
CALL TO ORDER

Called to order at 9:11 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.

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

Observation of a Moment of Silence.

CORRECTIONS AND/OR CHANGES TO THE AGENDA (45)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION. (60)

03-298

1. Certification of Statement of Votes Cast - Statewide Special Election - pursuant to California Elections Code Section 15372, submitted is the Certification of Statement of Votes Cast for the Statewide Special Election held October 7, 2003 - action requested - ACCEPT CERTIFICATION OF STATEMENT OF VOTES CAST.

THE COUNTY CLERK-RECORDER/REGISTRAR OF VOTERS REQUESTED THIS ITEM REMOVED FROM THE BOARD WITHOUT BOARD CONSIDERATION OR ACTION.

2. Citizens' Option for Public Safety (COPS) Drug Endangered Children Grant Funds - approval is requested to accept and appropriate \$250,000 in grant funds received from the United States Department of Justice for Drug Endangered Children programs. The terms of the grant require \$50,000 be provided to neighboring counties for their drug interdiction efforts and protection of children. \$20,000 will be transferred to the Department of Employment and Social Services-Children's Services Division, for staff call-outs - action requested - APPROVE BUDGET TRANSFER B-049 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.

CONSENT AGENDA

- 03-299
1. St. Helena Hospital d.b.a. California Specialty Hospital - approval is requested for an agreement with St. Helena Hospital d.b.a. California Specialty Hospital for the provision of inpatient hospitalization services to adolescents (11½ to 18 years of age) referred by the department. The term of the agreement is July 1, 2003, through June 30, 2004. Under the terms of the agreement, the State will pay directly to the contractor \$635 per day for Acute Psychiatric days and \$295.48 per day for Administrative days. The State will then offset the department's realignment allocation by that corresponding amount - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14515)
 2. Sutter Center for Psychiatry - approval is requested for an agreement with Sutter Center for Psychiatry for the provision of inpatient hospitalization services to adolescents (11½ to 18 years of age) referred by the department. The term of the agreement is July 1, 2003, through June 30, 2004. Under the terms of the agreement, the State will pay directly to the contractor \$650 per day for Acute Psychiatric days and \$295.48 per day for Administrative days. The State will then offset the department's realignment allocation by that corresponding amount - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14505)
 3. State of California, Department of Mental Health - approval is requested for a performance agreement with the State of California, Department of Mental Health. Pursuant to Welfare and Institutions Code Section 5602, the County is responsible for establishing community mental health services to cover the entire area of the County. The proposed agreement indicates the State's approval of the County's rendering of such services. The term of the agreement is July 1, 2003, through June 30, 2004. There is no funding associated with this performance agreement - action requested - ADOPT AND AUTHORIZE THE CHAIR TO SIGN RESOLUTION 03-157 ACCEPTING THE TERMS OF THE PERFORMANCE AGREEMENT; AND APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL.

- 03-299
4. Public Defender Consortium of Attorneys - Amendments - approval is requested for amendments to the agreements with the individual attorneys in the Public Defender Consortium for the provision of Indigent Defense Services. The amendments will extend the terms of the agreements through December 31, 2003, to allow staff additional time to structure new agreements which reflect the recommendations contained in the report on Indigent Defense Services presented to the Board on September 23, 2003 - action requested - APPROVE AGREEMENT AMENDMENTS (14) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 5. Approval of Minutes - action requested - APPROVE MINUTES OF AUGUST 12, 2003.
 6. Daley & Heft - approval is requested for an agreement with Daley & Heft for the provision of specialty legal services to address issues regarding the Humboldt Road Burn Dump site. The term of the agreement is for one year, with an hourly compensation rate of \$190 per hour (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14502)
 7. Northern Valley Catholic Social Services - Amendment - approval is requested for an amendment to the agreement with Northern Valley Catholic Social Services for the provision of counseling and assessment services provided to Children's Services clients. The amendment extends the term of the agreement through June 30, 2004, increases the maximum amount payable by \$50,100 (department budget) for the extended term, and revises the exhibit regarding method and rate of payment. 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. X14312)
 8. Family Tree Services - Amendment - approval is requested for an amendment to the agreement with Family Tree Services for the provision of supervised visitation and parenting services to Children's Services clients. The amendment extends the term of the agreement through June 30, 2004, and increases the maximum amount payable by \$25,000 (department budget) 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. X14245)

