
CALL TO ORDER

Called to order at 9:09 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Board members present: Dolan, Houx, Josiassen, Yamaguchi and Chair Beeler. Also present: 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.

0424-001 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

1. Letter Requesting Execution of Northern California's Central Valley Project (CVP) Contracts - consideration of a letter to the U. S. Secretary of the Interior urging execution of CVP renewal contracts - action requested - APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN.
2. Carol A. Smoots - approval is requested for an agreement with Carol A. Smoots, of Thelen, Reid & Priest, LLP., for the provision of legal services relating to the Federal Energy Regulatory Commissions re-licensing of the California Department of Water Resources facility at Lake Oroville. The term of the agreement is for one year from date of execution, and shall continue as needed until any matter, cases and/or claims submitted to the attorney are finally resolved. The hourly billable rate is set at \$425.00 per hour (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.
3. Butte County Children and Families Commission - approval is requested for a grant agreement with the Butte County Children and Families Commission for funds to develop the Butte County Breastfeeding Center. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$100,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT. (FROM 11-30-04 [3.24])

CONSENT AGENDA

- 0424-002
1. Local Agency Improvement Fees - submitted is the Combined Report of Impact Fees or Local Agency Improvement Fees for Fiscal Year 2003-2004. Pursuant to Government Code Section 66006, this item will return on the agenda of January 11, 2005, for final review and action, and notice is hereby given that the information is on file and available for public inspection in the Chief Administrative Office, 25 County Center Drive, Oroville, Monday through Friday, 8:00 a.m. to 5:00 p.m. - action requested - ACCEPT FOR INFORMATION AND AS PUBLIC NOTICE OF AVAILABILITY; AND DIRECT THIS ITEM TO RETURN TO THE AGENDA OF JANUARY 11, 2005, FOR FINAL REVIEW AND ACTION.
 2. Unanticipated Revenue - approval is requested to accept and appropriate \$631,139 in federal and state pass-through funds. The funds are used to pay youth organizational providers for school-based services - action requested - APPROVE BUDGET TRANSFER B-184 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
 3. Resolution Proclaiming December 2004 as Drunk and Drugged Driving (3D) Prevention Month in Butte County - action requested - ADOPT RESOLUTION 04-221 AND AUTHORIZE THE CHAIR TO SIGN.
 4. State of California, Department of Mental Health - approval is requested for a grant agreement with the State of California, Department of Mental Health, for funds under the Federal McKinney Projects for Assistance in Transition from Homeless (PATH) grant program. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$63,422 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 5. State of California, Department of Mental Health - approval is requested for a grant agreement with the State of California, Department of Mental Health, for funds under the Federal Substance Abuse and Mental Health Services Administration (SAMHSA) block grant program. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$332,459 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0424-002 6. Youth Leadership Institute - approval is requested for a sole source agreement with Youth Leadership Institute for the provision of professional services to assist the department in determining the effectiveness of youth programs funded by Safe and Drug Free Schools grant funds. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$30,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
7. Butte County Probation Department - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Probation Department for services in support of the Substance Abuse and Crime Prevention Act plan. The amendment increases the maximum amount payable to the Probation Department by \$37,750 (Behavioral Health department budget), and revises the agreement's exhibits 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. X13481)
8. Feather River Tribal Health - Resolution Declaring Intent Not to Contract - approval is requested for a resolution which will declare the County's intent not to contract with Feather River Tribal Health for the provision of drug Medi-Cal services. Feather River Tribal Health has recently been certified by the State Department of Alcohol and Drug Programs to provide drug Medi-Cal services. The department does not wish to contract with Feather River Tribal Health for drug Medi-Cal services at this time because of the administrative costs and the significant flow of non-department referred residents into the program. Once the proposed resolution is approved, Feather River Tribal Health may apply to enter into a contract directly with the State - action requested - ADOPT RESOLUTION 04-222 AND AUTHORIZE THE CHAIR TO SIGN.
9. Victor Treatment Centers, Inc. - approval is requested for an agreement with Victor Treatment Centers, Inc., for the provision of day treatment services, medication support, and residential treatment services to severely disturbed youth. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$175,200 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0424-002 10. Fiber Communications Project - approval is requested to accept and appropriate \$291,000 in unanticipated revenue and approve the transfer of \$224,905 from the General Fund Appropriation for Contingencies to a capital project budget to provide a portion of the funding for the Butte County Fiber Communications Project. On June 8, 2004, the Board approved a funding plan for the project that included the transfer of funds from the General Fund, with the transfer to be made in fiscal year 2004-2005. The project is near completion and the funds will need to be transferred and budgeted to cover related expenditures - action requested - APPROVE BUDGET TRANSFER B-192 (4/5 vote required) ACCEPTING AND APPROPRIATING \$291,000 IN UNANTICIPATED REVENUE AND APPROVE THE TRANSFER OF \$224,905 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT.
11. Agreement for the Sale of Real Property - proposed is an agreement the sale of .45 acres of property located at 874 East 20th Street, Chico, to the Chico Redevelopment Agency, for the purpose of constructing affordable housing units. The purchase price of the property is \$146,729, with the provision that the proceeds from the sale of the property be utilized for public infrastructure to serve low and moderate income households in the Chapmantown area - action requested - APPROVE AGREEMENT FOR SALE OF REAL PROPERTY AND AUTHORIZE THE CHAIR TO SIGN; AUTHORIZE THE CHAIR TO SIGN GRANT DEED; AND APPROVE BUDGET TRANSFER B-185 (4/5 vote required) ACCEPTING AND APPROPRIATING REVENUE AS DETAILED IN THE AGENDA REPORT.
12. Cathi Grams - approval is requested for an employment agreement with Cathi Grams, to serve as Director-Employment and Social Services. The term of the agreement is January 1, 2005, through December 31, 2008, with compensation which shall include a monthly vehicle and cellular phone allowance - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
13. Resolution Authorizing a Penalty Assessment Pursuant to Section 40508.5 of the California Vehicle Code, Violation of Promise to Appear - approval is requested for a resolution which will increase the penalty assessment for violation of a Promise to Appear in Court on traffic violations from \$7 to \$15 pursuant to Section 40508.5 of the California Vehicle Code - action requested - ADOPT RESOLUTION 04-223 AND AUTHORIZE THE CHAIR TO SIGN.

