

Called to order at 9:07 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. MOMENT OF SILENCE HELD IN MEMORY OF PAT DENNISON, WIFE OF PLUMAS COUNTY SUPERVISOR BILL DENNISON.

Corrections and/or Changes to the Agenda. (67)

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

0602-001 Funds for Search and Rescue Generator Installation - approval is requested to accept and appropriate \$3,933 in federal Homeland Security grant funds from the Emergency Services' budget unit to the Sheriff's Office budget unit to provide the appropriation needed for the installation costs for an emergency generator at the Search and Rescue building - action requested - APPROVE A BUDGET TRANSFER APPROPRIATING FUNDS BETWEEN BUDGET UNITS AS DETAILED IN THE AGENDA REPORT.

AT THE REQUEST OF THE SHERIFF'S OFFICE, THIS ITEM REMOVED FROM THE AGENDA WITHOUT CONSIDERATION OR ACTION. THE INSTALLATION COSTS WILL BE COVERED WITHOUT THE NEEDED BUDGET TRANSFER.

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**CONSENT AGENDA**

0602-002 1. Local Agency Improvement Fees - submitted is the Combined Report of Impact Fees or Local Agency Improvement Fees for Fiscal Year 2004-2005. Pursuant to Government Code Section 66006, this item was introduced at the meeting of December 13, 2005, 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 AS SET FORTH IN GOVERNMENT CODE SECTION 66001(d). (FROM 12-13-05 [3.01])

- 0602-002 2. Skyway House - Amendment - approval is requested for an amendment to the agreement with the Skyway House for the provision of long-term residential recovery services, day care services and alcohol and drug free housing services. The amendment decreases the maximum amount payable by \$48,085.72, 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. X15065)
3. State of California, Department of Alcohol and Drug Programs - approval is requested for a grant agreement with the State of California, Department of Alcohol and Drug Programs, for funds to continue the Drug Court Partnership Project. The term of the grant is July 1, 2005, through June 30, 2006, with a maximum amount payable to the County of \$132,867 - action requested - APPROVE GRANT AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40153)
4. Promoting Safe and Stable Families Revenue - approval is requested to accept and appropriate \$21,171 from the Butte County Department of Employment and Social Services for the provision of services to support Promoting Safe and Stable Families grant programs - action requested - APPROVE BUDGET TRANSFER B-197 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
5. Butte County Mosquito and Vector Control District - Supervisor Connelly submits his nominee for District 1 Representative - action requested - REAPPOINT LYNN VANHART, DISTRICT 1 REPRESENTATIVE, TO A TERM TO END DECEMBER 31, 2007.
6. Resolution in Support of Joining the Province of Quezon, Philippines, in a Twinning Sister-City Relationship - consideration of a resolution in support of a sister-city relationship with the Quezon Province, Philippines, in order to enhance the development of economic and cultural exchanges between the two parties - action requested - ADOPT RESOLUTION 06-003 AND AUTHORIZE THE CHAIR TO SIGN.
7. Approval of Minutes - action requested - APPROVE MINUTES OF AUGUST 2, 2005; AUGUST 16, 2005; AUGUST 30, 2005; SEPTEMBER 13, 2005; SEPTEMBER 14, 2005; AND SEPTEMBER 27, 2005.

