

Called to order at 9:06 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. (58)

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0406-001 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

1. KimsheW Cemetery District - Supervisor Yamaguchi submits a recommendation for appointment to the KimsheW Cemetery District - action requested - APPOINT NIGEL PARKHURST, TO A VACATED TERM TO END JULY 1, 2006.
2. Enterprise Rent-A-Car - approval is requested to award an agreement to Enterprise Rent-A-Car for vehicle rental services for the County. The agreement is the result of a Request For Proposal, with Enterprise Rent-A-Car being the only responsive proposal. Based on the cost of maintaining a County Motor Pool fleet, the proposed agreement is anticipated to result in significant savings to the County (approximately \$37,000 annually based on miles driven in 2003). The term of the agreement is April 1, 2004, through March 31, 2007 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
3. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: TREASURER-TAX COLLECTOR - deletes one position of Assistant Treasurer-Cash Management. Adds one 60% flexibly staffed position of Revenue and Reimbursement Officer II/I. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY UNIT CLASSIFICATIONS - eliminates the position of Assistant Treasurer-Cash Management and adjusts the salary range for the Assistant Treasurer-Tax Collector (effective 3-2-04) pursuant to the Memorandum of Understanding with the Butte County Management Employees' Association regarding salaries for Assistant Department Heads. SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE A, APPOINTED DEPARTMENT HEADS - increases the annual salary rate for the Director-Public Health by \$10,445 (effective 1-3-04) pursuant to the compensation policy for appointed department heads - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

CONSENT AGENDA

- 0406-002
1. Budget Transfer - approval is requested to transfer \$147,000 of department funds between budget line items to provide the appropriation needed to fund a renovation project at 18 County Center Drive, Suites A and B - action requested - APPROVE BUDGET TRANSFER B-275 TRANSFERRING AND ALLOCATING FUNDS AS DETAILED IN THE AGENDA REPORT.
  2. Budget Transfer - approval is requested to transfer \$350 of department funds between budget line items to provide the appropriation needed for an amendment to the Memorandum of Understanding with the Public Defender (Contract No. X46884) - action requested - APPROVE BUDGET TRANSFER B-277 TRANSFERRING AND ALLOCATING FUNDS AS DETAILED IN THE AGENDA REPORT.
  3. Oroville Hospital - approval is requested for an agreement with Oroville Hospital for the provision of medical evaluations for individuals in need of care, prior to admission to the County's Psychiatric Health Facility, or within 24 hours of their admission. The term of the agreement is July 1, 2003, through June 30, 2004, with a maximum amount payable of \$69,200 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14768)
  4. Federal Child Support Automation Penalty - approval is requested for a budget transfer of \$6633,603 from the Department of Child Support Services to the Chief Administrative Office budget to provide the appropriation needed to pay the County's share of the Federal Child Support Automation Penalty. Legislation passed in 2003 requires counties to pay a share of the Federal penalty for the State's failure to implement a statewide automation system - action requested - APPROVE BUDGET TRANSFER B-278 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
  5. Public Financial Management, Inc. - Amendment - approval is requested for an amendment to the agreement with Public Financial Management, Inc., for the preparation of financial planning documents for State loan and grant applications in support of the Chico Urban Area Nitrate Compliance Program. The amendment extends the term of the agreement through February 28, 2005, and increases the maximum amount payable by \$20,000 (County Service Area No. 114 budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X11441)

