

Called to order at 9:08 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Dolan, Houx, Josiassen, and Chair Yamaguchi. 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. (70)

0523-001 **ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.**

1. Introduction of an Ordinance Amending Article X, Section 2-71 of the Butte County Code - approval is requested for an ordinance which will increase the meeting compensation for Butte County Planning Commission members from \$30.00 per meeting to \$70.00 per meeting, and provide for reimbursement of Commission-related training and conference expenses. Board approval is also requested for a transfer of \$5,000 from the General Fund Appropriation for Contingencies to the Development Services Department's budget to provide the allocation for travel and training expenses - action requested - WAIVE READING OF THE ORDINANCE; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING \$5,000 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT.
2. Introduction of an Ordinance Amending Section 33A-5 of Chapter 33A of the Butte County Code, Entitled "Groundwater Management" and Butte County Water Advisory Committee Bylaws - approval is requested for an ordinance which will amend Section 33A-5 of Chapter 33A of the Butte County Code regarding appointments to the Water Advisory Committee. The changes are being made to provide consistency between the Code and the proposed bylaws. Section 33A-4 requires the operation of the Water Advisory Committee through bylaws approved by the Board. The department, County Counsel and the Water Advisory Committee have developed the proposed bylaws and the Water Commission has recommended adoption - action requested - ADOPT BYLAWS AND AUTHORIZE THE CHAIR TO SIGN; AND WAIVE READING OF THE ORDINANCE.

CONSENT AGENDA

- 0523-002 1. Sonoma Ecology Center - approval is requested for a grant agreement with Sonoma Ecology Center for funds to eradicate Arundo Donax, a noxious riparian weed, at the Grey Lodge Wildlife Preserve. The term of the agreement is August 4, 2005, through March 14, 2008, with a maximum amount payable to the County of \$25,874 for the multi-year term (\$10,000 in 2005-2006, \$8,500 in 2006-2007, and \$7,374 in 2007-2008). The department included an allocation of \$5,000 in its fiscal year 2005-2006 budget, and Board approval is also requested to accept and appropriate the additional \$5,000 allocation - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE BUDGET TRANSFER B-102 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
2. State Water Resources Control Board - approval is requested for a revenue agreement with the State Water Resources Control Board for funds to support an Irrigated Lands Conditional Waiver Program. The department will provide inspections of watershed monitoring locations, assist in identifying sources of water quality exceedance, and provide information on watershed activities. The term of the agreement is July 1, 2005, through June 30, 2006, with a maximum amount payable to the County of \$67,860. Board approval is also requested to accept and appropriate the unanticipated revenue, and to authorize the allocation of funds for one sunset position of Agricultural Biologist/W&M Inspector to support grant activities - action requested - ADOPT RESOLUTION 05-138 APPROVING AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AUTHORIZE THE AGRICULTURAL COMMISSIONER TO SIGN AGREEMENT; AND APPROVE BUDGET TRANSFER B-098 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT; (Contract No. R40807)
3. 7TH Avenue Center - approval is requested for a sole source agreement with 7th Avenue Center for the provision of residential board and care enhancement services for mentally disordered clients. The term of the agreement is July 1, 2005, through June 30, 2006, with a maximum amount payable of \$120,656.25 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0523-002
4. NorthStar Engineering - Amendment - approval is requested for an amendment to the agreement with NorthStar Engineering for the preparation of sewer facilities studies within the Chico Urban Area and County Service Area No. 114 in support of the Chico Urban Area Nitrate Compliance Plan. The amendment extends the term of the agreement through June 30, 2007, and increases the maximum amount payable by \$20,000 (County Service Area No. 114 budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X10804)
 5. Administrative Allocation for State Disbursement Unit Implementation Activities - approval is requested to accept and appropriate \$23,307 received from the California Department of Child Support Services as an additional allocation for existing collections/State Disbursement Unit implementation activities for fiscal year 2005-2006 - action requested - APPROVE BUDGET TRANSFER B-124 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
 6. Electronic Data Processing Maintenance and Operations Allocation - approval is requested to accept and appropriate \$1,905 received from the California Department of Child Support Services as an additional award under the Electronic Data Processing Maintenance and Operations allocation. The funds will be used for training and travel expenses - action requested - APPROVE BUDGET TRANSFER B-123 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
 7. 2006 Board Meeting Calendar - action requested - ADOPT THE 2006 BOARD OF SUPERVISORS AGENDA MEETING CALENDAR AS PRESENTED.

