

Called to order at 9:13 a.m. in Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Dolan, Houx, Yamaguchi, and Chair Josiassen. 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.

CONSENT AGENDA

- 0622-001
1. Establishment of an Additional DNA ID Fund - Government Code Section 76104.7, effective July 12, 2006, imposed an additional \$1 assessment on fines, penalties and forfeitures levied on individuals with criminal offenses. The additional funds will be used to support DNA Fingerprint, Unsolved Crime and Innocence Protection Act activities. Pursuant to the requirements of the Government Code, approval is requested to establish an additional State Trust Fund for the newly assessed penalty funds and interest, and for authority to make all remittances to the State pursuant to the law - action requested - APPROVE THE ESTABLISHMENT OF THE DNA ID-ADDITIONAL STATE TRUST FUND AS DETAILED IN THE AGENDA REPORT; AND AUTHORIZE AND DIRECT THE AUDITOR-CONTROLLER TO MAKE REMITTANCES TO THE STATE PURSUANT TO STATE LAW.
 2. Youth For Change - approval is requested for a sole source agreement with Youth For Change for the provision of short-term shelter care beds for the Homeless Emergency Runaway Effort (HERE) Program. The term of the agreement is September 30, 2006, through September 29, 2007, with a maximum amount payable of \$43,800 (\$32,880 for fiscal year 2006-2007, and \$10,920 for fiscal year 2007-2008 [department budget]) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16291)
 3. City of Chico - approval is requested for a revenue agreement with the City of Chico for funds to provide scholarships to City resident teens to attend the annual High School Reach for the Future Conference. The City will provide \$4,000 for the program, and Board approval is also requested to accept and appropriate the funds - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-112 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0622-001 4. Rowell Family Empowerment of Northern California, Inc. - approval is requested for a sole source agreement with Rowell Family Empowerment of Northern California, Inc., for the provision of planning and implementation services for the Connecting Circles of Care Grant programs. The term of the agreement is July 1, 2006, through June 30, 2007, with a maximum amount payable of \$472,251 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16299)
5. Caminar, Inc. - approval is requested for a sole source agreement with Caminar, Inc., for the provision of vocation experience services and related employment services for individuals with mental illness and/or drug and alcohol problems who have experienced homelessness or been booked into the County jail. The term of the agreement is July 1, 2006, through June 30, 2007, with a maximum amount payable of \$224,557 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X16290)
6. Transfer of Funds - approval is requested to transfer \$541,300 of Community Development Block Grant funds from the Program Income Fund (Fund 0143) to the Grant Income Fund (Fund 0142). The funds will be used for housing rehabilitation grant activities and should be housed in the Grant Income Fund account - action requested - APPROVE BUDGET TRANSFER B-114 (4/5 vote required) APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
7. Introduction of an Ordinance Amending Section 2-120 of the Butte County Code Relating to Grand Juror Mileage Reimbursement Rates and Per Diem Rates - consideration of an ordinance which will increase the mileage reimbursement rate for Grand Juror members from \$0.24 per mile to \$0.445 per mile, and increase the per diem rate from \$20 a day to \$36 a day - action requested - WAIVE READING OF THE ORDINANCE.
8. Pre-payment of Solar Project Loan - approval is requested to transfer \$851,301 from the General Fund Appropriation for Contingencies to pay off the remaining loan balance of the Treasury gap loan for the County's solar project. The savings to the County by pre-payment of the loan will be \$66,509.22 - action requested - APPROVE BUDGET TRANSFER B-113 (4/5 vote required) ACCEPTING AND APPROPRIATING \$851,301 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT; AND DIRECT THE PAYMENT OF LOAN PRINCIPAL AND INTEREST AS DETAILED IN THE AGENDA REPORT.
9. Assessment Appeals Board - action requested - REAPPOINT RICHARD VERMILLION, APPRAISER REPRESENTATIVE, AND DAVID JOHNSON, ALTERNATE, TO TERMS TO END SEPTEMBER 7, 2009.