- 0406-002 6. Unanticipated Revenue - approval is requested to accept and appropriate \$1,358 received from the sale of an AS400 Computer no longer used by the department. As a result of the nature of the department's funding, 97% of the proceeds from the sale of assets purchased in fiscal year 1998-1999 must be returned to the department - action requested - APPROVE BUDGET TRANSFER B-279 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
7. Matsom & Isom - Amendment - approval is requested for an amendment to the agreement with Matsom & Isom for the provision of web site hosting services. The amendment makes the changes necessary to reflect the contractor's merger with Computer Logistics Corporation, and provides for the continuation of services under the new company name. The effective date of the amendment is February 1, 2004. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13476)
8. Fixed Asset Purchase and Budget Transfer - approval is requested to transfer \$800 of department funds between budget line items to provide the appropriation needed to complete the purchase of a microform scanner and related accessories. Approval is also requested for the fixed asset purchase of 2 additional hanging map cabinets. The 2003-2004 Final Budget inadvertently contained approval for only 2 cabinets instead of the 4 requested. Funding for the 4 cabinets has already been approved by the Board - action requested - APPROVE BUDGET TRANSFER B-274 TRANSFERRING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE OF 2 ADDITIONAL HANGING MAP CABINETS.
9. Adoption of an Ordinance Designating the Director of Development Services and Designees as Vehicle Appraisal Officers Pursuant to Vehicle Code Provisions Concerning Removal of Abandoned Vehicles and Establishing a 7-day Parking Limit on County-maintained Roads and Highways in the Unincorporated Areas of the County - action requested - ADOPT ORDINANCE 3873 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-9-04 [3.18])
10. Supplemental Law Enforcement Services Funds - approval is requested to transfer \$42,426 of Fiscal Year 2002-2003 Supplemental Law Enforcement Services Funds to the department's COPS budget. The funds will be used to upgrade computer programs and equipment - action requested - APPROVE BUDGET TRANSFER B-281 (4/5 vote required) TRANSFERRING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

- 0406-002 11. Increase Revenue and Expenditures for Bad Check Unit - approval is requested to increase the budget (revenue and expenditures) for the Bad Check Unit. The Unit incurred expenses exceeding the adopted fiscal year budget by \$24,050, and approval is requested to increase the budgeted revenue and expenditure line items to provide for the increase. The Unit is fully supported by fees collected for the program, and fee revenue will support the budget expansion - action requested - APPROVE BUDGET TRANSFER B-282 (4/5 vote required) ACCEPTING AND APPROPRIATING ADDITIONAL FEE REVENUE AND INCREASING BUDGET LINE ITEMS AS DETAILED IN THE AGENDA REPORT.
12. Statutory Rape Vertical Prosecution Grant - approval is requested to accept and appropriate \$17,803 of additional Statutory Rape Vertical Prosecution Grant funds. The office was notified of the additional allocation, and extension of the grant through June 30, 2004 - action requested - APPROVE BUDGET TRANSFER B-280 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
13. Northern Valley Catholic Social Service and Youth For Change - approval is requested to award two agreements, one with Northern Valley Catholic Social Service and one with Youth For Change, for the provision of Facilitation Services for the Children's Services Division. The agreements are the result of a Request For Proposal. The terms of the agreements are from the date of execution through June 30, 2005, with a maximum amount payable for each agreement of \$25,833 for fiscal year 2003-2004, and \$70,000 for fiscal year 2004-2005 (department budget) - action requested - APPROVE AGREEMENTS (2) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
14. Relief of Accountability - approval is requested for relief of accountability for a System 80 Main Storage computer system. The equipment was inadvertently transferred to County surplus as a non-fixed asset item. The District Attorney's Office and the Auditor-Controller have reviewed the request - action requested - GRANT RELIEF OF ACCOUNTABILITY.
15. Oroville Automatic Aid Agreement - approval is requested for an agreement with the City of Oroville for the full and free exchange of fire protection and emergency rescue resources. The term of the agreement is January 1, 2004, through December 31, 2006 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14747)