- 0523-002 8. Willdan - Amendment - approval is requested for an amendment to the agreement with Willdan for the provision of plan examination and building permit/ inspection services. The amendment increases the maximum amount payable by \$405,000 for plan check and inspection services for fiscal year 2005-2006. All other terms and provisions remain the same. Board approval is also requested for a transfer of \$316,630 from the General Fund Appropriation for Contingencies to fund unbudgeted prior and current year costs related to the Willdan agreement and management consultant costs in the absence of a permanent Director - action requested - APPROVE BUDGET TRANSFER B-128 (4/5 vote required) ACCEPTING AND APPROPRIATING \$316,630 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES; AND APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14838) (FROM 10-25-05 [3.14])
9. Expert Witness Fees - approval is requested for the payment of expert witness services in the amount of \$4,261.53 (department budget). The expert witness services were provided for a sexually violent predator re-commitment trial. Due to an administrative oversight, an agreement for services was not completed until after the services were rendered, requiring Board approval for payment - action requested - AUTHORIZE PAYMENT OF INVOICE IN THE AMOUNT OF \$4,261.53 FOR EXPERT WITNESS SERVICES.
10. Resolution Acknowledging the T.J. Memorial Butte County Toy Run Committee - pursuant to Government Code Section 25355, approval is requested to accept and acknowledge the equipment and supplies, valued at \$1,000, donated by the T.J. Memorial Butte County Toy Run Committee to complete the remodel of an outdoor space at the Butte Community Employment Center for Children's Services clients. The proposed resolution recognizes the T.J. Memorial Toy Fund organization for their contribution of painting and equipping the outdoor play area - action requested - ADOPT RESOLUTION 05-139 AND AUTHORIZE THE CHAIR TO SIGN.

- 0523-002 11. Refugee Employment and Social Services Plan and Grant Funds - approval is requested to accept and appropriate \$49,100 received from the State of California, Department of Social Services, Refugee Programs Bureau. The funds represent a one-time allocation of federal fiscal year 2004 Refugee Employment and Social Services Grant funds. The funds will assist the County in providing services to Hmong refugees. As a condition of funding the County is required to submit a plan that includes the types of services that will be provided and a budget reflecting the allocation amount. The Department will also be using Temporary Assistance for Needy Families (TANF) Performance Incentive Funds in the amount of \$75,900 to extend services through September 2006, and Board approval is also requested to accept and appropriate the TANF funds - action requested - APPROVE THE REFUGEE EMPLOYMENT AND SOCIAL SERVICES PLAN; AND APPROVE BUDGET TRANSFER B-125 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT AND TANF REVENUE AS DETAILED IN THE AGENDA REPORT.
12. Chico Unified School District - Amendment - approval is requested for an amendment to the agreement with the Chico Unified School District for the provision of literacy and case management services to Hmong refugees. The amendment extends the term of the agreement through September 30, 2006, increases the maximum amount payable by \$25,000 (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. X15492)
13. Butte-Glenn Community College District - Amendment - approval is requested for an amendment to the agreement with the Butte-Glenn Community College District for the provision of employability and language immersion services to Hmong refugees. The amendment extends the term of the agreement through September 30, 2006, increases the maximum amount payable by \$25,000 (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. X15452)

