
Called to order at 9:00 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. (42)

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

- 0420-001
1. Youth For Change - approval is requested for a sole source agreement with Youth For Change for the provision of specialty mental health services, rehabilitation services, and medication support services to clients receiving Medi-Cal benefits. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$869,353.70 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 2. Victor Community Support Services, Inc. - approval is requested for an agreement with Victor Community Support Services, Inc., for the provision of school-based mental health services to children receiving Medi-Cal benefits. The term of the agreement is October 1, 2004, through June 30, 2005, with a maximum amount payable of \$894,415 (department budget). The agreement is the result of a Request For Proposal - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 3. Resolution of Support for the Mental Health Services Act - approval is requested for a resolution of support for the Mental Health Services Act; Proposition 63 on the November 2, 2004, ballot. The proposition would generate funding for increased mental health services - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

CONSENT AGENDA

- 0420-002
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 funds to provide for electronic submission of quarterly pesticide use reports to the State. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$9,492 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40731)
 2. State of California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for funds to provide for an inspection program for establishments selling and distributing petroleum products. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$5,850 (\$75 per initial inspection) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40725)
 3. State of California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for funds to provide services in support of the Glassy-Winged Sharpshooter/Pierce's Disease Program. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$113,719 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40732)
 4. State of California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for funds to provide for an inspection program for establishments operating as licensed weighmasters. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$3,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40724)
 5. State of California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for funds to provide services in support of the High-Risk Pest Exclusion Program. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$4,793.64 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40730)

- 0420-002 6. Caminar, Inc. - approval is requested for a sole source agreement with Caminar, Inc., for the provision of vocational and work experience services for referred clients. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$217,557.60 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
7. James E. Pannell, Jr., MFT - approval is requested for a sole source agreement with James E. Pannell, Jr., for the provision of specialty mental health services for clients receiving Medi-Cal benefits. The term of the agreement begins October 26, 2004, and continues until terminated by either party. Services are billed pursuant to the payment rate schedule and are invoiced as provided (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
8. Enloe Medical Center - approval is requested for a sole source agreement with Enloe Medical Center for the provision of the Touchstone Perinatal Program for fiscal year 2004-2005. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$513,564 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
9. Budget Transfer - approval is requested for a transfer of \$37,750 from the Behavioral Health Department budget to the Probation Department budget for services in support of the Proposition 36 Program - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
10. California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 - approval is requested for resolutions approving the pass through of grant funds received under the Per Capita Grant Program and Roberti-Z'Berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. The County was allocated \$1,523,456 which will be disbursed to the following eligible agencies based on population served: County of Butte (\$66,913), Durham Recreation and Park District (\$36,656), Paradise Recreation and Park District (\$224,969), Feather River Recreation and Park District (\$266,729), Chico Area Recreation and Park District (\$350,101), City of Biggs (\$13,104), City of Gridley (\$41,630), City of Oroville (\$95,930), Town of Paradise (\$77,322), and City of Chico (\$350,101) - action requested - ADOPT RESOLUTIONS 04-186, 04-187, 04-188, 04-189, 04-190 AND AUTHORIZE THE CHAIR TO SIGN.

- 0420-002 11. Resolution Approving the Appropriation of Remittance Payments in Fiscal Year 2004-2005 and Authorizing and Directing Certain Actions in Connection Therewith - approval is requested for a resolution which will provide for the appropriation of funds to make remittance payments pursuant to a remittance agreement, and other actions needed to support the County's transition to a self-insured Workers' Compensation program - action requested - ADOPT RESOLUTION 04-191 AND AUTHORIZE THE CHAIR TO SIGN.
12. Unanticipated Revenue - approval is requested to accept and appropriate \$11,455 received from the sale of a surplus department vehicle - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
13. Unanticipated Revenue - approval is requested to accept and appropriate \$12,000 from the Environmental Protection Trust Fund to the department's budget to provide the appropriation needed to pay mileage reimbursement to the Special Deputy District Attorney responsible for prosecuting environmental cases - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING TRUST FUND REVENUE AS DETAILED IN THE AGENDA REPORT.
14. Donation of Funds - pursuant to Government Code Section 25355, a donation of \$4,000 has been received from Cleanrite-Buildrite, Inc. The donation represents the proceeds from the second annual Fire on the Fairway Golf Tournament - action requested - ACCEPT DONATION AND AUTHORIZE A LETTER OF APPRECIATION.
15. Homeland Security Grant Program Funds for Fiscal Year 2002 - approval is requested by the Emergency Services Division to accept and appropriate \$2,403 in unallocated fiscal year 2002 Homeland Security Grant Program Funds. The additional funds will be used to purchase program-approved equipment - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.
16. Fixed Asset Equipment Purchase - approval is requested by the Emergency Services Division for the fixed asset purchase of an Explosive Ordinance Disposal (EOD) Helmet in the amount of \$5,304. An EOD Helmet was part of the equipment to be purchased under the Homeland Security Grant Program in fiscal year 2003, but it was not included as a fixed asset item so purchasing approval is now required. Approval is also requested for a transfer of grant funds between budget line items to provide the appropriation needed for the purchase - action requested - APPROVE FIXED ASSET PURCHASE OF EXPLOSIVE ORDINANCE DISPOSAL HELMET; AND APPROVE BUDGET TRANSFER B-*** APPROPRIATING GRANT FUNDS AS DETAILED IN THE AGENDA REPORT.

