report for Fiscal Year 2001-2002 - submitted is the annual Audit Report and Management Report for the Fiscal Year Ended June 30, 2002. The report was prepared by the audit firm of Bartig, Basler & Ray, Certified Public Accountants - action requested - ACCEPT FOR INFORMATION.

- 03-019
3. Accept Unanticipated Revenue - Youth Development and Crime Prevention Grant - approval is requested to accept and appropriate \$32,633 in unexpended fiscal year 2001-2002 Youth Development and Crime Prevention Grant funds. The department has received notice that it has until September 30, 2003, to utilize the funds - action requested - APPROVE BUDGET TRANSFER B-236 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
  4. Accept Unanticipated Revenue - Medi-Cal Managed Care Allocation - approval is requested to accept and appropriate \$130,887 in additional Medi-Cal Managed Care Allocation funds for fiscal year 2002-2003. The additional funds will be utilized to support day treatment programs and client transportation services. The department is also planning to utilize \$19,195 for the purchase of a filing system to store confidential client files and Board approval is also requested for the fixed asset purchase - action requested - APPROVE BUDGET TRANSFER B-239 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE OF FILING SYSTEM IN THE AMOUNT OF \$19,195.
  5. North Valley Parent Education Network - Amendment - approval is requested for an amendment to the agreement with North Valley Parent Education Network for the provision of outpatient drug-free individual counseling and education groups. The amendment reduces the maximum amount payable by \$3,613.50 and revises the program budget to reflect the decrease. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X13676)
  6. Tri-County Treatment - Amendment - approval is requested for an amendment to the agreement with Tri-County Treatment for the provision of short-term residential recovery services. The amendment increases the maximum amount payable by \$72,892.85 (department budget) and revises the service summary to reflect the increase. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X13766)

- 03-019
7. Oroville Hospital - Amendment - approval is requested for an amendment to the agreement with Oroville Hospital for the provision of initial medical evaluation services for individuals prior to admission to the County's Psychiatric Health Facility. The amendment revises the contract language under the Description of Services and Requirements section, and the Authorizations and Consultation/Evaluation Requests section. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X13910)
  8. Right Road Recovery Programs, Inc. - Amendment - approval is requested for an amendment to the agreement with Right Road Recovery Programs, Inc., for the provision of outpatient drug-free individual counseling and short-term residential treatment services. The amendment decreases the maximum amount payable by \$8,340, and revises the service summary to reflect the decrease. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X13719)
  9. Cherokee Restoration Fellowship - Amendment - approval is requested for an amendment to the agreement with Cherokee Restoration Fellowship for the provision of residential treatment services for drug and alcohol abuse. The amendment increases the maximum amount payable by \$23,759.69 (department budget) and revises the service summary to reflect the increase. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X13745)
  10. Youth For Change - Amendment - approval is requested for an amendment to the agreement with Youth For Change for the provision of specialty mental health services, a day rehabilitation program and medication support to adolescent clients receiving Medi-Cal benefits. The amendment decreases the maximum amount payable by \$6,000 and revises the financial summary to reflect the decrease. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13782)

