

Called to order at 9:08 a.m., in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Houx, Josiassen, Yamaguchi, and Chair Beeler. Supervisors not present: Dolan. 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. CHAIR BEELER REQUESTED THE MOMENT OF SILENCE BE HELD IN REMEMBRANCE OF MIKE PYEATT, FORMER BUTTE COUNTY GENERAL SERVICES DIRECTOR.

CORRECTIONS AND/OR CHANGES TO THE AGENDA. (45)

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

- 0421-001 1. Resolution in Recognition of Robert J. Voohees upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

THIS ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. THE ITEM WILL RETURN ON THE NEXT AGENDA.

2. State of California, Office of Traffic Safety - approval is requested for a grant agreement with the State of California, Office of Traffic Safety, for funds to support the Butte County Regional Life Saving Rescue Equipment Project. The funds will be used to place auto extrication equipment on first-responder vehicles in 12 communities. The term of the agreement is October 1, 2004, through September 30, 2005, with a maximum amount payable to the County of \$273,127 (\$228,127 State of California/\$45,000 Community Cost Share Trust Fund). The County match of \$45,000 was included in the department's fiscal year 2004-2005 budget. Board approval is also requested to transfer \$67,858.15 between budget line items to provide the appropriation to purchase equipment - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE A BUDGET TRANSFER OF FUNDS BETWEEN BUDGET LINE ITEMS AS DETAILED IN THE AGENDA REPORT. (Contract No. R40737)

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

3. Resolution Rescinding Resolution No. 92-05 Regarding the Purchase of American-Brand Passenger Type Motor Vehicles - approval is requested for a resolution which will rescind Resolution No. 92-05, which required the County to purchase only American-brand passenger type motor vehicles - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

- 0421-001 4. Governor's California Performance Review - approval is requested for letter of opposition to California Performance Review proposal Infrastructure (INF) 13, entitled, "Relinquishment of 6,500 Miles of State Routes to Cities and Counties". The proposal will have a detrimental impact to the County if it is imposed as proposed - action requested - ACCEPT THE RECOMMENDATION OF THE CALIFORNIA STATE ASSOCIATION OF COUNTIES TO OPPOSE CALIFORNIA PERFORMANCE REVIEW PROPOSAL INF 13 UNLESS THE STATE ROUTE RELINQUISHMENT IS MUTUALLY AGREED TO BY THE LOCAL AGENCY; AND APPROVE A LETTER OF POSITION TO THE CALIFORNIA STATE ASSOCIATION OF COUNTIES EXPRESSING THE COUNTY'S OPPOSITION AND AUTHORIZE THE CHAIR TO SIGN.

CONSENT AGENDA

- 0421-002 1. California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for the County's provision of services to support the Sudden Oak Death Statewide Emergency Response program. The term of the agreement is March 1, 2004, through February 28, 2005, with a maximum amount payable to the County of \$39,818. The funds will be used to add a sunset position of Agriculture/Weights and Measures Inspector to provide services in support of the program. Board approval is also requested to accept and appropriate the unanticipated revenue - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE BUDGET TRANSFER B-148 ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT. (Contract No. R40736)
2. J&S Office Maintenance - Amendment - approval is requested for an amendment to the agreement with J&S Office Maintenance for the provision of janitorial services for county-leased buildings. The amendment adds services for 564 Rio Lindo Avenue, Suite 100, Chico, increases the maximum amount payable by \$640 (department budget) for the additional site, and revises the agreement's exhibits to reflect the change. 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. X13049)

- 0421-002 3. Medo's Building Maintenance - Amendment - approval is requested for an amendment to the agreement with Medo's Building Maintenance for the provision of janitorial services for county-leased buildings. The amendment terminates services at 564 Rio Lindo Avenue, Suites 100 and 106, Chico, decreases the maximum amount payable by \$640, and revises the agreement's exhibits to reflect the change. 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. X13067)
4. Chicoans Against Substance Abuse - Amendment - approval is requested for an amendment to the agreement with Chicoans Against Substance Abuse for the provision of grant administration services for the Youth Nexus grant program. The amendment extends the term of the agreement through June 30, 2005, and increases the maximum amount payable by \$10,000 (department budget) for the extended term. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14064)
5. Butte County Public Health Department/Butte County Department of Behavioral Health - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Public Health Department for services in support of the System of Care program. The amendment extends the term of the agreement through June 30, 2005, increases the maximum amount payable by \$63,673.23 (department budget) for the extended term, and revises the agreement's exhibits to reflect the change. 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. X11980)
6. Solutions for Positive Choices - License Recommendation - pursuant to the California Code of Regulations, approval is requested for a letter to the California Department of Alcohol and Drug Programs, to recommend the approval of an Oroville site license for Solutions for Positive Choices for their driving-under-the-influence (DUI) programs. Solutions for Positive Choices has been providing DUI program services at their satellite location in Oroville since 1995. Recent changes to State regulations now require the Oroville site to obtain a separate license. County Board of Supervisor recommendation is required for the application - action requested - APPROVE LETTER RECOMMENDING APPROVAL OF APPLICATION FOR LICENSE AND AUTHORIZE THE CHAIR TO SIGN.

