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**CALL TO ORDER**

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

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**0605-001 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.**

1. Zoning Boundary Correction (APN 047-710-001) - approval is requested for a zoning boundary correction for APN 047-710-001. A zoning boundary is located between the SR-1/PD (Suburban Residential - 1 acre minimum parcel size/Planned Development) and the OS/PD (Open Space/Planned Development) zones on the property. The applicable Rezone and Specific Plan Amendment approved on the property (Ordinances 3462 and 3463) indicate that the SR-1/PD zone was to include 126.1 acres and the OS/PD zone was to include 103.1 acres. When area amounts were calculated for these areas based on the Official County Zoning Map, they did not equal the required acreages. To correct the problem new legal descriptions have been written to provide for the correct acreages. The new legal descriptions would allow for a correction to the Official County Zoning Map - action requested - APPROVE THE CORRECTED LEGAL DESCRIPTIONS FOR ORDINANCES 3462 AND 3463 AS DETAILED IN THE AGENDA REPORT; AMEND THE M-1 ZONE BOUNDARY LINE ADJACENT TO MUD CREEK; AND INSTRUCT STAFF TO SHOW THESE CORRECTIONS ON THE OFFICIAL BUTTE COUNTY ZONING MAP.

- 0605-001 2. Resolution for Summary Vacation for a Water Pipeline Right of Way from the Miocene Canal to the Old County Infirmary - the department has received a developer request to vacate an old water pipeline Right of Way traversing a parcel (APN 031-030-031) located within the City of Oroville. The right of way was granted to the County in 1886 to provide water to the County infirmary. The pipe no longer exists and the old infirmary building is currently serviced by the Thermalito Irrigation District and an on-site well. The Thermalito Irrigation District, Butte County General Services, Butte County Facilities Services, and Butte County Water and Resource Conservation have no objections to the vacation of this water pipeline right of way. The developer has been advised to work with the City of Oroville to vacate any public interest that may exist within the incorporated area - action requested - FIND THAT THE WATER PIPELINE RIGHT OF WAY DESCRIBED IN THE RESOLUTION FOR SUMMARY VACATION FOR A WATER PIPELINE RIGHT OF WAY FROM THE MIOCENE CANAL TO THE OLD COUNTY INFIRMARY IS NO LONGER NECESSARY OR REQUIRED; ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE QUITCLAIM DEED AND AUTHORIZE THE CHAIR TO SIGN.

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

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CONSENT AGENDA

- 0605-002 1. Fixed Asset Purchase and Budget Transfer - approval is requested to transfer \$99,632 between department budget line items to provide the appropriation needed to fund a remodel (Phase II) of the office space located at 592 Rio Lindo Avenue, Chico. The project will include the construction of a new office, patio entrance area, cabinets, counter tops, doors, locks and painting. Board approval is also requested for the purchase of fixed asset items needed for the project - action requested - APPROVE BUDGET TRANSFER B-267 APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE THE FIXED ASSET PURCHASE OF EQUIPMENT FOR THE PROJECT.
2. Tamara Miller - approval is requested for an agreement with Tamara Miller for consulting services to prepare the State Revolving Fund Loan Application associated with the Chico Urban Area Nitrate Compliance Plan. The term of the agreement is February 1, 2006, through February 1, 2007, with a maximum amount payable of \$78,268 (County Service Area No. 114 budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0605-002
3. Ratification of Tentative Agreement - Butte County Employees' Association - on February 15, 2006, the members of the Butte County Employees' Association voted to ratify an agreement with Butte County for an amendment to their existing Memorandum of Understanding implementing the classification and compensation study and splitting the cost of medical insurance premium increases 50/50. The agreement implementing salary changes will be presented to the Board on March 14, 2006, but Board authority is requested to implement the medical insurance premium aspect of the agreement based upon this ratification - action requested - AUTHORIZE IMPLEMENTATION OF THE MEDICAL INSURANCE PREMIUM AGREEMENT AS RATIFIED BY THE BUTTE COUNTY EMPLOYEES' ASSOCIATION.
  4. Authority to Proceed with Real Property Purchase - on February 14, 2006, the Board approved negotiation of the purchase of 492 and 554 Rio Lindo Avenue, Chico. The property will be utilized for a Veterans Memorial Hall and adjacent public parking. Approval is requested to proceed with the purchase, subject to the provisions of Government Code Section 25350 - action requested - AUTHORIZE STAFF TO PROCEED WITH THE PURCHASE AND RELATED FINANCING THROUGH FIRST MUNICIPAL LEASING CORPORATION FOR 492 AND 554 RIO LINDO AVENUE, CHICO, SUBJECT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 25350, AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE ALL NECESSARY ESCROW CLOSING AND FINANCING DOCUMENTS.
  5. Resolution to Amend the Existing Revolving Fund and to Expand its Use as a Deposit and Remittance Revolving Fund - approval is requested to expand the current use of a department account in preparation of the transfer of collection and disbursement duties to the State Disbursement Unit. The proposed expansion of the revolving fund will accommodate the anticipated increase in the number of deposits and checks being written in a single month - action requested - ADOPT RESOLUTION 06-032 AND AUTHORIZE THE CHAIR TO SIGN.
  6. Private Industry Council, Inc. - Amendment - approval is requested for an amendment to the sublease agreement with the Private Industry Council, Inc., for office space in the facility located at 78 Table Mountain Boulevard, Oroville. The amendment reduces the space leased from 1268 square feet to 108 square feet effective March 1, 2006, and reduces the rental payment amount to reflect the revised square footage. 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. X10773)

