

Called to Order at 9:07 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Dolan, Houx, Josiassen, Yamaguchi and Chair Beeler. Also present: Paul McIntosh, Chief Administrative Officer; Bruce Alpert, County Counsel, and Marion Reeves, Assistant Clerk of the Board.

CHAIR BEELER REQUESTED OBSERVATION OF A MOMENT OF SILENCE IN HONOR OF THE MEN AND WOMEN SERVING OUR COUNTRY IN THE WAR IN IRAQ, AND IN PARTICULAR, WISHED TO HONOR, WITH THOUGHTS AND PRAYERS, THE FAMILIES OF THOSE WHO HAVE LOST THEIR LIVES SERVING OUR COUNTRY.

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

Invocation - Pastor Don North - Trinity Bible Church, Oroville.

CORRECTIONS AND/OR CHANGES TO THE AGENDA (112)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION. (114)

- 03-104
1. Resolution Delegating Authority to the Risk Manager to Reject or Return Tort Claims Filed Against the County - approval is requested for a resolution delegating authority to the Risk Manager to reject or return tort claims filed against the County and to approve the official form for filing a claim for damages against the County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

CONSENT AGENDA

- 03-105
1. Oroville Recovery Center - Amendment - approval is requested for an amendment to the agreement with Oroville Recovery Center for the provision of drug and alcohol recovery services. The amendment increases the maximum amount payable by \$13,049.70 (department budget). 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. X13764)
 2. Victor Community Support Services, Inc. - Amendment - approval is requested for an amendment to the agreement with Victor Community Support Services, Inc., for the provision of mental health services to adult clients referred by the department's ROOF team. The term of the agreement will be July 1, 2002, through June 30, 2003. The amendment increases the maximum amount payable by \$276,563 (department budget). 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. X13711)

- 03-105
3. Community Living Centers - JOBS PLUS - Amendment - approval is requested for an amendment to the agreement with Community Living Centers-JOBS PLUS for the provision of vocational training services in support of the Adult System of Care Grant. The amendment revises the service proposal to include the participation of approximately 25 clients in maintenance, repair, and peer support working crews; and increases the maximum amount payable by \$27,529.70 (department budget). 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. X13606)
 4. 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 \$20,137.15 (department budget) and revises the service summary to reflect the increase. All other terms and provisions remain the same - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. 13766)
 5. Kevin W. Chan, M.D. - Amendment - approval is requested for an amendment to the agreement with Kevin W. Chan, M.D., for the provision of services in the specialized field of psychiatry. The amendment decreases the contract hours to reflect the actual hours of service provided, and decreases the maximum amount payable by \$93,500. 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. 13514)
 6. State Department of Alcohol and Drug Programs - Amendment - approval is requested for an amendment to the grant award agreement with the State Department of Alcohol and Drug Programs for funds to support the Drug Court Program. The amendment extends the time period in which the department can expend year two funds to December 28, 2003. All other terms and provisions of the grant 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. R40325)

