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**0501-002** ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

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1. Donation - approval is requested, pursuant to Government Code Section 25355, to accept and appropriate \$500 received from an anonymous donor for department related activities - action requested - ACCEPT DONATION; AND APPROVE BUDGET TRANSFER B-204 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

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CONSENT AGENDA

- 0501-003
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 was introduced at the meeting of December 14, 2004, and has been on file and available for public inspection in the Chief Administrative Office. Final action on the report is now required - action requested - ACCEPT REPORT AND MAKE FINDINGS AS DETAILED IN THE AGENDA REPORT FOR EACH OF THE ACCOUNTS WITH REGARD TO PURPOSE, RELATIONSHIP, SOURCE AND AMOUNTS, AND TIMING. (FROM 12-14-04 [3.01])
  2. Davis Wright Tremaine LLP - approval is requested for a waiver of conflict of interest with the law firm of Davis Wright Tremaine LLP. The law firm represents the Metropolitan Water District of Southern California in connection with the re-licensing of the Oroville Project. The department would like to use the firm to draft and negotiate software license agreements, support, services and other agreements, and to provide legal services for the Information Systems Division. The waiver is required to allow that representation - action requested - APPROVE WAIVER OF CONFLICT OF INTEREST AND AUTHORIZE THE CHAIR TO SIGN.
  3. Medipose - approval is requested for an agreement with Medipose to collect and remove all biomedical waste generated by Paradise Adult Outpatient programs. The term of the agreement is October 1, 2004, through September 30, 2009, with a maximum amount payable for the multi-year term of \$3,500 (\$700 per fiscal year [department budget]) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0501-003 8. Local Agency Biennial Conflict of Interest Code Report - Non-Exempt Agencies - pursuant to Government Code Section 87306.5, approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following non-exempt agencies: Butte County Association of Governments, Berry Creek Community Services District, Butte County Housing Authority, Butte Creek Drainage District, Butte Water District, Buzztail Community Services District, Chico Area Recreation and Park District, Durham Irrigation District, Durham Mosquito Abatement District, El Medio Fire District, Feather River Recreation and Park District, Gridley-Biggs Cemetery District, Lake Madrone Water District, Lake Oroville Public Utilities District, Oroville Mosquito Abatement District, Paradise Cemetery District, Reclamation District No. 833, Richvale Irrigation District, Richvale Sanitary District, Sacramento River Reclamation District, Sewerage Commission-Oroville Region, and Thermalito Irrigation District. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS.
9. Local Agency Biennial Conflict of Interest Code Report - Exempt Agencies - pursuant to Government Code Section 87306.5, approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following exempt agencies: Bangor Cemetery District, Drainage District No. 1, Drainage District No. 2, and the Thompson Flat Cemetery District. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS.
10. Local Agency Biennial Conflict of Interest Code Report - Non-Exempt School Districts - pursuant to Government Code Section 87306.5, approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following non-exempt school districts: Bangor Union Elementary School District, Chico Unified School District, Feather Falls Union School District, Golden Feather Union School District, Gridley Unified School District, Manzanita Elementary School District, Pioneer Union Elementary School District, and Thermalito Union School District. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS.
11. Paradise Recreation and Park District - Conflict of Interest Code Amendment and Biennial Report - pursuant to Government Code Section 87306.5, Board approval is requested for an amended Conflict of Interest Code and Biennial Report for the Paradise Recreation and Park District. The amended code adds additional District positions to the reporting requirements. The amended code and report have been reviewed by County Counsel and determined to be proper - action requested - APPROVE AMENDED CONFLICT OF INTEREST CODE; AND ACCEPT BIENNIAL REPORT.