- 0602-002 8. Initiation of Zoning Code Amendment - approval is requested to initiate a zoning code amendment to Butte County Code Section 24-82, entitled, "Flexible Lot Size Provisions", to allow the application of flexible lot size provisions within certain areas of the adopted Butte County Airport Land Use Compatibility Plan. Once a proposed revision is drafted, it will be presented to the Airport Land Use Commission for review - action requested - PURSUANT TO THE REQUIREMENTS OF BUTTE COUNTY CODE SECTION 24-25.20 ET SEQ, DIRECT STAFF TO INITIATE A ZONING CODE AMENDMENT TO BUTTE COUNTY CODE SECTION 24-82.
9. Resolution Recognizing Employment and Eligibility Staff Week in Butte County - consideration of a resolution proclaiming January 22, 2006, through January 29, 2006, as Employment and Eligibility Staff Recognition Week in Butte County - action requested - ADOPT RESOLUTION 06-004 AND AUTHORIZE THE CHAIR TO SIGN.
10. State of California, 9-1-1 Emergency Communications Office Grant Revenue - approval is requested to accept and appropriate \$13,261 in grant funds received from the State of California, 9-1-1 Communications Office, for fiscal year 2005-2006. The funds will be used to purchase fire prevention education materials targeted at elementary school children - action requested - APPROVE BUDGET TRANSFER B-196 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
11. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: DISTRICT ATTORNEY-CRIMINAL - adds 1 sunset position of District Attorney Victim Counselor (position end date 6-30-07), and 1 sunset position of Investigator II/I (position end date 6-30-06). PROBATION - adds 1 sunset position of Probation Officer III/II/I (position end date 12-31-06). DEVELOPMENT SERVICES - adds 1 position of Planner, Principal, and 1 position of Planner, Senior. COUNTY CLERK-RECORDER - deletes 2 flexibly staffed positions of Deputy County Clerk-Recorder II/I/Deputy County Clerk I. PUBLIC HEALTH-GENERAL SERVICES - deletes 1 position of Public Health Education Specialist, Senior/Public Health Education Specialist/Public Health Education Specialist, Associate. INFORMATION SYSTEMS - adds 2 positions of Accounting Systems Analyst, 2 positions of Information Systems Analyst, Principal/Information Systems Analyst, Senior/Information Systems Analyst/Information Systems Analyst, Associate. SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE A, APPOINTED DEPARTMENT HEADS - sets the annual salary for the Director-Water and Resource Conservation at \$97,233, effective January 2, 2006 - action requested - ADOPT RESOLUTION 06-005 AND AUTHORIZE THE CHAIR TO SIGN.

- 0602-002 12. Internal Revenue Code Section 125 Flexible Spending Plan - Amendment to Plan Document - approval is requested for an amendment to the Internal Revenue Code (IRC) Section 125 Flexible Spending Plan document which will establish a grace period in the plan to allow participating employees to use amounts unused at the end of the plan year to pay for expenses incurred during the grace period - action requested - ADOPT RESOLUTION 06-006 APPROVING PLAN DOCUMENT AND AUTHORIZE THE CHAIR TO SIGN RESOLUTION AND AMENDMENT.
13. James E. Brown - approval is requested for a lease agreement with James E. Brown for the property located at 1311 Mangrove Avenue, Suites D and E, Chico. The location is utilized by the Woman, Infants and Children Program. The term of the agreement is January 1, 2006, through December 31, 2006, with a maximum amount payable of \$25,584 (\$2,132 per month [department budget]) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
14. Revenue Adjustments - approval is requested to increase the revenue in the department's budget units by \$117,331 as the result of an increased allocation distribution for the County Medical Services Program/Emergency Medical Services Program for fiscal year 2004-2005, and to increase and appropriate revenue in the department's Emergency Medical Services revenue account by \$6~~±~~2,669 as a result of increased surcharge collections - action requested - APPROVE BUDGET TRANSFER B-198 (4/5 vote required) INCREASING REVENUE ACCOUNTS AND APPROPRIATING REVENUE AS DETAILED IN THE AGENDA REPORT.
15. Cabin Hollow Court Condominium Subdivision Final Map - Cabin Hollow Court Condominium Subdivision is a one-parcel final map for an industrial condominium development located at 13309 and 13311 Cabin Hollow Court, southeast of the Chico Airport. The proposed project will divide the existing 5 structures into 14 condominium units that can be sold separately. The subject property is identified as APN 016-220-053 - action requested - APPROVE FINAL MAP.
16. Resolution Prohibiting Stopping, Standing or Parking, North and South Sides of Humboldt Road from the Chico City Limits, East of Dead Horse Slough Bridge, to El Monte Avenue - proposed is a resolution which will prohibit vehicles from stopping, standing or parking on the north and south sides of Humboldt Road from the Chico City Limits, east of Dead Horse Slough, to El Monte Avenue - action requested - ADOPT RESOLUTION 06-007 AND AUTHORIZE THE CHAIR TO SIGN.