- 0605-002
7. Adoption of an Ordinance Amending Section 21-50 of Article IV of Chapter 21 of the Butte County Code - approval is requested for an ordinance which will amend the Butte County Code to clarify the jurisdiction of the Assessment Appeals Board relating to change of ownership disputes - action requested - ADOPT ORDINANCE 3928 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 2-14-06 [3.12])
  8. Approval of Minutes - action requested - APPROVE MINUTES OF FEBRUARY 14, 2006.
  9. Relief of Accountability - approval is requested for relief of accountability for a fixed asset computer (fixed asset no. 24662), office view scanner (fixed asset no. 24779), and a fixed asset net server (fixed asset no. 25404). The equipment was inadvertently sent to surplus without proper documentation. The District Attorney and Auditor-Controller have reviewed the request - action requested - GRANT RELIEF OF ACCOUNTABILITY.
  10. Oroville City Elementary School District - the District submits Resolution No. 05-06-07, ordering a school bond election, establishing specifications of the election order and requesting consolidation of the election with the statewide Primary Election to be held June 6, 2006. School districts may seek approval of general obligation bonds and levy an ad valorem tax to repay those bonds upon a 55% vote of those voting on the measure - action requested - APPROVE CONSOLIDATION.
  11. Marysville Joint Unified School District - the District submits a proposed resolution ordering a school bond election, establishing specifications of the election order and requesting consolidation of the election with the statewide Primary Election to be held June 6, 2006. School districts may seek approval of general obligation bonds and levy an ad valorem tax to repay those bonds upon a 55% vote of those voting on the measure - action requested - APPROVE CONSOLIDATION PENDING ADOPTION OF THE RESOLUTION BY THE MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES ON FEBRUARY 28, 2006, AND SUBMISSION OF ALL REQUIRED DOCUMENTS TO THE CLERK-RECORDER/REGISTRAR OF VOTERS.
  12. Butte County Board of Education Governing Board - the Board of Education submits Order of Election, Resolution No. 06-07 and Resolution No. 06-08, regarding the election of governing Board members, and requesting consolidation of the election with the statewide Primary Election to be held June 6, 2006. To be elected are two members to fill the seats of Trustee Area 2 for four year terms, and one member to fill the seat of Trustee Area 3 for a four year term - action requested - APPROVE CONSOLIDATION.