- 0501-003 17. El Medio Fire Protection District - approval is requested for a Cooperative Agreement with the El Medio Fire Protection District for the County's provision of dispatch services for Fire/Emergency Medical Service calls within the District. The term of the agreement is July 1, 2004, through June 30, 2005, with a call rate of \$25.00 per call from July 1, 2004, through December 31, 2004, and \$36.00 per call from January 1, 2005, through June 30, 2005 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
18. Indian Gaming Revenue - approval is requested to accept and appropriate \$41,095.44 received from the 2004 Indian Gaming Fund. The funds will be utilized for fuel and volunteer reimbursements - action requested - APPROVE BUDGET TRANSFER B-206 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
19. Resolution Supporting the Purchase of American Made Vehicles and Rescinding Resolution No. 92-05 - approval is requested for a resolution which will rescind a resolution limiting the purchase of County vehicles to certain brand vehicles, and implementing a policy to allow the purchase of American-made vehicles, regardless of product brand - action requested - ADOPT RESOLUTION 05-003 AND AUTHORIZE THE CHAIR TO SIGN.
20. 18 County Center Drive, Suites A and B, Oroville - Notice of Completion - the project consisted of a remodel of the facility. All contract work has been completed pursuant to 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.
21. Disposal of Old Department Records - approval is requested by the Purchasing Division, pursuant to Government Code Section 26202, to dispose of old department requisition, field purchase order, purchase order, and bid files, excluding construction and remodeling project files - action requested - APPROVE DISPOSAL OF OLD RECORDS (4/5 vote required).
22. Pre-Disaster Mitigation Grant Program - approval is requested by the Emergency Services Division to submit a grant application to the Federal Emergency Management Agency for funds under the Pre-Disaster Mitigation Program for fiscal year 2005 - action requested - ADOPT RESOLUTION 05-004 AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE APPLICATION FOR GRANT FUNDS AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER, GENERAL SERVICES DIRECTOR AND/OR EMERGENCY SERVICES OFFICER TO SIGN GRANT DOCUMENTS.

- 0501-003 27. Butte County Animal Control Advisory Board - Amendment of Bylaws - approval is requested for an amendment to the bylaws for the Animal Control Advisory Board. The proposed amendment will provide for the addition of a representative from the North Valley Animal Disaster Group to the Board membership - action requested - APPROVE BYLAW AMENDMENT; AND APPOINT DANI NICHOLS, NORTH VALLEY ANIMAL CONTROL DISASTER GROUP REPRESENTATIVE.
28. Butte County Animal Control Advisory Board - action requested - APPOINT DR. SUZANNE HANSON, DVM, NORTH VALLEY VETERINARY MEDICAL ASSOCIATION REPRESENTATIVE.
29. Purchase of Vehicle - approval is requested for the fixed asset purchase of a compact 4x4 sport utility vehicle or extended cab pickup for the Environmental Health-Solid Waste Enforcement Division in the estimated amount of \$17,500. Funding for the purchase is provided by grant funds from the California Integrated Waste Management Board, and Board approval is also requested for a budget transfer to provide the needed appropriation - action requested - APPROVE FIXED ASSET PURCHASE OF SPORT UTILITY VEHICLE OR EXTENDED CAB PICKUP IN THE AMOUNT OF \$17,500; AND APPROVE BUDGET TRANSFER B-209 (4/5 vote required) OF GRANT FUNDS AS DETAILED IN THE AGENDA REPORT.
30. California Family Health Council, Inc. - Grant Funds - approval is requested to accept and appropriate \$13,400 received from the California Family Health Council, Inc. The funds will be used for expenses related to compliance with the revised Family Planning Annual Report - action requested - APPROVE BUDGET TRANSFER B-208 (4/5 vote required) ACCEPTING AND APPROPRIATING GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.
31. Rejection of Bids - approval is requested to reject all bids received for the partial rehabilitation of Seven Mile Lane from Ord Ferry Road to 3.39 miles south project (County Project No. 30142-04-1). The bids are being rejected as a result of on-going settlement negotiations with 360networks for improper trenching, backfilling and compaction of the roadway - action requested - REJECT ALL BIDS RECEIVED FOR COUNTY PROJECT NO. 30142-04-1; AND AUTHORIZE THE DIRECTOR-PUBLIC WORKS TO NEGOTIATE AN AMENDMENT TO THE SETTLEMENT AGREEMENT.