- 0523-002 14. Thermalito Union School District - Amendment - approval is requested for an amendment to the agreement with the Thermalito Union School District for the provision of literacy and case management services to Hmong refugees. The amendment extends the term of the agreement through September 30, 2006, increases the maximum amount payable by \$25,000 (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. X15473)
15. Public Health Department - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Public Health Department for the provision of expanded tuberculosis prevention services and Public Health Nurse case management services for Hmong refugees. The amendment revises the term beginning date from "date of full execution" to March 28, 2005, extends the term through September 30, 2006, increases the maximum amount payable by \$24,912 (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. X15434)
16. City of Chico - approval is requested for a sublease agreement with the City of Chico for the property located at 2544 Highway 32, Chico. The County leases the property from William W. Lewis and Joan O. Lewis, and utilizes it as a fire station. The station is occupied by the City of Chico Fire Department. The term of the sublease is July 1, 2005, through August 31, 2006, with a monthly lease rate of \$1,520 for July and August 2005, and \$1,557 for September 2005 through August 2006. The City has agreed to take over all utilities as of July 1, 2005 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40821)
17. Managed Health Network - approval is requested for a sole source agreement with Managed Health Network for the provision of the Employee Assistance Program. The term of the agreement is July 1, 2005, through June 30, 2006, with a monthly subscriber rate of \$9.97 (all department budgets) per month per subscriber. The total amount will be based on the number of eligible employees - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0523-002 18. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: SHERIFF-CORONER-SERVICES - adds 1 position of Sheriff's Lieutenant - action requested - ADOPT RESOLUTION 05-140 AND AUTHORIZE THE CHAIR TO SIGN.
19. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: PUBLIC WORKS - deletes 2 positions of Bridge Maintenance Worker, 2 positions of Bridge Maintenance Worker, Senior/Bridge Maintenance Worker, 2 positions of Engineer, Assistant/Engineering Technician, Senior/Engineering Technician, Associate/Engineering Technician, Assistant, 3 positions of Engineering Aide, 6 positions of Engineering Technician, Senior/Engineering Technician, Associate/Engineering Technician, Assistant, 2 positions of Engineering Technician, Assistant/Engineering Aide, 15 positions of Road Maintenance Worker/Road Maintenance Assistant, 14 positions of Road Maintenance Worker, Senior/Road Maintenance Worker, 2 positions of Surveyor, Assistant/Engineering Technician, Senior/Engineering Technician, Associate/Engineering Technician, Assistant, 5 positions of Traffic Control Worker, Senior/Traffic Control Worker, 2 positions of Tree Trimmer, Senior/Tree Trimmer, and 1 position of Tree Trimmer, Senior/Tree Trimmer/Road Maintenance Worker. Adds 4 positions of Bridge Maintenance Worker, Senior/Bridge Maintenance Worker/Road Maintenance Assistant, 2 positions of Engineer, Assistant/Engineering Technician, Senior/Engineering Technician, Associate/Engineering Technician, Assistant/Engineering Aide, 11 positions of Engineering Technician, Senior/Engineering Technician, Associate/Engineering Technician, Assistant/Engineering Aide, 29 positions of Road Maintenance Worker, Senior/Road Maintenance Worker/Road Maintenance Assistant, 2 positions of Surveyor, Associate/Surveyor, Assistant, 5 positions of Traffic Control Worker, Senior/Traffic Control Worker/Road Maintenance Assistant, and 3 positions of Tree Trimmer, Senior/Tree Trimmer/Road Maintenance Worker/Road Maintenance Assistant. PUBLIC HEALTH-ENVIRONMENTAL HEALTH - deletes 2 positions of Environmental Health Specialist, Senior/Environmental Health Specialist/Environmental Health Specialist, Associate. Adds 2 positions of Hazardous Materials Management Specialist, Senior/Hazardous Materials Management Specialist/Hazardous Materials Management Specialist, Associate. BEHAVIORAL HEALTH-GENERAL SERVICES - adds 1 position of Program Manager, Community Services. EMPLOYMENT AND SOCIAL SERVICES-ADMINISTRATION - deletes 1 position of Accountant/Accounting Specialist. Adds 1 position of Administrative Analyst/Administrative Analyst, Associate. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE C, GENERAL UNIT CLASSIFICATIONS - adds the following positions and sets their salary range as follows: Hazardous Materials Management Specialists, Associate (\$18.73-\$22.77), Hazardous Materials Management Specialist (\$20.70-\$25.16), and Hazardous Materials Management Specialist, Senior (\$22.75-\$27.66) - action requested - ADOPT RESOLUTION 05-141 AND AUTHORIZE THE CHAIR TO SIGN.

- 0523-002 20. Library Donations - pursuant to Government Code Section 25355, donations of \$2,917.50 from the Oroville Friends of the Library Group, \$936.91 from the Paradise Friends of the Library Group, \$100 from Madeleine Caton of Paradise, and \$100 from an anonymous donor, have been received for the Butte County Trust Fund for the purchase of books; and a donation of \$644.07 has also been received from the Paradise Friends of the Library Group for staff support hours at the Paradise Branch - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.
21. Juvenile Probation and Camps Funding - approval is requested for a resolution authorizing participation in the Juvenile Probation and Camps Funding (JPCF) Program administered by the State Corrections Standards Authority, and authorizing the Chief Probation Officer to sign the JPCF Program Agreement. The program will provide state funds to support a broad spectrum of County probation services to at-risk youth, juvenile offenders, and their families - action requested - ADOPT RESOLUTION 05-142 AND AUTHORIZE THE CHAIR TO SIGN.
22. Parsley Subdivision - the Parsley Subdivision, APN 040-640-010 and 013, is a conditionally approved 14-lot, private street subdivision located on the south side of Speedway Avenue, approximately 1,800 feet east of the Midway, in the south Chico area. The developer has complied with the Conditions of Approval, has completed the construction of the required road and drainage improvements, and has provided a letter of credit to guarantee maintenance of said improvements - action requested - APPROVE THE FINAL MAP FOR THE PARSLEY SUBDIVISION; APPROVE THE NEW PRIVATE STREET NAME TAIGE WAY; ACCEPT ON BEHALF OF THE COUNTY OF BUTTE SPEEDWAY AVENUE AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; ACCEPT ON BEHALF OF THE COUNTY OF BUTTE THE PUBLIC SERVICE EASEMENTS AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; ACCEPT ON BEHALF OF THE COUNTY OF BUTTE THE RELINQUISHMENT OF ABUTTERS RIGHTS OF ACCESS ALONG THE SPEEDWAY AVENUE FRONTAGE AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; AND AUTHORIZE THE CHAIR TO SIGN THE SUBDIVISION AGREEMENT.