- 02-299 9. Federal Emergency Management Agency Emergency Operations Planning Grant - Supplemental Award - on August 12, 2003, the Board accepted and appropriated \$38,231 of a \$96,450 Supplemental Grant Award received under the Federal Emergency Management Agency's Emergency Operations Planning Grant Program. Pursuant to the terms of the grant, the Emergency Services Officer has completed the necessary documentation to provide for distribution of grant funds to the various departments and agencies that will participate in the grant activities, and Board approval is requested to distribute grant funds as follows: \$25,000 to the Butte County Sheriff's Office; \$5,000 to the Butte County Sheriff's Communication Reserve, Inc.; \$5,000 to the Butte County Juvenile Hall; \$5,000 to the North Valley Animal Disaster Group; and \$5,000 to the Development Services Department for GIS - action requested - APPROVE BUDGET TRANSFER B-030 AS DETAILED IN THE AGENDA REPORT.
10. Homeland Security Grant Program - Fiscal Year 2003 Part II Supplemental - the Emergency Services Division has received notice that the Office of Homeland Security has awarded the County a Part II Supplemental Grant in the amount of \$521,659 under the Homeland Security Grant Program for fiscal year 2003. Board approval is requested to accept and appropriate \$506,009 as detailed in the agenda report (\$15,650 will remain in the General Fund to cover administrative costs related to the grant). Under the proposed plan \$466,010 will be used to purchase emergency related equipment, and Board approval is requested for the fixed asset purchases as detailed in the agenda report. The Fire Department will purchase the equipment that will be utilized by that department, and \$24,347.74 in equipment will be purchased and dedicated for use by the American Red Cross. The award of the Part II Supplemental also requires the Board adopt a resolution providing grant assurances - action requested - ADOPT RESOLUTION 03-158 APPROVING THE SUPPLEMENTAL GRANT AND AUTHORIZE THE CHAIR TO SIGN; APPROVE BUDGET TRANSFER B-035 (4/5 vote required) ACCEPTING AND APPROPRIATING \$506,009 IN UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASES OF EQUIPMENT AS DETAILED IN THE AGENDA REPORT.
11. Kaplan, McLaughlin, Diaz (KMD) - Amendment - approval is requested for an amendment to the agreement with Kaplan, McLaughlin, Diaz (KMD) for preparation of the Butte County Capital Facilities Master Plan. The amendment extends the term of the agreement through November 30, 2003. 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. X13936)

- 03-299 12. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: SHERIFF-CORONER- SPECIAL ENFORCEMENT UNIT - adds two sunset positions of Deputy Sheriff (position end dates 10-31-04). PROBATION-JUVENILE HALL - extends the position end date for one sunset position of Supervisor-Juvenile Hall from October 31, 2003, to February 29, 2004. CHILD SUPPORT SERVICES - deletes the following vacant positions: one flexibly staffed position of Administrative Analyst III/II/I, two positions of Administrative Services Assistant, one flexibly staffed position of Office Assistant III/II/I, three flexibly staffed positions of Family Support Case Manager III/II/I, and one position of Family Support Case Manager III - action requested - ADOPT RESOLUTION 03-159 AND AUTHORIZE THE CHAIR TO SIGN.
13. State of California, Department of General Services - approval is requested for a lease exchange agreement with the State of California, Department of General Services, on behalf of the California Department of Forestry and Fire Protection, for radio vault space. The State will utilize space at the County's St. John Mountain site in Glenn County in exchange for the County utilizing space at the State's Bloomer Hill radio site in Plumas County. The term of the agreement is November 1, 2003, through October 31, 2008. There is no money associated with the agreement as long as the parties are exchanging vault space - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.
14. Radio Vault and Support Equipment - approval is requested by the Communications Division to purchase a radio vault and support equipment (emergency generators, air conditioners and site and foundation improvements) in the amount of \$67,000, and microwave radio equipment in the amount of \$33,000. The equipment will be used at the Sheriff's Office substation in Chico. The vault will house radio equipment, the north County voicemail system, central networking/switching equipment, and act as the termination point for the new fiber optic connections being developed. Funding for the purchases is available utilizing funds carried over from fiscal year 2002-2003 which were intended to construct a new public safety radio tower in Chico. Upgrades and replacement parts to the existing tower extended the equipment's useful life resulting in savings of \$100,000. Approval is requested for a budget transfer of the carryover funds to provide the appropriation for the purchases - action requested - APPROVE BUDGET TRANSFER B-052 (4/5 vote required) ACCEPTING AND ALLOCATING PRIOR YEAR CARRYOVER FUNDS; AND APPROVE FIXED ASSET PURCHASE OF RADIO VAULT, SUPPORT EQUIPMENT, AND MICROWAVE RADIO EQUIPMENT AS DETAILED IN THE AGENDA REPORT.

