

Called to order at 9:05 a.m., in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Dolan, 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. (50)

CONSENT AGENDA

- 0403-001
1. State of California, Department of Pesticide Regulation - approval is requested for a revenue agreement with the State of California, Department of Pesticide Regulation, for \$9,560 to fund the electronic transmission of quarterly pesticide reports to the State - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40605)
  2. Budget Transfer - approval is requested for a transfer of funds within the Behavioral Health Department's budget, and an adjustment to the Public Health Department's budget to provide for the increased cost of Public Health Nurses working in the Youth System of Care and Proposition 10 programs - action requested - APPROVE BUDGET TRANSFER B-206 (4/5 vote required) TRANSFERRING FUNDS AND MAKING BUDGET ADJUSTMENTS AS DETAILED IN THE AGENDA REPORT.
  3. State of California, Department of Alcohol and Drug Programs - Amendment - approval is requested for an amendment to the grant agreement with the State of California, Department of Alcohol and Drug Programs, for the Comprehensive Drug Court Implementation Program. The amendment extends the period of time the department has to expend Year Three funds to December 28, 2004. 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. R40325)
  4. Unanticipated Reduction of Collection Enhancement Funding - approval is requested to reduce the department's budget by \$20,901 as a result of a reduced allocation from the California Department of Child Support Services for the collection enhancement program - action requested - APPROVE BUDGET TRANSFER B-209 (4/5 vote required) REDUCING THE DEPARTMENT'S BUDGET AS DETAILED IN THE AGENDA REPORT.

- 0403-001
5. Approval of Minutes - action requested - APPROVE MINUTES OF SEPTEMBER 23, 2003, AND SEPTEMBER 30, 2003.
  6. Appropriation for Statewide Special Election - approval is requested for a budget transfer of \$324,182 from the General Fund Appropriation for Contingencies to backfill costs expended to conduct the Statewide Special Election held October 7, 2003. The special election costs were paid with funds allocated for the March Primary Election. The transfer is required to provide funds needed to conduct the March 2004 election. The State has been invoiced for the cost of the Special Election - action requested - APPROVE BUDGET TRANSFER B-207 (4/5 vote required) ACCEPTING AND APPROPRIATING GENERAL FUND APPROPRIATION FOR CONTINGENCIES FUNDS AS DETAILED IN THE AGENDA REPORT.
  7. Letter of Support - approval is requested for a letter of support for Section 19 of the Local Government Omnibus Act (SB 1165). County Counsel staff discovered an incorrect reference in the California Government Code defining open-space use under the Williamson Act. The error will be corrected through Section 19 of Senate Bill 1165 - action requested - APPROVE LETTER OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN.
  8. Surplus Vehicles and Equipment - approval is requested to declare surplus various vehicles and equipment no longer used by County departments. The vehicles (26) and miscellaneous fixed asset equipment items (24) have been transferred to General Services from County departments for surplus and disposal - action requested - DECLARE ITEMS SURPLUS TO THE NEEDS OF THE COUNTY AND AUTHORIZE DISPOSAL BY THE PURCHASING AGENT IN ACCORDANCE WITH COUNTY POLICY.
  9. Introduction of a Ordinance Approving an Amendment to the Contract Between the Board of Administration California Public Employees' Retirement System (PERS) and the Board of Supervisors County of Butte - pursuant to the Probation Peace Officers' Association 2002-2003 Memorandum of Understanding, submitted is an ordinance which amends the County's contract with PERS to provide the 2% at 50 Safety Retirement formula to peace officers represented by the Probation Peace Officers' Association and the peace officers represented by the Butte County Management Employees' Association. On January 27, 2004, the Board adopted a Resolution of Intention to amend the contract - action requested - WAIVE READING OF THE ORDINANCE.