- 0406-002 16. Resolution Designating Authorized Representatives for the Fiscal Year 2002 Combined Citizen Corps and Community Emergency Response Team Supplemental Grant - approval is requested for a resolution which will authorize the Director-General Services or the Interim Emergency Services Officer to sign grant related documents, and approve the grant assurances and certifications - action requested - ADOPT RESOLUTION 04-037 AND AUTHORIZE THE CHAIR TO SIGN.
17. Fiscal Year 2004 State Homeland Security Grant Program - approval is requested to apply to the Office of Homeland Security for \$890,927 in grant funds for the Butte County Operational Area. The funds will be used for emergency prevention and preparedness, and to deter, respond to, and recover from threats and incidents of terrorism. Pursuant to the terms of the grant, approval is requested for a resolution which will authorize the Director-General Services and/or Emergency Services Officer to sign grant documents, and approve the subgrantee assurances - action requested - ADOPT RESOLUTION 04-038 AND AUTHORIZE THE CHAIR TO SIGN.
18. Hunters Pest Control - approval is requested to award an agreement to Hunters Pest Control for the provision of pest control services for 46 County maintained facilities. The agreement is the result of a Request For Quotation, with Hunters Pest Control being the lowest responsive bidder at \$1,042 per month (Facilities Services budget). The term of the agreement will be 36 months from the date of execution - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
19. Memoranda of Understanding - the County, the Butte County Correctional Officers' Association (General and Supervisory Units), the Communication Workers of America (Social Services Workers' Unit), and the Butte County Management Employees' Association have met and conferred for successor Memoranda of Understanding which provide for the following major provisions: 1) salaries will remain unchanged; 2) an increase in County contribution to employee health premiums effective January 1, 2004; and 3) a reopening provision upon implementation of the Countywide classification and compensation study. The terms of the agreements for the Butte County Correctional Officers' Association are October 1, 2003, through April 1, 2004. The terms of the agreements for the Communication Workers of America and the Butte County Management Employees' Association are October 1, 2003, through September 30, 2004 - action requested - APPROVE AGREEMENTS (4) AND AUTHORIZE THE CHAIR TO SIGN.

- 0406-002 20. County Personnel Administrators Association of California and Employee Relations, Inc. - approval is requested for an agreement with County Personnel Administrators Association of California and Employee Relations, Inc., for the provision of pre-employment background investigation services. The term of the agreement is October 1, 2003, through June 30, 2006, with a maximum amount payable of \$14,000 annually (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14706)
21. Library Donation - pursuant to Government Code Section 25355, a donation of \$1,800 from the Oroville Friends of the Library Group has been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATION AND AUTHORIZE A LETTER OF APPRECIATION.
22. Medi-Cal Administrative Activities/Targeted Case Management Program - approval is requested for participation fee agreements with 15 consortium agencies for the Medi-Cal Administrative Activities/Targeted Case Management program. The department acts as Host Entity for the consortium. A total of 55 agencies participate in the program and fee agreements have been prepared for all agencies. Fifteen of the agreements exceed \$25,000 and require Board approval. The terms of all agreements are July 1, 2003, through June 30, 2005 - action requested - APPROVE AGREEMENTS (15) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
23. Adoption of an Ordinance Requiring Solid Waste Removal and Disposal from Multi-Family Residences and Adding Specified Definitions Relating to Solid Waste - consideration of an ordinance making garbage service mandatory for multi-family housing units and mobile home parks, and adding definitions for Alternative Daily Cover-Processed Green Material and Green Waste - action requested - ADOPT ORDINANCE 3874 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-9-04 [3.40])
24. Adoption of an Ordinance Establishing Speed Limits on Certain Roads Within the County of Butte - approval is requested for an ordinance which will establish speed limits on various Butte County roads as follows: 30 miles per hour on South Park Drive, from Skyway to West Park Drive; 35 miles per hour on Andover Drive, from South Park Drive (MP 0.00) to South Park Drive (MP 1.27); 35 miles per hour on Imperial Way, from Steiffer Road to Goldcone Drive; 35 miles per hour on Rosewood Drive, from Skyway to Northwood Drive; 35 miles per hour on Skyway, from South Park Drive to 500 feet north of Columbine Road; and 40 miles per hour on NimsheW Road, from Skyway to Carnegie Road. The ordinance also establishes restrictions on golf carts on Andover Drive, from South Park Drive to Ponderosa Way; South Park Drive, from Andover Drive to West Park Drive; and West Park Drive, from South Park Drive to Ponderosa Way - action requested - ADOPT ORDINANCE 3875 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-9-04 [3.41])