- 03-299
15. Library Donations - pursuant to Government Code Section 25355, donations of \$2,048 from the Oroville Friends of the Library, \$1,000 from the Paradise Friends of the Library, \$553.92 from the Chico Friends of the Library, \$500 from the Beulah Rebekah Lodge No. 60 of Chico, and \$100 from Mrs. Dorothy R. Dingfelder of Chico, have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.
 16. California Family Health Council - Amendment - approval is requested for an amendment to the revenue agreement with the California Family Health Council for funds to support family planning services. The amendment increases the revenue to the County by \$25,309 to fund TeenSMART activities. 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. R40527)
 17. Stonewall Alliance Center - approval is requested for an agreement with Stonewall Alliance Center for the provision of HIV/AIDS education and prevention services to selected high-risk target groups. The term of the agreement is July 1, 2003, through June 30, 2004, with a maximum amount payable of \$50,000. Funding for the agreement is provided by a State Department of Health Services allocation contained within the department's budget - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 18. California Department of Health Services - approval is requested for an amendment to the revenue agreement with the California Department of Health Services for funds to support the Women, Infants and Children (WIC) program. The amendment increases the maximum amount payable to the County by \$190,798, revises agreement language regarding allocated caseload funding, and adds freeze exemption provisions. All other terms and provisions remain the same. The State has allocated \$796,130 for WIC services for the period of October 1, 2003, through September 30, 2004 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40525)

- 03-299
19. Butte County Children's Medical Services Plan for Fiscal Year 2003-2004 - submitted is the Children's Services Plan for 2003-2004 as required by the State. The plan summarizes the program activities that will be accomplished within the Child Health and Disability Prevention (CHDP) Program and the California Children's Services (CCS) Program. The programs provide early and periodic health screenings, and financial assistance for medical care and therapy for children who have serious or disabling health problems - action requested - APPROVE SUBMISSION OF THE 2003-2004 CHILDREN'S MEDICAL SERVICES CHDP/CCS JOINT PLAN TO THE STATE DEPARTMENT OF HEALTH SERVICES AND AUTHORIZE THE CHAIR TO SIGN.
 20. California Department of Health Services - approval is requested for an agreement with the California Department of Health Services for the provision of technical assistance and support in claims processing and program monitoring for Medi-Cal Administrative Activities (MAA) and/or Targeted Case Management (TCM) program activities. The agreement is in support of the duties of the department in its capacity as Host Entity for MAA/TCM activities. The term of the agreement is July 1, 2003, through June 30, 2004, with a maximum amount payable of \$683,687. Funding for the agreement is provided by participation fees collected from other counties belonging to the consortium. Currently the department has budgeted \$568,470 for the agreement. To provide the allocation needed for the agreement, Board approval is also requested to adjust the department's revenue and expenditures budgets by \$115,217 - action requested - APPROVE BUDGET TRANSFER B-043 (4/5 vote required) ACCEPTING AND APPROPRIATING REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 21. Waste Recovery West, Inc. - approval is requested for an agreement with Waste Recovery West, Inc., for the transportation and disposal of waste tires collected at Butte County Tire Amnesty events. The term of the agreement is from the date of approval through June 30, 2004, with a maximum amount payable of \$50,000. Funding for the agreement is provided by a Tire Amnesty Grant from the California Integrated Waste Management Board - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 22. Waste Recovery West, Inc. - approval is requested for an agreement with Waste Recovery West, Inc., for the disposal of waste tires stockpiled at the Neal Road Sanitary Landfill. The term of the agreement is October 1, 2003, through September 30, 2005, with a maximum amount payable per year of \$25,000 (Neal Road Sanitary Landfill Management Fund) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 03-299
23. Contribution to the Town of Paradise - approval is requested to contribute \$5,000 (Neal Road Sanitary Landfill Management Fund) to the Town of Paradise to help fund the Paradise Vegetative Waste Collection Facility for fiscal year 2003-2004. The collection service targets green and/or yard waste and is part of the joint efforts between the Town and the County to comply with the diversion requirements of AB 939 - action requested - APPROVE CONTRIBUTION IN THE AMOUNT OF \$5,000 AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO FACILITATE FUND TRANSFER.
 24. State of California, Department of Transportation - approval is requested for four (4) Cooperative Agreements with the State of California, Department of Transportation, in support of the proposed State Route (SR) 149 widening and interchange construction project. The agreements provide for roadway relinquishments, detours on Durham-Pentz Road, and relocation of existing road connections to SR 149 - action requested - APPROVE AGREEMENTS (4) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 25. Afton Road Bridge Painting Project - County Project No. 16182-93-2 - Notice of Completion - the project consisted of the removal of existing paint and corrosion and the application of new paint coatings. All work has been completed in accordance with plans and specifications - action requested - ACCEPT CONTRACT WORK; APPROVE NOTICE OF COMPLETION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT RECORDING OF THE NOTICE OF COMPLETION.
 26. Forensic Resource Team (FOREST) - Memorandum of Understanding - approval is requested for a Memorandum of Understanding between the Sheriff's Office, the Probation Department, the District Attorney's Office, the Behavioral Health Department, the Public Defender Consortium, and the Superior Court of California, County of Butte, for the provision of Year Three services in support of the FOREST Program. The agreement details the duties, responsibilities, and compensation for each party. The term of the agreement is July 1, 2003, through June 30, 2004, and sets the program budget at \$796,729 for the Year Three term. Funding for the agreement is provided by a grant received from the California Board of Corrections under the California Mentally Ill Offender Crime Reduction Grant Program, and Board approval is also requested for a budget transfer to allocate the funds as detailed in the agenda report - action requested - APPROVE BUDGET TRANSFER B-048 (4/5 vote required) ACCEPTING AND APPROPRIATING GRANT REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 03-299
27. Resolution Authorizing the County of Butte to Join with Other Public Agencies as a Participant of the Investment Trust of California, Carrying on Business as CalTrust, to Purchase Shares of the Trust and Certain Other Matters - approval is requested for a resolution which would authorize the County's participation in a pooled investment fund for local governmental agencies. Participation will provide an additional investment option for the County's investment pool - action requested - ADOPT RESOLUTION 03-160 AND AUTHORIZE THE CHAIR TO SIGN.
 28. Monthly Investment Report - submitted is the Monthly Investment Report dated September 30, 2003, in accordance with the Statement of Investment Policy dated July 1, 2003 - action requested - ACCEPT FOR INFORMATION.
 29. Camp, Dresser and McKee, Inc. - approval is requested for a sole source agreement with Camp, Dresser and McKee, Inc., for the evaluation and update of the Butte Basin Groundwater Model as part of the Integrated Watershed and Resource Conservation Plan. The term of the agreement is from the date of approval through December 30, 2003, with a maximum amount payable of \$160,000. Funding for the agreement is provided by a grant from the United States Bureau of Reclamation. Sole source approval is requested to provide for continuity in the project to avoid duplication of work that could delay the project. Camp, Dresser and McKee, Inc., was awarded the contract to perform the Butte Basin Groundwater Model and they are in the unique position of having the background and expertise to complete the project in the most timely and efficient manner - action requested - APPROVE SOLE SOURCE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 30. Tax Exchange Agreement between the Lake Oroville Area Public Utility District and the County of Butte - the Local Agency Formation Commission has received an application for annexation from the Lake Oroville Area Public Utility District. Pursuant to Revenue and Taxation Code Section 99-99.2, a property tax exchange agreement must be reached between the District and the County. The Lake Oroville Area Public Utility District's Board of Directors has certified, by Resolution No. 17-3, that the change in organization will be revenue neutral to each affected agency - action requested - APPROVE PROPERTY TAX EXCHANGE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.