- 03-105
7. Butte County Probation Department - Memorandum of Understanding - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Probation Department for case management and supervision services for Substance Abuse and Crime Prevention Act clients. The amendment decreases the maximum amount payable by \$2,700 for fiscal year 2002-2003 and includes a revised budget. All other terms and provisions remain the same - action requested - APPROVE BUDGET TRANSFER B-367 (4/5 vote required) APPROPRIATING BUDGET ADJUSTMENTS AS DETAILED IN THE AGENDA REPORT; AND APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13481)
 8. Rick Minniefield - Amendment - approval is requested for an amendment to the agreement with Rick Minniefield, for the provision of services in the development of Youth Development and Crime Prevention Grant programs. The amendment increases the maximum amount payable by \$9,000 (department budget) for a total maximum amount of \$33,980. All other terms and provisions remain the same. Pursuant to the Butte County Purchasing Policy Manual Section 13.3 (1), notification to the Board of intent to award a contract to a former Butte County employee within two years following separation from County employment is required. Mr. Minniefield separated from County employment in November 2001 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13696)
 9. Cherokee Restoration Fellowship - Resolution Not to Contract - consideration of a resolution declaring intent not to contract with Cherokee Restoration Fellowship for the provision of Medi-Cal Services. The Butte County Department of Behavioral Health (BCDBH) has been notified by Cherokee Restoration Fellowship of their certification by the State Department of Alcohol and Drug Programs to provide Drug Medi-Cal Services. Because of the administrative cost and the significant flow of non-BCDBH referred residents into this program, the department feels it is in the best interest of the County to decline to enter into a contractual relationship with Cherokee Restoration Fellowship for the provision of Drug Medi-Cal services. Other existing contracts will not be affected - action requested - ADOPT RESOLUTION 03-052 AND AUTHORIZE THE CHAIR TO SIGN.
 10. Employment Agreement Amendment - Director of Human Resources - approval is requested for an amendment to the employment agreement with Jeanne Gravette, Director-Human Resources. The amendment extends the term of the agreement to February 16, 2006. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN.

- 03-105
11. NorthStar Engineering - approval is requested for an amendment to the agreement with NorthStar Engineering for the provision of engineering studies for areas north of the Lindo Channel and preparation of information to support the County's financial loan application for the Chico Urban Area Nitrate Compliance Program. The amendment increases the maximum amount payable by \$15,000 for a total contract amount of \$103,790. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X10804)
 12. California State University-Chico Research Foundation - Amendment - approval is requested for an amendment to the agreement with California State University-Chico Research Foundation for continued mapping services in support of the Chico Urban Area Nitrate Compliance Program. The amendment extends the term of the agreement to March 31, 2004, and increases the maximum amount payable by \$5,000 for a total contract amount of \$25,000. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X10964)
 13. Reissue Time-Expired Check - approval is requested to reissue two time-expired checks: check number 10000-084527 in the amount of \$213.54, dated July 17, 2000, and check number 10000-86912 in the amount of \$21.00, dated December 29, 2000. The Auditor-Controller has verified that the checks are time expired and have not been reissued - action requested - DIRECT AUDITOR-CONTROLLER TO REISSUE TIME-EXPIRED CHECKS.
 14. Public Defender Consortium - Amendments - on November 12, 2002, the Board approved a contract with Hughes, Perry & Associates to develop a report evaluating the costs and benefits of the current method of service delivery as compared to alternatives to providing indigent defense services. The Administrative Office plans to present the final report and related recommendations to the Board for its consideration within the next 45 days. Preliminary discussions have been held with Denny Forland, Executive Director of the Consortium, regarding the need for a four-month extension of public defender contracts in order to allow sufficient time for review of the final report and a determination of the future structure of Public Defender services in Butte County. The amendments extend the terms of the contracts until October 31, 2003 - action requested - APPROVE AGREEMENT AMENDMENTS AND AUTHORIZE THE CHAIR TO SIGN.

