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CALL TO ORDER

Called to Order at 9:03 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 (46)

03-326

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

1. The Villas at Butte Creek Subdivision - Final Map - The Villas at Butte Creek Subdivision, APN 040-035-019 and 022, is a conditionally approved 14-lot private street subdivision located at the intersection of Estates Drive and State Highway 99, south of Chico. The developer has complied with the Conditions of Approval, has completed the majority of the required improvements, and has provided a cash bond to cover construction of the remaining facilities. The developer has also entered into a Subdivision Agreement to provide a surety bond in the form of a letter of credit to guarantee maintenance of the required improvements for one year - action requested - APPROVE FINAL MAP; ACCEPT ON BEHALF OF THE PUBLIC THE PUBLIC SERVICE EASEMENTS; FEE TITLE TO THE PUBLIC ROADWAY AT THE INTERSECTION OF ESTATES DRIVE AND THE 60-FOOT FRONTAGE ROAD, AND RELINQUISHMENT OF ALL ABUTTER'S RIGHTS OF ACCESS TO SAID 60-FOOT FRONTAGE ROAD AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; AND AUTHORIZE THE CHAIR TO SIGN THE SUBDIVISION AGREEMENT. (54)

AT THE REQUEST OF THE PUBLIC WORKS DEPARTMENT, THIS ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. THE ITEM WILL BE REVISED AND RETURN ON A SUBSEQUENT AGENDA.

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CONSENT AGENDA

03-327

1. Youth For Change - approval is requested for an agreement with Youth For Change for the provision of mental health services, day rehabilitation, and medication support services to adolescent clients and their families receiving full-scope Medi-Cal benefits. The term of the agreement is July 1, 2003, through June 30, 2004, with a maximum amount payable of \$498,270.70 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 03-327
2. Michael Hitchko, Ph.D. - Amendment - approval is requested for an amendment to the agreement with Michael Hitchko, Ph.D., for the provision of services in the specialized field of psychology. The amendment increases the maximum amount payable by \$10,000 (department budget), and revises the service schedule to incorporate the amendment. 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. X14302)
  3. 7<sup>th</sup> Avenue Center - Amendment - approval is requested for an amendment to the agreement with 7<sup>th</sup> Avenue Center for the provision of services to clients in need of 24-hour skilled nursing services. The amendment increases the maximum amount payable by \$5,445 (department budget), revises the monthly payment provisions, and revises the service summary to incorporate the amendment. 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. X14417)
  4. Butte County District Attorney/Butte County Department of Behavioral Health - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Butte County District Attorney's Office for services in support of the Substance Abuse and Crime Prevention Act. The amendment extends the term of the agreement through June 30, 2004, increases the maximum amount payable by \$18,514 (department budget) for the extended term, revises the budget schedule to reflect the increased funding, and amends agreement language regarding inspections and audits. 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. X13549)
  5. Butte County Department of Employment and Social Services/Butte County Probation/Butte County Department of Behavioral Health - approval is requested for a Memorandum of Understanding with the Department of Employment and Social Services and the Probation Department which provides for the assignment of Behavioral Health staff to the Juvenile Hall to provide assessment, evaluation and case management services to detainees. The term of the agreement is July 1, 2003, through June 30, 2004. The Department of Employment and Social Services will provide \$83,540 of Supportive and Therapeutic Options Program (STOP) funds, representing 70% of the funding needed. The remaining 30% is a required County match and will be provided by the Probation Department to the Department of Employment and Social Services - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14541)