- 0602-002 17. Golder Associates - Amendment - approval is requested for an amendment to the agreement with Golder Associates for the provision of conceptual excavation plan drawings and construction quality assurance services for modules at the Neal Road Sanitary Landfill. The amendment revises the scope of work to include a Module 4C Excavation Plan and Peer Review of Public Works staff design specifications for Closure Phase II. The proposed revised scope of work will not require a revision to the original contract amount due to savings realized under the original agreement - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15441)
18. Reconstruction of Garner Lane, from 150 Feet South of Short Horn Drive to Keefer Road; County Project No. 61165A-04-1 - Contract Change Order (CCO) No. 1 - CCO No. 1, in the net decreasing amount of \$1,225.04, provides for increases and decreases in contract items to reflect actual quantities used to complete the project, and for extra work involved in the placement of subgrade enhancement fabric and asphalt concrete plugs in areas of the base rock grade. The net changes resulted in the overall decrease of \$1,225.04 - action requested - APPROVE CONTRACT CHANGE ORDER NO. 1 AND AUTHORIZE THE CHAIR TO SIGN.
19. Reconstruction of Garner Lane, from 150 Feet South of Short Horn Drive to Keefer Road; County Project No. 61165A-04-1 - Notice of Completion - the project consisted of the reconstruction of a portion of an existing two-lane roadway by removing the existing roadway section, compacting the subgrade, placing an aggregate base, and surfacing with asphalt concrete. All contract work has been completed - action requested - ACCEPT CONTRACT WORK; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND AUTHORIZE THE RECORDING OF THE NOTICE OF COMPLETION.
20. Introduction of an Ordinance Regarding Unclaimed, Found Property, Amending Sections 2-87, 2-88, 2-90 and 2-91 of Article XII of Chapter 2 of the Butte County Code, to Comply with California Civil Code Sections 2080 et seq, as Well as Penal Code Section 1411 - approval is requested for an ordinance which will amend the Butte County Code regarding unclaimed and found property to comply with the California Civil Code and California Penal Code - action requested - WAIVE READING OF THE ORDINANCE.

- 0602-002 21. Ratification of Purchase in Excess of \$2,500 - approval is requested to ratify the purchase, and authorize payment of the invoice for the purchase of filters for the evidence drying cabinet, and file and gun boxes for the safe storage of firearms. The purchases inadvertently exceeded the \$2,500 threshold for Field Purchase Orders, and Board ratification is now required. The final invoice amount to be paid is \$3,098.15 (department budget) - action requested - RATIFY PURCHASES AND AUTHORIZE THE AUDITOR-CONTROLLER TO PAY INVOICE AMOUNT.
22. Monthly Investment Report - submitted is the Monthly Investment Report dated November 30, 2005, in accordance with the Statement of Investment Policy dated July 1, 2005 - action requested - ACCEPT FOR INFORMATION.
23. Resolutions in Appreciation of Media Coverage - the Children's Services Coordinating Council is requesting the Board adopt resolutions in appreciation of the Chico News & Review, the Chico Enterprise Record, KPAY Radio Station, KFZR Radio Station, and KQPT Radio Station for their support and contributions to the campaign to increase awareness of the Frank Watters Children's Trust Fund - action requested - ADOPT RESOLUTIONS 06-008, 06-009, 06-010, 06-011, AND 06-012 AND AUTHORIZE THE CHAIR TO SIGN.
24. Butte County Children and Families Commission Annual Audit - pursuant to Butte County Code Section 2-100.70(d), submitted is the Butte County Children and Families Commission's Annual Audit for Fiscal Year 2004-2005 - action requested - ACCEPT FOR INFORMATION.
25. Local Child Care Planning Council - pursuant to California Education Code Section 8499.3, the Butte County Office of Education submits for approval the Local Child Care Planning Council Certification Statement - action requested - ACCEPT AND APPROVE THE CERTIFICATION STATEMENT REGARDING COMPOSITION OF THE LOCAL CHILD CARE PLANNING COUNCIL AND AUTHORIZE THE CHAIR TO SIGN.
26. Lake Madrone Water District - submitted is the Board of Director's recommendation for appointment to a Board vacancy - action requested - APPOINT FRED MICHELS, DIRECTOR, TO A VACATED TERM TO END DECEMBER 3, 2007.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 3.14 AMENDED TO CORRECT A BUDGET TRANSFER AMOUNT FROM \$61,699 TO \$62,699, AND THE REMOVAL OF ITEM 3.20. (67)