- 0605-002 13. Budget Transfer - approval is requested to transfer \$3,543 from the Abandoned Vehicle Abatement Joint Powers Authority fund to the department's budget to provide the appropriation needed for an amendment to the agreement with Tittle & Company LLP, for the provision of mandatory auditing services for the Joint Powers Authority - action requested - APPROVE BUDGET TRANSFER B-268 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
14. ABC Nick's Pioneer Towing - Amendment - approval is requested for an amendment to the agreement with ABC Nick's Pioneer Towing for the provision of towing services for the Abandoned Vehicle Abatement Program. The amendment increases the maximum amount payable by \$25,000 (Abandoned Vehicle Abatement Program budget), and revises the agreement's exhibits to reflect the increase. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
15. 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 the District. The term of the agreement is July 1, 2005, through June 30, 2007, with the District to be billed at the rate of \$36.00 per call - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40829)
16. Release Prior Year Encumbered Funds - approval is requested to unencumber prior fiscal year HR 2389 (Secure Rural Schools and Community Self-Determination Act of 2000) funds in the amount of \$900.79. The unexpended prior year funds will be used in the current fiscal year to maintain the wood chipper utilized in the Butte Fire Safe Council's chipper program - action requested - APPROVE BUDGET TRANSFER B-269 (4/5 vote required) RELEASING PRIOR YEAR ENCUMBERED FUNDS AND ACCEPTING AND APPROPRIATING THE FUNDS INTO THE CURRENT FISCAL YEAR BUDGET AS DETAILED IN THE AGENDA REPORT.

- 0605-002 17. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: DEVELOPMENT SERVICES - deletes 1 position of Chief Building Inspector. Adds 1 position of Building Official Assistant. PUBLIC WORKS - deletes 1 position of Supervisor, Fleet Services. Adds 1 position of Manager, Fleet Services, retroactive to October 8, 2005. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY (BCMEA) UNIT - deletes the salary classifications of Chief Building Inspector and Supervisor, Fleet Services. Adds the classifications of Building Official Assistant and Manager, Fleet Services. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE K, NON-REPRESENTED CLASSIFICATIONS - revises the salary range for the position of Manager, Labor Relations and Benefits from Range 60 to Range 64 - action requested - ADOPT RESOLUTION 06-033 AND AUTHORIZE THE CHAIR TO SIGN.
18. Advanced Step Hire - pursuant to Personnel Rule 11.5(b), the Public Health Department is requesting the Board approve the Advanced Step Hire of a Director-Environmental Health candidate to step 6 of the salary range based on education and experience - action requested - APPROVE ADVANCED STEP HIRE OF DIRECTOR-ENVIRONMENTAL HEALTH CANDIDATE TO STEP 6 OF THE SALARY RANGE.
19. Advanced Step Hire - pursuant to Personnel Rule 11.5(b), the Human Resources Department is requesting the Board approve the Advanced Step Hire of a Manager, Labor Relations and Benefits candidate to step 5 of the salary range based on education and experience - action requested - APPROVE ADVANCED STEP HIRE OF MANAGER, LABOR RELATIONS AND BENEFITS CANDIDATE TO STEP 5 OF THE SALARY RANGE.
20. Butte County Library Advisory Board - action requested - APPOINT JOHN E. FEW TO A VACATED TERM TO END DECEMBER 31, 2006.
21. Esplanade Furniture - approval is requested for a purchase agreement with Esplanade Furniture for the fixed asset purchase of modular office furniture in the amount of \$40,606. Funding for the agreement is available within the department's current appropriations and Board approval is also requested for a transfer of funds between department budget line items to provide the appropriation needed for the purchase - action requested - APPROVE FIXED ASSET PURCHASE OF OFFICE FURNITURE; APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE BUDGET TRANSFER B-270 ADJUSTING BUDGET LINE ITEMS AS DETAILED IN THE AGENDA REPORT.