- 0424-002 14. Butte County Department of Behavioral Health and Butte County Department of Employment and Social Services - approval is requested for an amendment to the agreement with the Butte County Department of Behavioral Health for treatment services for CalWORKs Welfare-to-Work participants. The amendment reduces the maximum amount payable from \$1,236,408 to \$1,042,064, as a result of an unanticipated decrease in the CalWORKs Program Mental Health Allocation for fiscal year 2004-05; removes "residential treatment" from the list of treatment modalities listed in Exhibit A; and modifies the method of invoicing in Exhibit B. All other terms and provisions remain the same - action requested - APPROVE BUDGET TRANSFER B-186 REDUCING REVENUE AND EXPENDITURES AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14905)
15. Butte County Probation Department - approval is requested for a Memorandum of Understanding with the Probation Department for the provision of services in support of the Temporary Assistance for Needy Families program. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the Probation Department of \$250,000 (Employment and Social Services budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
16. Unanticipated Revenue - approval is requested to accept and appropriate \$97,845 of Federal and State reserve revenue, and \$17,246 in general fund contingencies, to mitigate caseload growth and implement quality assurance and program integrity functions for the In-Home Supportive Services program. The revenue will be utilized to fund four additional positions to support program activities - action requested - APPROVE BUDGET TRANSFER B-187 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0424-002 17. Health Insurance Premium Contribution - approval is requested to increase the County's contribution to health insurance benefits for County employees. A proposed increase to insurance rates will become effective January 1, 2005, in the following amounts: Employee Only-\$63.71; Employee + 1 dependent-\$143.63; and Employee + Family-\$191.95. Payment by the County of the proposed increase is part of the current labor negotiations with the County's bargaining units - action requested - APPROVE INCREASE IN THE CAFETERIA PLAN CONTRIBUTION FOR HEALTH INSURANCE RELATED TO EMPLOYER PAID PREMIUM CONTRIBUTIONS FOR THE BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION (GENERAL AND SUPERVISORY UNITS), BUTTE COUNTY EMPLOYEES' ASSOCIATION, BUTTE COUNTY MANAGEMENT EMPLOYEES' ASSOCIATION, COMMUNICATION WORKERS OF AMERICA/SOCIAL SERVICE WORKERS' ASSOCIATION, DEPUTY SHERIFFS' ASSOCIATION (GENERAL AND SUPERVISORY UNITS), PROFESSIONAL EMPLOYEES' ASSOCIATION, AND THE PROBATION PEACE OFFICERS' ASSOCIATION, EFFECTIVE JANUARY 1, 2005, WITH CHANGES TO BE REFLECTED IN PAYROLL DEDUCTIONS OF DECEMBER 23, 2004.
18. One Time Holiday Benefit - approval is requested to declare December 23, 2004, and December 30, 2004, as one-time, non-precedent setting County paid holidays for 2004. The proposed additional holidays are part of the current labor negotiations with the County's bargaining units - action requested - DECLARE DECEMBER 23, 2004, AND DECEMBER 30, 2004, AS ONE-TIME, NON-PRECEDENT SETTING COUNTY PAID HOLIDAYS; AND APPROVE A WAIVER OF PERSONNEL RULE 12.5 FOR EMPLOYEES RETIRING DECEMBER 30, 2004.
19. Koff & Associates - approval is requested to award an agreement to Koff & Associates to perform a comprehensive compensation study for County positions. A previous classification and compensation study was conducted, however, the compensation portion of the study was inadequate, and a new compensation study was needed. In response, the department issued a Request For Proposal with a total of three proposals received. After reviewing the proposals, the Department and Chief Administrative Office are recommending the Board award the agreement to Koff & Associates with a maximum amount payable of \$95,440. Funding for a new compensation study was not anticipated in the department's budget and Board approval is also requested for a budget transfer from the General Fund Appropriation For Contingencies to provide the needed funding. Funds retained from the previous contract will return to the fund balance at the end of this fiscal year - action requested - AWARD AGREEMENT TO KOFF & ASSOCIATES AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-188 (4/5 vote required) ACCEPTING AND APPROPRIATING \$95,440 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES.