- 03-105
15. HIPAA Implementation - Privacy Policy and Procedures - pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the U. S. Department of Health and Human Services issued federal regulations to protect the privacy of individually identifiable health information. Effective April 14, 2003, these regulations require all covered entities, such as the County, to implement certain measures which include providing notice of the covered entity's privacy practices to all clients at time of service and obtaining acknowledgment of receipt when possible. Also required is the execution of business associate agreements with vendors handling clients' health information specifying terms and conditions requiring vendors to safeguard such information - action requested - APPROVE COUNTYWIDE PRIVACY POLICY AS MANDATED BY HIPAA, AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO MAKE ADJUSTMENTS AS NECESSARY.
 16. An Ordinance Amending Ordinance Number 3826, Entitled "Community Health Care Ordinance Providing Standards for the Use of Local Tobacco Monies" and Amending Chapter 2 of the Butte County Code, Entitled "Administration", Adding Article XXIII, Entitled "Community Health Care Ordinance Providing Standards for the Use of Local Tobacco Monies" - approval is requested for an ordinance which will amend Ordinance No. 3826, revising Section 1, paragraph (b) to incorporate changes in the purpose and scope of Proposition 10 and the Butte County Children and Families Commission as requested by the Commission, revising Section 2, paragraph (a) to clarify how appointments to the Tobacco Monies Advisory Commission are to be made, and adding the required language to provide for codification of the ordinance into the Butte County Code - action requested - ADOPT ORDINANCE 3846 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-25-03 [3.06])
 17. Approval of Minutes - action requested - APPROVE MINUTES OF FEBRUARY 25, 2003.
 18. Application for Federal Assistance - approval is requested to apply for pre-approval for a low interest loan through the United States Department of Agriculture for funding the construction of the new North Chico Fire Station - action requested - APPROVE PRE-APPROVAL AND AUTHORIZE THE CHAIR TO SIGN APPLICATION.
 19. Budget Transfer for Countywide Driveway Repairs - approval is requested for a budget transfer in the amount of \$34,275 from the Facilities Services Major Maintenance account to the Facilities Services Routine Maintenance account in order to make funds more readily available for minor, routine repairs costing \$5,000 or less to driveways and parking lots of County-owned facilities - action requested - APPROVE BUDGET TRANSFER B-366 (4/5 vote required).

- 03-105 20. Resolution to Amend the Salary Ordinance - approval is requested for a resolution which will amend the salary ordinance as follows: SHERIFF-CORONER-SERVICES - deletes one position of Crime Prevention Coordinator/Public Information Officer and adds one position of Crime Prevention Coordinator; adds one sunset position of Sheriff's Clerk II (sunset position ends 12-31-03). SHERIFF-CORONER-OPERATIONS - adds one sunset position of Deputy Sheriff (sunset position ends 12-31-03). SHERIFF-CORONER-RURAL COUNTY SUPPLEMENTAL FUNDING - deletes one flexibly staffed position of Information Systems Analyst II/I and adds one flexibly staffed position of Information Systems Analyst III/II/I. PUBLIC HEALTH-GENERAL SERVICES - extends the end dates from 6-30-03 to 06-30-04 for the following sunset positions: Program Manager-Butte County Children and Families Commission, Administrative Analyst III/II/I, Public Health Nurse III/II/I, Staff Nurse III/II/I or Licensed Vocational Nurse, Office Assistant III/II/I, Public Health Assistant II/I, and Administrative Services Assistant or Office Assistant III. PUBLIC HEALTH-ENVIRONMENTAL HEALTH - deletes one position of Supervisor-Environmental Health, one flexibly staffed position of Environmental Health Specialist II/I, and one 80% flexibly staffed position of Environmental Health Specialist II/I and adds one position of Program Manager-Environmental Health and one flexibly staffed position of Environmental Health Specialist III/II/I; converts a current half-time flexibly staffed position of Office Assistant III/II/I to a full-time position. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE C, GENERAL UNIT CLASSIFICATIONS - adds one position of Crime Prevention Coordinator. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY UNIT CLASSIFICATIONS - deletes the position of Crime Prevention Coordinator/Public Information Officer - action requested - ADOPT RESOLUTION 03-053 AND AUTHORIZE THE CHAIR TO SIGN.
21. Gen-Probe - approval is requested for an agreement with Gen-Probe for the purchase of test kits and equipment rental to perform tests for sexually transmitted diseases. The term of the agreement is March 17, 2003, through March 31, 2006. The estimated yearly cost is \$34,894 with the actual cost based on the number of test kits purchased - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.
22. California Integrated Waste Management Board - Enforcement Assistance Grant Program (EA-14) - approval is requested to submit a grant application for a grant from the California Integrated Waste Management Board for funds up to \$19,500 to support local solid waste landfill permit and inspection programs. The funds are 100% State funds with no county match required - action requested - ADOPT RESOLUTION 03-054 AUTHORIZING GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN.