- 0605-002 22. Linda Lewis - Amendment - approval is requested for a sole source amendment to the agreement with Linda Lewis for the provision of epidemiology services to support the Bioterrorism Preparedness Plan. The amendment extends the term of the agreement through August 30, 2006, increases the maximum amount payable by \$31,000 (Bioterrorism Grant funds), increases the hourly rate payable by \$6 per hour for the period of March 1, 2006, through August 30, 2006, and revises the agreement's attachments to reflect the changes. 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. X15478)
23. RBF Consulting - approval is requested for an agreement with RBF Consulting for an engineering analysis of the existing Thermalito Master Drainage Plans and to prepare recommendations for modifications to bring the plans into conformance with environmental and County requirements and constraints, recommend mitigation measures, prepare cost estimates for drainage facilities construction, and prepare an impact fee schedule for development in the drainage area. The agreement is the result of a Request For Proposal. The term of the agreement is 217 days from the date of notice to proceed, with a maximum amount payable of \$224,875. Funding for the agreement is available from the Thermalito Drainage Trust, and Board approval is also requested for a transfer of trust funds to provide the appropriation needed for the agreement. The City of Oroville has agreed to share the cost of the agreement based on the percentage of study area within the City limits - action requested - APPROVE AGREEMENTS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-271 (4/5 vote required) ACCEPTING AND APPROPRIATING TRUST FUND REVENUE AS DETAILED IN THE AGENDA REPORT.
24. Introduction of an Ordinance Establishing Speed Limits on Certain Roads Within the County of Butte - approval is requested for an ordinance which will establish speed limits on roads within the County of Butte as follows: 1. Biggs Avenue (County Road No. 26455-E) from Eighteenth Street to Twelfth Street, in Thermalito, 25 miles per hour; 2. White Avenue (County Road No. 058205-Q) from East Avenue to the Chico city limits, in north Chico, 25 miles per hour; and 3. Turner Avenue (County Road No. 04385-D) from State Highway 99 to Larkin Road, south of Gridley, 40 miles per hour - action requested - WAIVE READING OF THE ORDINANCE.