- 0421-002 7. Remodel Project - 592 Rio Lindo Avenue, Chico - Contract Change Orders (Hignell, Inc.) - pursuant to the requirements of the Butte County Purchasing Policy Manual, Board ratification is requested for three Contract Change Orders to the agreement with Hignell, Inc., for construction services associated with the office remodel project at 592 Rio Lindo Avenue, Chico. A total of three contract change orders were approved, with an overall increase to the contract price of \$5,652.90 (department budget) - action requested - RATIFY CHANGE ORDERS (3).
8. Tenant's Estoppel Certificate - approval is requested for a Tenant's Estoppel Certificate for the office space located at 1474 Myers Street, Oroville. The form provides for certification of information regarding the terms and conditions of the lease agreement between Dr. and Mrs. M. Robert Ching, Lessor, and the County of Butte, Lessee - action requested - APPROVE CERTIFICATE AND AUTHORIZE THE CHAIR TO SIGN.
9. Funding for Automated Child Support System - approval is requested to accept and appropriate \$432,996 received from the State of California, Department of Child Support Services, for conversion costs associated with the new automated child support system (CASES) - action requested - APPROVE BUDGET TRANSFER B-149 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
10. Resolution Delegating Authority Relating to Corrections of the Assessment Roll to the Auditor-Controller - approval is requested for a resolution which will repeal and replace Resolution 92-144, which required County Counsel to review corrections to the Assessment Roll when a decrease in valuation is over \$250,000. The Auditor currently approves corrections when the decrease in valuation is under \$250,000. The monetary distinction in Resolution 92-144 is not required by any law, rule or regulation. Delegating the entire authority to the Auditor, regardless of amount, will save duplication of effort and expedite the process - action requested - ADOPT RESOLUTION 04-202 AND AUTHORIZE THE CHAIR TO SIGN.
11. Temporary Assistance for Needy Families Performance Incentives - approval is requested to accept and appropriate \$25,000 of Temporary Assistance for Needy Families Performance Incentive funds. The funds will be used for the Uniting Families Program - action requested - APPROVE BUDGET TRANSFER B-150 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0421-002 12. Budget Transfer - approval is requested to transfer \$250,000 from the Social Services budget to the CalWORKs budget to meet service requirements of CalWORKs - action requested - APPROVE BUDGET TRANSFER B-156 AS DETAILED IN THE AGENDA REPORT.
13. California "Kids" Vehicle License Plate Revenue - approval is requested to accept and appropriate \$4,326 received from the California Department of Motor Vehicles, as the County's share of the revenue generated through the issuance of California "Kids" license plates. The funds are to be used for child abuse prevention activities and education, including vehicular safety. The department is intending to use the funds to purchase child safety seats - action requested - APPROVE BUDGET TRANSFER B-157 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
14. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: TREASURER-TAX COLLECTOR - adds one flexibly staffed position of Accounting Specialist/Senior Account Clerk/Account Clerk, and one position of Revenue and Reimbursement Officer II/I. SHERIFF-CORONER - SPECIAL ENFORCEMENT UNIT - restores one sunset position of Deputy Sheriff with a position end date of October 31, 2004, and extends the position end date to February 28, 2005 - action requested - ADOPT RESOLUTION 04-203 AND AUTHORIZE THE CHAIR TO SIGN.
15. Advanced Step Hire - approval is requested on behalf of the District Attorney's Office for the advanced step hire of a District Attorney Investigator II candidate to step three of the salary range based on experience. Pursuant to Personnel Rule 11.5(b), the Director-Human Resources recommends the advanced step hire - action requested - APPROVE ADVANCED STEP HIRE.
16. Appointment to a Specific Salary Step - pursuant to Personnel Rule 11.13, approval is requested on behalf of the District Attorney's Office to appoint a promoting candidate for the position of District Attorney Chief Investigator to step five of the salary range for that classification. The candidate has had twenty-six years of experience with the District Attorney's Office and his appointment to the position will be invaluable to the ongoing operation of the department - action requested - AUTHORIZE APPOINTMENT OF DISTRICT ATTORNEY CHIEF INVESTIGATOR CANDIDATE TO STEP FIVE OF THE SALARY RANGE.