- 0424-002 20. Resolution to Amend the Salary Ordinance - the Department has prepared a resolution which will amend the salary ordinance as follows: PUBLIC HEALTH-GENERAL SERVICES - creates the classification of Physician's Assistant. Deletes one half-time position of Certified Nurse Practitioner, and two and one-half flexibly staffed positions of Certified Nurse Practitioner/Public Health Nurse III/II/I. Adds one half-time flexibly staffed position of Certified Nurse Practitioner/Physician's Assistant, and two and one-half flexibly staffed positions of Certified Nurse Practitioner/Physician's Assistant/Public Health Nurse III/II/I. Extends the position end date of one sunset position of Information Systems Analyst III/II/I from December 31, 2004, to June 30, 2005. EMPLOYMENT AND SOCIAL SERVICES-ADMINISTRATION - deletes one position of Administrative Services Assistant, one position of Legal Typist Clerk, and one position of Social Worker IV/III. Adds three flexibly staffed positions of Accounting Specialist/Senior Account Clerk/Account Clerk. EMPLOYMENT AND SOCIAL SERVICES-SERVICES - adds four positions of Social Worker IV/III. LIBRARY-LITERACY GRANT - extends the position end date of one sunset position of Library Assistant II from December 31, 2004, to June 30, 2005. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE G, PROFESSIONAL EMPLOYEES' UNIT CLASSIFICATIONS - adds the position of Physician's Assistant, and sets the salary range for the position at \$25.86-\$31.43 - action requested - ADOPT RESOLUTION 04-224 AND AUTHORIZE THE CHAIR TO SIGN.
21. 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 four 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.
22. Library Donations - pursuant to Government Code Section 25355, donations of \$1,000 from the Discovery Shoppe in Chico, \$706.20 from the Oroville Friends of the Library, \$300 from the Chico Area Flyfishers, and \$104 from TAP Pharmaceutical Products, Inc., have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

- 0424-002 23. Juvenile Justice Crime Prevention Act Revenue - approval is requested to accept and appropriate \$1,966.72 of interest income on unspent Juvenile Justice Crime Prevention Act funds for fiscal year 2002-2003. As of November 1, 2004, the unexpended fund balance for the 2002-2003 fiscal year was \$1,065.86 and pursuant to the requirements of the program, Board approval is also requested to authorize the return of the unexpended funds to the Board of Corrections - action requested - APPROVE BUDGET TRANSFER B-189 (4/5 vote required) ACCEPTING AND APPROPRIATING INTEREST INCOME AS DETAILED IN THE AGENDA REPORT; AND AUTHORIZE THE RETURN OF UNEXPENDED FUNDS FOR FISCAL YEAR 2002-2003 TO THE BOARD OF CORRECTIONS.
24. Children's Medical Services Plan - approval is requested to submit the 2004-2005 Children's Medical Services, Child Health and Disability Prevention Program and California Children's Services Joint Plan to the State Department of Health Services. The Child Health and Disability Program provides for early and periodic health screening of children, adolescents and young adults. The California Children's Services Program provides financial help for medical care and therapy for children who have serious or disabling health problems - action requested - APPROVE SUBMISSION OF JOINT PLAN TO THE STATE DEPARTMENT OF HEALTH SERVICES AND AUTHORIZE THE CHAIR TO SIGN.
25. Greg Costo - Amendment - approval is requested for an amendment to the agreement with Greg Costo for services as part-time Lab Director of the Public Health Department. The amendment extends the term of the agreement through December 31, 2005, increases the hourly compensation rate to \$70.00 per hour, and increases the maximum amount payable by \$38,000 (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. X14917)
26. Resolution for Summary Vacation of a Portion of a Storm Drain Easement Within Floral Garden Estates Subdivision, Phase I, in the City of Chico - in 1990 the County entered into easement agreements which established a 50-foot storm drain easement as part of the Pleasant Valley Storm Drain System (County Service Area No. 23). Installation of an underground storm drainage system in the area has resulted in the Public Works Department determining that the 50-foot easement is in excess of that required to maintain the underground system. A request has been received by property owners Charles and Rochelle Denney to vacate the excess easement - action requested - ADOPT RESOLUTION 04-225 AND AUTHORIZE THE CHAIR TO SIGN.