- 03-019
11. Interim Director - Department of Public Health - Gary House, Director of Public Health, has announced his retirement effective March 28, 2003. Mr. House intends to leave County employment sometime later this month and utilize accrued vacation until his retirement date. The Chief Administrative Officer is recommending the Board appoint Jim Botill, Assistant Director of Public Health, as Interim Director, at the benchmark salary for the position, until a permanent replacement has been made - action requested - APPOINT JIM BOTILL AS THE INTERIM DIRECTOR OF THE PUBLIC HEALTH DEPARTMENT, AT THE BENCHMARK SALARY FOR THE POSITION, EFFECTIVE UPON THE DEPARTURE OF GARY HOUSE ON VACATION AND TERMINATING UPON THE EMPLOYMENT OF A FULL-TIME DIRECTOR.
  12. 2003 Legislative/Regulatory Platform - consideration of the adoption of the 2003 Legislative/Regulatory Platform as amended by Board direction at the meeting of December 10, 2002 - action requested - ADOPT 2003 LEGISLATIVE/REGULATORY PLATFORM AS PRESENTED.
  13. Durham Mosquito Abatement District - action requested - APPOINT THOMAS F. VANELLA, TRUSTEE, TO A VACATED TERM TO END DECEMBER 31, 2006.
  14. Animal Control Advisory Board - action requested - APPOINT CATHY AUGROS, BUTTE HUMANE SOCIETY REPRESENTATIVE.
  15. Butte County Fair Board - action requested - REAPPOINT CLARENCE WILLIAMS AND GARY ANDES, DISTRICT 4 REPRESENTATIVES, TO TERMS TO END JANUARY 8, 2007.
  16. Northern Valley Catholic Social Service - Amendment - approval is requested for an amendment to the agreement with Northern Valley Catholic Social Service for Cal-Learn Program case management services. The amendment increases the monthly rate for case management by \$56 per case. The maximum amount payable for the agreement is not increased and all other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X11259)
  17. Northern Valley Catholic Social Service - Amendment - approval is requested for an amendment to the agreement with Northern Valley Catholic Social Service for the provision of counseling and assessment services to Children's Services clients. The amendment increases the maximum amount payable by \$75,000. To fund the agreement the department is requesting the Board approve the appropriation of \$75,000 in unanticipated Federal Temporary Assistance for Needy Families (TANF) Welfare Performance Incentive funds, and to encumber that amount in the CalWORKs budget unit for payment of the agreement - action requested - APPROVE BUDGET TRANSFER B-230 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FEDERAL TANF REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13635)

- 03-019 18. Private Industry Council - Amendment - approval is requested for an amendment to the agreement with the Private Industry Council for the provision of employment services and activities for CalWORKs participants. The amendment increases the maximum amount payable by \$500,000. To fund the agreement the department is requesting the Board approve the appropriation of \$500,000 in unanticipated Federal Temporary Assistance for Needy Families (TANF) Welfare Performance Incentive funds, and to encumber that amount in the CalWORKs budget unit for payment of the agreement - action requested - APPROVE BUDGET TRANSFER B-231 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FEDERAL TANF REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13305)
19. Butte County Department of Behavioral Health - Memorandum of Understanding - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Behavioral Health Department for the provision of substance abuse and mental health treatment services for CalWORKs participants. The amendment extends the term of the agreement through June 30, 2003, sets the maximum amount payable for fiscal year 2002-2003 at \$1,236,408 (department budget) and includes language regarding domestic violence services for CalWORKs participants. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X10903)
20. Volunteer Fire Assistance Grant - approval is requested for a grant agreement with the State Department of Forestry and Fire Protection for \$6,000 from the Cooperative Forestry Assistance Act, Volunteer Fire Assistance Program. The grant funds will be utilized to purchase pagers for volunteer firefighters. The grant program is for a total of \$12,000 and requires a County match of \$6,000 (department budget) - action requested - ADOPT RESOLUTION 02-014 APPROVING GRANT AWARD AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN (AGREEMENT SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER). (Contract No. X40424)
21. Courthouse Expansion Project Budget Transfer - approval is requested to accept and appropriate \$37,419 from the Superior Court of California, County of Butte to the Courthouse Expansion budget unit to provide an appropriation to pay for architectural and civil engineering services for the courthouse expansion project - action requested - APPROVE BUDGET TRANSFER B-241 (4/5 vote requested) ACCEPTING AND APPROPRIATING UNANTICIPATED COURT REVENUE AS DETAILED IN THE AGENDA REPORT.