- 0523-002 23. Blue Oak Terrace Subdivision, Phase II - the Blue Oak Terrace Subdivision, APN 055-540-038, is located on the south side of the Skyway at the Skyway Crossroads, along the westerly town limit line of the Town of Paradise. This is a conditionally approved private street subdivision consisting of 40-lots for single family residences, to be developed in two phases. Sewer and water services shall be provided by private community systems, operated and maintained by Blue Oak Terrace Mutual Water Company. Phase I was approved by the Board on January 11, 2005. Phase II is comprised of 20-lots. The developer has complied with the Conditions of Approval and has provided a performance bond to guarantee the construction of Phase II improvements within one year - action requested - APPROVE THE FINAL MAP FOR BLUE OAK TERRACE SUBDIVISION, PHASE II; 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.
24. County Service Areas - Budget Transfers for Fire Protection Systems Equipment - on June 14, 2005, the Board approved budget transfers of approximately \$279 each, for a total of \$3,627, from various County Service Areas that provide fire protection services to fund the purchase of nine Pitot gauges and diffusers used in maintaining the fire protection systems within those County Service Areas. The Auditor closed the fiscal year accounting for fiscal year 2004-2005 before the invoice for payment was processed and the funds need to be reallocated for payment in the current fiscal year - action requested - APPROVE BUDGET TRANSFER B-126 (4/5 vote required) ACCEPTING AND APPROPRIATING COUNTY SERVICE AREA FUNDS AS DETAILED IN THE AGENDA REPORT.
25. Resolution Approving the Overall Annual Disadvantaged Business Enterprise (DBE) Program Goal of 10% for Federal Fiscal Year 2005-2006 - as a condition to receiving federal program funding for Department of Transportation assisted contracts, the County is required to develop and submit goal setting methodologies and an overall annual goal for Disadvantaged Business Enterprise participation. In accordance with the federal regulations, the County has developed a proposed overall annual DBE goal of 10% for Federal Fiscal Year 2005-2006, to ensure full compliance with all relevant regulatory requirements - action requested - ADOPT RESOLUTION 05-143 AND AUTHORIZE THE CHAIR TO SIGN.

- 0523-002 26. SCS Engineers - Amendment - approval is requested for an amendment to the agreement with SCS Engineers for the provision of engineering services for the Partial Final Closure of Modules 1, 2, and 3 at the Neal Road Landfill. The amendment increases the maximum amount payable by \$36,997.03 (Neal Road Landfill Enterprise Fund) for materials needed to repair the concrete V-ditch located along the north side of landfill. 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. X13826)
27. Ophir Road and Lincoln Boulevard Signalization Project (Butte County Project No. 21461-98-2) - approval is requested for a resolution which would authorize the Director of Public Works to negotiate and enter into agreements for the acquisition of real property for public road purposes, and agreements for storm drainage, public service, and temporary construction easements for the Ophir Road and Lincoln Boulevard Signalization Project - action requested - ADOPT RESOLUTION 05-144 AND AUTHORIZE THE CHAIR TO SIGN.
28. Speedway Avenue Extension Project (Butte County Project No. 50255C-2005-1) and Associated State Route 99 Frontage Road Extension Project (Butte County Project Number 50255C-2005-1) - approval is requested for a resolution which would authorize the Director of Public Works to negotiate and enter into agreements for the acquisition of real property for public road purposes, and agreements for roadway and storm drainage easements for the Speedway Avenue Extension Project and associated State Route 99 Frontage Road Extension Project - action requested - ADOPT RESOLUTION 05-145 AND AUTHORIZE THE CHAIR TO SIGN.
29. Resolution Adopting Facsimile Signatures - approval is requested for a resolution which would authorize the use of facsimile signatures on liens recorded by the Butte County Treasurer-Tax Collector. Pursuant to Government Code Section 27201(b)(2), a facsimile signature shall be accepted on a lien recorded by a governmental agency when that facsimile signature has been officially adopted by that agency and when a copy of the agency's resolution adopting the signature for facsimile transmission purposes is provided to the County Recorder - action requested - ADOPT RESOLUTION 05-146 AND AUTHORIZE THE CHAIR TO SIGN.
30. Monthly Investment Report - submitted is the Monthly Investment Report dated September 30, 2005, in accordance with the Statement of Investment Policy dated July 1, 2005 - action requested - ACCEPT FOR INFORMATION.