S M

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

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BOARD OF SUPERVISORS ORGANIZATION - 2006

0602-003 Election of Board Chair (95)

MOTION: I MOVE THE ELECTION OF SUPERVISOR JOSIASSEN FOR CHAIR 2006.  
S M

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

Election of Board Vice Chair

MOTION: I MOVE TO ELECT SUPERVISOR CONNELLY AS THE VICE CHAIR OF THE BOARD FOR 2006.

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

Comments by Supervisors:

1. New Chair

CHAIR JOSIASSEN PROVIDED COMMENTS ON ISSUES AND CHALLENGES IN THE COMING YEAR.

2. Board Members

SUPERVISOR YAMAGUCHI COMMENTED ON COMING CHALLENGES AND PROJECTS IN 2006.

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REGULAR AGENDA

0602-004 Boards, Commissions and Committees. (365)

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

SUPERVISOR YAMAGUCHI INFORMED THE BOARD THAT THE SIERRA NEVADA CONSERVANCY HAS NOT YET MET, AND STATED THAT A BRIEF REPORT ON AB 8085 (ON-SITE WASTE TREATMENT FACILITIES) WAS PRESENTED AT THE LAST REGIONAL COUNCIL OF RURAL COUNTIES MEETING.

3. City/County Subcommittees.

- A. City of Biggs - consideration of the formation of, and appointments to, a subcommittee of the Board to work with staff on issues with the City of Biggs - action requested - APPROVE FORMATION OF SUBCOMMITTEE; AND APPOINT TWO BOARD MEMBER REPRESENTATIVES.

0602-004 3. B. City of Gridley - consideration of the formation of, and appointments to, a subcommittee of the Board to work with staff on issues with the City of Gridley - action requested - APPROVE FORMATION OF SUBCOMMITTEE; AND APPOINT TWO BOARD MEMBER REPRESENTATIVES.

MOTION: I MOVE TO APPOINT SUPERVISOR JOSIASSEN AND SUPERVISOR CONNELLY TO BOTH THE CITY OF BIGGS AND CITY OF GRIDLEY COMMITTEES.

S M

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

4. Northern California Water Association - consideration of the election of 2 Directors and 2 Alternate Directors for the term of January 1, 2006, through December 31, 2007 - action requested - SELECT 2 DIRECTORS AND 2 ALTERNATE DIRECTORS AND AUTHORIZE THE CHAIR TO SIGN VOTING MEMBERSHIP BALLOT.

ITEM CONTINUED TO THE AGENDA OF JANUARY 24, 2006, TO ALLOW ADDITIONAL TIME TO ASCERTAIN THE PROPOSED INDIVIDUALS' INTEREST IN CONTINUING TO SERVE.

0602-005 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (606) BRUCE ALPERT, COUNTY COUNSEL, INTRODUCED TO THE BOARD ROGER WILSON, A NEWLY RE-HIRED ATTORNEY RETURNING TO THE COUNTY COUNSEL'S OFFICE. PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, PRESENTED TO THE BOARD THE 2005 SILVER MEDAL AWARD TO THE COUNTY FOR ITS STATE BOOTH ENTRY, AND INFORMED THE BOARD THAT THE LEGISLATURE IS BACK IN SESSION AND LEGISLATIVE INFORMATION WILL BE PROVIDED IN THE FOLLOWING PRESENTATIONS.