- 0420-002 17. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: SHERIFF-CORONER - SERVICES - extends the position end date of one sunset position of Sheriff's Clerk II from 12-31-04 to 12-31-05. SHERIFF-CORONER - SPECIAL ENFORCEMENT UNIT - extends the position end date of one sunset position of Deputy Sheriff from 10-31-04 to 6-30-05. AGRICULTURAL COMMISSIONER - adds one sunset position of Agricultural/Weights & Measures Inspector (position end date of 6-30-05). PUBLIC HEALTH-GENERAL SERVICES - converts one sunset position of Information Systems Analyst III/II/I (position end date of 6-30-05) to a permanent position. Adds one position of Program Manager-Public Health. CHILD SUPPORT SERVICES - adds one term position of Courier/Stock Clerk (position end date of 3-31-06). SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY UNIT CLASSIFICATION - adds the position of Program Manager-Public Health and sets the salary range at \$28.99 to \$35.23 - action requested - ADOPT RESOLUTION 04-192 AND AUTHORIZE THE CHAIR TO SIGN.
18. Sigma Data Systems, Inc. - approval is requested for a software license agreement with Sigma Data Systems, Inc., for the provision of a system upgrade for the department's automated applicant management system. The term of the agreement is for the life of the product, with a maximum amount payable of \$32,355.75 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
19. Small Business in a Box Mini-Grant Program - approval is requested to accept and appropriate \$7,000 in grant funds received from the California State Library for materials and programming to reach out to the business community with information and services - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.
20. Butte Interagency Narcotics Task Force/Butte County Probation Department - approval is requested for a Memorandum of Understanding with the Butte Interagency Narcotics Task Force for the lease of office space. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$17,064.51. Board approval is also requested to accept and appropriate the unanticipated revenue - 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-*** ACCEPTING AND APPROPRIATING UNANTICIPATED LEASE REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0420-002 21. California Department of Health Services - approval is requested for a grant agreement with the California Department of Health Services for funds to support bioterrorism preparedness and response activities. The term of the agreement is July 1, 2004, through August 30, 2005, with a maximum amount payable to the County of \$462,992 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE THE CERTIFICATION FORM AGAINST SUPPLANTING AND AUTHORIZE THE CHAIR TO SIGN.
22. California Department of Health Services - Amendment - approval is requested for an amendment to the revenue agreement with the California Department of Health Services for funds to provide the Women, Infants and Children program. The amendment increases the maximum amount payable to the County by \$39,785, and revises the agreement's exhibits and attachments to reflect the increase. 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. R40199)
23. California Department of Health Services - Fiscal Year 2004-2005 Rural Health Services Program Funds - approval is requested for a declaration of intent not to apply for fiscal year 2004-2005 Rural Health Services Program Funds. Legislation currently exists which permits the State to administer the Hospital Services, Physician Services, and Children's Treatment Program allocations for counties. The State's administration relieves counties of several requirements to document and report expenditures and program activities - action requested - APPROVE THE DECLARATION OF INTENT NOT TO APPLY FOR THE FISCAL YEAR 2004-2005 RURAL HEALTH SERVICES PROGRAM FUNDS AND AUTHORIZE THE CHAIR TO SIGN.
24. Donation of Funds - pursuant to Government Code Section 25355, the department has received a \$500 anonymous donation. The funds are to be used to continue public education about West Nile Virus - action requested - ACCEPT DONATION.
25. Resolution in Recognition of Richard O. Fox Upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION 04-193 AND AUTHORIZE THE CHAIR TO SIGN.
26. Resolution in Recognition of John B. Butler Upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION 04-194 AND AUTHORIZE THE CHAIR TO SIGN.