- 0421-002 17. State of California, Department of General Services - Amendment - approval is requested for an amendment to the Master Agreement with the State of California, Department of General Services, for provision of telecommunication services (Centrex). The amendment extends the term of the agreement through December 3, 2008 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15214)
18. Sungard Pentamation, Inc. - approval is requested for an agreement with Sungard Pentamation, Inc., for software maintenance and support services for the County's financial software system. The term of the agreement is July 1, 2004, through June 30, 2005, with an annual maximum amount payable of \$27,293.77 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15236)
19. Transfer of Trust Funds - approval is requested to transfer \$90,000 from the Book Trust Fund to the Library's budget for the purchase of books - action requested - APPROVE BUDGET TRANSFER B-152 (4/5 vote required) ACCEPTING AND APPROPRIATING TRUST FUND REVENUE AS DETAILED IN THE AGENDA REPORT.
20. Donations for Operations - pursuant to Government Code Section 25355, a donation of \$3,134 from the Paradise Friends of the Library, and a donation of \$4,559 from the Gridley Friends of the Library, have been received to fund extra help support staff at the Paradise and Gridley libraries. Board approval is requested to accept and appropriate the funds - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION; AND APPROVE BUDGET TRANSFER B-154 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
21. Library Literacy Grant Funds - approval is requested to re-appropriate \$3,291 of unexpended fiscal year 2003-2004 Library Literacy Grant funds which were inadvertently transferred to the County's General Fund at the end of the fiscal year - action requested - APPROVE BUDGET TRANSFER B-153 (4/5 vote required) ACCEPTING AND APPROPRIATING \$3,291 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT.
22. Ray Bowen - Amendment - approval is requested for an amendment to the lease agreement with Ray Bowen for the property located at 585 Manzanita Avenue, Suite 2A, Chico. The amendment extends the term of the lease through June 30, 2005, and increases the maximum amount payable to \$23,597.94 (department 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. X13585)

- 0421-002 23. Ray Bowen - Amendment - approval is requested for an amendment to the lease agreement with Ray Bowen for the property located at 585 Manzanita Avenue, Suite 2B, Chico. The amendment extends the term of the lease through June 30, 2005, and increases the maximum amount payable to \$94,570.10 (department 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. X11417)
24. Butte County Office of Education - approval is requested for a sole source agreement with the Butte County Office of Education for provision of tobacco education, intervention and cessation services to Butte County students. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$61,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
25. Golder Associates - approval is requested for a sole source agreement with Golder Associates for the provision of a Module 4, Phase B, base liner design and excavation plan for the Neal Road Sanitary Landfill. The term of the agreement is from the date of execution to completion of the project, with a maximum amount payable of \$47,526 (Neal Road Septage Enterprise Fund) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
26. Bridge Replacement Project over Butte Creek on Aguas Frias Road, Project No. 23201-95-1 - Acquisition of Real Property for Public Road Purposes - approval is requested for: 1) an amendment to the agreement with Brent Owen for acquisition of rights-of-way and easements in support of the project. The amendment provides for the inclusion of a 0.57 acre of land that was omitted from the original agreement, and increases the amount of the agreement by \$1,995 for the omitted land; and 2) an agreement with Mary Compton Goni, C. William Johnson and Borel Bank & Trust Company, for the acquisition of real property in support of the project. The amount of the agreement is \$7,550 - action requested - APPROVE AMENDMENT TO AGREEMENT AND AUTHORIZE THE DIRECTOR-PUBLIC WORKS TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER; AND APPROVE AGREEMENT AND AUTHORIZE THE DIRECTOR-PUBLIC WORKS TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.