- 0622-001 10. Relief of Accountability - approval is requested for a relief of accountability for capture station computer software (Fixed Asset No. 25986). The software became obsolete and was disposed of without being removed from the fixed asset inventory. The District Attorney has reviewed the request - action requested - APPROVE RELIEF OF ACCOUNTABILITY FOR SOFTWARE AS DETAILED IN THE AGENDA REPORT.
11. Introduction of an Ordinance Amending the Butte County Code Regarding the Administrative Hearing Program and the Nuisance Abatement Program - consideration of an ordinance which will amend the Butte County Code to standardize the County Administrative Hearing Program, and revise the provisions of the Nuisance Abatement Program to improve cost recovery, place a time requirement on abatement of a public nuisance, and require property owners to pay County nuisance abatement costs within 15 days of service of a bill - action requested - WAIVE READING OF THE ORDINANCE.
12. Rossmann and Moore, LLP - approval is requested for an agreement with Rossmann and Moore, LLP, for the provision of specialized legal services in the area of Environmental Law. The term of the agreement commences upon execution and continues through completion of assigned projects, and includes an hourly rate range of \$200-\$350 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.
13. ABC Nick's Pioneer Towing - Amendment - approval is requested for an amendment to the agreement with ABC Nick's Pioneer Towing for towing services for the Abandoned Vehicle Abatement program. The amendment extends the term of the agreement through June 30, 2007. 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. X14686)
14. John's Towing - Amendment - approval is requested for an amendment to the agreement with John's Towing for towing services for the Abandoned Vehicle Abatement (AVA) program. The amendment extends the term of the agreement through June 30, 2007, and increases the maximum amount payable by \$10,001 (AVA program funds). 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. X15636)

- 0622-001 15. Butte County District Attorney - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the District Attorney's Office for the provision of investigative services for the department. The amendment extends the term of the agreement through June 30, 2007, and increases the maximum amount payable by \$23,518 (department budget) for the extended term. 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. X15790)
16. Butte County Public Health - approval is requested for a Memorandum of Understanding with the Department of Public Health for the provision of drug and alcohol testing services. The term of the agreement is July 1, 2006, through June 30, 2009, with a maximum amount payable of \$86,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16303)
17. Air Vacuum Corporation - approval is requested to award an agreement for the purchase of exhaust system equipment for various fire station's apparatus bays to Air Vacuum Corporation of Dover, New Hampshire, in the amount of \$230,827.27. Funding for the purchase was approved by the Board on May 23, 2006. The purchase will be made under the California Multiple Award Schedule - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
18. Vision Service Plan - Amendment - approval is requested for an amendment to the agreement with Vision Service Plan for the County's Group Vision Care Plan. The amendment revises the Eligible Dependant provisions to include domestic partners and their dependent children. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. Group 12130248)
19. County Personnel Administrators Association of California and L.B. Hayhurst & Associates, Inc. - approval is requested for an agreement with the County Personnel Administrators Association of California and L.B. Hayhurst & Associates, Inc., for services to maintain up-to-date classification and compensation study information. The term of the agreement is July 1, 2006, through June 30, 2007 (including extension options through June 30, 2009), with a maximum amount payable of \$3,500 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X16283)

- 0622-001 20. Advanced Step Hire - pursuant to Personnel Rule 11.5(b), the District Attorney's Office is requesting the Board approve the Advanced Step Hire of a Deputy District Attorney IV candidate to step 6 of the salary range, effective October 16, 2006, based on education and experience - action requested - APPROVE ADVANCED STEP HIRE OF A DEPUTY DISTRICT ATTORNEY IV CANDIDATE TO STEP 6 OF THE SALARY RANGE EFFECTIVE OCTOBER 16, 2006.
21. 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 Investigative Assistant (position end date of 6-30-07). PUBLIC WORKS - deletes 1 position of Surveyor, Senior. Adds 1 flexibly staffed position of Surveyor, Senior/Surveyor, Associate/Surveyor Assistant, and 1 flexibly staffed position of Civil Engineer, Associate/Engineer Assistant. BEHAVIORAL HEALTH - GENERAL SERVICES - deletes 1 position of Mental Health Clinician/Mental Health Clinician, Intern, and 1 position of Program Manager-Community Services. Adds 1 flexibly staffed position of Mental Health Worker/Behavioral Health Counselor/Behavioral Health Counselor, Senior, and 1 position of Program Manager, Wellness and Recovery Services. CHILD SUPPORT SERVICES - adds 1 position of Assistant Director, Child Support Services. PUBLIC HEALTH - ENVIRONMENTAL HEALTH - deletes 1 position of Supervisor, Environmental Health. Adds 1 position of Hazardous Materials Management Specialist, Associate/Hazardous Materials Management Specialist/Hazardous Materials Management Specialist, Senior. ADMINISTRATIVE SERVICES-GENERAL SERVICES ADMINISTRATION - adds the position of Director-General Services. Deletes the position of Director, General Services (upon retirement of the incumbent or not later than April 6, 2007). SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE A-APPOINTED DEPARTMENT HEADS - adds the classification of Director-General Services and sets the annual salary rate at \$116,532. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE K, NON REPRESENTED CLASSIFICATIONS - adds the position of Assistant Director, Child Support Services and sets the salary range at 68. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY (BCMEA) UNIT CLASSIFICATIONS - adds the classification of Program Manager, Wellness and Recovery Services and sets the salary range at 56 - action requested - ADOPT RESOLUTION 06-144 AND AUTHORIZE THE CHAIR TO SIGN.
22. Library Donations - pursuant to Government Code Section 25355, donations of \$500 from Jim and Mary Johnson of Paradise, \$175 from Chico Friends of the Library, and \$145 from anonymous donors have been received for the Butte County Trust Fund for the purchase of books, and a donation of \$427.10 from the Paradise Friends of the Library has been received for staff support hours at the Paradise Branch Library - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