- 0420-002 27. Fixed Asset Purchase - approval is requested to purchase two Cab/Chassis for two 5-yard dump trucks in the amount of \$99,020, plus tax. The department's budget included \$90,000 for the purchase, and approval is also requested to utilize savings from another fixed asset equipment purchase to provide the remaining needed funds - action requested - AUTHORIZE THE FIXED ASSET PURCHASE OF TWO CAB/CHASSIS; AND AUTHORIZE THE USE OF FIXED ASSET SAVINGS.
28. Compressed Natural Gas (CNG) Fueling Facilities Funding - approval is requested to accept and appropriate \$45,000 from the Charges For Services revenue account into the department's operating budget to provide the appropriation needed for equipment improvements at the County's CNG fueling facilities - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
29. Partial Final Closure, Modules 1, 2, and 3 at the Neal Road Sanitary Landfill - Funding - approval is requested to accept and appropriate \$250,000 from the Landfill Enterprise Fund Retained Earnings account to the department's operating budget to provide the appropriation needed to fund the Contract Change Orders required to complete the project - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
30. Reconstruction of Holland Avenue - County Project No. 42253-01-1 - Contract Change Order (CCO) No. 1 - CCO No. 1, in the increasing amount of \$1,500.36, provides for the adjustment of contract quantities to meet field conditions, and the additional work required to remove concrete driveway approaches and driveway aprons - action requested - APPROVE CONTRACT CHANGE ORDER NO. 1 AND AUTHORIZE THE CHAIR TO SIGN.
31. Installation of Storm Drain Facilities and Partial Reconstruction of Holland Avenue from Florida Lane to Durham Dayton Highway - County Project No. 42253-01-1 - Notice of Completion - the project consisted of the reconstruction of the two lane roadway with aggregate base and surfacing with asphalt concrete, installation of drainage facilities, and installation of concrete curb, gutter and sidewalks along the west side. All contract work has been completed in accordance with plans and specifications - action requested - ACCEPT CONTRACT WORK; APPROVE NOTICE OF COMPLETION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT RECORDING OF THE NOTICE OF COMPLETION.
32. Relief of Accountability - approval is requested for relief of accountability for a fixed asset computer transferred to surplus as a non-fixed asset item. The District Attorney and Auditor-Controller have reviewed the request - action requested - GRANT RELIEF OF ACCOUNTABILITY.

- 0420-002 33. California State University, Chico - Amendment - approval is requested for an amendment to the revenue agreement with California State University, Chico, for provision of the "no-fare" bus service program to students, faculty and staff. The University reimburses the County monthly based on the actual number of riders per month. The amendment extends the term of the agreement through June 30, 2005, and sets the maximum amount payable to the County at \$24,000 for the extended term. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40046)
34. Resolution in Recognition of Floyd L. Kirk, Jr., Upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION 04-195 AND AUTHORIZE THE CHAIR TO SIGN.
35. Local Law Enforcement Block Grant Funds - approval is requested to transfer interest earnings in the amount of \$1,149 from the Local Law Enforcement Block Grant Funds account to the department's operating budget to provide the appropriation needed to purchase Taser Intermediate Weapon cartridges, a grant approved expenditure - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
36. California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal MMET) Grant Funds - approval is requested to accept and appropriate Cal MMET Grant funds for fiscal year 2004-2005. The department received an award of \$60,400 for the program, and \$79,300 for equipment, and Board approval is requested for the fixed asset purchase of a new Cessna 182 plane engine in the amount of \$24,694 utilizing the equipment grant funds. Board approval is also requested to authorize the Human Resources department to prepare a salary ordinance amendment which will extend the sunset Deputy Sheriff position associated with the program from October 31, 2004, to February 28, 2005 - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT; APPROVE FIXED ASSET PURCHASE OF AIRPLANE ENGINE; AND DIRECT THE HUMAN RESOURCES DEPARTMENT TO PREPARE A SALARY ORDINANCE AMENDMENT EXTENDING ONE SUNSET DEPUTY SHERIFF'S POSITION AS DETAILED IN THE AGENDA REPORT.
37. Equipment Purchase Transfer - approval is requested to transfer \$10,000 from the asset seizure trust funds to the department's operating budget to provide the appropriation needed to purchase ten Taser Intermediate Weapons and cartridges - action requested - APPROVE BUDGET TRANSFER B-*** ACCEPTING AND APPROPRIATING UNANTICIPATED TRUST FUND REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0420-002 38. Monthly Investment Report - submitted is the Monthly Investment Report dated September 30, 2004, in accordance with the Statement of Investment Policy dated July 1, 2004 - action requested - ACCEPT FOR INFORMATION.
- 39. North State Cooperative Library System Advisory Board - action requested - REAPPOINT DAVID WILKINSON TO A TERM TO END JUNE 30, 2006.
- 40. Butte County Library Advisory Board - action requested - APPOINT CINDY GARIGLIANO TO A VACATED TERM TO END DECEMBER 31, 2004. (74)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF ITEMS 3.06, 3.07, AND 3.12.