- 0403-001 10. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the Salary Ordinance as follows: EMPLOYMENT AND SOCIAL SERVICES-ADMINISTRATION - adds one position of Supervisor-Accounting, one flexibly staffed position of Auditor-Accountant II/I/Accounting Specialist, and one flexibly staffed position of Accounting Specialist/Senior Account Clerk/Account Clerk. The Chief Administrative Office has reviewed and approved the request - action requested - ADOPT RESOLUTION 04-018 AND AUTHORIZE THE CHAIR TO SIGN.
11. State of California, Department of General Services - approval is requested by the Communications Division for a revenue agreement with the State of California, Department of General Services, for funds to support the replacement of the tower and vault at the Platte Mountain radio site. The term of the agreement is November 1, 2003, through completion of the project, with a maximum amount payable to the County of \$30,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE BUDGET TRANSFER B-208 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT. (Contract No. R40610)
12. Donations for Operations - pursuant to Government Code Section 25355, donations of \$6,163 from the Gridley Friends of the Library and \$3,475 from the Paradise Friends of the Library have been received for Extra Help staff hours. Approval is requested for a budget transfer to accept and appropriate the unanticipated revenue - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION; AND APPROVE BUDGET TRANSFER B-210 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
13. Northern Valley Catholic Social Services - Amendment - approval is requested for an amendment to the agreement with Northern Valley Catholic Social Services for coordination services for life skills training at the Juvenile Hall. The amendment provides for the addition of services, and increases the maximum amount payable by \$10,000 (TANF Funds) for the additional services. 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. X13222)

- 0403-001 14. California Family Health Council, Inc. - approval is requested for a grant agreement with the California Family Health Council, Inc., for funds to support the Peer Provider Program. The term of the agreement is January 1, 2004, through December 31, 2004, with a maximum amount payable to the County of \$100,000. Board approval is also requested for a budget transfer to accept and appropriate \$18,750 of grant funds into the current fiscal year budget - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-211 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
15. California Family Health Council, Inc. - approval is requested for a revenue agreement with the California Family Health Council, Inc., for funds to support family planning services. The term of the agreement is January 1, 2004, through December 31, 2004, with a maximum amount payable to the County of \$100,163 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
16. Curbside Greenwaste Incentive Program - approval is requested for a resolution authorizing the use of \$5,000 of Neal Road Landfill enterprise funds to implement a pilot curbside greenwaste incentive program. The program is designed to increase participation in the greenwaste program. The area selected for the pilot program is the County area bordered by West Lindo Avenue, The Esplanade, West Eighth Avenue and the railroad tracks - action requested - ADOPT RESOLUTION 04-019 AND AUTHORIZE THE CHAIR TO SIGN.
17. Budget Transfer - approval is requested for a transfer of \$3,175 from the Civil Equipment Trust Fund to provide the allocation necessary to purchase Taser Intermediate Weapons for the Civil Division - action requested - APPROVE BUDGET TRANSFER B-212 (4/5 vote required) TRANSFERRING FUNDS AS DETAILED IN THE AGENDA REPORT.
18. Surplus Equipment - approval is requested to declare surplus various fixed asset computer equipment items which have become obsolete and are no longer utilized by the department - action requested - DECLARE ITEMS DETAILED IN THE AGENDA REPORT SURPLUS TO THE NEEDS OF THE COUNTY AND AUTHORIZE DISPOSAL IN ACCORDANCE WITH COUNTY POLICY.
19. Relief of Accountability - approval is requested for relief of accountability for fixed asset computer equipment items. The computer equipment was mistakenly transferred to surplus as non-fixed asset items. The District Attorney's Office and the Auditor-Controller have reviewed the request - action requested - GRANT RELIEF OF ACCOUNTABILITY.

- 0403-001 20. Mentally Ill Offender Crime Reduction Grant Program - Forensic Resource Team (FOREST) Memorandum of Understanding - Amendment and Budget Transfer - approval is requested for an amendment to the Memorandum of Understanding for the FOREST program. The amendment provides for the transfer of a FOREST staff position from the Probation Department to the Behavioral Health Department. Approval is also requested for a transfer of funds within the program budget to support the proposed staff change and other program changes - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE BUDGET TRANSFER B-213.
- 21. Solar Energy Project Financing - approval is requested to authorize the Treasurer to arrange financing (loans) from the California Energy Commission for Phase I and II of the project. A separate application for each phase will be required. The loans are estimated at \$3,167,770. Projected energy savings are anticipated to more than offset debt service on the loans - action requested - ADOPT RESOLUTION 04-020 AUTHORIZING THE TREASURER TO ARRANGE FOR FINANCING FOR BOTH PROJECT PHASES FROM THE CALIFORNIA ENERGY COMMISSION AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO SIGN THE LOAN DOCUMENTS.
- 22. Tax Exchange Agreement Between the Lake Oroville Area Public Utility District and the County of Butte - approval is requested by the Lake Oroville Area Public Utility District, pursuant to Revenue and Taxation Code Section 99-99.2, for a property tax exchange agreement between the District and the County. The District will be submitting an annexation application for property located at La Miranda Avenue and Christopher J Court, Oroville. The District's Board of Directors has certified, by Resolution No. 2-04, 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.
- 23. Butte County Behavioral Health Board - action requested - APPOINT GREG WILLIAMS, COMMUNITY MEMBER/PROFESSIONAL CATEGORY REPRESENTATIVE, TO A TERM TO END DECEMBER 31, 2005, AND PENNY WOLFE, CONSUMER MEMBER CATEGORY REPRESENTATIVE, TO A TERM TO END DECEMBER 31, 2006. (67)