- 0406-002 25. Vineyard Grove Estates Subdivision - the owners of the Vineyard Grove Estates Subdivision have requested annexation to County Service Area (CSA) No. 158 - Ishi Valley Estates Subdivision, to provide storm drainage maintenance, street lighting and fire protection services to the proposed contiguous subdivision. The property owners have agreed to the existing maximum per parcel service charge which will allow them to proceed without a ballot proceeding. Submitted is a resolution of application to the Local Agency Formation Commission for annexation to the CSA - action requested - ADOPT RESOLUTION 04-039 AND AUTHORIZE THE CHAIR TO SIGN.
26. Budget Transfer - County Service Area (CSA) No. 24 - Chico-Mud Creek Drainage - approval is requested for a budget transfer and associated journal entries necessary to correct the overpayment of rental equipment fees to the CSA. The department rents equipment from the CSA for maintenance within the district. Accounting errors resulted in overpayment of rental fees in the amount of \$51,934, and approval is requested to return the overpayment and \$3,159 in earned interest to the department - action requested - APPROVE BUDGET TRANSFER B-276 (4/5 vote required) ACCEPTING AND APPROPRIATING \$55,093 FROM THE CSA TO THE DEPARTMENT AS DETAILED IN THE AGENDA REPORT; AND APPROVE JOURNAL ENTRIES NECESSARY TO CORRECT OVERPAYMENT ERRORS.
27. Cascade Consulting - approval is requested to award an agreement to Cascade Consulting for the provision of grant management services for the Used Oil Block Grant. The agreement is the result of a Request For Proposal. The term of the agreement is March 1, 2004, through August 31, 2004, with a maximum amount payable of \$42,350 (grant funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
28. Monthly Investment Report - submitted is the Monthly Investment Report dated February 27, 2004, in accordance with the Statement of Investment Policy dated July 1, 2003 - action requested - ACCEPT FOR INFORMATION.
29. Proposition 40 Funding - the Lake Oroville Joint Powers Authority is requesting the Board authorize the Oroville Redevelopment Agency to be the lead agency in providing the environmental review, planning and implementation of projects relating to the grant funds from the State Department of Parks and Recreation - action requested - AUTHORIZE THE OROVILLE REDEVELOPMENT AGENCY TO BE THE LEAD AGENCY FOR THE GRANT; AND AUTHORIZE THE JOINT POWERS AUTHORITY TO EXECUTE AN AGREEMENT WITH THE OROVILLE REDEVELOPMENT AGENCY FOR PROCESSING THE \$3 MILLION STATE PARK AND RECREATION GRANT FOR AN HISTORIC RIVER TRAIL AND VISITOR/CULTURAL CENTER ALONG THE FEATHER RIVER IN HISTORIC DOWNTOWN OROVILLE.

- 0406-002 30. Resolution Celebrating 40 years of Community Action - the Community Action Agency of Butte County is requesting the Board adopt a resolution celebrating 40 years of community action - action requested - ADOPT RESOLUTION 04-040 AND AUTHORIZE THE CHAIR TO SIGN.
31. Resolution Designating the Friends of the Arts-Butte County, a Program of the 501C Upstate Community Enhancement Foundation, as the Local Partner for the California Arts Council's State-Local Partnership Program - the California Arts Council is requesting the Board renew its designation of the Friends of the Arts-Butte County as the local arts agency for the purpose of participating in the State-Local Partnership Program - action requested - ADOPT RESOLUTION 04-041 AND AUTHORIZE THE CHAIR TO SIGN.
32. Resolution Recognizing April as Child Abuse Prevention Month - the Child Abuse Prevention Council is requesting the Board adopt a resolution designating April as Child Abuse Prevention Month in Butte County - action requested - ADOPT RESOLUTION 04-042 AND AUTHORIZE THE CHAIR TO SIGN.
33. Private Industry Council of Butte County - the Council has submitted recommendations for Board of Director appointments - action requested - REAPPOINT AL STIEFEL AND ROBERT L. HEWITT, OROVILLE BUSINESS REPRESENTATIVES; JOHN RUSH, CHICO BUSINESS REPRESENTATIVE; CAROL PETERSON, PARADISE BUSINESS REPRESENTATIVE; RICHARD BALLEW, EMPLOYMENT DEVELOPMENT SERVICES REPRESENTATIVE (ALL TO TERMS TO END JUNE 2007); AND MIKE TRAVIS, ECONOMIC DEVELOPMENT AGENCY REPRESENTATIVE, TO A TERM TO END JUNE 2006.
34. Drainage District No. 100 - action requested - REAPPOINT DENNIS THENGVALL AND MARVIN LUNDBERG, TRUSTEES, TO TERMS TO END DECEMBER 3, 2007.
35. Certification of Statement of Votes Cast - Primary Election - pursuant to California Elections Code Section 15372, submitted is the Certification of Statement of Votes Cast for the Primary Election held March 2, 2004 - action requested - ACCEPT CERTIFICATION OF STATEMENT OF VOTES CAST.
36. Allen L. Bender, Inc. - approval is requested to award a construction agreement to Allen L. Bender, Inc., for the Courthouse Expansion Project. The agreement is the result of an Invitation For Bids, with Allen L. Bender, Inc., of Sacramento, being the lowest responsible bidder at \$3,637,114. The total project cost will be \$4,200,681.70, with \$4,045,681.70 provided by the Court and \$155,000.00 provided by the County - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