S M

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

CHAIR BEELER PRESENTED A RESOLUTION TO FLOYD KIRK IN RECOGNITION OF HIS RETIREMENT FROM THE SHERIFF'S OFFICE. SHERIFF RENIFF PRESENTED A PLAQUE TO DEPUTY KIRK FROM THE CAPTAIN BOB CREW, RECOGNIZING HIS YEARS OF VOLUNTEER SERVICE.

REGULAR AGENDA

0420-003 Boards, Commissions and Committees. (245)

- 1. Appointments to Listed Vacancies.

MOTION: I MOVE TO APPOINT GEORGE BARBER, DISTRICT 5 REPRESENTATIVE, TO THE BUTTE COUNTY WATER COMMISSION, TO A TERM TO END JANUARY 5, 2009.

S M

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

- 2. Butte County Water Commission-Technical Advisory Committee - action requested - ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION TO REVISE THE COMPOSITION OF THE TECHNICAL ADVISORY COMMITTEE BY REMOVING BOB FORTINO, CRAIG BOLGER AND JEROLD BEHNKE, AND APPOINTING RICHARD PRICE, HUE DANG AND DEBBIE SPANGLER.

MOTION: I MOVE TO ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION TO REVISE THE COMPOSITION OF THE TECHNICAL ADVISORY COMMITTEE BY ACKNOWLEDGING AND THANKING FOR THEIR SERVICE ON THE WATER COMMISSION BOB FORTINO, CRAIG BOLGER AND JEROLD BEHNKE, AND APPOINTING RICHARD PRICE, HUE DANG AND DEBBIE SPANGLER.

M S

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

- 3. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI REPORTED ON THE REGIONAL COUNCIL OR RURAL COUNTIES MEETING AND THE NORTHERN CALIFORNIA COUNTY SUPERVISORS ASSOCIATION.

0420-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (454) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMED THE BOARD THAT LETTERS HAVE BEEN SENT TO OUR SENATORS, CONGRESSIONAL DELEGATES, AND THE REGIONAL COUNCIL OF RURAL COUNTIES, REQUESTING CONTINUED HR2389 FINANCING; PROVIDED A REPORT ON THE SOLAR POWER PROJECT AND THE SCHEDULED DEDICATION OF THE PROJECT TOMORROW; AND INFORMED THE BOARD THAT THE INTEREST RATE FOR THE BONDS FOR ADVANCE FUNDING OF WORKERS' COMPENSATION WERE VERY FAVORABLE.

0420-005 Resolution of Opposition to Measure D - consideration of a resolution of opposition to a proposed initiative that would prohibiting the growing of genetically engineered organisms countywide - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (550)

MOTION: I MOVE TO ADOPT RESOLUTION 04-196 AND AUTHORIZE THE CHAIR TO SIGN.
M S

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

0420-006 Resolution of Support for the Mental Health Services Act - approval is requested for a resolution of support for the Mental Health Services Act; Proposition 63 on the November 2, 2004, ballot. The proposition would generate funding for increased mental health services - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (3490)

MOTION: I MOVE TO ADOPT RESOLUTION 04-197 AND AUTHORIZE THE CHAIR TO SIGN.
S M

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

RECESS: 10:28 A.M.