- 0523-002 31. Resolution Increasing the Distribution of Uniform Filing Fees to the Butte County Law Library - approval is requested by the Law Library for a resolution, pursuant to Business and Professions Code Section 6321(b), which requests that the amount distributed to the Butte County Law Library Fund from the State Uniform Filing Fee be increased by \$3.00 effective January 1, 2006 - action requested - ADOPT RESOLUTION 05-147 AND AUTHORIZE THE CHAIR TO SIGN.
32. 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 2006. 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.
33. Chico Memorial Hall Committee - action requested - APPOINT W.N. "BILL" ANDRUS, FIRST ALTERNATE, AND LARRY WAHL, SECOND ALTERNATE, VETERANS OF FOREIGN WARS REPRESENTATIVES, TO TERMS TO END JUNE 30, 2006. (FROM 10-25-05 [3.32])
34. Rock Creek Reclamation District - the Secretary of the Rock Creek Reclamation District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Trustee does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT PAUL BEHR AND BRUCE MCGOWAN, TRUSTEES, TO TERMS TO END DECEMBER 4, 2009.
35. Sacramento River Reclamation District - the Secretary of the Sacramento River Reclamation District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Trustee does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT PETER D. PETERSON AND RICHARD WRIGHT, TRUSTEES, TO TERMS TO END DECEMBER 4, 2009.

- 0523-002 36. Reclamation District No. 833 - the Secretary of Reclamation District No. 833 submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Trustee does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT DANE ANDES, TRUSTEE, TO A TERM TO END DECEMBER 4, 2009.
37. Rotary Club of Chico Sunrise - Waiver and Refund of Fees - approval is requested by the Rotary Club of Chico Sunrise, pursuant to Butte County Code Section 3-40.5, to waive the Use Permit fee, and refund the Building Permit fee associated with the Rotary Club's project to construct a "Welcome to Chico" sign on Highway 32, east bound, approximately 2 miles west of the Chico city limits. The Rotary Club is a non-profit charitable organization. Staff is recommending the Board waive the Use Permit fee (\$2,332.50). Staff is not recommending refund of the Building Permit Fee (\$439.93) already paid by the Rotary Club because the Building Permit fee covers the cost of contracted plan check services through Willdan, and the permit has already been processed - action requested - WAIVE THE USE PERMIT FEE ASSOCIATED WITH THE SIGN CONSTRUCTION PROJECT FOR THE ROTARY CLUB OF CHICO SUNRISE. (87)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF ITEMS 3.04 AND 3.32.

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

CHAIR YAMAGUCHI WELCOMES TIM SNELLINGS, THE NEW DIRECTOR OF DEVELOPMENT SERVICES.

REGULAR AGENDA

- 0523-003 Boards, Commissions and Committees. (128)
- 1. Appointments to Listed Vacancies. (NONE)
 - 2. Board Member or Committee Reports. (NONE)
- 0523-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (138) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMED THE BOARD THAT BOTH THE STATE AND FEDERAL LEGISLATURE ARE CURRENTLY IN RECESS.

0523-005 Report to the Board - Avian Flu Update - informational report to the Board on Avian Flu to address what it is, what a pandemic is, what the current status is, what the risks are, and what Butte County is doing - action requested - ACCEPT FOR INFORMATION. (163)

PRESENTATION TO THE BOARD BY DR. LUNDBERG, COUNTY HEALTH OFFICER, AND DR. LINDA LEWIS, EPIDEMIOLOGIST.

0523-006 A Matter on Which a Public Hearing Has Been Held and a Motion of Intent Adopted - Brent and Debbie Sobrero Tentative Parcel Map Appeal - on April 12, 2005, the Board adopted a motion of intent to uphold an appeal of the Planning Commission's denial of a Tentative Parcel Map to divide a 40-acre parcel into two 20-acre parcels. The project site is located on the north side of Clear Creek Cemetery Road, approximately one mile east of Clark Road (State Highway 191) approximately 5 miles south of Paradise, and identified as APN 041-110-135 (MM [TPM 04-07]) - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I (A-F) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 8, 2005, GRANT THE APPEAL AND APPROVE THE REQUEST TO REDUCE THE 300-FOOT RESIDENTIAL DWELLING SETBACK ON THE WESTERN BOUNDARY ON PROPOSED PARCELS 1 AND 2;
2. SUBJECT TO FINDINGS II (A-D) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 8, 2005, ADOPT A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS;
3. FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS HAS THE POTENTIAL TO SIGNIFICANTLY IMPACT OAK WOODLAND HABITAT AND DEER HERD WINTER RANGE HABITAT AND REQUIRE THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5; AND
4. SUBJECT TO FINDINGS III (A-F) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 8, 2005, AND THE CONDITIONS OF APPROVAL, IDENTIFIED AS EXHIBIT "B" OF THE STAFF REPORT DATED NOVEMBER 8, 2005, APPROVE TENTATIVE PARCEL MAP 04-07 FOR DEBBIE AND BRENT SOBRERO. (FROM 10-11-05 [4.04]) (1149)