MOTION: I MOVE TO ADOPT THE CONSENT AGENDA AS PRESENTED.

M S

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

REGULAR AGENDA

0403-002 Boards, Commissions and Committees. (95)

- 1. Appointments to Listed Vacancies. (NONE)

0403-002 2. Board of Supervisors' Committee Assignments - consideration of the various board, commission, and committee assignments for Board of Supervisors members - action requested - ALTER OR REAFFIRM CURRENT COMMITTEE ASSIGNMENTS LISTING; AND MAKE NEEDED APPOINTMENTS.

MOTION: I MOVE TO APPOINT SUPERVISOR BEELER TO THE BEHAVIORAL HEALTH BOARD TO A TERM TO END DECEMBER 31, 2006.

M S

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

MOTION: I MOVE TO APPOINT SUPERVISOR JOSIASSEN, REPRESENTATIVE, AND SUPERVISOR YAMAGUCHI, ALTERNATE, TO THE NATIONAL ASSOCIATION OF COUNTIES.

S M

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

MOTION: I MOVE TO APPOINT SUPERVISOR BEELER, REPRESENTATIVE, AND SUPERVISOR YAMAGUCHI, ALTERNATE, TO THE REGIONAL COUNCIL OF RURAL COUNTIES, TO A TERM TO END FEBRUARY 2005.

S M

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

MOTION: I MOVE TO APPOINT SUPERVISOR HOUX TO THE BUTTE COUNTY AUDIT COMMITTEE.

M S

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

MOTION: I MOVE TO APPOINT SUPERVISOR JOSIASSEN, ALTERNATE REPRESENTATIVE, UPPER SACRAMENTO RIVER ADVISORY COUNCIL.

M S

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

MOTION: I MOVE TO CONFIRM ALL OTHER BOARD OF SUPERVISOR APPOINTMENTS AS LISTED.

M S

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

3. Board Member or Committee Reports. (269)

SUPERVISOR BEELER PROVIDES A REPORT ON THE RECENT REGIONAL COUNCIL OF RURAL COUNTIES MEETING. SUPERVISOR JOSIASSEN PROVIDES A REPORT ON THE RECENT CALIFORNIA STATE ASSOCIATION OF COUNTIES MEETING.

0403-003 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (620) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, PROVIDES THE BOARD WITH AN UPDATE ON BUDGET ISSUES.

0403-003 1. The Local Taxpayers and Public Safety Protection Act - Support - approval is requested to support an initiative sponsored by the League of California Cities, the California State Association of Counties, and the California Special Districts Association. The initiative would require voter approval for the State Legislature to reduce local government funding - action requested - EXPRESS THE SUPPORT OF BUTTE COUNTY FOR THE LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT AND AUTHORIZE STAFF TO TAKE ACTIONS NECESSARY TO DEMONSTRATE THAT SUPPORT.

MOTION: I MOVE TO EXPRESS THE SUPPORT OF BUTTE COUNTY FOR THE LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT AND AUTHORIZE STAFF TO TAKE ACTIONS NECESSARY TO DEMONSTRATE THAT SUPPORT.

M S

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

2. Resolution Determining to Implement Phase II of the Advance Funding Model Prepared by Strategic Funding Solutions LLC to Fund a Trust for the Purposes of Paying Certain Workers' Compensation Insurance Premiums and/or Claims and Taking Other Actions in Accordance Therewith - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

AT THE REQUEST OF THE CHIEF ADMINISTRATIVE OFFICER, ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. THE ITEM WILL BE REVISED AND RETURNED ON A SUBSEQUENT AGENDA.