- 03-019      22.    State of California, Board of Corrections - Amendment - approval is requested for an amendment to the revenue agreement with the State of California, Board of Corrections for funds for the construction of the new juvenile hall. The amendment extends the term of the agreement to May 31, 2003, which is the revised construction completion date. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40313)
23.    Resolution to Amend the Salary Ordinance - a resolution has been prepared to amend the salary ordinance as follows: AUDITOR-CONTROLLER - adds one sunset position of Senior Account Clerk (ending June 30, 2003). PROBATION-JUVENILE HALL - adds one sunset position of Supervisor-Juvenile Hall (ending June 30, 2003). PROBATION - adds two flexibly staffed positions of Probation Officer III/II/I and one flexibly staffed position of Legal Secretary I/Legal Typist Clerk. Deletes one flexibly staffed position of Information System Analyst II/I/Information Systems Technician III and adds one flexibly staffed position of Information Systems Analyst III/II/I. INFORMATION SYSTEMS - deletes one position of Information Systems Technician II and adds one flexibly staffed position of Information Systems Technician III/II/I. ADMINISTRATIVE-CENTRAL COMMUNICATIONS - deletes one flexibly staffed position of Office Assistant III/II/I and adds one flexibly staffed position of Administrative Services Assistant/Principal Clerk/Office Assistant III/II/I - action requested - ADOPT RESOLUTION 03-015 AND AUTHORIZE THE CHAIR TO SIGN.
24.    Memoranda of Understanding - Employee Bargaining Units - approval is requested for successor Memoranda of Understanding with the Butte County Management Employees Association, Butte County Correctional Officers Association, Communication Workers of America-Social Services Unit, Butte County Probation Peace Officers Association, and Butte County Professional Employees Association, ~~and an amendment to the Memorandum of Understanding with the Butte County Employees Association~~ that contain the following major provisions: 1) an increase in County contribution to the employee health premiums effective January 1, 2003; 2) a 2.5% cost of living allowance increase effective September 28, 2002; 3) a reopening clause upon implementation of the countywide classification/compensation study; and 4) a term for the new agreements through September 30, 2003 - action requested - APPROVE AGREEMENTS ~~AND AMENDMENT TO AGREEMENT~~ AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 03-019 25. Resolution to Amend the Salary Ordinance - a resolution has been prepared to amend the salary ordinance to include changes resulting from the approval of the memoranda of understanding with employee bargaining units as follows: SALARY PLAN FOR CLASSIFIED POSITIONS - the tables are revised to reflect a 2.5% cost of living allowance increase effective September 28, 2002. SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE E, APPOINTED OFFICIALS WITH BI-WEEKLY RANGE ASSIGNMENTS - adjusts the following salary ranges, effective September 28, 2002: Supervisor's Administrative Assistant I (\$992-\$1,206); Supervisor's Administrative Assistant II (\$1,092-\$1,327); and Supervisor's Clerical Aide (\$666-\$810) - action requested - ADOPT RESOLUTION 03-016 AND AUTHORIZE THE CHAIR TO SIGN.
26. Personnel Rules - Amendments - approval is requested for a resolution which will amend the Personnel Rules as approved through contract negotiations with employee bargaining units - action requested - ADOPT RESOLUTION 03-017 AND AUTHORIZE THE CHAIR TO SIGN.
27. Appointed and Elected Department Head Benefits - approval is requested for a resolution which will increase the accrual rate for Administrative Leave from 5 days to 7 days per year for appointed and elected department heads as a result of the benefit being increased for members of the Butte County Management Employees Association - action requested - ADOPT RESOLUTION 03-018 AND AUTHORIZE THE CHAIR TO SIGN.
28. Library Literacy Program Gift of Funds - pursuant to Government Code Section 25355, a gift of \$1,000 has been received from the Wal-Mart Foundation for the Library Literacy Program. The funds will be utilized to purchase a video camera to enhance the tutor training program - action requested - ACCEPT GIFT AND AUTHORIZE A LETTER OF APPRECIATION; AND APPROVE BUDGET TRANSFER B-240 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
29. Donations for Books - pursuant to Government Code Section 25355, donations of \$1,000 from the Paradise Friends of the Library, \$300 from Barry Layton, and \$100 from David and Corliss Payne have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