1. 2006 Legislative/Regulatory Platform - presentation of the County 2006 Legislative/Regulatory Platform which describes the County's legislative and regulatory priorities and goals for the upcoming legislative session - action requested - ADOPT PLATFORM. (668)

PRESENTATION TO THE BOARD BY PAUL YODER AND TOM RENFREY, STRATEGIC LOCAL GOVERNMENT SERVICES.89

MOTION: I MOVE TO ADOPT THE PLATFORM AS PRESENTED.

M S

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

2. 2007 Federal Legislative Platform - presentation of a year end review of the fiscal year 2006 federal legislative platform, an outlook for fiscal year 2007, and a list of proposed projects for fiscal year 2007 - action requested - ADOPT THE 2007 BUTTE COUNTY FEDERAL LEGISLATIVE PLATFORM. (1368)

PRESENTATION TO THE BOARD BY KRISTI MORE, THE FERGUSON GROUP.

MOTION: I MOVE TO ADOPT THE 2007 FEDERAL LEGISLATIVE PLATFORM, INCLUDING A POLICY OR NON-APPROPRIATIONS ISSUES LEVEL.

S M

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

**RECESS:** 10:05 A.M.

**RECONVENE:** 10:15 A.M.

0602-006 **PUBLIC COMMENT**

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. (2112)

1. RUDY JENKINS, BUTTE COUNTY EMPLOYEES ASSOCIATION (BCEA), ADDRESSED THE BOARD TO REQUEST THE COUNTY NEGOTIATE WITH BCEA.
2. GERRY GRANDSTAFF, ASSESSOR'S OFFICE, ADDRESSED THE BOARD TO STATE THAT THE ADDITIONAL TWO-STEP IMPLEMENTATION PLAN UNFAIRLY PENALIZES EMPLOYEES IN THE FIRST, SECOND AND THIRD STEPS.
3. GEORGE NINE, RETIRED COUNTY EMPLOYEE, STATED THAT TO BE THE BEST COUNTY THE COUNTY HAS TO HAVE THE BEST PAID EMPLOYEES, THAT THE END LEVEL WORKERS WHO DO THE WORK HAVE BEEN OVERLOOKED, AND THAT COST OF LIVING INCREASES SHOULD BE GIVEN TO WORKERS.
4. PAULINE EVANS, BEHAVIORAL HEALTH DEPARTMENT, TO ASK THE COUNTY TO BRING A PROPOSAL TO THE TABLE THAT IS FAIR AND COMPENSATES WORKERS AT A LEVEL THEY DESERVE AND HAVE EARNED.
5. MELODY NELSON, ASSESSOR'S OFFICE, STATED THAT SHE DOES NOT THINK IT IS FAIR THAT THE (EMPLOYEES') CHILDREN HAVE TO SUFFER AND WOULD APPRECIATE THE PAY THAT IS DUE.
6. DAN WILSON, PUBLIC WORKS, STATED THAT THE COUNTY HAS NOT NEGOTIATED FAIRLY WITH BCEA AND THAT THEY DON'T WANT A MERIT SYSTEM IMPLEMENTATION AND THINK IT IS NOT FAIR.
7. CERITA PENMAN, ASSESSOR'S OFFICE, STATED HER CONCERN THAT THE CLASS/COMP STUDY HAS BEEN LUMPED INTO THE CONTRACT NEGOTIATIONS AND THAT THE COUNTY JUST NEEDS TO IMPLEMENT THE STUDY AND DO THE NEGOTIATIONS FOR OTHER BENEFITS.
8. FRED THUMAN, CHILD SUPPORT SERVICES, THANKED THE BOARD FOR TAKING THE SPEAKERS OUT OF ORDER AND STATED THAT THE UNION MEMBERS DO NOT THINK THEY ARE BEING TREATED FAIRLY, THAT THE STUDY WAS SUPPOSED TO BE FOR SALARY ONLY AND THAT IS NOT WHAT IS GOING ON, AND THAT THE PROPOSED IMPLEMENTATION PLAN IS NOT FAIR.