0403-004 Resolution Conditionally Extending Non-Exclusive Cable Television Franchises for the Unincorporated Areas of Chico/Durham, the Unincorporated Areas of Paradise, and the Unincorporated Areas of Oroville, Biggs and Gridley - consideration of a conditional extension to April 7, 2007 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AUTHORIZE THE CHAIR TO SIGN AGREEMENTS REFERENCED IN THE RESOLUTION SUBJECT TO REVIEW BY THE CHIEF ADMINISTRATIVE OFFICER AND COUNTY COUNSEL; AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO APPROVE MINOR REVISIONS TO AGREEMENTS, IF NECESSARY, PRIOR TO EXECUTION BY THE CHAIR. (FROM 1-27-04/4.04) (883)

MOTION: I MOVE TO ADOPT RESOLUTION 04-021 AND AUTHORIZE THE CHAIR TO SIGN; AUTHORIZE THE CHAIR TO SIGN AGREEMENTS REFERENCED IN THE RESOLUTION SUBJECT TO REVIEW BY THE CHIEF ADMINISTRATIVE OFFICER AND COUNTY COUNSEL; AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO APPROVE MINOR REVISIONS TO AGREEMENTS, IF NECESSARY, PRIOR TO EXECUTION BY THE CHAIR.

S M

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

0403-005 Adoption of an Ordinance Amending the Butte County Code to Add Chapter 33A, Entitled, "Groundwater Management" - consideration of a Basin Management Objectives ordinance for the basin areas of the County - action requested:

- 1. FIND THAT ADOPTION OF THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PROCESS PURSUANT TO THE "COMMON SENSE" GENERAL EXEMPTION SET FORTH IN CEQA GUIDELINES SECTION 15061(b)(3), BECAUSE IT CAN BE SEEN WITH CERTAINTY THAT THERE IS NO POSSIBILITY THAT ADOPTION OF THE ORDINANCE MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, FOR THE REASONS RECITED IN THE FINDINGS PROPOSED IN THE STAFF REPORT, WHICH FINDINGS ARE ADOPTED AND INCORPORATED BY REFERENCE INTO THIS ACTION; AND AUTHORIZE THE CLERK OF THE BOARD TO FILE A NOTICE OF EXEMPTION WITH THE COUNTY CLERK-RECORDER; AND
- 2. ADOPT ORDINANCE AS DRAFTED AND AUTHORIZE THE CHAIR TO SIGN. (FROM 1-27-04 [4.06]) (1285)

MOTION: I MOVE TO FIND THAT ADOPTION OF THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PROCESS PURSUANT TO THE "COMMON SENSE" GENERAL EXEMPTION SET FORTH IN CEQA GUIDELINES SECTION 15061(b)(3), BECAUSE IT CAN BE SEEN WITH CERTAINTY THAT THERE IS NO POSSIBILITY THAT ADOPTION OF THE ORDINANCE MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, FOR THE REASONS RECITED IN THE FINDINGS PROPOSED IN THE STAFF REPORT, WHICH FINDINGS ARE ADOPTED AND INCORPORATED BY REFERENCE INTO THIS ACTION; AND AUTHORIZE THE CLERK OF THE BOARD TO FILE A NOTICE OF EXEMPTION WITH THE COUNTY CLERK-RECORDER; AND FURTHER MOVE TO ADOPT ORDINANCE 3869 AS DRAFTED AND AUTHORIZE THE CHAIR TO SIGN.

M S

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

0403-006 Water Resources Development Act (HR 2557) Proposed Projects - consideration of projects to be submitted for funding under the Water Resources Development Act - action requested - APPROVE THE TWO PROPOSED PROJECTS AS PRIORITIES 1 AND 2 AND AUTHORIZE THE CHAIR TO SIGN ALL DOCUMENTS NECESSARY FOR INITIATION OF THE PROCESS. (1458)

MOTION: I MOVE TO APPROVE THE TWO PROPOSED PROJECTS AS PRIORITIES 1 AND 2 AND AUTHORIZE THE CHAIR TO SIGN ALL DOCUMENTS NECESSARY FOR INITIATION OF THE PROCESS.