- 03-299
- 31. Sacramento River Reclamation District - the Secretary of the Sacramento River Reclamation District has certified that the number of Declarations of Candidacy for the 2003 Special District Election cycle did not exceed the number of trustee vacancies. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint and declare elected the candidates who filed - action requested - APPOINT AND DECLARE ELECTED SHIRLEY J. LEWIS, DONALD O'DELL, BILL WAGGERSHAUSER AND ROY RONEY, TRUSTEES, TO FOUR YEAR TERMS ENDING DECEMBER 3, 2007.

 - 32. Western Canal Water District - the Secretary of the Western Canal Water District has certified that the number of Declarations of Candidacy for the 2003 General District Election cycle did not exceed the number of trustee vacancies. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint and declare elected the candidates who filed - action requested - APPOINT AND DECLARE ELECTED HOMER LUNDBERG, E. FRANKLIN LARRABEE AND KENNETH ANDERSON, TRUSTEES, TO FOUR YEAR TERMS ENDING DECEMBER 3, 2007.

 - 33. Lake Madrone Water District - the Secretary of the Lake Madrone Water District has certified that the number of Declarations of Candidacy for the 2003 General District Election cycle did not exceed the number of trustee vacancies. Pursuant to Elections Code Section 10515, the district is requesting the Board appoint and declare elected the candidates who filed - action requested - APPOINT AND DECLARE ELECTED DENNIS NAY, JOHN G. STAPP AND JOHN LOGOTETA, TRUSTEES, TO FOUR YEAR TERMS ENDING DECEMBER 3, 2007.

 - 34. Biggs-West Gridley Water District - the Secretary of the Biggs-West Gridley Water District has certified that the number of Declarations of Candidacy for the 2003 General District Election cycle did not exceed the number of trustee vacancies. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint and declare elected the candidates who filed - action requested - APPOINT AND DECLARE ELECTED THOMAS COLEMAN AND RALPH R. CASSADY, TRUSTEES, TO FOUR YEAR TERMS ENDING DECEMBER 3, 2007.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF ITEMS 3.06 AND 3.27.

S M

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

REGULAR AGENDA

ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION. (84)

03-300 1. Citizens' Option for Public Safety (COPS) Drug Endangered Children Grant Funds - approval is requested to accept and appropriate \$250,000 in grant funds received from the United States Department of Justice for Drug Endangered Children programs. The terms of the grant require \$50,000 be provided to neighboring counties for their drug interdiction efforts and protection of children. \$20,000 will be transferred to the Department of Employment and Social Services-Children's Services Division, for staff call-outs - action requested - APPROVE BUDGET TRANSFER B-049 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.