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0602-006 9. MISTY MICHELET, CHILD SUPPORT SERVICES, THANKED THE BOARD FOR LISTENING AND STATED THAT SHE IS SPEAKING FOR THE PEOPLE AFFECTED BY THE HEALTH INSURANCE AND THOSE AT STEP ONE AND TWO WHO ARE NOT GOING TO BENEFIT FROM THE PROPOSED PLAN, AND THAT SHE DID NOT THINK IT WAS FAIR TO HURT THEM.

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**REGULAR AGENDA**

0602-007 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (2560)

3. Letter of Concern Regarding Status of Video Franchising - the California Cable and Telecommunications Association and League of California Cities are urging local governments to send letters of concern to their federal and state legislative representatives regarding current efforts by telephone companies to bypass established franchising principals in offering local video services - action requested - APPROVE LETTER OF CONCERN AND AUTHORIZE THE CHAIR TO SIGN.

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

S M

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

0602-008 Butte County Community Wildfire Protection Plan - consideration of the Butte County Community Wildfire Protection Plan which will serve as the County's master wildland fire planning document - action requested - APPROVE THE BUTTE COUNTY COMMUNITY WILDFIRE PROTECTION PLAN AS BUTTE COUNTY'S MASTER WILDLAND FIRE PLANNING DOCUMENT, AND AUTHORIZE THE CHAIR OF THE BOARD TO SIGN THE COMMUNITY WILDFIRE PROTECTION PLAN CERTIFICATION AND AGREEMENT. (2815) (\*\*00)

MOTION: I MOVE TO APPROVE THE BUTTE COUNTY COMMUNITY WILDFIRE PROTECTION PLAN AS BUTTE COUNTY'S MASTER WILDLAND FIRE PLANNING DOCUMENT, AND AUTHORIZE THE CHAIR OF THE BOARD TO SIGN THE COMMUNITY WILDFIRE PROTECTION PLAN CERTIFICATION AND AGREEMENT.

M S

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

PUBLIC HEARINGS AND TIMED ITEMS

0602-009 Continued 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:

1. STAFF RECOMMENDS THE BOARD DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSIONS' APPROVAL WITH THE FOLLOWING ACTIONS:
  - A. SUBJECT TO FINDINGS A(I[A-D]) AS DETAILED IN THE REVISED STAFF REPORT DATED NOVEMBER 8, 2005, AND THE CONDITIONS OF APPROVAL AS DETAILED IN EXHIBIT "A" OF THE REVISED STAFF REPORT DATED NOVEMBER 8, 2005, DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S APPROVAL;
  - B. SUBJECT TO FINDINGS A(II[A-E]) AS DETAILED IN THE REVISED STAFF REPORT DATED NOVEMBER 8, 2005, ADOPT A MITIGATED NEGATIVE DECLARATION; AND
  - C. 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;  
**OR**
2. SHOULD THE BOARD CHOOSE, MOVE TO GRANT THE APPEAL AND DENY THE PROJECT; **OR**
3. SHOULD THE BOARD CHOOSE TO APPROVE THE PROJECT AS PRESENTED, THE BOARD SHOULD TAKE THE FOLLOWING ACTIONS:
  - A. SUBJECT TO FINDINGS C(I[A-D]) AS DETAILED IN THE REVISED STAFF REPORT DATED NOVEMBER 8, 2005, AND THE CONDITIONS OF APPROVAL AS DETAILED IN "EXHIBIT B" OF THE REVISED STAFF REPORT DATED NOVEMBER 8, 2005, APPROVE USE PERMIT UP 05-01 FOR T-MOBILE WIRELESS, INC., AS ORIGINALLY SUBMITTED AS A 114-FOOT TOWER WITH DECORATIVE WINDMILL;

- 0602-009 3. B. SUBJECT TO FINDINGS C(II[A-E]) AS DETAILED IN THE REVISED STAFF REPORT DATED NOVEMBER 8, 2005, ADOPT A MITIGATED NEGATIVE DECLARATION; AND
- C. 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. (FROM 11-8-05 [5.01])

PUBLIC HEARING RECONVENED: 10:55 A.M.  
PUBLIC HEARING CLOSED: 12:01 P.M.