0406-002 37. Superior Court of California, County of Butte - Revised Memorandum of Understanding - approval is requested for a revised Memorandum of Understanding (MOU) with the Superior Court of California, County of Butte, for the Courthouse Expansion Project. On February 25, 2003, the Board approved an MOU with the Court for the project. Subsequent to that approval, revisions to the project and funding were required. The proposed MOU reflects those revisions, and will replace the previous MOU in its entirety. Board approval is also requested to accept and appropriate additional funding for the project in the amount of \$1,016,646 (\$976,646 Court Funds/\$40,000 County Criminal Justice Facilities Temporary Construction Funds) - action requested - APPROVE REVISED AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR CONTROLLER; AND APPROVE BUDGET TRANSFER B-290 (4/5 vote required) ACCEPTING AND APPROPRIATING ADDITIONAL PROJECT REVENUE AS DETAILED IN THE AGENDA REPORT.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 3.05 AMENDED TO CORRECT THE BUDGET TRANSFER AMOUNT TO \$633,603, AND THE REMOVAL OF ITEMS 3.04, 3.19 AND 3.23.

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

PRESENTATION BY CHAIR BEELER OF A RESOLUTION RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH TO JOAN ORTEGA, CHILD ABUSE PREVENTION COUNCIL.

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REGULAR AGENDA

0406-003 Boards, Commissions and Committees. (219)

1. Appointments to Listed Vacancies.

MOTION: I MOVE TO APPOINT NIGEL PARKHURST TO THE KIMSHEW CEMETERY DISTRICT BOARD TO A VACATED TERM TO END JULY 1, 2006.

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

2. Board Member or Committee Reports. (265)

PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, AND SUPERVISOR JOSIASSEN PROVIDE A REPORT ON THE LEGISLATIVE CONFERENCE THEY ATTENDED LAST WEEK.

SUPERVISOR YAMAGUCHI UPDATES THE BOARD ON THE LAST REGIONAL COUNCIL OF RURAL COUNTIES MEETING.

0406-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (618) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER INFORMS THE BOARD THAT THE SPEAKER OF THE ASSEMBLY MADE CHANGES IN COMMITTEE ASSIGNMENTS, AND ASSEMBLYMAN KEENE HAS BEEN APPOINTED TO THE COMMITTEE ON APPROPRIATIONS; UPDATES THE BOARD ON SB410, A BILL THAT WILL CORRECT AN AUDIT FINDING FROM THE STATE CONTROLLER'S OFFICE REGARDING FIRE FUNDS IN ERAF; AND UPDATED THE BOARD ON THE STATUS OF COUNTY BUDGET PREPARATIONS.

BOARD DIRECTION THAT THE CHAIR AND VICE-CHAIR SERVE ON THE COMMITTEE TO REVIEW THE COUNTY BUDGET.