- 0424-002 27. Quincy Engineering, Inc. - Amendment - approval is requested for an amendment to the agreement with Quincy Engineering, Inc., for the provision of professional engineering services and preparation of environmental documents and preliminary design studies for the proposed widening of Skyway from Pentz Road to South Park Drive (County Project No. 243-2188). The amendment extends the date of the agreement through June 30, 2005. 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. X12016)
28. Partial Final Closure of Modules 1, 2, and 3 at the Neal Road Sanitary Landfill, County Project No. 757-5303 - Contract Change Order (CCO) No. 4 - CCO No. 4, in the overall increasing amount of \$92,280.77, provides for increasing the quantity of vegetative layer-screened and amended soil and drainage control revisions. Funding for the Change Order is provided by the Neal Road Landfill Enterprise funds - action requested - APPROVE CONTRACT CHANGE ORDER NO. 4 AND AUTHORIZE THE CHAIR TO SIGN.
29. ATC/Vancom - Amendment - approval is requested for an amendment to the agreement with ATC/Vancom for operation of Butte County Transit. The amendment increases the vehicle service by 454 hours as a result of an additional Oroville/Chico run. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X10940)
30. State of California, Office of Emergency Services - Amendment - approval is requested to ratify an amendment to the fiscal year 2003-2004 Marijuana Suppression Grant Agreement with the State of California, Office of Emergency Services. The amendment extended the time in which to expend grant funds from June 30, 2004, to December 31, 2004. Board approval is also requested to accept and appropriate \$58,989 in unexpended funds into the current year budget. The funds will be used to purchase equipment - action requested - APPROVE THE GRANT AGREEMENT AMENDMENT AND RATIFY THE SHERIFF'S SIGNATURE; APPROVE BUDGET TRANSFER B-191 (4/5 vote required) ACCEPTING AND APPROPRIATING UNEXPENDED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE THE PURCHASE OF FIXED ASSET ITEMS AS DETAILED IN THE AGENDA REPORT.
31. Resolution in Recognition of Glenn County Sheriff Robert Shadley - action requested - ADOPT RESOLUTION 04-226 AND AUTHORIZE THE CHAIR TO SIGN.
32. Bylaw Amendment - approval is requested by the In-Home Supportive Services Advisory Committee for a bylaw amendment which will revise the frequency of meetings to be held from monthly to quarterly - action requested - APPROVE AMENDED BYLAWS.

0424-002 33. In-Home Supportive Services Advisory Committee Appointments - the Advisory Committee submits recommendations for committee vacancies - action requested - REAPPOINT SARAH A. OKUMBE AND DORIS A LAUGHLIN, CURRENT OR PAST PROVIDERS OF PERSONAL CARE SERVICES REPRESENTATIVES, TO TERMS TO END DECEMBER 19, 2007; AND REAPPOINT PATTY SMITH, ADVOCATES-COMMUNITY INTEREST REPRESENTATIVE, TO A TERM TO END DECEMBER 19, 2007.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 3.20 AMENDED TO READ, "...PAID HOLIDAYS; AND APPROVE A WAIVER OF PERSONNEL RULE 12.5 FOR EMPLOYEES RETIRING DECEMBER 30, 2004."; AND THE REMOVAL OF ITEMS 3.10, 3.14, AND 3.26.

S M

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

REGULAR AGENDA

0424-003 1. Recognition of outgoing Chair Bob Beeler.

VICE CHAIR JOSIASSEN THANKED SUPERVISOR BEELER FOR HIS SERVICE TO THE BOARD AND THE CITIZENS PRESENTED A RESOLUTION IN RECOGNITION OF HIS SERVICE TO THE COUNTY OF BUTTE.

2. Recognition of Patricia S. Cragar, Director-Employment and Social Services.

CHAIR BEELER THANKED PAT FOR HER DEDICATED SERVICE TO THE COUNTY AND PRESENTED A RESOLUTION IN RECOGNITION OF HER UPON HER RETIREMENT FROM THE COUNTY OF BUTTE.