MOTION: I MOVE TO APPROVE BUDGET TRANSFER B-049 ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.

M S

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

03-301 Appointments to Boards, Commissions and Committees. (379)

- 1. Appointments to Listed Vacancies. (NONE)
- 2. Water Resource Development Act of 2003 - action requested - APPOINT BOARD MEMBER TO REPRESENT THE COUNTY IN DISCUSSIONS WITH LASSEN, PLUMAS, NEVADA AND SIERRA COUNTIES REGARDING FUNDING AND OTHER ASPECTS OF H.R. 2557, THE WATER RESOURCES DEVELOPMENT ACT OF 2003.

MOTION: I MOVE TO NOMINATE SUPERVISOR BEELER, REPRESENTATIVE, AND NOMINATE SUPERVISOR YAMAGUCHI, ALTERNATE.

S M

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

03-302 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (411) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMS THE BOARD THAT THERE ARE NO UPDATES REGARDING THE COUNTY'S BUDGET, AND THE LEGISLATIVE UPDATE WILL BE PROVIDED BY DALE WAGERMAN AND PAUL YODER, STRATEGIC GOVERNMENT SERVICES.

- 1. Update on Legislative Issues by Dale Wagerman and Paul Yoder, Strategic Government Services.

PRESENTATION TO THE BOARD BY DALE WAGERMAN AND PAUL YODER.

RECESS: 9:56 A.M.

RECONVENE: 10:09 A.M.

03-303 Memorandum of Agreement - consideration of a Memorandum of Agreement between the City of Chico and the County of Butte regarding cooperative planning in the Chico Area of Concern - action requested - APPROVE THE MEMORANDUM OF AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND CONFIRM THAT SUPERVISORS DOLAN AND HOUX SHALL BE THE BOARD REPRESENTATIVES ON THE CITY/COUNTY COOPERATIVE PLANNING COMMITTEE. (1540)

MOTION: I MOVE TO APPROVE THE MEMORANDUM OF AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND CONFIRM THAT SUPERVISORS DOLAN AND HOUX SHALL BE THE BOARD REPRESENTATIVES ON THE CITY/COUNTY COOPERATIVE PLANNING COMMITTEE.

M S

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

PUBLIC HEARINGS AND TIMED ITEMS

- 03-304 1. Public Hearing - Certificate of Merger Appeal - Reed B. Johnson - consideration of an appeal of a denial of a Certificate of Merger for a project to reconfigure 2 parcels on property located on the northwest corner of Larkin Road and Johnson Clan Avenue in the Gridley area, and identified as APN 024-200-067 and 068 - action requested - STAFF IS REQUESTING THE BOARD CONTINUE THE MATTER TO DECEMBER 2, 2003.
- 2. Public Hearing - Lot Line Adjustment Appeal - Charles Pfister - consideration of an appeal of a denial of a lot line adjustment for a project to reconfigure 2 parcels to effect a 1991 Homesite Segregation Use Permit approval on property located on the southeast corner of Peterson Avenue and Lewis Oak Road in the Gridley area, and identified as APN 021-190-069 and 070 - action requested - STAFF IS REQUESTING THE BOARD CONTINUE THE MATTER TO DECEMBER 2, 2003.
- 3. Public Hearing - Certificate of Merger Appeal - David North - consideration of an appeal of a denial of a Certificate of Merger for a project to merge 8+ underlying lots into 2 lots on property located on the south side of Ludlum Avenue, approximately 200 feet west of Irwin Avenue in the Palermo area, and identified as APN 026-221-002 - action requested - STAFF IS REQUESTING THE BOARD CONTINUE THE MATTER TO DECEMBER 2, 2003.

THE THREE PUBLIC HEARINGS LISTED ABOVE HEARD CONCURRENTLY.

PUBLIC HEARINGS OPENED AT 10:22 A.M., AND CONTINUED OPEN TO DECEMBER 2, 2003, TO ALLOW STAFF TIME TO COMPLETE THE STAFF REPORTS, AND TO ACCOMMODATE THE APPELLANTS' SCHEDULES.

- 03-305
1. Public Hearing - Certificate of Merger Appeal - Brian Cook - consideration of an appeal of a denial of a Certificate of Merger for a project to modify the common property line between 2 parcels located on the northeast corner of Highway 99 and Drake Avenue in the Biggs area, and identified as APN 025-120-038 and 046 - action requested - STAFF IS REQUESTING THE BOARD CONTINUE THE MATTER TO DECEMBER 2, 2003.