- 03-327
6. Fixed Asset Purchase and Budget Transfer - approval is requested for the fixed asset purchase of two computer servers, in the estimated amount of \$12,500 each, which will be used in the department's networking system. Funding for the purchase is available within the department's budget and approval is also requested for a transfer of funds between line items to provide the allocation for the purchase - action requested - APPROVE BUDGET TRANSFER B-095 (4/5 vote required) AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE OF COMPUTER EQUIPMENT IN THE ESTIMATED TOTAL AMOUNT OF \$25,000.
  7. Single Jurisdiction Drug Court Enhancement Grant - approval is requested to accept \$300,000 over two years from the United States Department of Justice, Bureau of Justice Assistance, under the Single Jurisdiction Drug Court Enhancement Grant program. The grant funds will be used to enhance the County's Comprehensive Treatment Court programs. The term of the grant is September 1, 2003, through August 31, 2005, with a maximum amount payable to the County of \$300,000. Approval is also requested to accept and appropriate \$150,000 into the current year's budget, with the remainder to be allocated in the fiscal year 2004-2005 budget - action requested - ACCEPT GRANT AWARD; APPROVE GRANT AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-096 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.
  8. Employment Agreement Amendments - submitted are amendments to employment agreements for the following department heads:
    - 1) Patricia S. Cragar, Director-Employment and Social Services. Extends the term of the agreement through December 30, 2006. All other terms and provisions remain the same.
    - 2) Nancy Brower, Director-Libraries. Extends the term of the agreement through December 14, 2006. All other terms and provisions remain the same.
    - 3) Richard Price, Agricultural Commissioner. Extends the term of the agreement through May 8, 2008. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENTS (3) AND AUTHORIZE THE CHAIR TO SIGN.

- 03-327
9. Department Head Salaries - the implementation of the Countywide Classification/Compensation study has provided an opportunity to review and revise the system for determining appointed and elected department head salaries. Submitted is an outline of recommended changes and revised Annual Performance Review Procedures. The proposed changes, if accepted, will become effective upon implementation of the classification and compensation study and would apply to the fiscal year beginning July 1, 2004. The Chief Administrative Officer has met with each elected official and the appointed department heads and has received concurrence to this approach - action requested - APPROVE RECOMMEND CHANGES TO THE METHOD FOR SETTING SALARIES FOR APPOINTED AND ELECTED DEPARTMENT HEADS AS OUTLINED, AND APPLY THE CHANGES TO THE FISCAL YEAR BEGINNING JULY 1, 2004.
  10. Butte County Water Commission - action requested - APPOINT DAVID E. SKINNER, LANDOWNER-DISTRICT WATER REPRESENTATIVE, TO A VACANT TERM TO END MARCH 1, 2007.
  11. Richardson Springs Community Services District - action requested - APPOINT STEPHEN R. BELL AND JACOB FINELY, DIRECTORS, TO TERMS TO END DECEMBER 3, 2007.
  12. Richvale Irrigation District - action requested - APPOINT LYLE D. JOB, DIVISION 2 DIRECTOR, TO A TERM TO END DECEMBER 7, 2007.
  13. Request for Consolidation - Paradise Unified School District - the Paradise Unified School District has submitted Resolution No. 02/04-7, requesting consolidation of a special election with the statewide Primary Election to be held on March 2, 2004. The District will submit a measure to the voters relating to the abolishment of Trustee Areas in the Paradise Unified School District - action requested - APPROVE CONSOLIDATION.
  14. Request for Consolidation - the Town of Paradise has submitted Resolution No. 03-69, requesting consolidation of a special election with the statewide Primary Election to be held on March 2, 2004. The Town will submit to the voters a measure related to raising the transient occupancy tax in the Town from 6% to 10% - action requested - APPROVE CONSOLIDATION.

- 03-327
15. Request for Consolidation - City of Oroville - the City of Oroville has submitted Resolution No. 6121, requesting consolidation of a special election with the statewide Primary Election to be held on March 2, 2004. The City will submit a measure to the voters to consider an initiative proposing to amend the Oroville City Charter by adding Article XXXI, requiring binding arbitration of unresolved employee disputes and controversies between the City of Oroville and the City Fire Department employee organization - action requested - APPROVE CONSOLIDATION.
  16. Hendrick & LaSala - Amendment - approval is requested for an amendment to the agreement with Hendrick & LaSala for the provision of specialized attorney services. The amendment provides for a name change of the firm from Daley and Heft to Hendrick & LaSala, and revises the amount of indemnity insurance required. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14502)
  17. Jackson Lewis LLP - approval is requested for an agreement with Jackson Lewis LLP, for the provision of specialized attorney services regarding personnel issues. The term of the agreement is one year, but will be extended as needed to complete matters submitted for resolution prior to the term ending date. The hourly rate of compensation is \$250 for partner services and \$210 for associate attorney services (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14578)
  18. Development Services Department Zoning Code Amendment - Report to the Board - pursuant to Butte County Code, submitted is the Planning Commission's report to the Board on a proposed Zoning Code Amendment. The proposed amendment will revise the Lot Line Adjustment and Merger provisions of Chapter 20 and Chapter 24 of the Butte County Code regarding public hearing requirements, zoning amendment requirements, and site requirements. The Planning Commission has recommended approval - action requested - ACCEPT THE REPORT; AND DIRECT THE CLERK OF THE BOARD TO SET A PUBLIC HEARING FOR CONSIDERATION OF THIS MATTER FOR DECEMBER 16, 2003, AT 10:30 A.M.