RECONVENE: 10:40 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0420-007 Public Hearing - Joel Hall Tentative Parcel Map Appeal - consideration of an appeal of the Planning Commission's denial of a proposal for a single parcel Amending Tentative Parcel Map to modify a mitigation measure of a recorded Parcel Map. 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 A-40 (Agricultural - 40 acre minimum parcel size) and located on the south side of Cana Highway, approximately 2,600 feet west of Highway 99, north of Chico, and identified as APN 047-100-0182 (CD [TPM 04-02]) - action requested - THE PLANNING COMMISSION RECOMMENDS THE BOARD DENY THE REQUEST TO REPLACE THE "NO RESIDENTIAL DEVELOPMENT" RESTRICTION WITH A "300-FOOT SETBACK" RESTRICTION. (3578) (**00)

PUBLIC HEARING OPENED: 10:43 A.M.
PUBLIC HEARING CLOSED: 11:09 A.M.

MOTION: I MOVE TO UPHOLD THE PLANNING COMMISSION'S DECISION REGARDING NO RESIDENTIAL DEVELOPMENT.

S M

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

0420-008 Timed Recess - Recess to Attend USDA Oroville Service Center Ribbon Cutting and Open House at the USDA Oroville Service Center, 150 Chuck Yeager Way, Oroville. (**916)

RECESSED AT 11:10 A.M., TO THE USDA OROVILLE SERVICE CENTER, CHUCK YEAGER WAY, OROVILLE. UPON RETURNING FROM THE RECESS, THE BOARD WILL CONVENE TO CLOSED SESSION.

CLOSED SESSION

0420-009 **RECESS:** THE BOARD RECESSED AT 12:10 P.M., TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): WHEAT V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 128644); ROWE V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 128705); NATIONAL ALLIANCE FOR THE MENTALLY ILL V. COUNTY OF BUTTE (USDC EASTERN DISTRICT CIV-S-03-1087); AND CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE. (**923)

RECONVENE: THE BOARD RECONVENED AT 1:25 P.M., FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): WHEAT V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 128644); ROWE V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 128705); NATIONAL ALLIANCE FOR THE MENTALLY ILL V. COUNTY OF BUTTE (USDC EASTERN DISTRICT CIV-S-03-1087); AND CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE. (**960) (NO ANNOUNCEMENT)

PUBLIC HEARINGS AND TIMED ITEMS

0420-010 Continued Public Hearing - Margaret Mills - Tentative Parcel Map - consideration of an appeal of the Development Review Committee's denial of a Tentative Parcel Map to divide a 10+/- acre parcel into two 5 acre parcels on property zoned A-5 (Agricultural - 5 acre parcels). This is an item not subject to environmental review (only if the Board chooses to deny the appeal). The property is located on the east side of Dunstone Drive, approximately 3,400 feet south of Avocado Road, in the Bangor area, and identified as APN 028-200-041 (CS [TPM 03-11]) - action requested - AT THE REQUEST OF STAFF AND THE APPLICANT, CONTINUE HEARING OPEN TO AN UNSPECIFIED DATE TO ALLOW THE APPLICANT'S PARTICIPATION IN THE UPCOMING GENERAL PLAN UPDATE HEARINGS. (FROM 5-25-04 [5.01]) (**960)

PUBLIC HEARING RECONVENED AT 1:26 P.M., AND CONTINUED OPENED TO AN UNSPECIFIED DATE TO ALLOW THE APPLICANT'S PARTICIPATION IN THE UPCOMING GENERAL PLAN UPDATE HEARINGS.

0420-011 Public Hearing - Feather River Recreation and Park District - Park Facility Fee - consideration of an ordinance and resolution, pursuant to Article I, Section 1 of the Butte County Charter and Article XI, Section 7 of the California Constitution, for the purpose of amending Butte County Code Chapter 16 to authorize a park facility fee, and to assess and levy the fee upon any owner of real property located in the unincorporated area of Butte County within the Feather River Recreation and Park District. The proposed fee covers several types of park facilities including public use (community center) facilities, aquatic center facilities, and parkland acquisition and development - action requested - ADOPT ORDINANCE AND RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (**990)

PUBLIC HEARING OPENED: 1:27 P.M.
 PUBLIC HEARING CLOSED: 1:33 P.M.

MOTION: I MOVE TO ADOPT ORDINANCE 3886 AND RESOLUTION 04-198 AND AUTHORIZE THE CHAIR TO SIGN.