- 03-019 30. California Family Health Council, Inc. - approval is requested for a grant agreement with California Family Health Council, Inc., for funds to continue a Peer Provider Program at the clinic located on Table Mountain Boulevard, Oroville. The term of the grant is January 1, 2003, through December 31, 2003, with a maximum amount payable to the County of \$100,000. Board approval is requested to accept and appropriate \$14,000 into the current fiscal year budget, with the remaining funds to be appropriated in fiscal year 2003-2004 - action requested - APPROVE GRANT AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-237 (4/5 vote required) ACCEPTING AND APPROPRIATING \$14,000 INTO THE CURRENT FISCAL YEAR BUDGET.
31. California Department of Health Services - Amendment - approval is requested for an amendment to the revenue agreement with the California Department of Health Services for funds to assess public drinking water supply sources. The amendment provides for budgetary shifts between fiscal years and budgetary line item shifts, but does not alter the term or the maximum amount payable. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40162)
32. American Lung Association and Butte County Office of Education - Amendments - approval is requested for amendments to the agreements with the American Lung Association and the Butte County Office of Education for the provision of tobacco education and smoking cessation activities. The proposed amendments will allow the contractors to make minor budget adjustments without going through the contract amendment process. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENTS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract Nos. X13648 and X13649)
33. Private Industry Council - approval is requested for an agreement with the Private Industry Council for the provision of teen staff to work in the Teen Clinic located in the Public Health Clinic on Table Mountain Boulevard, Oroville. The term of the agreement is January 1, 2003, through December 31, 2003, with a maximum amount payable of \$28,000. Funding for the agreement is provided by grant funds from the California Health Council, Inc. - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 03-019 34. California Department of Health Services - Amendment - approval is requested for an amendment to the revenue agreement with the California Department of Health Services for funds to support the TeensSMART Outreach Program. The amendment extends the term of the agreement through June 30, 2003, revises the scope of work to include the extended year, and increases the maximum amount payable by \$77,500 for the extended term. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40104)
35. Setting of a Public Hearing - County Service Area (CSA) No. 135, Zone 2 (Keefer Creek Estates, Zone 2) - consideration of a resolution directing commencement of procedures to impose increased annual services charges in County Service Area No. 135, Zone 2, and setting a public hearing for a protest hearing for March 25, 2003, at 10:30 a.m. The increase is needed in response to an increase in fees for wastewater discharge permits issued by the State Water Resources Control Board - action requested - ADOPT RESOLUTION 03-019 AND AUTHORIZE THE CHAIR TO SIGN.
36. Setting of a Public Hearing - Consideration of a Petition to Abandon a Portion of Crown Point Road - the County has received a request to abandon the northerly portion of Crown Point Road, northeast of State Highway 32 in the Forest Ranch area. Approval of the request was recommended by the Planning Commission on January 9, 2003, and Board approval is requested for a resolution setting a public hearing for consideration of the matter for February 25, 2003, at 10:30 a.m. - action requested - ADOPT RESOLUTION 03-020 AND AUTHORIZE THE CHAIR TO SIGN.
37. Bicycle/Pedestrian Easement - Quitclaim to the City of Chico - the City of Chico has requested the County approve the conveyance of a bicycle/pedestrian easement between Shasta Avenue and the properties to the north to the City of Chico. The easement has never been used by the County and the area was annexed by the City of Chico in 1995. The City has tentatively approved a subdivision at the northerly end of the easement with a condition that a bicycle path be installed between the subdivision and Shasta Avenue. Conveyance of the easement is in support of this project - action requested - APPROVE CONVEYANCE OF EASEMENT TO THE CITY OF CHICO AND AUTHORIZE THE CHAIR TO SIGN QUITCLAIM DEED.
38. Resolution Correcting Standards RS-2, RS-8-LDII, NCSP-3, NCSP-4, S-1 and S-38 Pursuant to Chapter 20 of the Butte County Code - on June 11, 2002, the Board adopted Resolution 02-104 approving the codified version of the Butte County Improvement Standards. Following adoption of the resolution errors were discovered that require correction - action requested - ADOPT RESOLUTION 03-021 AND AUTHORIZE THE CHAIR TO SIGN.

- 03-019 39. Butte County Office of Education - Bond Issuance for Oroville City Elementary School District - approval is requested by the Butte County Office of Education to issue general obligation bonds for the Oroville City Elementary School District. Pursuant to ~~Government Code Section 53853~~ **Education Code Section 15140**, the notes must be issued in the name of the Office of Education by the Board of Supervisors. The Butte County Office of Education is requesting the County authorize the issuance of General Obligation Bonds not to exceed \$6,000,000. The bonds will be a general obligation of the Butte County Office of Education and the County has no fiduciary responsibility as to the repayment of these bonds - action requested - ADOPT RESOLUTION 03-022 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE OROVILLE CITY ELEMENTARY SCHOOL DISTRICT, ELECTION 2002, SERIES 2003 AND AUTHORIZE THE CHAIR TO SIGN.
- 40. Monthly Investment Report - submitted is the Monthly Investment Report for December 31, 2002, pursuant to the Butte County Statement of Investment Policy dated July 1, 2002 - action requested - ACCEPT FOR INFORMATION. (110)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 3.02 AMENDED TO CORRECT THE DATE THE LETTER WAS SENT FROM JANUARY 21, 2003, TO JANUARY 23, 2003; ITEM 3.25 AMENDED TO REMOVE THE AMENDMENT TO THE AGREEMENT WITH THE BUTTE COUNTY EMPLOYEES ASSOCIATION, ITEM 3.39 AMENDED TO CORRECT THE CITED GOVERNMENT CODE SECTION FROM GOVERNMENT CODE SECTION 53853 TO EDUCATION CODE SECTION 15140; AND THE REMOVAL OF ITEM 3.01.