- 03-327 19. In-Home Supportive Services Public Authority Fraud Investigation Program - proposed is the addition of a fraud investigation component to the In-Home Supportive Services Public Authority programs. The Department of Employment and Social Services will provide \$75,000 (department budget) to the District Attorney to fund one District Attorney Investigator II/I position, one Investigative Assistant position, and office furniture and equipment to support the positions. An amendment to the salary ordinance which includes the new positions has been submitted as a separate item. Also proposed is a Memorandum of Understanding between the District Attorney and the Department of Employment and Social Services, detailing the terms of the program - action requested - APPROVE BUDGET TRANSFER B-099 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT; APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND DIRECT STAFF TO RETURN TO THE BOARD IN ONE YEAR WITH A REVIEW OF THE PROGRAM.
20. Youth For Change - approval is requested for an agreement with Youth For Change for the provision of Transitional Housing Services to clients in out-of-home placements under the supervision of the department. The agreement provides for payment of services rendered to a resident client required to be in the program beyond the period allocated by Foster Care Eligibility Regulations. The term of the agreement is July 1, 2003, through August 23, 2003, with a maximum amount payable of \$3,840. Funding for the agreement will be provided by Independent Living Program funds - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14520)
21. Volunteer Fire Assistance Grant - approval is requested to accept a \$20,000 grant from the State of California, Department of Forestry and Fire Protection, under the Volunteer Fire Assistance Program. The grant requires a \$20,000 County match, which is included in the department's budget. The funds will be used to purchase personal protective clothing - action requested - ADOPT RESOLUTION 03-166 APPROVING THE GRANT AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE GRANT AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
22. Adoption of an Ordinance of the County of Butte Repealing Chapter 46 of the Butte County Code Concerning Purchasing and Replacing it with a New Chapter 46 Concerning Purchasing - proposed is an ordinance which will establish a policy that provides a 5% preference to Butte County suppliers for purchases of personal property for County use - action requested - ADOPT ORDINANCE 3846 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 11-18-03 [3.33])

- 03-327      23.      Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: AUDITOR-CONTROLLER: extends the position end date of one flexibly staffed sunset position of Accounting Specialist/Senior Account Clerk/Account Clerk, from December 31, 2003, to June 30, 2004. DISTRICT ATTORNEY-CRIMINAL: extends the position end date of one sunset position of Paralegal, from December 31, 2003, to June 30, 2004. DISTRICT ATTORNEY-WELFARE FRAUD: adds one flexibly staffed position of District Attorney Investigator II/I and one position of Investigative Assistant as part of the In-Home Supportive Services Fraud Investigation program. SHERIFF-CORONER - SERVICES: extends the position end date of one sunset position of Sheriff's Clerk II, from December 31, 2003, to December 31, 2004. SHERIFF-CORONER - OPERATIONS: extends the position end date of one sunset position of Deputy Sheriff, from December 31, 2003, to December 31, 2004. PUBLIC HEALTH - GENERAL SERVICES: adds one half-time position of Certified Nurse Practitioner, and one flexibly staffed position of Administrative Analyst III/II/I. Extends the position end date of one flexibly staffed sunset position of Public Health Assistant II/I, from December 31, 2003, to December 31, 2004. PUBLIC HEALTH-ENVIRONMENTAL HEALTH: deletes one flexibly staffed position of Environmental Health Specialist II/I, and adds one flexibly staffed position of Environmental Health Specialist III/II/I - action requested - ADOPT RESOLUTION 03-167 AND AUTHORIZE THE CHAIR TO SIGN.
24.      Library Donations - pursuant to Government Code Section 25355, donations of \$1,000 from the Paradise Friends of the Library, \$600 from the Chico Friends of the Library, \$500 from the Fraternal Order of Eagles, Chico Auxiliary #218, and \$300 from anonymous donors, have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.
25.      A/C Industrial Corporation - Amendment - approval is requested for an amendment to the agreement with A/C Industrial Corporation for the removal and disposal of prohibited wastes from the Neal Road Sanitary Landfill. The amendment provides for the inclusion of Freon removal from appliances that are received at the facility for recycling. 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. X10536)