- 0605-002 25. Resolution for Summary Vacation of a Public Utility Easement (A Public Utility Easement in Lot 1, Carriage Manor Subdivision) - the department has received a landowner request to vacate a Public Utility Easement encumbering the west 20 feet of their parcel located at 2606 Phaeton Drive, Oroville (APN 079-200-001). The easement was created in 1978 by dedication on the map of the Carriage Manor Subdivision. The Planning Commission approved the request at its meeting of February 9, 2006, and the proposal has been reviewed and approved by the local and franchise utility companies - action requested - FIND THAT THE PUBLIC UTILITY EASEMENT DESCRIBED IN THE RESOLUTION FOR SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT IS NO LONGER NECESSARY OR REQUIRED; AND ADOPT RESOLUTION 06-034 AND AUTHORIZE THE CHAIR TO SIGN.
26. Gravel Road Selection Criteria for Annual Air Quality Management District Grant Funding - approval is requested for the proposed priority ranking of gravel roads to be selected for resurfacing utilizing Air Quality Management District grant funding - action requested - REVIEW THE REMAINING ROADS INDICATED AS TOP CANDIDATES FOR PAVING FROM THE LIST OF GRAVEL ROADS OF HIGHEST CONCERN AS DETERMINED IN FISCAL YEAR 2003-2004; SELECT SWEDES FLAT ROAD AS THE GRAVEL ROAD TO BE RESURFACED UTILIZING AIR QUALITY MANAGEMENT DISTRICT GRANT FUNDING FOR FISCAL YEAR 2005-2006; AND DIRECT PUBLIC WORKS TO MAKE APPLICATION FOR THE \$50,000 AVAILABLE IN AIR QUALITY MANAGEMENT DISTRICT FUNDS TO CHIP SEAL AN APPROXIMATE 0.60 MILE SECTION OF THE SELECTED GRAVEL ROAD.
27. Patrol Room Remodel - approval is requested to transfer \$26,500 from the Sheriff's Impact Fees account and \$3,850 from the Rural County Supplemental Funding account to the department's budget to provide the appropriations needed to complete the funding for the South County Patrol Room remodel project. The department initially transferred \$29,393 for the project, but final construction bids resulted in a need for an additional \$19,350 for construction and \$11,000 for computers, printers, cabling, telephones and furnishings - action requested - APPROVE BUDGET TRANSFER B-274 (4/5 vote required) ACCEPTING AND APPROPRIATING \$26,500 FROM SHERIFF IMPACT FEES AND \$3,850 FROM THE RURAL COUNTY SUPPLEMENTAL FUND AS DETAILED IN THE AGENDA REPORT.
28. Methamphetamine Prevention Outreach Program Budget Transfer - approval is requested to transfer \$1,300 from the Drug and Gang Activity Education Trust Fund to the department's budget to provide the appropriation to purchase materials for the Methamphetamine Prevention Outreach Program - action requested - APPROVE BUDGET TRANSFER B-275 (4/5 vote required) ACCEPTING AND APPROPRIATING TRUST FUND REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0605-002 29. Ceiling Tiles Security Budget Transfer - approval is requested for a transfer of \$8,110 from the Inmate Welfare Fund to provide the appropriation needed to construct and install a mechanism to secure ceiling tiles in the Jail. The mechanism will prevent the tiles from being lifted by inmates in the facility - action requested - APPROVE BUDGET TRANSFER B-273 (4/5 vote required) ACCEPTING AND APPROPRIATING INMATE WELFARE FUNDS AS DETAILED IN THE AGENDA REPORT.
30. Public Auction Sale of Tax-Defaulted Properties - approval is requested, pursuant to Revenue and Taxation Code Section 3698, to sell at public auction, via the Internet, tax-defaulted properties which are subject to the power of sale for a stated minimum price. Approval is also requested, pursuant to Revenue and Taxation Code Section 3698.5, to re-offer any unsold parcels at the end of the auction - action requested - APPROVE REQUEST TO SELL AND RE-OFFER TAX-DEFAULTED PROPERTIES SUBJECT TO THE POWER OF SALE AS DETAILED IN THE AGENDA REPORT AND AUTHORIZE THE CHAIR TO SIGN APPROVAL STATEMENT.
31. Monthly Investment Report - submitted is the Monthly Investment Report dated January 31, 2006, in accordance with the Statement of Investment Policy dated July 1, 2005 - action requested - ACCEPT FOR INFORMATION.
32. Kennedy/Jenks Consultants, Inc. - on December 13, 2005, the Board approved an agreement with Kennedy/Jenks Consultants, Inc., for the development of a Basin Management Objectives Information Center. The agreement provided for an implementation time for the Center of eight months from the start of Phase I, with a maximum amount payable of \$70,000 (grant funds). Subsequent to that approval it was discovered that the agreement form used was an out of date standard form. The department has replaced the old form agreement with the most recent standard format used and is requesting the Board re-approve this agreement. The term and amount payable remain the same - action requested - APPROVE REVISED AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL. (Contract No. X15837)

0605-002 33. Resolution Continuing the Extension of the Trust Fund Established Pursuant to Resolution 98-161 Governing the Exchange of Property Taxes for the Dissolution of the Lime Saddle Community Services District Through March 7, 2009 - approval is requested for a resolution which will extend the term of the trust fund governing the exchange of property taxes for the dissolution of the Lime Saddle Community Services District until March 7, 2009, to allow for the trust funds to be considered for use during the construction of the two-mile pipeline for the benefit of Lime Saddle residents - action requested - ADOPT RESOLUTION 06-035 AND AUTHORIZE THE CHAIR TO SIGN. (83)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF ITEMS 3.13 AND 3.27.

S M

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

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**REGULAR AGENDA**

0605-003 Resolution of Appreciation to Supporters of the Ninth Annual Community Wide True Love Waits Campaign - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (102)

MOTION: I MOVE TO ADOPT RESOLUTION 06-036 AND AUTHORIZE THE CHAIR TO SIGN.  
S M

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

PRESENTATION OF A RESOLUTION OF APPRECIATION BY CHAIR JOSIASSEN TO STUDENT REPRESENTATIVES FROM AREA SCHOOLS PARTICIPATING IN THE TRUE LOVE WAITS CAMPAIGN.