- 0501-003 36. Crime Prevention Merchandise Donation - approval is requested, pursuant to Government Code Section 25355, to accept and appropriate \$1,900 received from the Honorary Deputy Sheriff's Association (\$1,400), and the Deputy Sheriff's Association (\$500), for the purchase of crime prevention equipment and materials - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION; AND APPROVE BUDGET TRANSFER B-212 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
37. State of California, Department of Parks and Recreation Grant Agreement and Butte Meadows Hillslider's Snowmobile Club Amendment - approval is requested for a revenue agreement with the State of California, Department of Parks and Recreation, Off-Highway Division, for funds to support snow grooming, plowing, and removal services in the Butte Meadows-Jonesville Snowpark area. The term of the agreement is November 1, 2004, through July 30, 2006, with a maximum amount payable to the County of \$80,000 (\$40,000 per fiscal year). Board approval is requested to accept and appropriate \$15,595 in unexpended fiscal year 2003-2004 grant funds into the current fiscal year budget. The department has received an extension to June 30, 2005, to expend the remaining funds on grant related activities. Board approval is also requested for an amendment to the agreement with the Butte Meadows Hillslider's Snowmobile Club for services in support of the grant. The amendment extends the term of the agreement through June 30, 2005, and includes the use of the unexpended fiscal year 2003-2004 funds. All other terms and provisions remain the same - action requested - APPROVE GRANT AGREEMENT AND RATIFY THE SHERIFF-CORONER'S SIGNATURE; AUTHORIZE THE SHERIFF-CORONER, OR HIS DESIGNATED REPRESENTATIVE, TO SIGN GRANT DOCUMENTS NECESSARY TO SUPPORT GRANT ASSOCIATED ACTIVITIES; ~~APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING GRANT REVENUE AS DETAILED IN THE AGENDA REPORT;~~ AND APPROVE AGREEMENT AMENDMENT WITH THE BUTTE MEADOWS HILLSLIDER'S SNOWMOBILE CLUB AND AUTHORIZE THE CHAIR TO SIGN.
38. Monthly Investment Report - submitted is the Monthly Investment Report dated November 30, 2004, in accordance with the Statement of Investment Policy dated July 1, 2004 - action requested - ACCEPT FOR INFORMATION.

- 0501-003 44. Lake Oroville Area Public Utility District - pursuant to Revenue and Taxation Code Section 99-99.2, the Lake Oroville Area Public Utility District submits a property tax exchange agreement required for a proposed annexation of four parcels to the District. The District's Board of Directors, by Resolution No. 16-04, certify that the change of organization will be revenue neutral to each affected agency - action requested - APPROVE PROPERTY TAX EXCHANGE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.
- 45. Law Library Board of Trustees - action requested - REAPPOINT RAOUL LECLERC AND GARY KNIPPEN TO TERMS TO END JANUARY 2006.
- 46. Oroville Cemetery District Board of Trustees - the District has submitted a recommendation for reappointment - action requested - REAPPOINT JIM EDWARDS TO A TERM TO END JANUARY 1, 2009. (434)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 3.38 AMENDED TO REMOVE THE BUDGET TRANSFER ACTION, AND THE REMOVAL OF ITEM 3.06.

M S

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

REGULAR AGENDA

0501-004 Boards, Commissions and Committees. (448)

- 1. Appointments to Listed Vacancies.

MOTION: I MOVE TO REAPPOINT DISTRICT 4 REPRESENTATIVES AS FOLLOWS: RICHARD LELAND, BUTTE COUNTY PLANNING COMMISSION; MARK LAVY, AGRICULTURAL ADVISORY COMMITTEE; LARRY HAMMAN, BUTTE COUNTY HOUSING AUTHORITY BOARD; TERRY STORM, BUTTE COUNTY RESOURCE CONSERVATION DISTRICT; AND HOWARD HAMMAN TO THE BUTTE COUNTY FISH AND GAME COMMISSION.

S M

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

- 2. Butte County Water Advisory Committee - action requested - ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION AND APPOINT GREG SOHNREY, DAVE SIEPERDA, TONY CARRASCO, GENE HARRIS, TED TRIMBLE, JIM BROBECK, MAUREEN KIRK, STEVE JERNIGAN, SAM DRESSER, GARY COLE AND SUSAN STRACHAN.

MOTION: I MOVE TO ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION AND APPOINT GREG SOHNREY, DAVE SIEPERDA, TONY CARRASCO, GENE HARRIS, TED TRIMBLE, JIM BROBECK, MAUREEN KIRK, STEVE JERNIGAN, SAM DRESSER, GARY COLE AND SUSAN STRACHAN.