M S

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

0403-007 Policy on Property Owner Requested Tree Removal - consideration of a policy regarding property owner/public utility requests to remove trees within the County road right-of-way - action requested - APPROVE POLICY (OPTION A OR OPTION B) FOR PROPERTY OWNER/PUBLIC UTILITY REQUESTED TREE REMOVAL WITHIN COUNTY RIGHTS-OF-WAY. (1750)

AT THE REQUEST OF THE PUBLIC WORKS DEPARTMENT, ITEM REMOVED FROM THE AGENDA WITHOUT CONSIDERATION OR ACTION.

RECESS: 9:56 A.M.

RECONVENE: 10:10 A.M.

REGULAR AGENDA

0403-008 County of Butte-City of Chico Joint Planning Proposal for the North Chico Area of Cooperation - presentation of a report of a coordinated planning program for the North Chico Planning Area - action requested:

1. INITIATE A PROCESS TO ADOPT AN OVERLAY ZONING DISTRICT THAT WILL REQUIRE FUTURE DEVELOPMENT IN THE NORTH CHICO PLANNING AREA TO CONFORM TO THE CITY'S MORE URBAN DEVELOPMENT REGULATIONS AND STANDARDS;
2. INITIATE A PROCESS TO PROVIDE FOR MINIMUM LOT SIZES OF 160 ACRES FOR PROPERTIES (AS SPECIFIED BY COUNTY STAFF) IN THE RURAL AREA THAT SURROUNDS THE NORTH CHICO PLANNING AREA; AND
3. DIRECT STAFF TO RETURN A FUNDING REQUEST TO THE BOARD TO SHARE EQUALLY IN THE COSTS OF ENVIRONMENTAL REVIEW ONCE THESE COSTS HAVE BEEN DETERMINED. (1776) (\*\*00)

MOTION: I MOVE TO INITIATE A PROCESS TO ADOPT AN OVERLAY ZONING DISTRICT THAT WILL REQUIRE FUTURE DEVELOPMENT IN THE NORTH CHICO PLANNING AREA TO CONFORM TO THE CITY'S MORE URBAN DEVELOPMENT REGULATIONS AND STANDARDS; INITIATE A PROCESS TO PROVIDE FOR MINIMUM LOT SIZES OF 160 ACRES FOR PROPERTIES (AS SPECIFIED BY COUNTY STAFF) IN THE RURAL AREA THAT SURROUNDS THE NORTH CHICO PLANNING AREA; AND FURTHER MOVE TO DIRECT STAFF TO RETURN A FUNDING REQUEST TO THE BOARD TO SHARE EQUALLY IN THE COSTS OF ENVIRONMENTAL REVIEW ONCE THESE COSTS HAVE BEEN DETERMINED.

S M

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

0403-009 Sign Ordinance - report to the Board on the existing sign regulations within the County, and presentation of a draft ordinance for discussion and direction - action requested - ACCEPT REPORT; AND PROVIDE STAFF DIRECTION REGARDING DRAFT ORDINANCE. (\*\*85)

BOARD DIRECTION TO DEVELOPMENT SERVICES DEPARTMENT STAFF TO SUBMIT TO THE PLANNING COMMISSION FOR CONSIDERATION OF A PROPOSED AMENDMENT TO THE BUTTE COUNTY ZONING ORDINANCE REGARDING SIGNS, WHICH ADDS LANGUAGE IMPOSING RESTRICTIONS WHEN ANY COMMERCIALY ZONED PROPERTY ABUTS RESIDENTIALLY ZONED PROPERTY.

PUBLIC HEARINGS AND TIMED ITEMS

0403-010 Public Hearing - Certificate of Correction - Jeff and Cindy Caswell - consideration of an appeal of the determination of the Planning Commission regarding a Certificate of Correction to remove a note on a recorded Parcel Map which prohibits development below a bluff line. The property is zoned "U" (Unclassified, 20-acre minimum parcel size) and is located on the west side of Old Stage Road, approximately 1.4 miles north of the intersection of Williams Road and Old Stage Road, northwest of Butte College, and identified as APN 041-100-061 (SB [File # COR03-04]) - action requested:

1. FIND THAT DENIAL OF THIS PROJECT IS STATUTORILY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTIONS 15270(a) AND (b) OF TITLE 14, CALIFORNIA CODE OF REGULATIONS, CHAPTER 3 (GUIDELINES FOR IMPLEMENTATION OF CEQA). THE PAYMENT OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5 ARE NOT REQUIRED; AND
2. SUBJECT TO FINDING II(A) AS DETAILED IN THE STAFF REPORT DATED FEBRUARY 10, 2004, DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S DECISION TO DENY THE CERTIFICATE OF CORRECTION 03-04 FOR JEFF AND CINDY CASWELL. (\*\*966)

PUBLIC HEARING OPENED: 11:16 A.M.

PUBLIC HEARING CLOSED: 11:26 A.M.

MOTION: I MOVE TO FIND THAT DENIAL OF THIS PROJECT IS STATUTORILY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTIONS 15270(a) AND (b) OF TITLE 14, CALIFORNIA CODE OF REGULATIONS, CHAPTER 3 (GUIDELINES FOR IMPLEMENTATION OF CEQA) AND THAT THE PAYMENT OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5 ARE NOT REQUIRED; AND FURTHER MOVE, SUBJECT TO FINDING II(A) AS DETAILED IN THE STAFF REPORT DATED FEBRUARY 10, 2004, TO DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S DECISION TO DENY THE CERTIFICATE OF CORRECTION 03-04 FOR JEFF AND CINDY CASWELL.

S M

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

0403-011 PUBLIC COMMENT

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda. (\*\*2308)

1. DENNIS LUNDBERG ADDRESSED THE BOARD TO REQUEST THE BOARD WORK WITH CAL-TRANS TO HAVE A STOP LIGHT INSTALLED AT THE INTERSECTION OF 99 AND 162.

**RECESS:** 12:04 P.M.

**RECONVENE:** 12:15 P.M.

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0403-012 Items Removed from the Consent Agenda for Board Consideration and Action. (\*\*2949) (NONE)

Recessed at 12:16 p.m., as the Butte County Board of Supervisors and convened as the Butte County Public Facilities Financing Corporation Board of Directors.

BUTTE COUNTY PUBLIC FACILITIES FINANCING CORPORATION

MINUTES - FEBRUARY 10, 2004

Call to Order - Called to order at 12:16 p.m., in the Board of Supervisors Room, 25 County Center Drive, Oroville. Board members present: Dolan, Houx, Josiassen, Yamaguchi and Chair Beeler. Also present: Marion Reeves, Deputy Clerk. (\*\*2999)

0401-001 1. Approval of Minutes - action requested - APPROVE MINUTES OF FEBRUARY 11, 2003.

MOTION: I MOVE TO APPROVE THE MINUTES OF FEBRUARY 11, 2003.  
M S

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

0401-002 2. Appointment of New Officers - action requested - APPOINT OFFICERS AS FOLLOWS: PRESIDENT - CHAIR BEELER; VICE PRESIDENT - VICE CHAIR JOSIASSEN; SECRETARY/TREASURER - DICK PUELICHER; AND LESSEE REPRESENTATIVE - LINDA BARNES.

MOTION: I MOVE TO APPOINT THE FOLLOWING OFFICERS FOR 2004 AS FOLLOWS: PRESIDENT - CHAIR BEELER; VICE PRESIDENT - VICE CHAIR JOSIASSEN; SECRETARY/TREASURER - DICK PUELICHER; AND LESSEE REPRESENTATIVE - LINDA BARNES.

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

0401-003 3. Treasurer's Report - final report on the refunding of Certificates of Participation - action requested - ACCEPT FOR INFORMATION.

REPORT TO THE BOARD BY KAREN WHITE, ASSISTANT TREASURER.

0401-004 4. Public Comment

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda. (\*\*3155) (NONE)

0401-005 5. Other Business (NONE)

Adjournment

Adjourned at 12:20 p.m., as the Butte County Public Facilities Financing Corporation Board of Directors and convened as the Butte County In-Home Supportive Services Public Authority Board.

**BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES**  
**PUBLIC AUTHORITY BOARD**  
**MINUTES - FEBRUARY 10, 2004**

**Call to Order** - Called to order at 12:20 p.m., in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Board members present: Dolan, Houx, Josiassen, Yamaguchi, and Chair Beeler. Also present: Marion Reeves, Deputy Clerk. (\*\*3168)

04-001 **Consent/Regular Agenda Items** (NO ITEMS)

04-002 **Public Comment**

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda. (\*\*3177) (\*\*00)

1. MOLLY HILLIS, UNITED DOMESTIC WORKERS OF AMERICA, ADDRESSED THE BOARD TO REQUEST THE BOARD WORK TO REACH AGREEMENT REGARDING EMPLOYMENT NEGOTIATIONS.
2. EVAN LEVANG, INDEPENDENT LIVING SERVICES, REQUESTED INCREASED WAGES FOR WORKERS.
3. DAN GROVER, INDEPENDENT LIVING SERVICES, REQUESTED CONTINUATION OF THE IHSS PROGRAM.
4. LESLIE BURKE REQUESTED THE BOARD CONTINUE THE IHSS PROGRAM.
5. DENISE DEANDERSON ADDRESSED THE BOARD TO SAY THAT HER IHSS WORKER DOES SO MANY GREAT THINGS FOR HER.
6. BARBARA HOFF, UNITED DOMESTIC WORKERS OF AMERICA, REQUESTED THE BOARD SETTLE LABOR NEGOTIATIONS.
7. DORIS LAUGHLIN ADDRESSED THE BOARD TO SAY THAT IHSS WORKERS ARE VERY IMPORTANT AND REQUESTED BETTER WAGES FOR WORKERS.
8. LEATHA BROWN ADDRESSED THE BOARD TO REQUEST BETTER WAGES FOR WORKERS.
9. JACKLYN O'SULLIVAN AND THERESA HOFFMAN, SERVICE RECIPIENT AND PROVIDER, ADDRESSED THE BOARD TO REQUEST CONTINUATION OF THE PROGRAM AND AN INCREASE IN WAGES FOR WORKERS.
10. SARA OKUMBE, IHSS ADVISORY COMMITTEE MEMBER AND PROVIDER, THANKS THE BOARD FOR THEIR SUPPORT, AND REQUESTED CONTINUED SUPPORT.

- 04-002
11. PETE CONITEE, LOBBYIST FOR UNITED DOMESTIC WORKERS, ADDRESSED THE BOARD TO SAY THAT IHSS WORKERS ARE NEEDED TO HELP TAKE CARE OF OUR HANDICAPPED CITIZENS, AND BETTER WAGES ARE NEEDED, AND PLEDGED THAT HE WILL WORK TO INSURE THAT THE STATE WILL HONOR THE PROMISES TO THE IHSS PROGRAM.
  12. ROSEMARIE LANDRY ADDRESSED THE BOARD TO ENCOURAGE SETTLEMENT OF NEGOTIATIONS.
  13. FRANK SMITH ADDRESSED THE BOARD TO REQUEST CONTINUATION OF THE PROGRAM.

04-003 **Closed Session**

**RECESS:** RECESSED AT 12:20 P.M., TO A CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.6. AGENCY REPRESENTATIVES: JEANNE GRAVETTE AND CRAIG JORY. EMPLOYEE ORGANIZATION: UNITED DOMESTIC WORKERS OF AMERICA. (\*\*1064)

**RECONVENE:** RECONVENED AT 1:52 P.M., FROM A CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.6. AGENCY REPRESENTATIVES: JEANNE GRAVETTE AND CRAIG JORY. EMPLOYEE ORGANIZATION: UNITED DOMESTIC WORKERS OF AMERICA. (\*\*1085) (ANNOUNCEMENT: NEGOTIATIONS WITH UNITED DOMESTIC WORKERS WILL CONTINUE TOMORROW.)

**Adjournment**

Adjourned at 1:53 p.m., as the Butte County In-Home Supportive Services Public Authority Board and reconvened as the Butte County Board of Supervisors.