- 03-105
23. Emergency Medical Care Committee - the Committee recommends that the following appointments be made to the Emergency Medical Care Committee: 1) Christie Burrow (EMT/MICN Training), 2) Alivia Strawn, R.N. (Emergency Department Clinical Manager), 3) Charles Huber (Ambulance Services), and 4) Bennett Ward (Public Member) - action requested - APPOINT CHRISTIE BURROW, ALIVIA STRAWN, R.N., CHARLES HUBER, AND BENNETT WARD TO TERMS ENDING JUNE 30, 2006.
 24. Adoption of an Ordinance Establishing Speed Limits on Certain Roads Within the County of Butte - consideration of an ordinance which will establish the following speed zones in the Chico area: a 25 miles per hour speed limit on Martin Street (from Wisconsin Street to Cleveland Avenue), Jackson Street (from Wisconsin Street to California Street), Bruce Street (from Humboldt Road to Virginia Street), Guill Street (from Ohio Street to Cleveland Avenue), Wisconsin Street (from Boucher Street to Guill Street), Colorado Street (from Boucher Street to Jackson Street), California Street (from Boucher Street to Jackson Street), Mulberry Street (from East 21st Street to East 23rd Street), and Laurel Street (from East 21st Street to East 23rd Street). A 30 miles per hour speed limit on Glenwood Avenue (from State Route 32 [Nord Avenue] to West Sacramento Avenue) - action requested - ADOPT ORDINANCE 3848 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-25-03 [3.18])
 25. Fixed Asset Purchase Approval - Landfill Software Upgrade, Accounts Receivable Installation and Support - approval is requested for the fixed asset purchase and installation of PC Scale software, additional Accounts Receivable module, and related licenses and support in order to facilitate a smooth transition of operations at the Neal Road Landfill. Also requested is a budget transfer of \$18,600 from the Professional and Specialized Services account to the Neal Road Landfill-Management fixed asset account - action requested - APPROVE BUDGET TRANSFER B-370, **B-365** AND APPROVE FIXED ASSET PURCHASE.
 26. Butte Regional Waste Management Authority - Plan of Correction and Time Extension - approval is requested to submit a SB 1066 Time Extension request and Plan of Correction which outlines expanded and/or new diversion programs that will be used to meet the goal of 50% diversion of solid waste into the landfill. The Butte Regional Waste Management Authority Board of Directors has authorized submittal of the SB 1066 Time Extension - action requested - APPROVE PLAN OF CORRECTION AND SB 1066 TIME EXTENSION AND AUTHORIZE THE DIRECTOR-PUBLIC WORKS TO SUBMIT TIME EXTENSION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.

REGULAR AGENDA

03-106 Appointments to Boards, Commissions and Committees. (360)

- 1. Appointments to Listed Vacancies.

MOTION: I MOVE TO APPOINT MARY BROWNELL, DISTRICT 2 REPRESENTATIVE, TO THE FACILITIES MASTER PLAN STEERING COMMITTEE.

M S

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

03-107 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (396) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, REQUESTED THE BOARD APPROVE LETTERS OF OPPOSITION TO ASSEMBLY BILL 1470, WHICH WOULD ALLOW WAGES AND/OR BENEFITS OF IN-HOME SUPPORTIVE SERVICES PROVIDERS TO BE INCREASED BY LOCAL VOTER INITIATIVE, AND SENATE BILL 936, WHICH WOULD EXPAND THE PERSONAL CARE SERVICES AVAILABLE TO RECIPIENTS OF IN-HOME SUPPORTIVE SERVICES TO ALLOW SERVICES WHEN THE RECIPIENT IS ADMITTED TO HOSPITALS OR SKILLED NURSING FACILITIES.