- 0421-002 27. Resolution Authorizing Amendment to Joint Powers Agreement (JPA) Establishing the Butte County Association of Governments - approval is requested for a resolution which will authorize an amendment to the JPA between the County, Cities and Town, establishing the Butte County Association of Governments (BCAG). The amendment is part of transit consolidation efforts and will provide BCAG with the powers, duties and responsibilities necessary for operating the Butte Regional Transit System - action requested - ADOPT RESOLUTION 04-204 AND AUTHORIZE THE CHAIR TO SIGN.
26. The Ridge Subdivision, Phase I, Unit I - the Ridge Subdivision (APNs 069-520-023, 039 and 040) is located on the south side of Olive Highway, east of Apica Avenue in the Oroville area. It is a conditionally approved private street subdivision to be developed in multiple phases. The Ridge Subdivision, Phase I, Unit I, is located just south of Saddle Drive and is comprised of 34 lots for single family residences. The developer has complied with the Conditions of Approval and has provided performance bonds to guarantee the construction of the required Phase I, Unit I improvements - action requested - APPROVE THE NEW PRIVATE STREET NAMES OF HONEY ROCK COURT AND GOLD SPRING COURT; ACCEPT THE FINAL MAP FOR THE RIDGE SUBDIVISION, PHASE I, UNIT I; ACCEPT ON BEHALF OF THE COUNTY OF BUTTE THE PUBLIC SERVICE EASEMENTS AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; AND AUTHORIZE THE CHAIR TO SIGN THE SUBDIVISION AGREEMENT.
27. Resolution in Recognition of Anthony Burdine upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION 04-205 AND AUTHORIZE THE CHAIR TO SIGN.
28. Resolution in Recognition of David Panchesson upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION 04-206 AND AUTHORIZE THE CHAIR TO SIGN.
29. Budget Transfer for Medical Costs - approval is requested for a transfer of \$20,525 from the General Fund Appropriation for Contingencies to provide the allocation needed to pay medical costs incurred by inmates which exceeded the medical care contract limits - action requested - APPROVE BUDGET TRANSFER B-155 (4/5 vote required) ACCEPTING AND APPROPRIATING \$20,525 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT.
30. Law Library Annual Report - pursuant to California Business and Professions Code Section 6349, submitted is the Butte County Public Law Library 2003-2004 Annual Report - action requested - ACCEPT FOR INFORMATION.

- 0421-002 31. Butte County Fair - Annual Budget - pursuant to State requirements, the Butte County Fair Board of Directors is requesting the Board approve the Fair Association's Operating Budget for 2005. Following Board approval the budget will be submitted to the State of California, Division of Fairs and Expositions, for review and approval - action requested - APPROVE BUDGET AND AUTHORIZE THE CHAIR TO SIGN.
- 32. Resolution Proclaiming November 7-13, 2004, California Retired Teachers Week - the California Retired Teachers Association is requesting the Board adopt a resolution recognizing California Retired Teachers Week - action requested - ADOPT RESOLUTION 04-207 AND AUTHORIZE THE CHAIR TO SIGN.
- 33. Butte County Emergency Medical Care Committee - action requested - APPOINT BOB WALLEN, FIRE SERVICE REPRESENTATIVE, TO A TERM TO END JUNE 30, 2007. (**57)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF ITEMS 3.01, 3.15, 3.16, AND 3.29.

S M

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

CHAIR BEELER PRESENTED A RESOLUTION TO JACK SURLOCK, CALIFORNIA RETIRED TEACHERS ASSOCIATION, PROCLAIMING NOVEMBER 7-13, 2004, AS CALIFORNIA RETIRED TEACHERS WEEK IN BUTTE COUNTY.

CHAIR BEELER PRESENTED A RESOLUTION TO DAVE PANCHESSION IN RECOGNITION OF HIS RETIREMENT FROM THE BUTTE COUNTY SHERIFF'S OFFICE.

CHAIR BEELER PRESENTED A RESOLUTION TO ANTHONY BURDINE IN RECOGNITION OF HIS RETIREMENT FROM THE BUTTE COUNTY SHERIFF'S OFFICE.

REGULAR AGENDA

- 0421-003 Boards, Commissions and Committees. (386)
 - 1. Appointments to Listed Vacancies. (NONE)
 - 2. Board Member or Committee Reports. (NONE)
- 0421-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (394) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, REPORTED THAT THE LEGISLATURE IN NOT SESSION AT THIS TIME, BUT NOTED THAT PROPOSITIONS 1A AND 65 PASSED IN THE NOVEMBER ELECTION.

0421-005 Nuisance Abatement Program - Report to the Board - update on the County's nuisance abatement program - action requested - ACCEPT FOR INFORMATION. (FROM 10-26-04 [4.04]) (423)(**00)

RECESS: 10:49 A.M.