0605-004 Boards, Commissions and Committees. (272)

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

SUPERVISOR CONNELLY REPORTED ON A SUBCOMMITTEE MEETING WITH THE CITY OF OROVILLE REGARDING THE VETERANS' MEMORIAL.

SUPERVISOR YAMAGUCHI REPORTED THAT BRENT HARRINGTON IS RETIRING AS PRESIDENT AND CEO OF THE REGIONAL COUNCIL OF RURAL COUNTIES AND GREG NORTON, EXECUTIVE VICE PRESIDENT, WILL REPLACE HIM. THE BOARD WAS ADDITIONALLY INFORMED THAT THE SIERRA NEVADA CONSERVANCY HAS SELECTED AUBURN AS THEIR TEMPORARY HEADQUARTERS.

SUPERVISOR JOSIASSEN REPORTED ON THE NORTHERN CALIFORNIA WATER ASSOCIATION'S ANNUAL MEETING AND DISCUSSIONS WITH THE GOVERNOR REGARDING THE GOVERNOR'S PROPOSED INFRASTRUCTURE BOND PROGRAM.

0605-005 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (458) STARLYN BROWN, ASSISTANT CHIEF ADMINISTRATIVE OFFICER, INFORMED THE BOARD THAT THE COUNTY'S FEDERAL ENERGY REGULATORY COMMISSION (FERC) RELICENSING REPORTS HAVE BEEN DISTRIBUTED TO VARIOUS AGENCIES AND A MEETING WILL BE SET FOR FOLLOW-UP DISCUSSIONS. THE BOARD WAS ALSO INFORMED THAT BUDGET HEARINGS BEGIN IN SACRAMENTO NEXT WEEK, AND WAS PROVIDED AN UPDATE ON SB 1024 REGARDING INFRASTRUCTURE BONDS.

0605-006 Resolution Honoring Butte County Employees for Dedicated Years of Service - presentation of awards to employees with 30 and 35 years of service to the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND PRESENT AWARDS TO EMPLOYEES WITH 30 AND 35 YEARS OF SERVICE. (534)

MOTION: I MOVE TO ADOPT RESOLUTION 06-037 AND AUTHORIZE THE CHAIR TO SIGN.  
M S

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

PRESENTATIONS OF RESOLUTION AND AWARDS TO EMPLOYEES WITH 30 AND 35 YEARS OF SERVICES.

0605-007 Deer Herd Winter Range Protection Policy - Report to the Board - presentation to the Board by the California Department of Fish and Game regarding the County's Deer Herd Winter Range Protection Policy and its affect on land development and parcel size restrictions in eastern Butte County - action requested - ACCEPT FOR INFORMATION. (747)

PRESENTATION TO THE BOARD BY HENRI LOMELI, BIOLOGIST, STATE OF CALIFORNIA, DEPARTMENT OF FISH AND GAME.

MOTION: I MOVE TO ACCEPT THE REPORT FOR INFORMATION.  
S M

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

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**RECESS:** 9:55 A.M.

**RECONVENE:** 10:09 A.M.

REGULAR AGENDA

0605-008 Transportation Congestion Improvement Act (Proposition 42) Funds and Purchase of Equipment - consideration of the acceptance of State Proposition 42 funds in the amount of \$1,400,000, and the allocation of \$200,000 for the fixed asset purchase of road equipment, and \$1,200,000 to the Road and Bridge Construction Fund - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE TO FIXED ASSETS AND THE ROAD AND BRIDGE CONSTRUCTION FUND AS DETAILED IN THE AGENDA REPORT. (1817)

MOTION: I MOVE TO APPROVE BUDGET TRANSFER B-272 ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE TO FIXED ASSETS AND THE ROAD AND BRIDGE CONSTRUCTION FUND AS DETAILED IN THE AGENDA REPORT.