M S

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

0420-012 Public Hearing - Paradise Recreation and Park District - Park Facility Fee - consideration of an ordinance and resolution, pursuant to Article I, Section 1 of the Butte County Charter and Article XI, Section 7 of the California Constitution, for the purpose of amending Butte County Code Chapter 16 to authorize a park facility fee, and to assess and levy the fee upon any owner of real property located in the unincorporated area of Butte County within the Paradise Recreation and Park District. The proposed fee covers several types of park facilities including parkland acquisition, park development, aquatic facilities, and district facilities - action requested - ADOPT ORDINANCE AND RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (**1307)

0420-012 PUBLIC HEARING OPENED: 1:34 P.M.
PUBLIC HEARING CLOSED: 1:39 P.M.

MOTION: I MOVE TO ADOPT ORDINANCE 3887 AND RESOLUTION 04-199, AS AMENDED, TO IMPLEMENT A FEE FOR SINGLE FAMILY RESIDENTIAL AT \$0.44 A SQUARE FOOT (RATHER THAN THE \$0.60 LISTED) AND THE MULTI-FAMILY RESIDENTIAL AT \$0.76 A SQUARE FOOT (RATHER THAN THE \$1.22 LISTED), AND RESIDENTIAL ADDITIONS AT \$0.44 A SQUARE FOOT, AND AUTHORIZE THE CHAIR TO SIGN.

S M

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

0420-013 Public Workshop - Wastewater Treatment Report - presentation of a report, and discussion regarding the current issues surrounding wastewater treatment and upcoming issues which will impact wastewater treatment in Butte County - action requested:

1. DIRECT STAFF TO PURSUE CONSULTING CONTRACTS TO ASSIST THE BOARD AND STAFF IN DEVELOPMENT OF POLICY RECOMMENDATIONS FOR WASTEWATER TREATMENT SYSTEMS, INCLUDING THE DEVELOPMENT OF EITHER A NEW REGIONAL WASTEWATER TREATMENT PLANT OR REGIONAL WASTEWATER TRUNK LINE TO SERVE FUTURE GROWTH AREAS IDENTIFIED IN THE GENERAL PLAN UPDATE;
2. DIRECT STAFF TO EXPLORE FUNDING POTENTIALS TO EXPAND CURRENT TREATMENT PLANT CAPABILITIES AND TO EXPLORE THE FEASIBILITY OF DEVELOPMENT OF A NEW PLANT POTENTIALLY OWNED AND OPERATED BY THE COUNTY OF BUTTE; AND
3. DIRECT STAFF TO INCLUDE THE DEVELOPMENT OF WASTEWATER TREATMENT POLICIES AS PART OF THE GENERAL PLAN UPDATE. (**1552) (**00)

MOTION: I MOVE TO DIRECT STAFF TO PURSUE CONSULTING CONTRACTS TO ASSIST THE BOARD AND STAFF IN DEVELOPMENT OF POLICY RECOMMENDATIONS FOR WASTEWATER TREATMENT SYSTEMS, INCLUDING THE DEVELOPMENT OF EITHER A NEW REGIONAL WASTEWATER TREATMENT PLANT OR REGIONAL WASTEWATER TRUNK LINE TO SERVE FUTURE GROWTH AREAS IDENTIFIED IN THE GENERAL PLAN UPDATE; MOVE TO DIRECT STAFF TO EXPLORE FUNDING POTENTIALS TO EXPAND CURRENT TREATMENT PLANT CAPABILITIES AND TO EXPLORE THE FEASIBILITY OF DEVELOPMENT OF A NEW PLANT POTENTIALLY OWNED AND OPERATED BY THE COUNTY OF BUTTE; AND FURTHER MOVE TO DIRECT STAFF TO INCLUDE THE DEVELOPMENT OF WASTEWATER TREATMENT POLICIES AS PART OF THE GENERAL PLAN UPDATE.

M S

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

BOARD DIRECTION TO PUBLIC HEALTH STAFF TO REVIEW RESOLUTION 87-108 AND TO RETURN TO THE BOARD A DISCUSSION ON WHETHER OR NOT THAT RESOLUTION IS OUTDATED AND NEEDS TO BE AMENDED, REVISED, EXPANDED OR, ELIMINATED.

RECESS: 3:09 P.M.

RECONVENE: 3:14 P.M.

REGULAR AGENDA

0420-014 Nuisance Abatement Program - Report to the Board - update on the County's nuisance abatement program - action requested - ACCEPT FOR INFORMATION. (**1907)

AT THE REQUEST OF MEMBERS OF THE AUDIENCE AND NUISANCE ABATEMENT COMMITTEE MEMBERS, ITEM CONTINUED TO NOVEMBER 9, 2004.