S M

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

PUBLIC HEARINGS AND TIMED ITEMS

0501-007 Public Hearing - Larry Biegler and Wallace Schwartz - Use Permit Appeal - consideration of an appeal of the Planning Commission's denial of a Use Permit to allow one single family dwelling on each parcel in a C-C (Community Commercial) zone. 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 located on the north side of Hollywood Road, approximately 400 feet east of Skyway, in Magalia, and identified as APN 065-460-019 and 065-460-020 (MM [UP 04-13]) - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I(A-E) AS DETAILED IN THE STAFF REPORT DATED JANUARY 11, 2005, ADOPT A MITIGATED NEGATIVE DECLARATION;
2. FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH AND 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 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; AND
3. SUBJECT TO FINDINGS III(A[1-4]) AS DETAILED IN THE AGENDA REPORT DATED JANUARY 11, 2005, AND THE CONDITIONS OF APPROVAL DETAILED IN EXHIBIT "A" OF THE AGENDA REPORT DATED JANUARY 11, 2005, APPROVE USE PERMIT 04-13 FOR LARRY BIEGLER AND WALLACE SCHWARTZ. (3389) (\*\*00)

PUBLIC HEARING OPENED: 10:57 A.M  
PUBLIC HEARING CLOSED: 11:28 A.M.

MOTION: I MOVE TO UPHOLD THE PLANNING COMMISSION'S DENIAL, AND DENY THE APPEAL.

S M

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

0501-009 CLOSED  
SESSION

ANNOUNCEMENT: THE BOARD VOTED UNANIMOUSLY TO ACCEPT THE SUM OF \$7,792.50 FROM PACIFIC GAS AND ELECTRIC COMPANY TO SETTLE A CLAIM WE HAVE AGAINST THEM FOR DELAYS CAUSED ON A CONSTRUCTION PROJECT ON NELSON AND GRAND AVENUES.

REGULAR AGENDA

0501-010 An Ordinance of the County of Butte, California, Adding Chapter 49 to the Butte County Code Establishing Unlawful Refuse Dumping Violations, An Administrative Enforcement Program for Such Violations and a Civil Remedial Process for the Forfeiture of Vehicles Connected with the Unlawful Dumping of Refuse - action requested - WAIVE READING OF THE ORDINANCE. (\*\*3600) (\*\*00)

MOTION: I MOVE TO WAIVE READING OF THE ORDINANCE.  
S M

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

0501-011 National Pollutant Discharge Elimination System Phase II - Report to the Board - update on the first years' accomplishments - action requested - ACCEPT FOR INFORMATION. (\*\*198)

PRESENTATION TO THE BOARD BY MIKE CRUMP, DIRECTOR OF PUBLIC WORKS, AND TOM BLIXT, ADMINISTRATIVE ANALYST.

0501-012 Southside Oroville Community Center - consideration of a citizen request to rename the Center - action requested - BOARD DISCUSSION AND DIRECTION. (\*\*859)

BOARD DIRECTION TO REFER THIS MATTER TO THE SOUTHSIDE OROVILLE COMMUNITY CENTER ADVISORY COMMITTEE FOR CONSIDERATION AND RECOMMENDATION.

0501-013 Items Removed from the Consent Agenda for Board Consideration and Action. (\*\*1520)

1. Donation - approval is requested, pursuant to Government Code Section 25355, to accept and appropriate \$500 received from an anonymous donor for department related activities - action requested - ACCEPT DONATION; AND APPROVE BUDGET TRANSFER B-204 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

CHAIR YAMAGUCHI REMOVED THE ITEM TO ACKNOWLEDGE AND THANK THE GENEROSITY OF THE DONATING PARTY.

MOTION: I MOVE TO ACCEPT THE DONATION; AND APPROVE BUDGET TRANSFER B-204 ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

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

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**Adjournment**

Adjourned at 3:10 p.m., as the Thompson Flat Cemetery District Board of Directors and reconvened as the Butte County Board of Supervisors.

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**BUTTE COUNTY BOARD OF SUPERVISORS**

**PUBLIC COMMENT**

0501-014 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. (\*\*1602) (NONE)

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**ADJOURNMENT :**

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 3:10 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, JANUARY 25, 2005, AT 9:00 A.M.

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KIM K. YAMAGUCHI, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative  
Office and Clerk of the Board

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