- 03-327      26.    Delta Oilfield Services, Inc. - approval is requested for an agreement with Delta Oilfield Services, Inc., for the pumping and transportation of septage supernatant liquids and leachate liquids from the Neal Road Sanitary Landfill. The agreement is the result of a Request For Bids, with Delta Oilfield Services, Inc., being the lowest bidder. The term of the agreement is based on volume, with a total of 3,600,000 gallons of supernatant and 3,000,000 gallons of leachate liquid to be pumped at the rate of \$0.02 per gallon. The maximum amount payable under the agreement is \$130,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
27.    Rehabilitation of Skyway from Chico City Limits to 6.25 Miles East; County Project No. 51261-1/2-2000-1 - Contract Change Order (CCO) No. 1 - CCO No. 1, in the overall decreasing amount of \$586, provides for a decrease in the engineer's estimate for paint binder tack coat open grade, and MBGR bridge construction assembly, and an increase in work needed to grind an unsuitable existing asphalt concrete surface and replace it with a full-depth asphalt concrete section - action requested - APPROVE CCO NO. 1 AND AUTHORIZE THE CHAIR TO SIGN.
28.    Resolution of Intent to Abandon a Public Utilities Easement - the department has received a request, on behalf of Polens Family Trust, to abandon an existing 10-foot Public Utilities Easement on property located at the northwest corner of Pinehurst Way and Columbine Road, in the Paradise Pines area. The Planning Commission has recommended approval - action requested - ADOPT RESOLUTION 03-168 GIVING NOTICE OF INTENT TO ABANDON A PUBLIC SERVICE EASEMENT; AND DIRECT THE CLERK OF THE BOARD TO SET A PUBLIC HEARING TO CONSIDER THIS MATTER FOR TUESDAY, JANUARY 13, 2004, 10:30 A.M.
29.    Superior Court of California, County of Butte - approval is requested for an agreement with the Superior Court of California, County of Butte, for the provision of security services to the Court. The term of the agreement is July 1, 2003, through June 30, 2004, with a maximum amount payable to the County of \$1,164,200 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
30.    Budget Transfer - approval is requested to transfer \$4,300 of department Local Law Enforcement Block Grant funds between budget line items to provide the appropriation necessary to purchase Taser Intermediate Weapon Systems - action requested - APPROVE BUDGET TRANSFER B-094 AS DETAILED IN THE AGENDA REPORT.

- 03-327 31. Monthly Investment Report - submitted it the Monthly Investment Report dated October 31, 2003, in accordance with the Statement of Investment Policy dated July 1, 2003 - action requested - ACCEPT FOR INFORMATION.
- 32. Camp, Dresser & McKee - Amendment - approval is requested for an amendment to the agreement with Camp, Dresser & McKee for the preparation of an Integrated Watershed and Resource Conservation Plan. The amendment eliminates the distinction of funding by fiscal year to allow full use of the funds in the current fiscal year. Board approval is also requested to ~~accept and appropriate \$84,000 in carryover fiscal year 2002-2003 funds into the current fiscal year~~ transfer \$84,000 in prior year professional services funds - action requested - APPROVE BUDGET TRANSFER B-098 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 33. Camp, Dresser & McKee - Amendment - approval is requested for an amendment to the agreement with Camp, Dresser & McKee for the preparation of the Groundwater Modeling Element of the Integrated Watershed and Resource Conservation Plan. The amendment extends the term of the agreement through June 30, 2004, to allow additional time to complete the study. 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. X14534)
- 34. 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. 17-03, 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.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 3.33 AMENDED TO CORRECT THE BUDGET TRANSFER LANGUAGE TO READ, "...TRANSFER \$84,000 IN PRIOR YEAR PROFESSIONAL SERVICES FUNDS.", AND THE REMOVAL OF ITEM 3.27.