BUTTE COUNTY BOARD OF SUPERVISORS CONTINUED AGENDA

PUBLIC HEARINGS AND TIMED ITEMS

0403-013 Public Hearing - Department of Development Services - Zoning Code Amendment - consideration of a proposed amendment to Butte County Code Chapter 24, requiring a Use Permit for large retail projects, and establishing mandatory design standards for such projects. The amendment will apply in the C-1 (Light Commercial), C-2 (General Commercial), and C-C (Community Commercial) zones. The Planning Commission has recommended approval of the proposed ordinance - action requested:

1. FIND THAT ADOPTION OF THE ORDINANCE IS CONSISTENT WITH THE GENERAL PLAN FOR THE REASONS RECITED IN THE FINDINGS PROPOSED IN THE STAFF REPORT, WHICH FINDINGS ARE ADOPTED AND INCORPORATED BY REFERENCE INTO THIS ACTION;
2. FIND THAT ADOPTION OF THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PROCESS PURSUANT TO CEQA GUIDELINES CATEGORICAL EXEMPTION CLASS #8 BECAUSE IT IS PART OF AN ACTION TAKEN BY A REGULATORY AGENCY TO PROTECT THE ENVIRONMENT, AND DIRECT THE CLERK OF THE BOARD TO FILE A NOTICE OF EXEMPTION WITH THE COUNTY CLERK-RECORDER; AND
3. DISCUSS AND ADOPT THE ORDINANCE AS DRAFTED AND AUTHORIZE THE CHAIR TO SIGN, OR AMEND PURSUANT TO DISCUSSION. (\*\*1106)

PUBLIC HEARING OPENED: 1:53 P.M.  
PUBLIC HEARING CLOSED: 2:11 P.M.

MOTION: I MOVE TO FIND THAT ADOPTION OF THE ORDINANCE IS CONSISTENT WITH THE GENERAL PLAN FOR THE REASONS RECITED IN THE FINDINGS PROPOSED IN THE STAFF REPORT, WHICH FINDINGS ARE ADOPTED AND INCORPORATED BY REFERENCE INTO THIS ACTION; FIND THAT ADOPTION OF THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PROCESS PURSUANT TO CEQA GUIDELINES CATEGORICAL EXEMPTION CLASS #8 BECAUSE IT IS PART OF AN ACTION TAKEN BY A REGULATORY AGENCY TO PROTECT THE ENVIRONMENT, AND DIRECT THE CLERK OF THE BOARD TO FILE A NOTICE OF EXEMPTION WITH THE COUNTY CLERK-RECORDER; AND FURTHER MOVE TO ADOPT ORDINANCE 3870 RECOMMENDED BY THE PLANNING COMMISSION AND AUTHORIZE THE CHAIR TO SIGN.

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

CLOSED SESSION0403-014 RECESS:

THE BOARD RECESSED AT 2:20 P.M., TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): JONES v. BROOKS (BUTTE SUPERIOR COURT CASE NO. 84429); CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): TWO POTENTIAL CASES; AND CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6. AGENCY REPRESENTATIVES: JEANNE GRAVETTE. EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFF'S ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); PROFESSIONAL EMPLOYEES UNIT; SOCIAL SERVICES WORKERS UNIT; AND PROBATION PEACE OFFICERS' ASSOCIATION. (\*\*2128)

RECONVENE:

THE BOARD RECONVENED AT 3:20 P.M., FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): JONES v. BROOKS (BUTTE SUPERIOR COURT CASE NO. 84429); CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): TWO POTENTIAL CASES; AND CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6. AGENCY REPRESENTATIVES: JEANNE GRAVETTE. EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFF'S ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); PROFESSIONAL EMPLOYEES UNIT; SOCIAL SERVICES WORKERS UNIT; AND PROBATION PEACE OFFICERS' ASSOCIATION. (\*\*2184)

CLOSED SESSIONANNOUNCEMENT:

THE BOARD UNANIMOUSLY VOTED IN CLOSED SESSION TO AUTHORIZE PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, TO ENTER INTO AN AGREEMENT WITH THE INSTITUTE FOR LAW AND POLICY PLANNING, FOR THE SUM OF \$123,635 TO DO A CRIMINAL JUSTICE ASSESSMENT IN CONNECTION WITH THE CONSENT DECREE (JONES V. COUNTY OF BUTTE).

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD,  
THE MEETING WAS ADJOURNED AT 3:21 P.M., TO  
RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE  
HELD ON TUESDAY, FEBRUARY 24, 2004, AT 9:00 A.M.

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R.J. BEELER, CHAIR

Attest:

Paul McIntosh, Chief Administrative  
Officer and Clerk of the Board

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