0420-015 Drought Preparedness Plan - consideration of the adoption of a Drought Preparedness and Mitigation Plan. Development and adoption of a plan is part of the County's Integrated Water Resources Plan - action requested - DIRECT STAFF TO MAKE THE RECOMMENDED CHANGES DETAILED IN THE STAFF REPORT; AND ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION AND ADOPT A RESOLUTION APPROVING THE PLAN AND AUTHORIZE THE CHAIR TO SIGN. (**1978)

MOTION: I MOVE TO ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION AND ADOPT RESOLUTION 04-200 APPROVING THE PLAN AND AUTHORIZE THE CHAIR TO SIGN.

M S

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

0420-016 A MATTER ON WHICH A PUBLIC HEARING HAS BEEN HELD AND A MOTION OF INTENT ADOPTED - Appeal of Conditions of a Tentative Parcel Map - Edward Niderost - on January 13, 2004, the Board adopted a Motion of Intent to uphold the appeal of 3 conditions of approval on a Tentative Parcel Map to divide a 2-acre parcel into (2) 1-acre parcels. The property is zoned SR-1 (Suburban Residential - 1 acre parcels) and is located on the north side of Butte Avenue, at the intersection of Butte Avenue and Northgraves Avenue, Chico, and is identified as APN 004-490-020 (MM [TPM 03-20]) - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTION:

1. SUBJECT TO FINDINGS I (A AND B) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 26, 2004, GRANT THE APPEAL AND APPROVE THE EXCEPTION REQUEST TO CONDITION NO. 9 TO SUBMIT ROAD AND DRAINAGE IMPROVEMENT PLANS FOR THE INSTALLATION AND CONSTRUCTION OF THE STREET FRONTAGE IMPROVEMENTS ON ONE-HALF STREET FOR BUTTE AVENUE AND NORTHGRAVES AVENUE TO A RS-9 STANDARD;
2. SUBJECT TO FINDING II (A) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 26, 2004, GRANT THE APPEAL TO MODIFY CONDITION NO. 4 TO ALLOW FUTURE RESIDENTIAL DWELLINGS TO BE PLACED AT LEAST 115 FEET FROM ADJACENT AGRICULTURAL OPERATIONS REQUIRING SPRAY (90 FEET FROM THE SOUTH PROPERTY LINE), BASED ON THE EXISTING DWELLINGS LOCATED ON THE ADJACENT PARCELS; AND
3. SUBJECT TO FINDING III (A) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 26, 2004, GRANT THE APPEAL TO REMOVE CONDITION NO. 23 REQUIRING PAYMENT INTO A WATER TENDER FUND. (**2995)

0420-016 MOTION: SUBJECT TO FINDINGS I (A AND B) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 26, 2004, I MOVE TO GRANT THE APPEAL AND APPROVE THE EXCEPTION REQUEST TO CONDITION NO. 9 TO SUBMIT ROAD AND DRAINAGE IMPROVEMENT PLANS FOR THE INSTALLATION AND CONSTRUCTION OF THE STREET FRONTAGE IMPROVEMENTS ON ONE-HALF STREET FOR BUTTE AVENUE AND NORTHGRAVES AVENUE TO A RS-9 STANDARD; SUBJECT TO FINDING II (A) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 26, 2004, MOVE TO GRANT THE APPEAL TO MODIFY CONDITION NO. 4 TO ALLOW FUTURE RESIDENTIAL DWELLINGS TO BE PLACED AT LEAST 115 FEET FROM ADJACENT AGRICULTURAL OPERATIONS REQUIRING SPRAY (90 FEET FROM THE SOUTH PROPERTY LINE), BASED ON THE EXISTING DWELLINGS LOCATED ON THE ADJACENT PARCELS; AND SUBJECT TO FINDING III (A) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 26, 2004, FURTHER MOVE TO GRANT THE APPEAL TO REMOVE CONDITION NO. 23 REQUIRING PAYMENT INTO A WATER TENDER FUND.