0523-006 MOTION: SUBJECT TO FINDINGS I (A-F) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 8, 2005, I MOVE TO GRANT THE APPEAL AND APPROVE THE REQUEST TO REDUCE THE 300-FOOT RESIDENTIAL DWELLING SETBACK ON THE WESTERN BOUNDARY ON PROPOSED PARCELS 1 AND 2; SUBJECT TO FINDINGS II (A-D) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 8, 2005, MOVE TO ADOPT A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS; FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS HAS THE POTENTIAL TO SIGNIFICANTLY IMPACT OAK WOODLAND HABITAT AND DEER HERD WINTER RANGE HABITAT AND REQUIRE THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5; AND SUBJECT TO FINDINGS III (A-F) AS DETAILED IN THE STAFF REPORT DATED NOVEMBER 8, 2005, AND THE CONDITIONS OF APPROVAL, IDENTIFIED AS EXHIBIT "B" OF THE STAFF REPORT DATED NOVEMBER 8, 2005, FURTHER MOVE TO APPROVE TENTATIVE PARCEL MAP 04-07 FOR DEBBIE AND BRENT SOBRERO.

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

RECESS: 9:42 A.M.

RECONVENE: 10:02 A.M.

REGULAR AGENDA

0523-007 Kelly Ridge - Violations of One-Foot No Access Strip - consideration of an exemption to the no access strip at 253 Kanaka Avenue, allowing for the temporary driveway to remain the access point to the lot - action requested - GRANT AN EXEMPTION TO THE NO ACCESS STRIP AT 253 KANAKA AVENUE; AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ISSUE AN ENCROACHMENT PERMIT FOR A DRIVEWAY ONTO THE SAME LOT; AND DIRECT PUBLIC WORKS TO PROCEED, AS OUTLINED IN THE AGENDA REPORT, TO ADDRESS THE UNAUTHORIZED ENCROACHMENTS IN THE KELLY RIDGE AREA BY GRANTING PUBLIC WORKS LIMITED AUTHORITY TO ALLOW EXEMPTIONS TO THE NO ACCESS STRIP AND GRANT ENCROACHMENT PERMITS TO THE EXISTING SITES THAT ARE IN COMPLIANCE OR BROUGHT INTO COMPLIANCE WITH EXISTING COUNTY STANDARDS.

AT THE REQUEST OF THE PUBLIC WORKS DEPARTMENT, THE ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. THE ITEM WILL RETURN ON SUBSEQUENT AGENDA. (1227)

0523-008 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.
(1254)

- 1. Introduction of an Ordinance Amending Article X, Section 2-71 of the Butte County Code - approval is requested for an ordinance which will increase the meeting compensation for Butte County Planning Commission members from \$30.00 per meeting to \$70.00 per meeting, and provide for reimbursement of Commission-related training and conference expenses. Board approval is also requested for a transfer of \$5,000 from the General Fund Appropriation for Contingencies to the Development Services Department's budget to provide the allocation for travel and training expenses - action requested - WAIVE READING OF THE ORDINANCE; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING \$5,000 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT.

MOTION: I MOVE TO WAIVE READING OF THE ORDINANCE; AND APPROVE BUDGET TRANSFER B-122 (4/5 vote required) ACCEPTING AND APPROPRIATING \$5,000 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT.

M S

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

BOARD DIRECTION TO STAFF TO EXPLORE THE IDEA OF PROVIDING FORMAL TRAINING FOR PLANNING COMMISSIONERS, PROVIDING A GREATER LEVEL OF COMPENSATION, INCLUDING THE POSSIBILITY OF PROVIDING HEALTH INSURANCE BENEFITS TO COMMISSIONERS, AND TO POSSIBLY EXPAND COMPENSATION TO OTHER COMMITTEES.

- 2. Introduction of an Ordinance Amending Section 33A-5 of Chapter 33A of the Butte County Code, Entitled "Groundwater Management" and Butte County Water Advisory Committee Bylaws - approval is requested for an ordinance which will amend Section 33A-5 of Chapter 33A of the Butte County Code regarding appointments to the Water Advisory Committee. The changes are being made to provide consistency between the Code and the proposed bylaws. Section 33A-4 requires the operation of the Water Advisory Committee through bylaws approved by the Board. The department, County Counsel and the Water Advisory Committee have developed the proposed bylaws and the Water Commission has recommended adoption - action requested - ADOPT BYLAWS AND AUTHORIZE THE CHAIR TO SIGN; AND WAIVE READING OF THE ORDINANCE.