 2. Public Hearing - Certificate of Merger Appeal - Lawrence E. Crabtree - consideration of an appeal of a denial of a Certificate of Merger for a project to reconfigure 2 existing lots located on the south side of Chico River Road, approximately 400 feet east of Crouch Avenue in the Chico area, and identified as APN 039-120-031 and 032 - action requested - STAFF IS REQUESTING THE BOARD CONTINUE THE MATTER TO DECEMBER 2, 2003.

THE TWO PUBLIC HEARINGS LISTED ABOVE HEARD CONCURRENTLY.

PUBLIC HEARINGS OPENED AT 10:25 A.M., AND CONTINUED OPEN TO DECEMBER 2, 2003, TO ALLOW STAFF TIME TO COMPLETE THE STAFF REPORTS, AND TO ACCOMMODATE THE APPELLANTS' SCHEDULES.

REGULAR AGENDA

- 03-306
- Development Permits for Existing Vacant Lots - Report to the Board - presentation of new information developed to provide assistance to members of the public in understanding the parcel review process associated with the development of property which has not been previously developed in conformance with a permit issued by the County - action requested - ACCEPT FOR INFORMATION; AND PROVIDE STAFF DIRECTION AS NECESSARY. (2154)

PRESENTATION BY STUART EDELL, PUBLIC WORKS LAND DEVELOPMENT DIVISION, AND VANCE SEVERIN, ENVIRONMENTAL HEALTH DIVISION, OF REVISED PUBLIC ASSISTANCE INFORMATION.

PUBLIC HEARINGS AND TIMED ITEMS

03-307 Public Hearing - Rezone - Fourteen Mile House, Inc. - consideration of a Rezone for 43.2 acres on the east side of State Route 32, across from Woodland Park Road. The requested zone is Foothill Recreational-2 acre minimum parcel size. 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 currently configured in four individual parcels for residential development. The parcels are 5.41, 7.24, 17.79, and 12.79 acres in size. Sewage disposal for the project would be provided by individual septic tanks, and water would be obtained from a well on the project site. The property was rezoned as a part of the Fourteen Mile House PUD rezone, and residential development has been completed in the first two "units" of that development. The subject property is the third "unit" of that residential development, but is subject to a separate homeowners association. An environmental analysis was conducted prior to the approval of said rezone, and another environmental review was prepared for the subdivision map approval that created the four parcels. The property is located on the east side of Highway 32, across from Woodland Park Road, about two miles south of Forest Ranch, and identified as APN 063-360-018. The Butte County Planning Commission has recommended approval of the project (CS [REZ 03-01]) - action requested:

1. SUBJECT TO FINDINGS I (A-E) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 28, 2003, ADOPT A MITIGATED NEGATIVE DECLARATION;
2. FIND THAT THE DESIGN OF THE PROPOSED PROJECT WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH 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 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 FISH AND 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; CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES; OR CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN. THERE IS A POTENTIAL FOR IMPACTS TO OAK WOODLAND HABITAT WHICH WILL OCCUR AT THE TIME OF SUBDIVISION DEVELOPMENT AND THE APPROPRIATE FISH AND GAME FEES WILL BE COLLECTED AT THAT TIME; AND

03-307 3. SUBJECT TO FINDINGS III (A AND B) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 28, 2003, APPROVE REZONE REZ03-01 FOR FOURTEEN MILE HOUSE (RAY JOHNSON) ON APN 063-360-018 REZONING FROM PUD (PLANNED UNIT DEVELOPMENT) TO FR-2 (FOOTHILL RECREATIONAL - 2 ACRE PARCELS) A 43± ACRE PARCEL; ADOPT AN ORDINANCE REZONING SAID PROPERTY AND APPROVE THE CONDITIONAL ZONING AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (FROM 9-23-03 [3.21]) (2782)

PUBLIC HEARING OPENED: 10:37 A.M.
PUBLIC HEARING CLOSED: 10:41 P.M.

MOTION: SUBJECT TO FINDINGS I (A-E) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 28, 2003, I MOVE TO ADOPT A MITIGATED NEGATIVE DECLARATION; FIND THAT THE DESIGN OF THE PROPOSED PROJECT WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH 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 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 FISH AND 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; CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES; OR CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN. THERE IS A POTENTIAL FOR IMPACTS TO OAK WOODLAND HABITAT WHICH WILL OCCUR AT THE TIME OF SUBDIVISION DEVELOPMENT AND THE APPROPRIATE FISH AND GAME FEES WILL BE COLLECTED AT THAT TIME; AND SUBJECT TO FINDINGS III (A AND B) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 28, 2003, FURTHER MOVE TO APPROVE REZONE REZ03-01 FOR FOURTEEN MILE HOUSE (RAY JOHNSON) ON APN 063-360-018 REZONING FROM PUD (PLANNED UNIT DEVELOPMENT) TO FR-2 (FOOTHILL RECREATIONAL - 2 ACRE PARCELS) A 43± ACRE PARCEL; ADOPT ORDINANCE 3862 REZONING SAID PROPERTY AND APPROVE THE CONDITIONAL ZONING AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.