M S

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

0605-009 Purchase of Help America Vote Act (HAVA) Compliant Voting System - consideration of an award of an agreement to Diebold Election Systems, Inc., for AccuVote TSx Touchscreen voting equipment for precinct voting and AccuVote-OS Optical Scan vote tabulators for absentee voting, with related equipment and supplies, software, hardware and support services for a total contract amount of \$3,224,187. Funding for the agreement will be provided by two grants totaling \$2,939,810, with the remaining \$286,277 to be charged to subsequent elections. The Clerk-Recorder will enter into revenue agreements with the State of California for HAVA funds and is also requesting Board approval of required budget transfers related to the purchase of the equipment - action requested - APPROVE FIXED ASSET PURCHASE OF VOTING EQUIPMENT AS DETAILED IN THE AGENDA INFORMATION; APPROVE AND AWARD AGREEMENT TO DIEBOLD ELECTION SYSTEMS, INC., SUBJECT TO MINOR CHANGES IN THE TERMS AND SPECIFICATIONS, FOR A MAXIMUM OF \$3,224,187, AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; ADOPT A RESOLUTION AUTHORIZING THE COUNTY CLERK-RECORDER TO EXECUTE AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE HELP AMERICA VOTE ACT (HAVA) SECTION 301 VOTING SYSTEM PROGRAM IN THE AMOUNT OF \$1,469,905.57 AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE A BUDGET TRANSFER (4/5 vote required) INCREASING APPROPRIATIONS FOR THE ELECTIONS DIVISION FISCAL YEAR 2005-2006 BUDGET BY \$2,772,801 OFFSET BY GRANT REVENUE. (2182)(\*\*00)

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0605-009 MOTION: I MOVE TO APPROVE THE FIXED ASSET PURCHASE OF VOTING EQUIPMENT AS DETAILED IN THE AGENDA INFORMATION; APPROVE AND AWARD AGREEMENT TO DIEBOLD ELECTION SYSTEMS, INC., SUBJECT TO MINOR CHANGES IN THE TERMS AND SPECIFICATIONS, FOR A MAXIMUM OF \$3,224,187, AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; ADOPT RESOLUTION 06-038 AUTHORIZING THE COUNTY CLERK-RECORDER TO EXECUTE AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE HELP AMERICA VOTE ACT (HAVA) SECTION 301 VOTING SYSTEM PROGRAM IN THE AMOUNT OF \$1,469,905.57 AND AUTHORIZE THE CHAIR TO SIGN; AND FURTHER MOVE TO APPROVE BUDGET TRANSFER B-276 INCREASING APPROPRIATIONS FOR THE ELECTIONS DIVISION FISCAL YEAR 2005-2006 BUDGET BY \$2,772,801, OFFSET BY GRANT REVENUE.

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

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**RECESS:** 11:25 A.M.

**RECONVENE:** 11:37 A.M.

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**PUBLIC HEARINGS AND TIMED ITEMS**

0605-010 Public Hearing - Ballot Proceeding - Consideration of the Establishment of an Increased Annual Service Charge in County Service Area (CSA) No. 17 (Proposed Zone 2) That Would Include Alley Maintenance Services Within a Newly Created Zone of Benefit Known as Zone 2 - on December 13, 2005, the Board approved the initiation of a property owner ballot proceeding to consider increasing the annual per parcel service charge in a newly created zone of CSA No. 17 (South Oroville/Las Plumas Park Lighting) to provide alley maintenance services - action requested - OPEN PUBLIC HEARING; REQUEST PROPERTY OWNER BALLOTS; CLOSE HEARING; REQUEST BALLOT RESULTS FROM CLERK; IF A MAJORITY VOTE IS RECEIVED IN FAVOR OF THE INCREASE, DIRECT THAT BEGINNING IN FISCAL YEAR 2006-2007, THE NEW MAXIMUM PER PARCEL SERVICE CHARGE WILL BE \$20.50 WITHIN ZONE 2, COUNTY SERVICE AREA NO. 17; IF THERE IS A MAJORITY VOTE NOT TO INCREASE THE MAXIMUM PER PARCEL SERVICE CHARGE WITHIN ZONE 2, DIRECT THAT SUCH INCREASE WILL NOT BE ESTABLISHED AND THE MAXIMUM PERMISSIBLE PER PARCEL CHARGE WILL REMAIN \$10.50 AS PREVIOUSLY DETERMINED. (FROM 12-13-05 [5.01]) (\*\*1366)

PUBLIC HEARING OPENED: 11:37 A.M. PUBLIC HEARING CLOSED: 11:40 A.M.  
 TOTAL BALLOTS IN FAVOR: 245 TOTAL BALLOTS OPPOSED: 148  
 TOTAL BALLOTS ABSTAINED: 11

MAJORITY BALLOTS IN FAVOR OF INCREASE.