0406-005 Library Advisory Board - Report to the Board - pursuant to Resolution 02-060, presentation of a report from the Butte County Library Advisory Board for the period of July 2003 through February 2004 - action requested - ACCEPT FOR INFORMATION. (790)

PRESENTATION TO THE BOARD BY JAN SONSTENG, CHAIR OF THE LIBRARY ADVISORY BOARD.

0406-006 Technical Update of the Butte County General Plan - presentation and discussion of the process proposed for the Technical Update of the Butte County General Plan - action requested - DIRECT STAFF TO RELEASE THE TECHNICAL UPDATE TO THE PUBLIC; AND DIRECT STAFF TO COORDINATE AND SCHEDULE PUBLIC DISCUSSIONS REGARDING THE TECHNICAL UPDATE. (938)

MOTION: I MOVE TO DIRECT STAFF TO RELEASE THE TECHNICAL UPDATE TO THE PUBLIC; AND DIRECT STAFF TO COORDINATE AND SCHEDULE PUBLIC DISCUSSIONS REGARDING THE TECHNICAL UPDATE.

M S

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

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**RECESS:** 10:03 a.m.

**RECONVENE:** 10:21 a.m.

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**REGULAR AGENDA**

0406-007 Introduction of an Ordinance Adding Section 26-3.3, Entitled "Notice of Limited Allowed Use" to Chapter 26, Entitled "Buildings" of the Butte County Code - consideration of an ordinance which will allow for the recordation of a notice or deed restriction specifying the allowed limited uses of residential accessory buildings - action requested - WAIVE READING OF THE ORDINANCE. (2230)

MOTION: I MOVE TO WAIVE THE READING OF THE ORDINANCE

M S

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

0406-008 Items Removed from the Consent Agenda for Board Consideration and Action. (2402)

- 1. Enterprise Rent-A-Car - approval is requested to award an agreement to Enterprise Rent-A-Car for vehicle rental services for the County. The agreement is the result of a Request For Proposal, with Enterprise Rent-A-Car being the only responsive proposal. Based on the cost of maintaining a County Motor Pool fleet, the proposed agreement is anticipated to result in significant savings to the County (approximately \$37,000 annually based on miles driven in 2003). The term of the agreement is April 1, 2004, through March 31, 2007 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

BOARD DIRECTION TO THE CHIEF ADMINISTRATIVE OFFICER TO DISCUSS THIS ITEM WITH THE PUBLIC WORKS SHOP STAFF TO ASSURE THEM THAT THIS CONTRACT WILL NOT EFFECT JOBS, THEN RETURN THE MATTER TO THE NEXT AGENDA.

- 2. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: TREASURER-TAX COLLECTOR - deletes one position of Assistant Treasurer-Cash Management. Adds one 60% flexibly staffed position of Revenue and Reimbursement Officer II/I. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY UNIT CLASSIFICATIONS - eliminates the position of Assistant Treasurer-Cash Management and adjusts the salary range for the Assistant Treasurer-Tax Collector (effective 3-2-04) pursuant to the Memorandum of Understanding with the Butte County Management Employees' Association regarding salaries for Assistant Department Heads. SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE A, APPOINTED DEPARTMENT HEADS - increases the annual salary rate for the Director-Public Health by \$10,445 (effective 1-3-04) pursuant to the compensation policy for appointed department heads - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO ADOPT RESOLUTION 04-043 AND AUTHORIZE THE CHAIR TO SIGN.  
S M

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

PUBLIC HEARINGS AND TIMED ITEMS

0406-009 Continued Public Hearing - Raymond Teesdale - Tentative Parcel Map and Lot Line Adjustment - Appeal - consideration of an appeal of the Development Review Committee's denial of a Tentative Parcel Map and Lot Line Adjustment to divide a 46.28 acre parcel into four 10 acre lots and a 6.28 acre remainder on property zoned A-5 (Agricultural - 5 acre parcels). The property is located approximately 1,300 feet north of Central House Road on the west side of the Western Pacific Railroad tracks, near the intersection of Central House Road and Lone Tree Road, Oroville, and identified as APN 028-020-054 and 046 (MM [TPM 02-19]) - action requested - CONTINUE PUBLIC HEARING OPEN TO JUNE 8, 2004, AT 10:30 A.M. (FROM 9-24-02 [5.06]) (3321)

PUBLIC HEARING RECONVENED AT 10:47 A.M., AND CONTINUED OPEN TO AN UNDETERMINED DATE TO ALLOW COMPLETION OF THE GENERAL PLAN UPDATE.