MOTION: SUBJECT TO FINDINGS A(I[A-D]) AS DETAILED IN THE REVISED STAFF REPORT DATED NOVEMBER 8, 2005, AND THE CONDITIONS OF APPROVAL AS DETAILED IN EXHIBIT "A" OF THE REVISED STAFF REPORT DATED NOVEMBER 8, 2005, I MOVE TO DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S APPROVAL; SUBJECT TO FINDINGS A(II[A-E]) AS DETAILED IN THE REVISED STAFF REPORT DATED NOVEMBER 8, 2005, MOVE TO ADOPT A MITIGATED NEGATIVE DECLARATION; AND FURTHER MOVE TO 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.

M S

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

CLOSED SESSION

0602-010 RECESS:

THE BOARD RECESSED AT 12:14 P.M. TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 24956.9(a): LAKE OROVILLE INTERVENTION (FERC PROJECT 2100), AND DEORLE V. RUTHERFORD (USDC CIV-S-97-0434 LKK/PAN); A CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; A 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; PUBLIC EMPLOYEE PERFORMANCE EVALUATION, INCLUDING GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: DIRECTOR-PUBLIC HEALTH; AND A PUBLIC EMPLOYEE EMPLOYMENT/ APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: DIRECTOR-WATER AND RESOURCE CONSERVATION. (\*\*3558) (\*\*00)

0602-010    **RECONVENE :**                    THE BOARD RECONVENED AT 2:00 P.M. FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 24956.9(a): LAKE OROVILLE INTERVENTION (FERC PROJECT 2100), AND DEORLE V. RUTHERFORD (USDC CIV-S-97-0434 LKK/PAN); A CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; A 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; PUBLIC EMPLOYEE PERFORMANCE EVALUATION, INCLUDING GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: DIRECTOR-PUBLIC HEALTH; AND A PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: DIRECTOR-WATER AND RESOURCE CONSERVATION.                    (\*\*178) (NO ANNOUNCEMENT)

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**REGULAR AGENDA**

0602-011    A Matter on Which a Public Hearing Has Been Held and a Motion of Intent Adopted - Randy Moon Tentative Parcel Map Appeal - on December 13, 2005, the Board approved a motion of intent regarding 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. Submitted are actions required for final approval of the project - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1.    SUBJECT TO FINDINGS I(A AND B) AS DETAILED IN THE STAFF REPORT DATED JANUARY 10, 2006, GRANT THE APPEAL OF THE EXCEPTION AND ELIMINATE CONDITION NO. 8 BASED ON EXISTING ROAD IMPROVEMENT RS-8 LD-III BEING DEEMED SUFFICIENT; AND

0602-011 2. SUBJECT TO FINDING II(A) AS DETAILED IN THE STAFF REPORT DATED JANUARY 10, 2006, DENY THE APPEAL TO REMOVE CONDITION NO. 10 WHICH REQUIRED THAT PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS, A PLAN FOR A PERMANENT SOLUTION FOR DRAINAGE BE SUBMITTED TO AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS. (FROM 12-13-05 [5.04]) (\*\*185)

MOTION: SUBJECT TO FINDINGS I(A AND B) AS DETAILED IN THE STAFF REPORT DATED JANUARY 10, 2006, I MOVE TO GRANT THE APPEAL OF THE EXCEPTION AND ELIMINATE CONDITION NO. 8 BASED ON EXISTING ROAD IMPROVEMENT RS-8 LD-III BEING DEEMED SUFFICIENT; AND SUBJECT TO FINDING II(A) AS DETAILED IN THE STAFF REPORT DATED JANUARY 10, 2006, FURTHER MOVE TO DENY THE APPEAL TO REMOVE CONDITION NO. 10 WHICH REQUIRED THAT PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS, A PLAN FOR A PERMANENT SOLUTION FOR DRAINAGE BE SUBMITTED TO AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS.