M S

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

0420-017 State of California, Department of Transportation - Cooperative Agreement - consideration of an agreement for realignment of a portion of River Road at the State Route 32 intersection - action requested - APPROVE COOPERATIVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND DIRECT STAFF TO ENCOURAGE CALTRANS TO CONSIDER ALTERNATIVES TO THE REALIGNMENT OF RIVER ROAD THAT REDUCES THE IMPACT OF THE PROPOSED PROJECT ON THE ORCHARD PROPERTY, BUT STILL MEETS THE PURPOSE AND NEED FOR THE HIGHWAY SAFETY IMPROVEMENT PROJECT. (**3125)

AT THE REQUEST OF THE PUBLIC WORKS DEPARTMENT AND THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, THIS ITEM CONTINUED WITHOUT ACTION. THE ITEM WILL RETURN ON A SUBSEQUENT AGENDA.

0420-018 Lake Oroville Relicensing - Report to the Board - update on the Federal Energy Regulatory Commission (FERC) Lake Oroville Relicensing Project, Protection, Mitigation and Enhancement measures, and settlement negotiations - action requested - ACCEPT FOR INFORMATION; AND BOARD DISCUSSION AND DIRECTION AS NEEDED. (**3152) (****00)

PRESENTATION TO THE BOARD BY BRUCE ALPERT, COUNTY COUNSEL, AND PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER.

0420-019 Items Removed from the Consent Agenda for Board Consideration and Action. (****2433)

1. Youth For Change - approval is requested for a sole source agreement with Youth For Change for the provision of specialty mental health services, rehabilitation services, and medication support services to clients receiving Medi-Cal benefits. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$869,353.70 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
2. Victor Community Support Services, Inc. - approval is requested for an agreement with Victor Community Support Services, Inc., for the provision of school-based mental health services to children receiving Medi-Cal benefits. The term of the agreement is October 1, 2004, through June 30, 2005, with a maximum amount payable of \$894,415 (department budget). The agreement is the result of a Request For Proposal - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

MOTION: I MOVE TO APPROVE THE AGREEMENTS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

M S

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

RECESS: 5:10 P.M.

RECONVENE: 5:21 P.M.

PUBLIC COMMENT

0420-020 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. (****2612)

1. DORIS LAUGHLIN, UNITED DOMESTIC WORKERS OF AMERICA, ADDRESSED THE BOARD TO SUPPORT THE PEOPLE WHO HAVE WAITED ALL DAY TO SPEAK.
2. UNIDENTIFIED WORKER ADDRESSED THE BOARD TO STATE THAT IHSS WORKERS SHOULD BE COMPENSATED AT A HIGHER LEVEL, THAT THE PROGRAM SHOULD ADDRESS THE JOB AS A CAREER, AND THAT WORKERS SHOULD BE TREATED AS PROFESSIONALS.

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- 0420-020 3. WILLIAM ARMFIELD ADDRESSED THE BOARD TO EXPLAIN THE IMPORTANCE AND PERSONAL NATURE OF THE IHSS WORKER AND CLIENT RELATIONSHIP AND STATED THAT WORKERS SHOULD BE TREATED AS PROFESSIONALS.
4. EVAN LEVANGE, INDEPENDENT LIVING SERVICES OF NORTHERN CALIFORNIA, ADDRESSED THE BOARD TO ENCOURAGE SETTLEMENT OF THE LABOR NEGOTIATIONS FOR THE BENEFIT OF THE CLIENTS WHO NEED THEIR WORKERS.
5. CHERI SHARON, IHSS WORKER, ADDRESSED THE BOARD TO ASK FOR INCREASED WAGES FOR WORKERS.
6. MOLLY ARMFIELD ADDRESSED THE BOARD TO ENCOURAGE HIGHER WAGES FOR WORKERS TO ENCOURAGE RETENTION OF WORKERS.
7. LISA DUGAN, IHSS PROVIDER, ADDRESSED THE BOARD TO REQUEST A LIVING WAGE AND HEALTH BENEFITS FOR WORKERS.
8. CHRISTIN DIOR, UNITED DOMESTIC WORKERS, THANKS THE BOARD FOR THE RESPONSE RECEIVED SO FAR, STATED THAT THEY WILL CONTINUE TO KEEP COMING BACK UNTIL THE CONTRACT IS SIGNED, AND REQUESTED THAT PUBLIC SPEAKING BE MOVED TO THE BEGINNING OF THE MEETING.

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING AS ADJOURNED AT 5:26 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, NOVEMBER 9, 2004.

KIM K. YAMAGUCHI, CHAIR

ATTEST:

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

By: _____