S M

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

REGULAR AGENDA

03-328 Appointments to Boards, Commissions and Committees. (68)

- 1. Appointments to Listed Vacancies. (NONE)
- 2. Northern California Water Association - consideration of the selection of two directors (one director and one alternate director) to two year terms ending December 15, 2005 - action requested - SELECT DIRECTOR(S) AND ALTERNATE DIRECTOR(S).

MOTION: I MOVE TO APPOINT SUPERVISOR JOSIASSEN, DIRECTOR.  
M S

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

A SECTION WILL BE ADDED TO THE AGENDA REPORT FOR BOARD MEMBER COMMITTEE REPORTS.

03-329 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (175) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMED THE BOARD THAT THE NEW GOVERNOR HAS CALLED THREE SPECIAL SESSIONS OF THE LEGISLATURE. ONE SESSION WILL DEAL WITH THE REPEAL OF SENATE BILL 60, A MEASURE THAT ALLOWED UNDOCUMENTED ILLEGAL IMMIGRANTS TO APPLY FOR DRIVERS LICENSES. ONE SESSION WILL DEAL WITH WORKERS' COMPENSATION REFORM, AND ONE SESSION WILL DEAL WITH GENERAL OBLIGATION BONDS, SPENDING CAPS, AND APPROPRIATION OF FUNDS TO BACKFILL LOCAL GOVERNMENTS FOR VEHICLE LICENSE FEE LOSSES. THE BOARD WAS ALSO INFORMED OF PROPOSED BUDGET CHANGES TO THE STATE'S BUDGET.

03-330 Reconsideration of an Item. (658)

Northern California Water Association - consideration of the selection of two directors (one director and one alternate director) to two year terms ending December 15, 2005 - action requested - SELECT DIRECTOR(S) AND ALTERNATE DIRECTOR(S)

MOTION: I MOVE TO NOMINATE CURT JOSIASSEN AND DENNY BUNSGARZ, DIRECTORS; AND BILL BORROR AND REX BLOOMFIELD, ALTERNATE DIRECTORS.

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

BRUCE ALPERT INTRODUCED BRAD STEPHENS, NEW STAFF ATTORNEY IN THE COUNTY COUNSEL'S OFFICE.

03-331 Presentation of California State Fair Award - presentation by the Butte County Economic Development Corporation of an award presented to Butte County by the California State Fair - action requested - ACCEPT FOR INFORMATION. (752)

PRESENTATION TO THE BOARD BY BOB LINSCHIED AND DEBRA LUCERO, BUTTE COUNTY ECONOMIC DEVELOPMENT CORPORATION, OF A GOLD AWARD WON BY THE BUTTE COUNTY EXHIBIT AT THE STATE FAIR.

03-332 National Pollutant Discharge Elimination System (NPDES) Phase II - Butte County's Storm Water Management Program - Report to the Board - update on the status of Butte County's Storm Water Management Program - action requested - ACCEPT FOR INFORMATION. (1068)

PRESENTATION TO THE BOARD BY TOM BLIXT, PUBLIC WORKS DEPARTMENT.

03-333 Drug Endangered Children Program - Resolution to Amend the Salary Ordinance - at the request of the District Attorney, the Human Resources Department has prepared a resolution which will amend the salary ordinance as follows: DISTRICT ATTORNEY-CRIMINAL - extends the position end dates of one flexibly staffed sunset position of District Attorney Investigator II/I, and one sunset position of Legal Typist Clerk, from December 31, 2003, to June 30, 2004 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (1153)

MOTION: I MOVE TO ADOPT RESOLUTION 03-169 AND AUTHORIZE THE CHAIR TO SIGN.  
M S

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

03-334 Items Removed from the Consent Agenda for Board Consideration and Action. (1494) (NONE)

RECESSED AT 9:47 A.M., AS THE BUTTE COUNTY BOARD OF SUPERVISORS AND CONVENEED AS THE BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY BOARD.

**BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES**

**PUBLIC AUTHORITY BOARD**

**MINUTES - DECEMBER 2, 2003**

Called to Order at 9:47 a.m., in the Board of Supervisors Chambers, 25 County Center Drive, Oroville. Board members present: Dolan, Houx, Josiassen, Yamaguchi, and Chair Beeler. Also present: Marion Reeves, Deputy Clerk.

Agenda Items

03-024 Employment Agreements and Personnel Policies - consideration of at-will employment agreements for the positions of Public Authority Manager, Public Authority Secretary, Public Authority Services Specialist, and Public Authority Services Specialist Aide. Additionally, Personnel Policies have been developed that are consistent with Butte County Personnel Rules, and they are included as an appendix to the employment agreements - action requested - APPROVE EMPLOYMENT AGREEMENTS (4) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE PUBLIC AUTHORITY PERSONNEL POLICIES. (1510)

MOTION: I MOVE TO APPROVE THE EMPLOYMENT AGREEMENTS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE PUBLIC AUTHORITY PERSONNEL POLICIES.

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

Public Comment

03-025 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 is prohibited from taking action on any item not listed on the agenda. (1600) (NONE)

Adjournment

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 9:51 A.M.

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ADJOURNED AT 9:51 A.M., AS THE BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY BOARD AND RECONVENED AS THE BUTTE COUNTY BOARD OF SUPERVISORS.

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**CLOSED SESSION**

03-335     RECESS:       THE BOARD RECESSED AT 9:51 A.M., TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): CLEANUP AND ABATEMENT ORDER NO. R5-2003-0707; HUMBOLDT ROAD BURN DUMP, CHICO. (1629)

RECONVENE:   THE BOARD RECONVENED AT 10:35 A.M., FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): CLEANUP AND ABATEMENT ORDER NO. R5-2003-0707; HUMBOLDT ROAD BURN DUMP, CHICO. (1660) (NO ANNOUNCEMENTS)

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**PUBLIC HEARINGS AND TIMED ITEMS**

03-336     Continued 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 RECOMMENDING THE BOARD FIND THAT APPROVAL OF THE PROJECT WOULD NOT BE IN CONFORMANCE WITH THE ZONING AND GENERAL PLAN CRITERIA AND DENY THE APPEAL. (FROM 10-28-03 [5.01]) (1661) (\*\*00)

03-337     Continued 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 RECOMMENDING THE BOARD FIND THAT APPROVAL OF THE PROJECT WOULD NOT BE IN CONFORMANCE WITH THE ZONING AND GENERAL PLAN CRITERIA AND DENY THE APPEAL. (FROM 10-28-03 [5.02])

03-338     Continued 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 RECOMMENDING THE BOARD FIND THAT APPROVAL OF THE PROJECT WOULD NOT BE IN CONFORMANCE WITH THE ZONING AND GENERAL PLAN CRITERIA AND DENY THE APPEAL. (FROM 10-28-03 [5.03])

03-339 Continued 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 RECOMMENDING THE BOARD FIND THAT APPROVAL OF THE PROJECT WOULD NOT BE IN CONFORMANCE WITH THE ZONING AND GENERAL PLAN CRITERIA AND DENY THE APPEAL. (FROM 10-28-03 [5.04])

03-340 Continued 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 RECOMMENDING THE BOARD FIND THAT APPROVAL OF THE PROJECT WOULD NOT BE IN CONFORMANCE WITH THE ZONING AND GENERAL PLAN CRITERIA AND DENY THE APPEAL. (FROM 10-28-03 [5.05])

ALL 5 PUBLIC HEARINGS LISTED ABOVE COMMENCED AS A SINGLE ACTION.

PUBLIC HEARINGS RECONVENED AT 10:35 A.M.

PUBLIC HEARINGS 03-336, 03-337, 03-338, 03-339 CONTINUED TO JANUARY 27, 2004, AT 10:30 A.M., TO ALLOW THE BOARD THE OPPORTUNITY TO REVIEW A PROPOSED LOT LINE/MERGER ORDINANCE THAT MAY HAVE AN AFFECT ON HOW THE BOARD CONSIDERS THE ABOVE HEARINGS.

PUBLIC HEARING 03-340 CONTINUED TO DECEMBER 16, 2003, AT 2:00 P.M.

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RECESS: 11:55 A.M.

RECONVENE: 12:11 P.M.