3. Presentation of Resolutions of Recognition - consideration of resolutions of appreciation for retiring Butte County Employees: Sharon S. McNeil and Kristin J. Simpson, District Attorney's Office; Burton L. Chelf, Jack L. Harley, Thomas C. McPeak, and Paul E. Worden, Facilities Services Division; Berta Anderson, Lynda Borunda, Kathy Dance, Bobbi Dunivan, Gina Ellena, Nancy Fern, Millie Flatter, Noeline Francis, Chris Hargis, Jan Hildenbrand, Margo Jennings, Greg Lyon, Betty McAvoy, Linda Pearson, Deborah Pierce, Ann Polivka, Thangaratnan Sanmugam, and JoAnn Smith, Public Health Department; Anne E. Belser, Ronald W. Olson, Andrew Samuelson, and Judith Warren, Department of Public Works; and Karl Beryar, James Burkart, Martha Cook, David Dolan, Kathleen Friese, Barbara Mason, Lindell "Ray" Ramsey, and Leon Slaght, Sheriff's Office - action requested - ADOPT RESOLUTIONS AND AUTHORIZE THE CHAIR TO SIGN.

CHAIR BEELER PRESENTED RESOLUTIONS IN RECOGNITION OF RETIRING EMPLOYEES TO VARIOUS COUNTY EMPLOYEES.

0424-003 MOTION: I MOVE TO ADOPT RESOLUTIONS 04-227 THROUGH 04-256 AND RESOLUTIONS 04-260 THROUGH 04-267.

S M

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

RECESS: 9:37 A.M.

RECONVENE: 9:47 A.M.

SUPERVISOR HOUX PRESENTED A RESOLUTION DECLARING DECEMBER 2004 AS DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH IN BUTTE COUNTY TO THE BEHAVIORAL HEALTH DEPARTMENT.

REGULAR AGENDA

0424-004 Boards, Commissions and Committees. (823)

- 1. Appointments to Listed Vacancies. (NONE)
- 2. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI PROVIDED A REPORT ON THE CALIFORNIA STATE ASSOCIATION OF COUNTIES ANNUAL MEETING HELD IN NOVEMBER.

0424-005 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (1131) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMED THE BOARD THAT THE GOVERNOR IS EXPECTED TO RELEASE HIS BUDGET ON JANUARY 10TH AND A REPORT WILL BE PROVIDED TO THE BOARD AFTER THAT RELEASE.

- 1. 2005 Legislative/Regulatory Platform - presentation of the County 2005 Legislative/Regulatory Platform which describes the County's legislative and regulatory priorities and goals for the upcoming legislative session - action requested - ADOPT PLATFORM.

REPORT TO THE BOARD BY DON PETERSON AND PAUL YODER, STRATEGIC LOCAL GOVERNMENT SERVICES.

MOTION: I MOVE TO ADOPT THE PLATFORM WITH AN AMENDMENT TO THE LANGUAGE REGARDING THE AGRICULTURAL DISCHARGE WAIVER FROM "...IMPLEMENT PROGRAM ADOPTED BY WATER QUALITY CONTROL BOARD", TO "...MONITOR IMPLEMENTATION OF PROGRAM ADOPTED BY WATER QUALITY CONTROL BOARD.", AND AN AMENDMENT TO THE LANGUAGE REGARDING THE FOREST HIGHWAY 171 PROJECT, REVISING THE AMOUNT COMMITTED TO THE PROGRAM FROM \$4 MILLION, TO \$5 MILLION, AND REVISING THE TOTAL COST ESTIMATE TO \$10 MILLION.

M S

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

0424-006 Removal of Blockage on Long's Bar Road - consideration of removal of a property owner blockage on Long's Bar Road and designation of a portion of the road as a recreational access road - action requested - DIRECT THE DEPARTMENT OF PUBLIC WORKS TO CONTACT THE PROPERTY OWNER AND REQUIRE REMOVAL OF THE CURRENT OBSTRUCTION/BLOCKAGE OF LONG'S BAR ROAD; DESIGNATE THAT PORTION OF LONG'S BAR ROAD AS A RECREATIONAL ACCESS ROAD; AND DIRECT THE DEPARTMENT OF PUBLIC WORKS TO INSTALL APPROPRIATE SIGNAGE. (2865)(**00)

MOTION: I MOVE TO DIRECT THE DEPARTMENT OF PUBLIC WORKS TO CONTACT THE PROPERTY OWNER AND REQUIRE REMOVAL OF THE CURRENT OBSTRUCTION/BLOCKAGE OF LONG'S BAR ROAD; DESIGNATE THAT PORTION OF LONG'S BAR ROAD AS A RECREATIONAL ACCESS ROAD; AND DIRECT THE DEPARTMENT OF PUBLIC WORKS TO INSTALL APPROPRIATE SIGNAGE.
S M

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

RECESS: 11:00 A.M.