S M

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

**REGULAR AGENDA**

- 03-020 Appointments to Boards, Commissions and Committees. (120)
  - 1. Appointments to Listed Vacancies. (NONE)
  - 2. Butte County Water Commission - action requested - APPOINT RAY AUERBACH, DISTRICT 5 REPRESENTATIVE, TO A VACATED TERM TO END JANUARY 10, 2005.

MOTION: I MOVE TO APPOINT RAY AUERBACH, DISTRICT 5 REPRESENTATIVE, TO A VACATED TERM TO END JANUARY 10, 2005.

S M

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

03-021 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (200) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMS THE BOARD THAT THERE HAS NOT BEEN MUCH CHANGE IN THE STATE BUDGET STATUS SINCE THE LAST UPDATE. ACTION IS OCCURRING AT THE COMMITTEE LEVEL, AND THE CALIFORNIA STATE ASSOCIATION OF COUNTIES IS CREATING WORKING GROUPS TO EXAMINE THE EFFECTS OF THE GOVERNOR'S BUDGET ON COUNTIES, AND TO DISCUSS REALIGNMENT.

03-022 Bioterrorism Preparedness and Response - Smallpox Vaccinations - Report to the Board - update on current program goals and activities related to bioterrorism preparation, including smallpox vaccine administration - action requested - ACCEPT FOR INFORMATION. (261)

PRESENTATION TO THE BOARD BY GARY HOUSE, DIRECTOR OF PUBLIC HEALTH, AND DR. MARK LUNDBERG, COUNTY HEALTH OFFICER.

CHAIR BEELER, ON BEHALF OF THE BOARD, THANKED GARY HOUSE FOR HIS SERVICE TO THE COUNTY OF BUTTE AND HIS PROFESSIONALISM AND DIRECTION.

SUPERVISOR JOSIASSEN THANKED GARY HOUSE FOR HIS SERVICE AND WISHED HIM WELL ON HIS RETIREMENT

03-023 Help America Vote Act of 2002 - presentation to the Board on the impact of recently enacted federal legislation on Butte County - action requested - MODIFY 2003 LEGISLATIVE PLATFORM TO INCLUDE LOBBYING FOR FUNDING FOR FEDERAL MANDATES. (1068)

MOTION: I MOVE TO MODIFY THE 2003 LEGISLATIVE PLATFORM TO INCLUDE LOBBYING FOR FUNDING FOR FEDERAL MANDATES.

M S

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

03-024 An Ordinance Amending Chapter 31 of the Butte County Code, Entitled "Solid Waste Collection, Management, and Recycling", and Amending Sections 26-12 and 26-12.1 of Chapter 26 of the Butte County Code, Entitled "Buildings" - consideration of an ordinance which will amend the Code to reflect the County's need to better control the manner in which waste services are provided to County residents and to direct the flow of waste to County designated facilities - action requested - WAIVE READING OF THE ORDINANCE. (FROM 1-14-03 [4.06]) (1793)

MOTION: I MOVE TO WAIVE THE READING OF THE AMENDED ORDINANCE AS PRESENTED TODAY.

M S

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

BOARD DIRECTION THAT STAFF HAVE THE SOLID WASTE COMMITTEE LOOK INTO THE ISSUE OF RATES IN THE CHICO URBAN AREA.

RECESS: 10:23 A.M.

RECONVENE: 10:31 A.M.