0406-010 Public Hearing - Tentative Parcel Map Appeal - Ruddy Creek Partnership - consideration of an appeal of a mitigation measure for a Tentative Parcel Map to divide a 17.8 ± acre parcel into four 1.01 ± acre parcels for residential development, and a remainder parcel of 13.4 ± acres. This is a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. Sewage disposal and domestic water services would be through the Thermalito Irrigation District (TID). Parcels 2, 3, and 4 would front on 18<sup>th</sup> Street. Parcel 1, a corner lot, would front on both 18<sup>th</sup> Street and Feather Avenue. The remainder parcel would front on Feather Avenue. The remainder parcel would ultimately be developed with an 87-space mobile home park. The property is zoned A-R (Agricultural Residential) and is located on the southeast corner of Feather Avenue and 18<sup>th</sup> Street, Thermalito, and identified as APN 030-360-082, 083, 084 (SB [TPM 03-26]) - action requested - OPEN HEARING AND CONTINUE OPEN TO APRIL 13, 2004, AT 10:30 A.M., TO ALLOW STAFF ADDITIONAL TIME TO COMPLETE THE AGENDA REPORT. (3431)

PUBLIC HEARING OPENED AT 10:50 A.M., AND CONTINUED OPEN TO APRIL 13, 2004, AT 10:30 A.M.

0406-011 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 - CONTINUE PUBLIC HEARING OPEN TO APRIL 13, 2004, AT 11:15 A.M. (FROM 1-27-04 [5.03]) (3501)

PUBLIC HEARING RECONVENED AT 10:50 A.M., AND CONTINUED TO AN UNDETERMINED DATE TO ALLOW FOR COMPLETION OF THE LOT LINE ADJUSTMENT AND MERGER ORDINANCE.

0406-012 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 - CONTINUE PUBLIC HEARING OPEN TO APRIL 13, 2004, AT 11:15 A.M. (FROM 1-27-04 [5.04]) (3501)

PUBLIC HEARING RECONVENED AT 10:50 A.M., AND CONTINUED TO AN UNDETERMINED DATE TO ALLOW FOR COMPLETION OF THE LOT LINE ADJUSTMENT AND MERGER ORDINANCE.

0406-013 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 - CONTINUE PUBLIC HEARING OPEN TO APRIL 13, 2004, AT 11:15 A.M. (FROM 1-27-04 [5.05]) (3501)

PUBLIC HEARING RECONVENED AT 10:50 A.M., AND CONTINUED TO AN UNDETERMINED DATE TO ALLOW FOR COMPLETION OF THE LOT LINE ADJUSTMENT AND MERGER ORDINANCE.

0406-014 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 - CONTINUE PUBLIC HEARING OPEN TO APRIL 13, 2004, AT 11:15 A.M. (FROM 1-27-04 [5.06]) (3501)

PUBLIC HEARING RECONVENED AT 10:50 A.M., AND CONTINUED TO AN UNDETERMINED DATE TO ALLOW FOR COMPLETION OF THE LOT LINE ADJUSTMENT AND MERGER ORDINANCE.

0406-015 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 - CONTINUED PUBLIC HEARING IF APPLICANT REQUESTS CONTINUANCE OF APPEAL; OR VACATE HEARING. (FROM 1-27-04 [5.07]) (4523)

THE APPLICANT MODIFIED THE PROJECT TO THE POINT WHERE STAFF COULD APPROVE IT, SO HE HAS SUBMITTED A LETTER REQUESTING HIS APPEAL BE WITHDRAWN

MOTION: I MOVE TO ACCEPT THE WITHDRAW OF THE APPEAL.