MOTION: I MOVE TO ADOPT THE BYLAWS AND AUTHORIZE THE CHAIR TO SIGN; AND MOVE TO WAIVE THE READING OF THE ORDINANCE.

M S

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

RECESSED AT 10:20 A.M. AS THE BUTTE COUNTY BOARD OF SUPERVISORS AND CONVENED AS THE BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY BOARD.

BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES

PUBLIC AUTHORITY BOARD

MINUTES

NOVEMBER 8, 2005

Called to order at 10:20 a.m. in the Butte County Board of Supervisors Room, 25 County Center Drive, Oroville. Board members present: Connelly, Dolan, Houx, Josiassen, and Chair Yamaguchi. Also present: Marion Reeves, Deputy Clerk.

Agenda Items

0508-001 Volunteer Efforts for the Victims of Hurricane Katrina - Hurricane Katrina has been described as the worst natural disaster to hit the United States since the 1906 San Francisco earthquake. The Red Cross and other reputable agencies have a critical need for volunteers to help provide aid. With the concurrence of the department director, and according to procedures to be approved by Human Resources and the Chief Administrative Officer, approval is requested to allow In-Home Supportive Services Public Authority employees release time to participate in volunteer activities related to helping the victims of Hurricane Katrina. Release time will be paid time off during which the employee will continue to accrue benefits. The program will be subject to meet and confer with employee bargaining units - action requested - WITH THE CONCURRENCE OF THE DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES, APPROVE RELEASE TIME FOR EMPLOYEES WISHING TO VOLUNTEER TO AID THE VICTIMS OF HURRICANE KATRINA, SUBJECT TO PROCEDURES APPROVED BY HUMAN RESOURCES AND THE CHIEF ADMINISTRATIVE OFFICER; APPROVE RELEASE TIME AUTHORITY TO BE RETROACTIVE TO OCTOBER 1, 2005. (1905)

MOTION: I MOVE TO APPROVE, WITH THE CONCURRENCE OF THE DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES, RELEASE TIME FOR EMPLOYEES WISHING TO VOLUNTEER TO AID THE VICTIMS OF HURRICANE KATRINA, SUBJECT TO PROCEDURES APPROVED BY HUMAN RESOURCES AND THE CHIEF ADMINISTRATIVE OFFICER; AND MOVE TO APPROVE THE RELEASE TIME AUTHORITY TO BE RETROACTIVE TO OCTOBER 1, 2005.

S M

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

Public Comment

0508-002 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 is prohibited from taking action on any item not listed on the agenda. (1946) (NONE)

Adjournment

ADJOURNED AT 10:21 A.M. AS THE BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY BOARD AND RECONVENED AS THE BUTTE COUNTY BOARD OF SUPERVISORS.

BUTTE COUNTY BOARD OF SUPERVISORS

PUBLIC COMMENT

0523-009 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. (2083)

1. JAN HOLMAN ADDRESSED THE BOARD TO DISCUSS THE BLOCKAGE AND DEBRIS IN BUTTE CREEK WHICH CREATES A POSSIBLE FLOODING PROBLEM.
2. ED MCLAUGHLIN ADDRESSED THE BOARD TO DISCUSS THE CLEARING OF VEGETATION IN BUTTE CREEK.

MIKE CRUMP ADDRESSED THE BOARD TO DISCUSS THE ACTIONS HIS DEPARTMENT IS TAKING TO REQUEST THE STATE CLEAR THE CREEK PURSUANT TO THE MEMORANDUM OF UNDERSTANDING WITH THE STATE.

3. ROSE FORD ADDRESSED THE BOARD TO REQUEST ASSISTANCE IN RENT CONTROL IN HER SENIOR MOBILE HOME PARK IN CHICO.

PUBLIC HEARINGS AND TIMED ITEMS

0523-010 Public Hearing - T-Mobile Wireless, Inc. - Use Permit Appeal - consideration of an appeal of the Planning Commission's approval of a Use Permit to install a 114-foot telecommunications facility with two carriers. Associated equipment is to be located under the facility and to the east of the facility. The proposed tower will look like a windmill. This is 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 east side of Clark Road (SH 191), approximately 600 feet north of Butte Campus Drive, at 2822 Clark Road, and identified as APN 041-430-012 - action requested - OPEN HEARING AND CONTINUE OPEN TO A DATE AND TIME TO BE DECIDED BY THE BOARD. (3365) (**00)

PUBLIC HEARING OPENED AT 10:40 A.M. AND CONTINUED OPEN TO JANUARY 10, 2006, AT 10:30 A.M.