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**PUBLIC HEARINGS AND TIMED ITEMS**

03-025 Continued Public Hearing - Larry Bradley - Tentative Parcel Map - consideration of an appeal of the Development Review Committee's denial of a Tentative Parcel Map to divide a 34.6 acre parcel into three parcels of 10.3, 10.6 and 13.6 +/- acres on property zoned A-10 (Agricultural - 10 acre parcels). This is a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. The property is located on the northwest corner of Durham-Dayton Highway and Esquon Road, Durham, and identified as APN 040-150-112 (CS [TPM 02-23]) - action requested - STAFF RECOMMENDS THE BOARD TAKE ONE OF THE FOLLOWING TWO ACTIONS:

1. SHOULD THE BOARD, AFTER CONSIDERING ALL EVIDENCE AND TESTIMONY, DECIDE TO DENY THE APPEAL AND THE PROJECT, THE FOLLOWING ACTION SHOULD BE TAKEN:
  - A. SUBJECT TO FINDING I(A) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 8, 2002, DENY THE REQUEST FOR A TENTATIVE PARCEL MAP FOR LARRY BRADLEY, APPLICATION TPM 02-23; OR
2. SHOULD THE BOARD FIND THAT THE PROJECT IS CONSISTENT WITH THE BUTTE COUNTY GENERAL PLAN, THE FOLLOWING ACTIONS SHOULD BE TAKEN:
  - A. SUBJECT TO FINDINGS I(A-E) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 8, 2002, ADOPT A MITIGATED NEGATIVE DECLARATION;
  - B. FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH AND/OR WILDLIFE OR THEIR HABITAT AND APPROVE A "DE MINIMUS" EXEMPTION TO THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4(d) AND 14 CCR 753.5, AS THE PROJECT SITE IS NOT KNOWN TO CONTAIN ANY SPECIES IDENTIFIED AS CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR THE UNITED STATES WILDLIFE SERVICE. THE PROJECT WILL NOT: HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT; HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT; INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES; CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES OR CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN; AND

03-025 2. C. SUBJECT TO FINDINGS III(A-F) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 8, 2002, AND THE CONDITIONS OF APPROVAL IDENTIFIED AS EXHIBIT "A" IN THE STAFF REPORT DATED OCTOBER 8, 2002, APPROVE TENTATIVE SUBDIVISION MAP 02-23 FOR LARRY BRADLEY. (FROM 1-14-03 [5.01]) (2785)

PUBLIC HEARING RECONVENED AT 10:33 A.M. AND CONTINUED OPEN TO FEBRUARY 11, 2003, AT 10:00 A.M.

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**REGULAR AGENDA**

03-026 Facilities Master Plan Steering Committee - consideration of the formation of a Facilities Master Plan Steering Committee to provide guidance in decisions regarding the provision of facilities for County operations - action requested:

1. ADOPT RESOLUTION CREATING STEERING COMMITTEE AND AUTHORIZE THE CHAIR TO SIGN;
2. APPOINT TWO BOARD MEMBERS TO SERVE ON THE COMMITTEE; AND
3. APPOINT TEN CITIZENS, TWO NOMINATED BY EACH BOARD MEMBER, TO SERVE ON THE COMMITTEE. (2846)

MOTION: I MOVE TO ADOPT RESOLUTION 03-023 CREATING THE STEERING COMMITTEE AND AUTHORIZE THE CHAIR TO SIGN;

M S

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

MOTION: I NOMINATE SUPERVISORS DOLAN AND YAMAGUCHI TO THE STEERING COMMITTEE.

S M

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

MOTION: (ON BEHALF OF SUPERVISOR HOUX) I MOVE TO APPOINT FRAN SHELTON, DISTRICT 3 REPRESENTATIVE, TO THE STEERING COMMITTEE.

S M

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

03-027 Community Health Care Ordinance - Proposed Amendments and Direction - consideration of amendments to the County's Community Health Care Ordinance requested by the Butte County Children and Families Commission, directing inclusion of the ordinance into the Butte County Code, and clarifying the manner by which appointments for outside agencies are made, and Board direction on implementation of the Advisory Commission's duties - action requested - DIRECT PREPARATION OF AN AMENDED ORDINANCE AND PROVIDE STAFF DIRECTION ON STEPS TO BE TAKEN TO IMPLEMENT COMMITTEE ACTIVITIES. (3285)

03-027 BOARD DIRECTION TO STAFF TO PREPARE AN AMENDED ORDINANCE WHICH INCLUDES THE REQUESTED CHANGES BY THE BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION; LANGUAGE TO PROVIDE FOR CODIFICATION OF THE ORDINANCE, AND AN AMENDMENT TO THE SECTION REGARDING APPOINTMENT OF OUTSIDE AGENCY MEMBERS TO PROVIDE FOR THE BOARD TO MAKE THOSE APPOINTMENTS.