M S

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

REGULAR AGENDA

03-308 Local Law Enforcement Block Grant - Expenditure Plan - consideration of a proposed expenditure plan for grant funds received from the United States Department of Justice, Office of Justice Programs, under the Local Law Enforcement Block Grant Program - action requested - ACCEPT PUBLIC COMMENT ON EXPENDITURE PLAN; RATIFY THE SIGNATURE OF THE CHIEF ADMINISTRATIVE OFFICER AS AUTHORIZED AGENT FOR THE COUNTY; AND APPROVE BUDGET TRANSFER B-051 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE STAFF REPORT. (3021)

03-308 MOTION: I MOVE TO RATIFY THE SIGNATURE OF THE CHIEF ADMINISTRATIVE OFFICER AS AUTHORIZED AGENT FOR THE COUNTY; AND APPROVE BUDGET TRANSFER B-051 ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE STAFF REPORT.

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

PUBLIC HEARINGS AND TIMED ITEMS

03-309 Public Hearing - Neal Road Landfill Gate Fees - consideration of an ordinance amending Chapter 3 of the Butte County Code, entitled "Fees", specifically, Article VII, entitled "Gate Fees Chargeable at the Neal Road Landfill". Staff has recommended the Board increase the tipping fee from \$21.25 per ton to \$24.00 per ton - action requested - OPEN PUBLIC HEARING TO ACCEPT PUBLIC INPUT ON PROPOSED FEE INCREASE; CLOSE HEARING; FIND THAT, IN ACCORDANCE WITH THE STUDY, THE FEES PROPOSED IN THE STUDY DO NOT EXCEED COSTS AS SET FORTH IN THE STUDY; AND ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 10-13-03 [3.31]) (3394) (**00)

PUBLIC HEARING OPENED: 10:49 A.M.
PUBLIC HEARING CLOSED: 11:37 A.M.

MOTION: I MOVE TO FIND THAT, IN ACCORDANCE WITH THE STUDY, THE FEES PROPOSED IN THE STUDY DO NOT EXCEED COSTS AS SET FORTH IN THE STUDY; AND ADOPT ORDINANCE 3863 AND AUTHORIZE THE CHAIR TO SIGN.

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

RECESS: 11:38 A.M.

RECONVENE: 11:48 A.M.

PUBLIC COMMENT

03-310 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. (**1599)

1. SARA RAMIREZ ADDRESSED THE BOARD TO COMPLAIN ABOUT HURLTON ROAD AND SWEDES FLAT ROAD. THE ROAD IS UNSAFE, NEEDS TO BE REPAIRED AND SURFACED.
2. GREGORY STRANG, ADDRESSED THE BOARD TO COMPLAIN ABOUT HURLTON AND SWEDES FLAT ROAD. THE DIRT ROAD CREATES AN AIR POLLUTION PROBLEM, AND THE ROAD IS SO NARROW THAT IT PRESENTS A SAFETY HAZARD FOR FIRE AND EMERGENCY VEHICLES.

- 03-310 3. ALFRED HARVEY ADDRESSED THE BOARD TO COMPLAIN ABOUT HURLTON AND SWEDES FLAT ROAD. THE ROAD NEEDS TO BE PAVED (CHIPPED-SEALED).

MIKE CRUMP ADDRESSED THE BOARD TO ACKNOWLEDGE THAT THE POPULATION IN THAT AREA HAS GROWN TO THE POINT WHERE DIRT ROADS ARE NOT THE BEST SOLUTION OUT THERE. THE AIR QUALITY MANAGEMENT DISTRICT HAS GRANT FUNDS AVAILABLE ONCE A YEAR, AND WITH THE DIRT POLLUTION FROM THESE ROAD, THEY WILL BE SUBMITTED FOR CONSIDERATION OF THOSE FUNDS. THE LACK OF ROAD FUNDS PROHIBITS CONSIDERATION OF A WIDENING PROJECT AT THIS TIME, BUT PUBLIC WORKS CREWS WILL ADDRESS THE INCREMENTAL CHANGES AS THEY CAN.