BOARD DIRECTION THAT BEGINNING IN FISCAL YEAR 2006-2007, THE NEW MAXIMUM PER PARCEL SERVICE CHARGE WILL BE \$20.50 WITHIN ZONE 2, COUNTY SERVICE AREA NO. 17

0605-011 Public Hearing - Gate Fees Chargeable at the Neal Road Landfill - consideration of an ordinance amending Chapter 3, Article VII, entitled Gate Fees Chargeable at the Neal Road Landfill, relating to fees for disposal of solid waste - action requested - OPEN HEARING AND CONTINUE OPEN TO MARCH 14, 2006; AND DIRECT STAFF TO SCHEDULE A WORKSHOP WITH THE BOARD OF SUPERVISORS TO CONSIDER LONG-TERM SOLUTIONS TO CAPITAL REQUIREMENTS OF THE NEAL ROAD LANDFILL. (\*\*1564)

PUBLIC HEARING OPENED AT 11:43 A.M. AND CONTINUED OPENED TO MARCH 14, 2006, AT 11:15 A.M.

0605-012 Items Removed from the Consent Agenda for Board Consideration and Action. (\*\*1981)

1. Zoning Boundary Correction (APN 047-710-001) - approval is requested for a zoning boundary correction for APN 047-710-001. A zoning boundary is located between the SR-1/PD (Suburban Residential - 1 acre minimum parcel size/Planned Development) and the OS/PD (Open Space/Planned Development) zones on the property. The applicable Rezone and Specific Plan Amendment approved on the property (Ordinances 3462 and 3463) indicate that the SR-1/PD zone was to include 126.1 acres and the OS/PD zone was to include 103.1 acres. When area amounts were calculated for these areas based on the Official County Zoning Map, they did not equal the required acreages. To correct the problem new legal descriptions have been written to provide for the correct acreages. The new legal descriptions would allow for a correction to the Official County Zoning Map - action requested - APPROVE THE CORRECTED LEGAL DESCRIPTIONS FOR ORDINANCES 3462 AND 3463 AS DETAILED IN THE AGENDA REPORT; AMEND THE M-1 ZONE BOUNDARY LINE ADJACENT TO MUD CREEK; AND INSTRUCT STAFF TO SHOW THESE CORRECTIONS ON THE OFFICIAL BUTTE COUNTY ZONING MAP.

MOTION: I MOVE TO APPROVE THE CORRECTED LEGAL DESCRIPTIONS FOR ORDINANCES 3462 AND 3463 AS DETAILED IN THE AGENDA REPORT; AMEND THE M-1 ZONE BOUNDARY LINE ADJACENT TO MUD CREEK; AND INSTRUCT STAFF TO SHOW THESE CORRECTIONS ON THE OFFICIAL BUTTE COUNTY ZONING MAP.

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

**PUBLIC COMMENT**

0605-013 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. (\*\*2038) (NONE)

CLOSED SESSION

0605-014    **RECESSED:**                    THE BOARD RECESSED AT 11:55 A.M. TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):    1.        LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);    2.        BUTTE COUNTY V. CHAPMAN (BUTTE SUPERIOR COURT CASE NO. 136519); A CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; AND A CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE.    (\*\*2057)

**RECONVENED:**                    THE BOARD RECONVENED AT 1:49 P.M. FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):    1.        LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);    2.        BUTTE COUNTY V. CHAPMAN (BUTTE SUPERIOR COURT CASE NO. 136519); A CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; AND A CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE.    (\*\*2112) (NO ANNOUNCEMENTS)

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ADJOURNMENT                    THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 1:49 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, MARCH 14, 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: \_\_\_\_\_