03-028 Berry Creek Rancheria Proposed Expansion to the Gold Country Casino - discussion and recommendations on mitigation of identified off-reservation impacts of the proposed expansion of the Gold Country Casino - action requested:

1. APPOINT A BOARD SUBCOMMITTEE TO ENGAGE IN NEGOTIATIONS WITH THE LEADERSHIP OF THE TYME MAIDU TRIBE OF THE BERRY CREEK RANCHERIA IN ORDER TO SEEK MITIGATION OF THE OFF-RESERVATION IMPACTS OF THE PROPOSED PROJECT;
2. AUTHORIZE THE CHAIR TO SIGN A LETTER TO THE GOVERNOR AND STATE ATTORNEY GENERAL EXPRESSING GRAVE CONCERNS OVER THE FAILURE OF THE TRIBE TO RECOGNIZE AND MITIGATE OFF-RESERVATION IMPACTS OF THE PROPOSED PROJECT AND SEEKING AN INJUNCTION BY THE STATE OVER THE PROJECT;
3. SEEK THE PARTICIPATION OF THE COUNTY IN THE NEGOTIATIONS OF COMPACTS WITH TRIBES LOCATED OR OPERATING INDIAN GAMING FACILITIES WITHIN THE COUNTY; AND
4. SUPPORT THE CALIFORNIA STATE ASSOCIATION OF COUNTIES IN PURSUIT OF A STATEWIDE RESOLUTION TO SIMILAR ISSUES BEING EXPERIENCED BY COUNTIES THROUGHOUT CALIFORNIA. (3509) (\*\*00)

MOTION: I MOVE TO APPOINT A BOARD SUBCOMMITTEE OF SUPERVISORS BEELER AND JOSIASSEN TO ENGAGE IN NEGOTIATIONS WITH THE LEADERSHIP OF THE TYME MAIDU TRIBE OF THE BERRY CREEK RANCHERIA IN ORDER TO SEEK MITIGATION OF THE OFF-RESERVATION IMPACTS OF THE PROPOSED PROJECT.

M S

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO AUTHORIZE THE CHAIR TO SIGN A LETTER TO THE GOVERNOR AND STATE ATTORNEY GENERAL EXPRESSING THE BOARD'S CONCERNS OVER THE FAILURE OF THE TRIBE TO RECOGNIZE AND MITIGATE OFF-RESERVATION IMPACTS OF THE PROPOSED PROJECT AND REQUESTING GENERAL ASSISTANCE AND ATTENTION TO THE MATTER AND AUTHORIZE THE CHAIR TO SIGN.

M S

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO SEEK THE PARTICIPATION OF THE COUNTY IN THE NEGOTIATIONS OF COMPACTS WITH TRIBES LOCATED OR OPERATING INDIAN GAMING FACILITIES WITHIN THE COUNTY; AND SUPPORT THE CALIFORNIA STATE ASSOCIATION OF COUNTIES IN PURSUIT OF A STATEWIDE RESOLUTION TO SIMILAR ISSUES BEING EXPERIENCED BY COUNTIES THROUGHOUT CALIFORNIA.

M S

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

**PUBLIC HEARING AND TIMED ITEMS**

03-029 Timed Item - Consideration of a Mitigated Negative Declaration Regarding Environmental Impacts for the Proposed Project for the Construction of the Ord Ferry Road Bridge Across the Sacramento River - County Project Number 42071-97-1 - the proposed project is a seismic retrofit of State Bridge 12C-120 on Ord Ferry Road across the Sacramento River approximately seven miles south of Hamilton City and 10 miles west of the City of Chico. State Bridge 12C-120 is a nine-span reinforced box girder having a total length of 1308 feet and width of 32 feet 7 inches. The structure is supported on round columns founded on driven pile-supported footings. The structure has been deemed by the State to be inadequate for the seismic region in which it is located. The California Environmental Quality Act requires an environmental analysis of all projects that are not categorically exempt from analysis and which may have an effect on the environment - action requested:

1. FIND THAT THE ORD FERRY ROAD BRIDGE ACROSS THE SACRAMENTO RIVER, BUTTE COUNTY PROJECT 42071-97-1, COULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; AND
2. SUBJECT TO FINDINGS II(A AND B) AS DETAILED IN THE STAFF REPORT DATED JANUARY 13, 2003, ADOPT THE NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS, WITH MITIGATIONS 1-16 AS DETAILED IN THE STAFF REPORT DATED JANUARY 13, 2003, AND AUTHORIZE THE CHAIR TO SIGN THE NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS (APPENDIX G). (\*\*689)

MOTION: I MOVE TO FIND THAT THE ORD FERRY ROAD BRIDGE ACROSS THE SACRAMENTO RIVER, BUTTE COUNTY PROJECT 42071-97-1, COULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; AND SUBJECT TO FINDINGS II (A AND B) AS DETAILED IN THE STAFF REPORT DATED JANUARY 13, 2003, MOVE TO ADOPT THE NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS, WITH MITIGATIONS 1-16 AS DETAILED IN THE STAFF REPORT DATED JANUARY 13, 2003, AND AUTHORIZE THE CHAIR TO SIGN THE NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS (APPENDIX G).

S M

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (Motion Carried)

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**REGULAR AGENDA**

03-030 Operation of Neal Road Landfill - consideration of the actions necessary to assume operation of the Neal Road Landfill upon termination of the contract with Waste Management - action requested:

1. DIRECT THE DEPARTMENT OF PUBLIC WORKS TO UNDERTAKE THE OPERATION OF THE NEAL ROAD LANDFILL UPON TERMINATION OF THE CONTRACT WITH WASTE MANAGEMENT;



PUBLIC COMMENT

03-033 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.) (\*\*3612) (\*\*00)

1. Don Steele addressed the Board regarding the removal of the California Conservation Corps members from the Butte Fire Center and requested the Board's support for the community-lead effort to save the Corps.
2. Barbara Hoff, United Domestic Workers, addressed the Board to discuss the status of negotiations for In-Home Supportive Services Public Authority independent providers.
3. Rosemary Landry addressed the Board regarding the slow pace of labor negotiations with the County for the In-Home Supportive Services providers and requested action.
4. Cha Lo addressed the Board regarding the status of bargaining for the In-Home Supportive Services workers.
5. Molly Hillis, United Domestic Workers, addressed the Board regarding labor bargaining issues for In-Home Supportive Services workers and requested the Board authorize the committee to negotiate issues.

THE CHIEF ADMINISTRATIVE OFFICER AND THE DIRECTOR OF HUMAN RESOURCES ADDRESSED THE BOARD TO PROVIDE AN UPDATE ON THE STATUS OF IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY WORKER NEGOTIATIONS.

6. The Assistant Clerk of the Board, at the request of Elaine Lucero, Tobacco Cessation Coordinator, American Lung Association, submitted a letter to the Board expressing appreciation for the Board's support in funding for the "Freedom From Smoking" smoking cessation program.

CLOSED SESSION

03-034 RECESS: THE BOARD RECESSED AT 1:24 P.M. TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): BARDEN V. CITY OF SACRAMENTO 292 F.3d 1073 (9<sup>TH</sup> Cir. 2002); CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; AND PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF PROBATION OFFICER AND DIRECTOR-DEVELOPMENT SERVICES.

03-034      RECONVENE:      THE BOARD RECONVENED AT 2:27 P.M. FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): BARDEN V. CITY OF SACRAMENTO 292 F.3d 1073 (9<sup>TH</sup> Cir. 2002); CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; AND PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF PROBATION OFFICER AND DIRECTOR-DEVELOPMENT SERVICES. (\*\*365)

CLOSED SESSION ANNOUNCEMENT:      THE BOARD VOTED UNANIMOUSLY TO REMOVE ITSELF AS AN INDIVIDUAL PARTY IN THE AMICUS BRIEF OF BARDEN V. CITY OF SACRAMENTO, BUT TO REMAIN PART OF THE LITIGATION THROUGH THE CALIFORNIA STATE ASSOCIATION OF COUNTIES.

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ADJOURNMENT:      THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 2:28 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, FEBRUARY 11, 2003, AT 9:30 A.M.

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R.J. BEELER, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative Officer  
and Clerk of the Board of Supervisors

By: \_\_\_\_\_