PUBLIC HEARINGS AND TIMED ITEMS

- 03-311 Public Hearing - Steve Schuster - Tentative Subdivision Map (Sierra Moon Subdivision) - Appeal Condition of Approval - consideration of an appeal of Condition No. 8 of a Tentative Subdivision Map to create 119 single family residential parcels in accordance with a previously approved Planned Unit Development and Development Agreement. The property is 300 acres total in size. The 119 residential parcels would be clustered in the southwest and northwest portion of the 229 acre area that is the subject of the Development Agreement and Planned Unit Development. An 89-acre remainder parcel is also proposed. The proposed single-family residential lots would range in size from one-third of an acre to over one acre in size, with half-acre lots being the predominant size. In accordance with the Development Agreement, traffic circulation would be accomplished by subdivision road connections to Hicks Lane at two locations on the east side of the property, and Spyglass Road and Guntren Road on the west side of the property. In accordance with the Development Agreement, a total of 103 acres of open space shall be retained along Hicks Road and Mud Creek, and a total of approximately 32 acres of open space shall be retained along Keefer Slough and north of Mud Creek. Drainage and storm water run-off would be directed into three on-site retention basins. Sewage disposal would be accomplished by a community sewage disposal system to be located on the 103-acre open space parcel. Domestic and fire flow water supplies would be accomplished through a community water system. 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 SR-1/PD (Suburban Residential-1 acre parcels/Planned Development); OS/PD (Open Space/Planned Development) and is located north of Chico and west of the Chico Airport on the west side of Hicks Lane, approximately 3,000 feet south of Keefer Road in the North Chico Specific Plan area and identified as APN 047-710-001 (DB [TSM 03-01]) - action requested - STAFF IS REQUESTING THE BOARD OPEN THE HEARING AND CONTINUE IT OPEN TO NOVEMBER 18, 2003. (**2578)

PUBLIC HEARING OPENED AT 12:11 P.M. AND CONTINUED OPEN TO DECEMBER 2, 2003.

CLOSED SESSION

- 03-312 RECESS: RECESSED AT 12:26 P.M., TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): JONES (RAINWATER) v. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 126573. (**3358)
- RECONVENE: RECONVENED AT 1:18 P.M., FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): JONES (RAINWATER) v. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 126573. (**3392) (NO ANNOUNCEMENTS)
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PUBLIC HEARINGS AND TIMED ITEMS

- 03-313 Public Hearing - Development Fees - consideration of an ordinance amending Butte County Code Sections 3-41, 3-43, 3-44, 3-81, and 3-82, regarding certain fees chargeable for processing applications for land use entitlements by the Building and Planning Division of the Development Services Department and the Land Development Division of the Public Works Department - action requested - ADOPT ORDINANCE AMENDING BUTTE COUNTY CODE AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT RESOLUTION ESTABLISHING DEVELOPMENT SERVICES DEPARTMENT BUILDING DIVISION FEE SCHEDULE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 10-14-03 [4.04]) (**3402)
- PUBLIC HEARING OPENED AT 1:18 P.M. AND CONTINUED OPEN TO NOVEMBER 18, 2003, AT 10:30 A.M.
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PUBLIC COMMENT

- 03-314 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. (**3477) (**00)
1. LESLIE KYKENDULL ADDRESSED THE BOARD TO SPEAK OUT AGAINST THE UNITED STATES PATRIOT ACT, AND REQUESTED THE BOARD PLACE A RESOLUTION IN OPPOSITION OF THE ACT ON THE AGENDA.
 2. DONNA RUSSELL ADDRESSED THE BOARD TO REQUEST THE BOARD PLACE A RESOLUTION IN OPPOSITION OF THE UNITED STATES PATRIOT ACT ON AN AGENDA FOR CONSIDERATION.
 3. LEANNA FERNANDEZ ADDRESSED THE BOARD TO REQUEST THE BOARD PLACE A RESOLUTION IN OPPOSITION OF THE UNITED STATES PATRIOT ACT ON AN AGENDA FOR CONSIDERATION.

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- 03-314 4. KATHY STEWART ADDRESSED THE BOARD TO REQUEST THE BOARD PLACE A RESOLUTION IN OPPOSITION OF THE UNITED STATES PATRIOT ACT ON AN AGENDA FOR CONSIDERATION.
5. AYN HOFFA ADDRESSED THE BOARD TO REQUEST THE BOARD PLACE A RESOLUTION IN OPPOSITION OF THE UNITED STATES PATRIOT ACT ON AN AGENDA FOR CONSIDERATION.
6. LEE EDWARDS ADDRESSED THE BOARD TO REQUEST THE BOARD PLACE A RESOLUTION IN OPPOSITION OF THE UNITED STATES PATRIOT ACT ON AN AGENDA FOR CONSIDERATION.
7. DICK BJORK ADDRESSED THE BOARD TO REQUEST THE BOARD PLACE A RESOLUTION IN OPPOSITION OF THE UNITED STATES PATRIOT ACT ON AN AGENDA FOR CONSIDERATION.
8. HELEN BILL ADDRESSED THE BOARD TO REQUEST THE BOARD PLACE A RESOLUTION IN OPPOSITION OF THE UNITED STATES PATRIOT ACT ON AN AGENDA FOR CONSIDERATION.
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ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 1:47 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, NOVEMBER 18, 2003, AT 9:00 A.M.

R.J. BEELER, CHAIR

Attest:

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

By: _____