MOTION: I MOVE TO APPROVE LETTERS OF OPPOSITION TO ASSEMBLY BILL 1470 AND SENATE BILL 936 AND DIRECT COPIES OF THE LETTERS BE SENT TO BOTH COMMITTEES AND AUTHORS.

M S

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

03-108 Lake Oroville Relicensing - Report to the Board - presentation to the Board regarding the status of the Federal Regulatory Commission's (FERC) Relicensing of Lake Oroville Project 2100 - action requested - ACCEPT FOR INFORMATION. (469)

PRESENTATION TO THE BOARD BY BRUCE ALPERT, COUNTY COUNSEL, ON THE RELICENSING PROJECT, INCLUDING PROTECTION, MITIGATION AND ENHANCEMENT MEASURES.

03-109 Items Removed from the Consent Agenda for Board Consideration and Action. (971)

- 1. Resolution Delegating Authority to the Risk Manager to Reject or Return Tort Claims Filed Against the County - approval is requested for a resolution delegating authority to the Risk Manager to reject or return tort claims filed against the County and to approve the official form for filing a claim for damages against the County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. THE ITEM WILL BE AMENDED AND RETURNED TO THE AGENDA OF APRIL 22, 2003.

PUBLIC HEARINGS AND TIMED ITEMS

03-110 Timed Item - Tour of Butte County Juvenile Hall Facility - recess from the Board meeting and reconvene at the Butte County Juvenile Hall Facility under construction (41 County Center Drive) - action requested - ACCEPT FOR INFORMATION (990)

RECESSED AT 9:39 A.M. TO THE BUTTE COUNTY JUVENILE HALL FOR A TOUR. TOUR CONDUCTED.

RECONVENED FROM TOUR AT 10:31 A.M. IN THE BOARD OF SUPERVISORS ROOM.

03-111 Public Hearing - Extension of Speedway Avenue from Midway to Entler Avenue (County Project No. 50255C-99-1) - Adoption of a Mitigated Negative Declaration Regarding Environmental Impacts - the proposed Speedway Avenue project is anticipated to extend from the existing intersection at Midway to Entler Avenue where it currently curves to parallel State Route 99. The County proposes to improve the existing Speedway Avenue from Midway Avenue to the abandoned Union Pacific Railroad right-of-way and extend Speedway Avenue east to connect with the proposed Entler Avenue extension. The County has reviewed and considered the proposed project and has determined that, subject to mitigation measures identified in the Negative Declaration, the project will not have a significant effect on the environment, with substantial supporting evidence provided in the Negative Declaration - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I (A-D) AS DETAILED IN THE STAFF REPORT, ADOPT A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS AND AUTHORIZE THE CHAIR TO SIGN;
2. FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH AND 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) (3) AND 14 CCR 753.5 AS THE PROJECT SITE IS NOT KNOWN TO CONTAIN ANY SPECIES IDENTIFIED AS A 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
3. ADOPT A MITIGATION MONITORING AND REPORTING (MMR) PROGRAM AND DIRECT THE PUBLIC WORKS DEPARTMENT TO MAKE THE MITIGATION MONITORING AND REPORTING PROGRAM AS PART OF THE REQUIREMENTS FOR THE PROJECT. (FROM 3-11-03 [5.04]) (1071)

03-111 PUBLIC HEARING OPENED: 10:34 A.M.
PUBLIC HEARING CLOSED: 10:56 A.M.

MOTION: I MOVE, SUBJECT TO FINDINGS I (A-D) AS DETAILED IN THE STAFF REPORT, TO ADOPT A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS AND AUTHORIZE THE CHAIR TO SIGN; FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH AND WILDLIFE OR THEIR HABITAT AND APPROVE A "DE MINIMUS" EXEMPTION TO THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5 AS THE PROJECT SITE IS NOT KNOWN TO CONTAIN ANY SPECIES IDENTIFIED AS A 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 FURTHER MOVE TO ADOPT A MITIGATION MONITORING AND REPORTING (MMR) PROGRAM AND DIRECT THE PUBLIC WORKS DEPARTMENT TO MAKE THE MITIGATION MONITORING AND REPORTING PROGRAM PART OF THE REQUIREMENTS FOR THE PROJECT.