RECONVENE: 11:14 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0424-007 Public Hearing - Property Owner Ballot Proceeding - consideration of the imposition of service charges within a proposed County Service Area (Red Hawk Ranch Subdivision, APN 047-460-005). The owners of the Red Hawk Ranch Subdivision have requested formation of a County Service Area for street lighting, fire protection and storm drainage maintenance services. As part of that process it is necessary to conduct a property owner ballot proceeding to approve the imposition of new service charges in the proposed County Service Area for fiscal year 2004-2005 and future years - action requested - OPEN HEARING TO REQUEST ANY PROTESTS TO THE PROPOSED SERVICE CHARGES; IF THERE IS NOT A MAJORITY PROTEST, CLOSE PUBLIC HEARING AND REQUEST BALLOT RESULTS FOR ESTABLISHMENT OF PROPOSED FEES FROM THE CLERK OF THE BOARD; IF THERE IS A MAJORITY OF BALLOTS IN FAVOR OF THE PROPOSED SERVICE CHARGES, ADOPT A RESOLUTION ESTABLISHING THE SERVICE CHARGES FOR THE PROPOSED COUNTY SERVICE AREA FOR RED HAWK RANCH SUBDIVISION, WITH THE IMPOSITION OF FEES BEING SUBJECT TO THE APPROVAL OF THE COUNTY SERVICE AREA FORMATION BY THE LOCAL AGENCY FORMATION COMMISSION. (FROM 10-12-04 [3.32]) (**444)

PUBLIC HEARING OPENED: 11:14 A.M.
PUBLIC HEARING CLOSED: 11:15 A.M.
BALLOTS RECEIVED IN FAVOR: 1
BALLOTS RECEIVED AGAINST: 0

0424-007 MOTION: I MOVE TO ADOPT RESOLUTION 04-268 ESTABLISHING THE SERVICE CHARGES FOR THE PROPOSED COUNTY SERVICE AREA FOR RED HAWK RANCH SUBDIVISION, WITH THE IMPOSITION OF FEES BEING SUBJECT TO THE APPROVAL OF THE COUNTY SERVICE AREA FORMATION BY THE LOCAL AGENCY FORMATION COMMISSION.

M S

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

0424-008 Public Hearing - Automated Point-of-Sale Stations (Scanners) - consideration of an ordinance adding Chapter 48 to the Butte County Code, entitled "Automated Point-of-Sale Stations (Scanners)" and amending Section 3-61 "Schedule of Fees" to add a fee for scanner registration certificates. The department currently inspects the accuracy of scanners (barcode readers and software programs) pursuant to State law. The proposed ordinance will establish a program for registration and inspection of the equipment - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 11-09-04 [5.02]) (**503)

PUBLIC HEARING OPENED: 11:17 A.M.

PUBLIC HEARING CLOSED: 11:19 A.M.

MOTION: ADOPT ORDINANCE 3891 AND AUTHORIZE THE CHAIR TO SIGN.

M S

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

0424-009 Public Hearing - An Ordinance Amending Sections 10-164 and 10-165 of Article XVII of Chapter 3 of the Butte County Code Regarding Development Impact Fees in the North Chico Specific Plan Area - consideration of a proposed adjustment to the fees in accordance with the Engineering News Record Construction Cost Index for San Francisco, as provided for under Butte County Code Section 3-165 - action requested - ADOPT THE ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (**595)

PUBLIC HEARING OPENED: 11:19 A.M.

PUBLIC HEARING CLOSED: 11:20 A.M.

MOTION: I MOVE TO ADOPT ORDINANCE 3892 AND AUTHORIZE THE CHAIR TO SIGN.

S M

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

REGULAR AGENDA

0424-010 Wastewater Options Request For Proposal - consideration of development and distribution of a Request For Proposal (RFP) for consulting services to address wastewater options and policies - action requested - APPROVE SCOPE OF WORK FOR A PROPOSED RFP FOR ONSITE WASTEWATER PLANNING; DIRECT STAFF TO WORK WITH THE CHIEF ADMINISTRATIVE OFFICE TO DEVELOP AN RFP; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING \$67,000 IN DEPARTMENT REVENUE AND \$33,000 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES. (FROM 10-26-04 [5.06]) (**645)

0424-010 MOTION: I MOVE TO APPROVE THE SCOPE OF WORK FOR A PROPOSED RFP FOR ONSITE WASTEWATER PLANNING; DIRECT STAFF TO WORK WITH THE CHIEF ADMINISTRATIVE OFFICE TO DEVELOP AN RFP; AND APPROVE BUDGET TRANSFER B-190 (4/5 vote required) ACCEPTING AND APPROPRIATING \$67,000 IN DEPARTMENT REVENUE AND \$33,000 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES.