S M

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

0602-012 Adoption of an Ordinance Amending Article XVIII, Section 2-151, of the Butte County Code Entitled "Duties of Department" - in order to facilitate the Development Services Department in carrying out its role under the Master Cooperative Environmental Review Agreement, it is proposed that the description of the duties of the Director of Development Services, found in Butte County Code Section 2-151, be clarified to explicitly allow the director to make procedures for submittal of development applications - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 12-13-05 [4.06]) (\*\*235)

MOTION: I MOVE TO ADOPT ORDINANCE 3919 AND AUTHORIZE THE CHAIR TO SIGN.

M S

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

0602-013 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. (PUBLIC WORKS [FROM 11-8-05 (4.05)]) (\*\*338)

0602-013 MOTION: I MOVE TO 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.

M S

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

0602-014 Introduction of an Ordinance of the County of Butte Requiring Diversion of Construction and Demolition Debris, Amending the Butte County Code by Adding Article VII to Chapter 31 and Amending Section 1-7 of Chapter 1, and Section 41-5 of Chapter 41 - consideration of an ordinance which would establish requirements to divert construction and demolition debris from the Neal Road Landfill through recycling or reuse - action requested - CONTINUE MATTER TO ALLOW STAFF ADDITIONAL TIME TO CONSIDER USER GROUP INPUT AND POSSIBLE AMENDMENTS TO THE ORDINANCE. (FROM 12-13-05 [4.07]) (\*\*620)

BOARD DIRECTION TO CONTINUE THIS ITEM TO THE AGENDA OF JANUARY 24, 2006, TO ALLOW STAFF ADDITIONAL TIME TO MAKE MINOR REVISIONS TO THE ORDINANCE AND CREATE RECOMMENDATIONS.

0602-015 Participation in Development of Request For Proposal for Solid Waste Collection and Recycling Services in the Upper Ridge Area and Cost Share Agreement - approval is requested for staff to work with the Town of Paradise and consultants to develop a Request For Proposal for the competitive selection of a contractor(s) to provide solid waste services to a Town of Paradise franchised area, to include unincorporated areas of the Upper Ridge, and consideration of a Cost Sharing Agreement with the Town for the County's costs (\$8,033) associated with services provided by the Town's consultant - action requested - AUTHORIZE STAFF TO WORK WITH THE TOWN OF PARADISE AND CONSULTANT TO DEVELOP A REQUEST FOR PROPOSAL; AUTHORIZE THE COUNTY SOLID WASTE COMMITTEE TO PROVIDE DIRECTION, REVIEW OF THE CONSULTANT'S WORK, AND MAKE RECOMMENDATIONS TO THE BOARD RELATING TO THE COUNTY'S PORTION OF THE REQUEST FOR PROPOSAL; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO A COST SHARING AGREEMENT WITH THE TOWN OF PARADISE. (\*\*705)

MOTION: I MOVE TO AUTHORIZE STAFF TO WORK WITH THE TOWN OF PARADISE AND CONSULTANT TO DEVELOP A REQUEST FOR PROPOSAL; AUTHORIZE THE COUNTY SOLID WASTE COMMITTEE TO PROVIDE DIRECTION, REVIEW OF THE CONSULTANT'S WORK, AND MAKE RECOMMENDATIONS TO THE BOARD RELATING TO THE COUNTY'S PORTION OF THE REQUEST FOR PROPOSAL; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO A COST SHARING AGREEMENT WITH THE TOWN OF PARADISE.

S M

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

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0602-016 Items Removed from the Consent Agenda for Board Consideration and Action. (\*\*1239) (NONE)

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PUBLIC COMMENT

0602-017 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. (\*\*1243) (NONE)

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ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 2:31 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, JANUARY 24, 2006, AT 9:00 A.M.

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CURT JOSIASSEN, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative  
Officer and Clerk of the Board

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