0523-011 Public Hearing - Petition for Immediate Cancellation of a Williamson Act Agreement - consideration of a petition to immediately cancel a Williamson Act agreement on a 52.72 acre parcel, located at the terminus of Kittyhawk Drive, approximately 2,100 feet west of Garner Lane, and east of, and adjacent to, State Route 99, in the north Chico area and identified as APN 047-260-199. In accordance with the California Environmental Quality Act, an Initial Study has been prepared for this project and the Planning Division is recommending a Mitigated Negative Declaration - action requested - OPEN HEARING AND CONTINUE OPEN TO A DATE AND TIME TO BE DECIDED BY THE BOARD. (**360)

PUBLIC HEARING OPENED AT 11:06 A.M. AND CONTINUED OPEN TO DECEMBER 13, 2005, AT 10:35 A.M.

RECESS: 11:08 A.M.

RECONVENE: 11:27 A.M.

0523-012 Public Hearing - Ken and Mary Brown - Tentative Parcel Map Appeal - consideration of an appeal of conditions of approval of a Tentative Parcel Map to divide a 2.3 acre parcel into two parcels of 1.03 and 1.3 acres. Sanitary sewer service to the property is available through a recorded "Sewer Service and Annexation Agreement" with the City of Chico. Water service would be provided by the California Water Service Company. Access for the additional parcel is proposed by Via Morro Court. The project is located on the north side of Via Morro Court, and identified as APN 011-020-083 (TPM 04N-29) - action requested - OPEN HEARING AND CONTINUE OPEN TO A DATE AND TIME TO BE DECIDED BY THE BOARD. (**444)

PUBLIC HEARING OPENED AT 11:28 A.M. AND CONTINUED OPEN TO DECEMBER 13, 2005, AT 10:45 A.M.

PUBLIC HEARING AND TIMED ITEMS

0523-013 Public Hearing - Public Health Department Fees - consideration of two ordinances amending Chapter 43, Public Health Department Fees, of the Butte County Code, adding or amending the fee schedule relating to: 1) Environmental Health Fees for School Food Facilities Annual Permits and Inspections, Caterer Annual Permits and Inspections, Underground Storage Program Reviews and Inspection Fees, Plan and Site Review for Temporary Mobile Home "Aunt Minnie" and Home Occupation Permits, Public Pool/Spa Remodel Fees, Hazardous Materials Contaminated Site Plan Review Fees, and Certified Unified Program Agency (3 new State surcharges); 2) Public Health Clinic Fees for immunizations, tuberculous tests and travel immunizations; and 3) Application fees for Medical Marijuana Identification Cards to qualified patients and caregivers pursuant to California Health and Safety Code Sections 11362.7 through 11362.83 - action requested - ADOPT ORDINANCES (2) AND AUTHORIZE THE CHAIR TO SIGN. (**469)

PUBLIC HEARING OPENED: 11:28 A.M.
PUBLIC HEARING CLOSED: 11:49 A.M.

MOTION: I MOVE TO ADOPT ORDINANCES 3915 AND 3916 AND AUTHORIZE THE CHAIR TO SIGN.

M

VOTE: 1 2 3 4 5 (Motion Dies for Lack of Second)

MOTION: I MOVE TO ADOPT ORDINANCES 3915 AND 3916 WITH ALL FEES EXCEPT THE MEDICAL MARIJUANA FEE AND AUTHORIZE THE CHAIR TO SIGN.

M S

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

0523-014 Public Hearing - Randy Moon - Tentative Parcel Map Appeal - consideration of an appeal of conditions of approval of a Tentative Parcel map to divide a 2.0 acre parcel into two 1.0 acre parcels, on property located on the southeast corner of Stanley Avenue and Walnut Tree Lane, approximately 2,100 feet east of Dayton Road, southwest of Chico, and identified as APN 039-370-100 - action requested - OPEN HEARING AND CONTINUE OPEN TO A DATE AND TIME TO BE DECIDED BY THE BOARD. (**1357)

PUBLIC HEARING OPENED AT 11:54 A.M. AND CONTINUED OPEN TO DECEMBER 13, 2005, AT 11:15 A.M.

CLOSED SESSION

0523-015 RECESS: THE BOARD RECESSED AT 11:55 A.M. TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): TWO POTENTIAL CASES; AND A CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6. AGENCY REPRESENTATIVE: JEANNE GRAVETTE; EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFFS' 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. (**385)

RECONVENE: THE BOARD RECONVENED AT 1:26 P.M. FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): TWO POTENTIAL CASES; AND A CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6. AGENCY REPRESENTATIVE: JEANNE GRAVETTE; EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFFS' 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. (**1416) (NO ANNOUNCEMENTS)

ADJOURNMENT THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 1:26 P.M. TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD ON DECEMBER 13, 2005, AT 9:00 A.M.

KIM K. YAMAGUCHI, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative
Office and Clerk of the Board

By: _____