M S

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

0424-011 Resolution of Support - the Northern California Regional Land Trust is requesting the Board adopt a resolution of support for funding from the State of California, Department of Conservation, under the Farmland Conservancy Program, for a conservation easement on 4,098.7 acres of land - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (**868)

MOTION: I MOVE TO ADOPT RESOLUTION 04-269 AND AUTHORIZE THE CHAIR TO SIGN.

S M

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

PUBLIC HEARING AND TIMED ITEMS

0424-012 Continued Public Hearing - Adoption of Resolutions of Necessity to Acquire Certain Real Property - the Public Works Department has been involved in negotiations with several property owners in order to acquire rights-of-way and easements for the Oroville-Quincy (FH-119) Highway Reconstruction Phase II Project. Negotiations have reached an impasse with nine of the property owners and it has become necessary to begin the process of acquisition by eminent domain to proceed with the project - action requested - ADOPT RESOLUTIONS AND AUTHORIZE THE CHAIR TO SIGN. (FROM 11-30-04 [5.01]) (**1056)

PUBLIC HEARING RECONVENED: 11:40 A.M.
PUBLIC HEARING CLOSED: 11:55 A.M.

MOTION: I MOVE TO ADOPT RESOLUTION 04-270 AND AUTHORIZE THE CHAIR TO SIGN.

S M

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

CLOSED SESSION

0424-013 RECESS: THE BOARD RECESSED AT 11:58 A.M. TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE. (**2047)

0424-013 **RECONVENE:** THE BOARD RECONVENED AT 1:11 P.M., FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE. (**2073) (NO ANNOUNCEMENT)

PUBLIC HEARING AND TIMED ITEMS

0424-014 Continued Public Hearing - Development Impact Fees - consideration of ordinances adding and/or amending sections of the Butte County Code regarding certain fees chargeable for new residential and nonresidential development as follows: 1. An Ordinance of the County of Butte Adding Article XVIII to Chapter 3 of the Butte County Code to Establish Development Impact Fees for Library Facilities in the Unincorporated and Incorporated Area of Butte County; 2. An Ordinance of the County of Butte Adding Article XIX to Chapter 3 of the Butte County Code to Establish Development Impact Fees for General Government Facilities in the Unincorporated and Incorporated Area of Butte County; 3. An Ordinance of the County of Butte Adding Article XX to Chapter 3 of the Butte County Code to Establish Development Impact Fees for General Government Vehicles and Equipment in the Unincorporated and Incorporated Area of Butte County; 4. An Ordinance of the County of Butte Adding Article XXI to Chapter 3 of the Butte County Code to Establish Development Impact Fees for Sheriff Facilities, Vehicles and Equipment in the Unincorporated and Incorporated Area of Butte County; 5. An Ordinance of the County of Butte Repealing Article V, Section 10-50 Through 10-60 and Adding Article XXII to Chapter 3 of the Butte County Code to Establish Development Impact Fees for Road Improvements in the Unincorporated and Incorporated Area of Butte County; 6. An Ordinance of the County of Butte Adding Article XXIII to Chapter 3 of the Butte County Code to Establish Development Impact Fees for Fire Facilities, Vehicles and Equipment in the Unincorporated and Incorporated Area of Butte County; 7. An Ordinance of the County of Butte Amending Sections 3.11, 3.14, and 3.20 of Article II of Chapter 3 of the Butte County Code; and consideration of a Resolution Amending Section 13.01-1, Entitled "Requirement Class 1", of the Butte County Improvement Standards Dated June 2002 - action requested - ADOPT ORDINANCES AND RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (FROM 11-30-04 [5.03]) (**2195)(***00)

PUBLIC HEARING RECONVENED: 1:13 P.M.
PUBLIC HEARING CLOSED: 1:54 P.M.

MOTION: I MOVE TO ADOPT ORDINANCE 3893 AND RESOLUTION 04-271, WHICH DOES NOT INCLUDE FEES FOR OFFICE SPACE AND INDUSTRIAL SPACE.

 S M

VOTE: 1 N 2 Y 3 Y 4 N 5 N (Motion Failed to Carry)

(Continued on Page 16)

0424-014 MOTION: I MOVE TO ADOPT ORDINANCE 3893 THROUGH 3899 AND RESOLUTION 04-271 ENACTING THE RESIDENTIAL FEES, AND AUTHORIZE THE CHAIR TO SIGN, AND FURTHER MOVE TO HAVE ALL OTHER FEES (COMMERCIAL, OFFICE AND INDUSTRIAL) RETURN TO THE BOARD AFTER FURTHER REVIEW.