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VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

03-112 Public Hearing - John and Sharon Byrne - Tentative Subdivision Map - consideration of an appeal of the Development Review Committee's approval of a Tentative Subdivision Map proposing 36 single family residential parcels. The parcels will be from 6,500 to 8,576 square feet in size with a gross density of 3.8 dwelling units per acre. Sewage disposal would be handled by an on-site community system. Water supply would be provided by the California Water Company. Drainage would be handled by an on-site retention basin with discharge into the Shasta Union Drainage Assessment District. The project would obtain access via a looped internal subdivision road that would connect with Godman Avenue at two locations. 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 zoned S-R (Suburban Residential) and is located at the southwest corner of Eaton Road and Godman Avenue, in the north Chico area, and identified as APN 007-260-091 and 007-260-082 (DB [TSM 01-06]) - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I (A-D) AS DETAILED IN THE STAFF REPORT DATED FEBRUARY 25, 2003, ADOPT A MITIGATED NEGATIVE DECLARATION;

PUBLIC COMMENT

- 03-114 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. (4485)(**00)
1. Ann Sutherland, United Domestic Workers, addressed the Board regarding increased wages for in-home supportive services workers.

CLOSED SESSION

03-115 RECESS: THE BOARD RECESSED AT 11:58 A.M. TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(B)(1): ONE POTENTIAL CASE; A CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): JONES, ET AL. V. BROOKS, ET AL. - BUTTE COUNTY SUPERIOR COURT CASE NO. 84429, AND PLANNING AND CONSERVATION LEAGUE, ET AL. V. DEPARTMENT OF WATER RESOURCES, 83 CAL.APP.4TH 892 (2000); AND PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: DIRECTOR-PUBLIC HEALTH. (**95)

RECONVENE: THE BOARD RECONVENED AT 1:12 P.M. FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(B)(1): ONE POTENTIAL CASE; A CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): JONES, ET AL. V. BROOKS, ET AL. - BUTTE COUNTY SUPERIOR COURT CASE NO. 84429 AND PLANNING AND CONSERVATION LEAGUE, ET AL. V. DEPARTMENT OF WATER RESOURCES, 83 CAL.APP.4TH 892 (2000); AND PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: DIRECTOR-PUBLIC HEALTH. (**195) (NO ANNOUNCEMENTS)

PUBLIC HEARINGS AND TIMED ITEMS

03-116 Public Hearing - Oroville Bangor Highway Improvement Project - (County Project No. 10661-00-1) - Initial Study and Proposed Mitigated Negative Declaration Regarding Environmental Impacts - the purpose of the proposed project is to rehabilitate and improve the existing roadway to meet current safety standards, including realignment of four curves within project boundaries. Other improvements include widening the paved shoulders and resurfacing the highway, installing metal beam guardrail, replacing existing storm drain culverts, replacing bridge rails at Rocky Honcut Creek Bridge, and completing horizontal and vertical realignments of sections of the highway to meet current design standards. The County has reviewed and considered the proposed project and the substantial supporting evidence provided in the Draft Initial Study/Mitigated Negative Declaration and has determined that, subject to the mitigation measures identified, the project will not have a significant effect on the environment. The County has prepared and proposes to adopt a Mitigated Negative Declaration for this project. The public review period for the Mitigated Negative Declaration will end on April 11, 2003. A public hearing will be held on April 22, 2003, to consider certification and adoption of the Mitigated Negative Declaration - action requested - OPEN PUBLIC HEARING TO ACCEPT PUBLIC TESTIMONY AND COMMENT; CLOSE PUBLIC HEARING; DIRECT STAFF TO ASSEMBLE ALL WRITTEN COMMENTS RECEIVED DURING THE PUBLIC HEARING AND 30-DAY PUBLIC REVIEW PERIOD FOR PREPARATION OF RESPONSES TO COMMENTS AND PROPOSED MITIGATIONS; AND DIRECT A PUBLIC HEARING BE SET FOR APRIL 22, 2003, AT 10:45 A.M. FOR CONSIDERATION OF CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION AND THE PROJECT. (**197)