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

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**PUBLIC COMMENT**

0406-016 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. (4607 ) (NONE)

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**CLOSED SESSION**

0406-017 **RECESS:** THE BOARD RECESSED AT 11:11 A.M., TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE; INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; AND ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): CLEANUP AND ABATEMENT ORDER NO. R5-2003-0707; HUMBOLDT ROAD BURN DUMP, CHICO, CA. (4621) (\*\*00)

**RECONVENE:** THE BOARD RECONVENED AT 1:08 P.M., FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE; INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; AND ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): CLEANUP AND ABATEMENT ORDER NO. R5-2003-0707; HUMBOLDT ROAD BURN DUMP, CHICO, CA.

PUBLIC HEARINGS AND TIMED ITEMS

0406-018 Continued Public Hearing - Steve Schuster - Tentative Subdivision Map (Sierra Moon Subdivision) - Appeal - consideration of appeals of the Development Review Committee's approval of a Tentative Subdivision Map to create 119 single family residential parcels in accordance with a previously approved Planned 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 Development. An 70.15 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 RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I (A-D) AS DETAILED IN THE AGENDA REPORT DATED MARCH 23, 2004, DENY THE APPEALS AND APPROVE A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS;
2. FIND THAT THIS PROJECT WILL HAVE AN IMPACT TO FISH AND/OR WILDLIFE HABITAT AND DIRECT THE COLLECTION OF DEPARTMENT OF FISH AND GAME FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5; AND
3. SUBJECT TO FINDINGS III (A-G) AS DETAILED IN THE AGENDA REPORT DATED MARCH 23, 2004, AND THE CONDITIONS OF APPROVAL AS DETAILED IN EXHIBIT A OF THE AGENDA REPORT DATED MARCH 23, 2004, DENY THE APPEALS AND APPROVE TENTATIVE SUBDIVISION MAP 03-01 FOR STEPHEN J. SCHUSTER, ASSESSOR PARCEL NUMBER 047-710-001. (FROM 9-9-03 [5.03])

PUBLIC HEARING RECONVENED AT 1:09 P.M.

**RECESS:** 2:12 p.m.

**RECONVENE:** 2:23 p.m.

0406-018 Continued Public Hearing - Steve Schuster - Tentative Subdivision Map (Sierra Moon Subdivision) - Appeal - consideration of appeals of the Development Review Committee's approval of a Tentative Subdivision Map to create 119 single family residential parcels in accordance with a previously approved Planned 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 Development. An 70.15 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 RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I (A-D) AS DETAILED IN THE AGENDA REPORT DATED MARCH 23, 2004, DENY THE APPEALS AND APPROVE A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS;
2. FIND THAT THIS PROJECT WILL HAVE AN IMPACT TO FISH AND/OR WILDLIFE HABITAT AND DIRECT THE COLLECTION OF DEPARTMENT OF FISH AND GAME FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5; AND

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- 0406-018 3. SUBJECT TO FINDINGS III (A-G) AS DETAILED IN THE AGENDA REPORT DATED MARCH 23, 2004, AND THE CONDITIONS OF APPROVAL AS DETAILED IN EXHIBIT A OF THE AGENDA REPORT DATED MARCH 23, 2004, DENY THE APPEALS AND APPROVE TENTATIVE SUBDIVISION MAP 03-01 FOR STEPHEN J. SCHUSTER, ASSESSOR PARCEL NUMBER 047-710-001. (FROM 9-9-03 [5.03])

PUBLIC HEARING RECONVENED AT 2:23 P.M., AND CONTINUED OPEN TO AN UNDETERMINED DATE TO ALLOW STAFF TIME TO REVIEW RESOLUTION 98-172, WHICH AMENDED THE NORTH CHICO SPECIFIC PLAN. THE IMPLEMENTATION AND CHANGES TO THE NORTH CHICO SPECIFIC PLAN DIRECTED IN RESOLUTION 98-172 WERE NOT MADE BY STAFF, SO FURTHER REVIEW OF THE ISSUE IS NEEDED TO DETERMINE WHICH STANDARDS APPLY TO THE PROJECT.

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ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 3:19 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, APRIL 13, 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: \_\_\_\_\_