RECONVENE: 11:03 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0421-006 Public Hearing - Villa D'Oro Properties, LLC - General Plan Amendment-Rezone - consideration of a General Plan Amendment from Low Density Residential to Commercial and a Rezone from A-R (Agricultural Residential) to C-2 (General Commercial). A Use Permit proposing an artist live/work industrial arts center (UP 04-15) has been submitted concurrently with this application, but it will not be included in the matters under consideration at this hearing. This a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. The project is located on the northeast corner of 12th Street and Feather Avenue (previously the Villa D'Oro Olive Oil Refinery buildings) in the Oroville area, and identified as APN 031-275-005 (DB) - action requested - THE PLANNING COMMISSION RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I (A-D) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 9, 2004, ADOPT A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS;

2. FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH AND/OR WILDLIFE OR THEIR HABITAT AND APPROVE A DE MINIMUS EXEMPTION TO THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5, AS THE PROJECT SITE IS NOT KNOWN TO CONTAIN ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME, OR BY THE UNITED STATES FISH AND WILDLIFE SERVICE. THE PROJECT WILL NOT: HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT; HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT; INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES; CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, OR CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN;

- 0421-006 3. FIND THAT THE PROPOSED GENERAL PLAN AMENDMENT IS IN THE PUBLIC INTEREST IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65358; AND
- 4. SUBJECT TO FINDINGS IV (A-G) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 9, 2004, AND THE CONDITIONAL ZONING AGREEMENT, IDENTIFIED AS EXHIBIT "A" OF THE ZONING ORDINANCE INCLUDED IN THE STAFF REPORT DATED NOVEMBER 9, 2004, APPROVE THE GENERAL PLAN AMENDMENT AND REZONE (03-03) FOR STEVE SEIDENGLANZ, VILLA D'ORO PROPERTIES, LLC, AND ADOPT AN ORDINANCE REZONING THE PROPERTY (IDENTIFIED AS A 2.10 (+/-) ACRE PARCEL, APN 031-275-005) FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL), AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT A RESOLUTION AMENDING THE GENERAL PLAN LAND USE ELEMENT OF THE PROPERTY FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL, AND AUTHORIZE THE CHAIR TO SIGN. (FROM 10-12-04 [3.18]) (**453)

PUBLIC HEARING OPENED AT 11:03 A.M.
 PUBLIC HEARING RECESSED: 11:09 A.M.
 PUBLIC HEARING RECONVENED: 11:18 A.M.
 PUBLIC HEARING CLOSED: 11:24 A.M.

MOTION: SUBJECT TO FINDINGS I (A-D) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 9, 2004, I MOVE TO ADOPT A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS; FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH AND/OR WILDLIFE OR THEIR HABITAT AND APPROVE A DE MINIMUS EXEMPTION TO THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5, AS THE PROJECT SITE IS NOT KNOWN TO CONTAIN ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME, OR BY THE UNITED STATES FISH AND WILDLIFE SERVICE. THE PROJECT WILL NOT: HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT; HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT; INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES; CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, OR CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN; FIND THAT THE PROPOSED GENERAL PLAN AMENDMENT IS IN THE PUBLIC INTEREST IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65358; AND SUBJECT TO FINDINGS IV (A-G) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 9, 2004, AND THE CONDITIONAL ZONING AGREEMENT, IDENTIFIED AS EXHIBIT "A" OF THE ZONING ORDINANCE INCLUDED IN THE STAFF REPORT DATED NOVEMBER 9, 2004, FURTHER MOVE TO APPROVE THE GENERAL PLAN AMENDMENT AND REZONE (03-03) FOR STEVE SEIDENGLANZ, VILLA D'ORO PROPERTIES, LLC, AND ADOPT ORDINANCE 3888 REZONING THE PROPERTY (IDENTIFIED AS A 2.10 (+/-) ACRE PARCEL, APN 031-275-005) FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL), AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT RESOLUTION 04-208 AMENDING THE GENERAL PLAN LAND USE ELEMENT OF THE PROPERTY FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL, AND AUTHORIZE THE CHAIR TO SIGN.

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

0421-007 Public Hearing - Automated Point-of-Sale Stations Ordinance - consideration of an ordinance which will add Chapter 48 to the Butte County Code relating to the registration and inspection of automated point-of-sale stations (scanners), and establishing fees associated with the program - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (**897)

PUBLIC HEARING OPENED AT 11:24 A.M., AND CONTINUED OFF THE AGENDA TO AN UNSPECIFIED DATE TO ALLOW STAFF ADDITIONAL TIME TO REVIEW AND REVISE THE PROPOSED ORDINANCE.