M S

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

REGULAR AGENDA

0424-015 Items Removed from the Consent Agenda for Board Consideration and Action. (**460)

1. Letter Requesting Execution of Northern California's Central Valley Project (CVP) Contracts - consideration of a letter to the U. S. Secretary of the Interior urging execution of CVP renewal contracts - action requested - APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO APPROVE THE LETTER AND AUTHORIZE THE CHAIR TO SIGN.

M S

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

2. Carol A. Smoots - approval is requested for an agreement with Carol A. Smoots, of Thelen, Reid & Priest, LLP., for the provision of legal services relating to the Federal Energy Regulatory Commissions re-licensing of the California Department of Water Resources facility at Lake Oroville. The term of the agreement is for one year from date of execution, and shall continue as needed until any matter, cases and/or claims submitted to the attorney are finally resolved. The hourly billable rate is set at \$425.00 per hour (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.

MOTION: I MOVE TO APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.

S M

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

0424-015 3. Butte County Children and Families Commission - approval is requested for a grant agreement with the Butte County Children and Families Commission for funds to develop the Butte County Breastfeeding Center. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$100,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT. (FROM 11-30-04 [3.24])

MOTION: I MOVE TO APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-174 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.

S M

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

PUBLIC COMMENT

0424-016 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. (**1685)

1. PASTOR KEVIN THOMPSON ADDRESS THE BOARD TO REQUEST THE BOARD CONSIDER RENAMING THE SOUTHSIDE OROVILLE COMMUNITY CENTER TO THE MERT THOMAS COMMUNITY CENTER.

BOARD DIRECTION TO ADMINISTRATIVE OFFICE STAFF TO WORK WITH PASTOR THOMPSON TO CONSIDER HIS REQUEST.

2. NICOLE NELSON ADDRESSED SUPERVISOR DOLAN REGARDING THE NEED FOR HER TO LEAVE TO SEE A MEMBER OF HER FAMILY, AND HOW THAT NEED TO SEE HER FAMILY IS AS IMPORTANT TO THOSE WAITING TO COMMENT ON INCREASED WAGES FOR WORKERS.

3. BARBARA HOFF, UNITED DOMESTIC WORKERS, ADDRESSED THE BOARD TO REQUEST INCREASED WAGES AND HEALTH INSURANCE FOR IHSS WORKERS.

4. DORIS LAUGHLIN, UNITED DOMESTIC WORKERS, ADDRESSED THE BOARD TO REQUEST INCREASED WAGES FOR WORKERS.

5. LAURA BLACKBURN ADDRESSED THE BOARD TO REQUEST MEDICAL INSURANCE FOR IHSS WORKERS.

6. ROSEMARY LANDRY ADDRESSED THE BOARD TO REQUEST BETTER WAGES AND HEALTH BENEFITS FOR IHSS WORKERS.

-
- 0424-016
7. DAN GROVER, INDEPENDENT LIVING SERVICES, ADDRESSED THE BOARD TO STATE THAT THERE IS MONEY AVAILABLE FOR INCREASED WAGES FOR WORKERS AND THERE IS A WAY TO REACH AGREEMENT.
 8. BRAD SMITH, RECIPIENT OF IHSS SERVICES, REQUESTED THE BOARD PROVIDE INCREASED WAGES FOR WORKERS.
 9. CHARLENE FRAZIER ADDRESSED THE BOARD TO REQUEST HEALTH INSURANCE FOR WORKERS.
 10. MR. DUER, IHSS WORKER, ADDRESSED THE BOARD TO REQUEST INCREASED WAGES AND HEALTH INSURANCE.
 11. BILL CONNELLY ADDRESSED THE BOARD TO THANK SUPERVISOR BEELER FOR HIS SERVICE TO THE PUBLIC, AND TO EXPRESS HIS RESPECT FOR HIM AND TO EXPRESS HIS ANTICIPATION AT WORKING WITH THE BOARD.
-

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 3:09 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, JANUARY 11, 2005, AT 9:00 A.M.

THE BOARD REQUESTED THE MEETING BE DEDICATED AND ADJOURNED IN LOVING MEMORY OF MIKE PYEATT, LONG TIME BUTTE COUNTY EMPLOYEE WHO PASSED AWAY ON DECEMBER 6TH. THE BOARD EXPRESS ITS DEEP SORROW AT HIS PASSING.

R.J. BEELER, CHAIR

ORIGINAL SIGNED IN 2006 BY CURT JOSIASSEN, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board

By: _____