PUBLIC HEARING OPENED: 1:17 P.M.
PUBLIC HEARING CLOSED: 1:17 P.M.

DIRECT STAFF TO ASSEMBLE ALL WRITTEN COMMENTS RECEIVED DURING THE PUBLIC HEARING AND 30-DAY PUBLIC REVIEW PERIOD FOR PREPARATION OF RESPONSES TO COMMENTS AND PROPOSED MITIGATIONS; AND DIRECT A PUBLIC HEARING BE SET FOR APRIL 22, 2003, AT 10:45 A.M. FOR CONSIDERATION OF CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION AND THE PROJECT.

03-117 Continued Public Hearing - Consideration of an Ordinance Amending Flood Hazard Prevention and Special Permit Zone II Levee and Building Regulations in Chapter 26 of the Butte County Code Regarding Conversion or Restoration of Land for Conservation Purposes, and a Zoning Ordinance Amending Chapter 24 of the Butte County Code Requiring a Use Permit for the Conversion of Land for Conservation Purposes - proposed are the following two ordinances:

1. An Ordinance Amending Flood Hazard Prevention and Special Permit Zone II Levee and Building Regulations in Chapter 26 of the Butte County Code Regarding Conversion or Restoration of Land for Conservation Purposes - the proposed ordinance is intended to regulate specified activities for the purpose of protecting people and property from flood hazards and protecting man-made conditions on farmland within the unincorporated area of Butte County which is adjacent to land upon which a conversion to natural habitat is proposed; and
2. A Zoning Ordinance Amending Chapter 24 of the Butte County Code Requiring a Use Permit for the Conversion of Land for Conservation Purposes - the proposed ordinance is intended to regulate the conversion of land for conservation purposes. The purpose of such regulation is to insure that environmental impacts which emanate from lands converted from existing uses are mitigated by the owners of the land converted and to insure that the expenses of the mitigation of such impacts are not shifted to County taxpayers.

Action requested - WAIVE READING OF AMENDED ORDINANCES. (FROM 3-25-03 [5.05]) (**344)

PUBLIC HEARING RECONVENED: 1:19 P.M.

MOTION: I WOULD LIKE TO SPLIT THESE UP AND MAKE A MOTION TO WAIVE THE READING OF ORDINANCE 1, (AN ORDINANCE AMENDING FLOOD HAZARD PREVENTION AND SPECIAL PERMIT ZONE II LEVEE AND BUILDING REGULATIONS IN CHAPTER 26 OF THE BUTTE COUNTY CODE REGARDING CONVERSION OR RESTORATION OF LAND FOR CONSERVATION PURPOSES) AND TABLE THE SECOND ORDINANCE (A ZONING ORDINANCE AMENDING CHAPTER 24 OF THE BUTTE COUNTY CODE REQUIRING A USE PERMIT FOR THE CONVERSION OF LAND FOR CONSERVATION PURPOSES) TO AN UNSPECIFIED TIME TO ALLOW ADDITIONAL DISCUSSIONS AND PUBLIC INPUT ON THE MATTER.

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VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD,
THE MEETING WAS ADJOURNED AT 1:38 P.M. TO
RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE
HELD APRIL 22, 2003, AT 9:00 A.M.

R.J. BEELER, CHAIR

ATTEST:

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

By: _____