REGULAR AGENDA

0421-008 Items Removed from the Consent Agenda for Board Consideration and Action. (**951)

1. Resolution Rescinding Resolution No. 92-05 Regarding the Purchase of American-Brand Passenger Type Motor Vehicles - approval is requested for a resolution which will rescind Resolution No. 92-05, which required the County to purchase only American-brand passenger type motor vehicles - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

BOARD ACTION NOT TAKEN. ITEM CONTINUED FOR FURTHER STUDY AND DISCUSSION.

2. Governor's California Performance Review - approval is requested for letter of opposition to California Performance Review proposal Infrastructure (INF) 13, entitled, "Relinquishment of 6,500 Miles of State Routes to Cities and Counties". The proposal will have a detrimental impact to the County if it is imposed as proposed - action requested - ACCEPT THE RECOMMENDATION OF THE CALIFORNIA STATE ASSOCIATION OF COUNTIES TO OPPOSE CALIFORNIA PERFORMANCE REVIEW PROPOSAL INF 13 UNLESS THE STATE ROUTE RELINQUISHMENT IS MUTUALLY AGREED TO BY THE LOCAL AGENCY; AND APPROVE A LETTER OF POSITION TO THE CALIFORNIA STATE ASSOCIATION OF COUNTIES EXPRESSING THE COUNTY'S OPPOSITION AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO ACCEPT THE RECOMMENDATION OF THE CALIFORNIA STATE ASSOCIATION OF COUNTIES TO OPPOSE CALIFORNIA PERFORMANCE REVIEW PROPOSAL INF 13 UNLESS THE STATE ROUTE RELINQUISHMENT IS MUTUALLY AGREED TO BY THE LOCAL AGENCY; AND APPROVE A LETTER OF POSITION TO THE CALIFORNIA STATE ASSOCIATION OF COUNTIES EXPRESSING THE COUNTY'S OPPOSITION AND AUTHORIZE THE CHAIR TO SIGN.

M S

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

0421-009 20-Year Roads and Bridges Capital Improvement Program - consideration of the 2004-2005 Public Works 20-Year Roads and Bridges Capital Improvement Program - action requested - APPROVE 20-YEAR ROADS AND BRIDGES CAPITAL IMPROVEMENT PROGRAM. (**1565)

MOTION: I MOVE TO APPROVE THE 20-YEAR ROADS AND BRIDGES CAPITAL IMPROVEMENT PROGRAM.

M S

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

0421-010 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. (PUBLIC WORKS [FROM 10-26-04/4.07]) (**1933)

BOARD DIRECTION TO STAFF TO WORK WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, TO EXPRESS THE COUNTY'S SUPPORT OF THE PROJECT SUBJECT TO A MUTUALLY AGREEABLE SETTLEMENT WITH THE PROPERTY OWNER.

PUBLIC COMMENT

0421-011 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. (**2270) (NONE)

CLOSED SESSION

0421-012 **RECESS:** THE BOARD RECESSED AT 11:59 A.M., TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): 1. WHEAT V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 128644); 2. ROWE V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 128705); AND 3. NATIONAL ALLIANCE FOR THE MENTALLY ILL V. COUNTY OF BUTTE (USDC EASTERN DISTRICT CIV-S-03-1087). A CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE; AND A CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6: AGENCY REPRESENTATIVES: JEANNE GRAVETTE AND WILLIAM AVERY. 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. (**2284)

0421-012 **RECONVENE :** THE BOARD RECONVENED AT 1:09 P.M., FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): 1. WHEAT V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 128644); 2. ROWE V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 128705); AND 3. NATIONAL ALLIANCE FOR THE MENTALLY ILL V. COUNTY OF BUTTE (USDC EASTERN DISTRICT CIV-S-03-1087). A CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE; AND A CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6: AGENCY REPRESENTATIVES: JEANNE GRAVETTE AND WILLIAM AVERY. 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. (**2300)

**CLOSED
SESSION**

ANNOUNCEMENT : THE BOARD APPROVED A SETTLEMENT AGREEMENT IN THE ROWE V. COUNTY OF BUTTE CASE (BUTTE COUNTY SUPERIOR COURT CASE NO. 128705) FOR \$225,000.

ADJOURNMENT : THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 1:09 P.M., TO RECONVENE AT A SPECIAL MEETING OF THE BOARD TO BE HELD WEDNESDAY, NOVEMBER 10, 2004, AT 8:45 A.M.

R.J. BEELER, CHAIR
ORIGINAL SIGNED IN 2005 BY KIM K. YAMAGUCHI, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board

By: _____