PUBLIC HEARINGS AND TIMED ITEMS

03-341 Continued Public Hearing - Stephen J. Schuster - Tentative Subdivision Map (Sierra Moon Subdivision) - Late Appeal - consideration of a late appeal of a Tentative Subdivision Map condition. The Subdivision Map would create 119 single family residential parcels in accordance with a previously approved Planned Unit Development and Development Agreement. The property is zoned SR-1/PD (Suburban Residential - 1 acre parcels/Planned Development) and 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:

1. PURSUANT TO THE FINDINGS REQUIRED BY BUTTE COUNTY CODE SECTION 20-66(d), AND AS DETAILED BY THE STAFF REPORT DATED DECEMBER 2, 2003; DETERMINE IF THE FINDINGS CAN BE MADE CONCERNING THIS APPEAL.
2. SHOULD THE BOARD DETERMINE THAT THE FOUR FINDINGS CAN BE MADE IN ACCORDANCE WITH SECTION 20-66(d) OF THE BUTTE COUNTY CODE, SET A PUBLIC HEARING TO CONSIDER THE MERITS OF THE LATE APPEAL. (FROM 10-28-03 [5.08]) (\*\*1414)

PUBLIC HEARING COMMENCED: 12:13 P.M.  
PUBLIC HEARING CLOSED: 12:49 P.M.

MOTION: I MOVE THAT THE APPEAL BE DENIED.

S M

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

RECESS: 12:49 P.M.

RECONVENE: 1:03 P.M.

PUBLIC HEARINGS AND TIMED ITEMS

03-342 Continued 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 Divisions 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 11-18-03 [5.02]) (\*\*3217) (\*\*00)

PUBLIC HEARING COMMENCED: 1:03 P.M.  
PUBLIC HEARING CLOSED: 1:35 P.M.

03-342 MOTION: I MOVE TO ADOPT ORDINANCE 3865 AMENDING THE BUTTE COUNTY CODE AND AUTHORIZE THE CHAIR TO SIGN; AND MOVE TO ADOPT RESOLUTION 03-169 ESTABLISHING THE DEVELOPMENT SERVICES DEPARTMENT BUILDING DIVISION FEE SCHEDULE, WITH THE FEE SCHEDULE AMENDED TO RETAIN THE APPEAL FEE FOR APPEALS BEFORE THE BOARD AT \$50.00, AND AUTHORIZE THE CHAIR TO SIGN.

S M

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

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**PUBLIC COMMENT**

03-343 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. (\*\*909)

1. KEN REIMERS, COUNTY ASSESSOR, STATED THAT HE BELIEVES THERE IS STILL CONFUSION AT THE STAFF LEVEL AS TO WHAT CONSTITUTES A LEGAL LOT AND THAT IT SHOULD BE CLEARED UP.

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**CLOSED SESSION**

03-344 RECESS: THE BOARD RECESSED AT 1:42 P.M., TO A CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8. PROPERTY: 442 EATON ROAD, CHICO, CALIFORNIA. AGENCY NEGOTIATOR: WILLIAM CURRY, DIRECTOR-GENERAL SERVICES. NEGOTIATING PARTIES: LEE E. AND BEVERLY BAXTER. UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT; AND PUBLIC EMPLOYEE PERFORMANCE EVALUATION, INCLUDING GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER AND COUNTY COUNSEL. (\*\*1047)

RECONVENE: THE BOARD RECESSED AT 4:29 P.M., FROM A CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8. PROPERTY: 442 EATON ROAD, CHICO, CALIFORNIA. AGENCY NEGOTIATOR: WILLIAM CURRY, DIRECTOR-GENERAL SERVICES. NEGOTIATING PARTIES: LEE E. AND BEVERLY BAXTER. UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT; AND PUBLIC EMPLOYEE PERFORMANCE EVALUATION, INCLUDING GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER AND COUNTY COUNSEL. (\*\*1074) (NO ANNOUNCEMENT)

**ADJOURNMENT :**

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD,  
THE MEETING WAS ADJOURNED AT 4:29 P.M., TO  
RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE  
HELD TUESDAY, DECEMBER 16, 2003, AT 9:00 A.M.

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R.J. BEELER, CHAIR

Attest:

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

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