- 0622-001 23. Disproportionate Minority Contact (DMC) Enhanced Technical Assistance Project - approval is requested for a resolution which will authorize the County's application and participation in the grant process for funds under the Enhanced DMC Technical Assistance Project. The grant funds will be used to assist the department in understanding and identifying DMC and to equip it with tools and resources needed to provide leadership in developing and/or strengthening community-based DMC reduction activities - action requested - ADOPT RESOLUTION 06-145 AND AUTHORIZE THE CHAIR TO SIGN.
24. Private Industry Council - approval is requested for a sublease agreement with the Private Industry Council for storage space in the building located at 205 Mira Loma Drive, Oroville. The term of the agreement is November 1, 2006, through October 31, 2008, with a monthly lease rate of \$720, and a maximum amount for change orders of \$25,000 for fiscal year 2006-2007. Board approval is also requested for a transfer of realignment revenue to provide funding for the lease - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-115 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
25. Emergency Medical Services Appropriation - the State Department of Health Services has notified the County of the availability of \$252,863 from the Emergency Medical Services Appropriation (EMSA) for fiscal year 2006-2007. The funds will be used for reimbursement of uncompensated emergency medical services. Approval is requested for a Declaration of Intent (Option 2) not to administer the County's Emergency Medical Services allocation. This option authorizes the State Department of Health Services to administer the EMSA on behalf of the County through the EMSA Contract Back Program - action requested - APPROVE DECLARATION OF INTENT, OPTION 2, AND AUTHORIZE THE CHAIR TO SIGN.
26. State of California, Department of Health Services - approval is requested for a revenue agreement with the State of California, Department of Health Services, for the provision of funds to support immunization database activities. The term of the agreement is July 1, 2006, through June 30, 2007, with a maximum amount payable to the County of \$300,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
27. Budget Transfer for Advertising Costs - approval is requested to transfer \$6,000 between department budget line items to provide the appropriation to pay for advertising expenses associated with the recruitment of Surveyor positions for the County - action requested - APPROVE BUDGET TRANSFER B-116 APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

- 0622-001 28. Budget Adjustment for County Service Area No. 181 (Palm Crest Village Subdivision) - approval is requested for budget adjustments which will incorporate the newly formed County Service Area No. 181 into the County's Fiscal Year 2006-2007 Final Budget - action requested - APPROVE BUDGET TRANSFER B-117 (4/5 vote required) AND ESTABLISH RELATED APPROPRIATIONS AND EXPENDITURES AS DETAILED IN THE AGENDA REPORT.
29. SCS Field Services - Amendment - approval is requested for an amendment to the agreement with SCS Field Services for the provision of monitoring, reporting and maintenance services for the landfill gas collection and control system. The amendment extends the term of the agreement through June 30, 2007, increases monitoring and adjustment of the gas collection systems to twice per month, includes quarterly surface testing and reporting for methane, and increases the maximum amount payable by \$28,600 (department budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15428)
30. The Ridge Subdivision, Phase 1, Unit 1 - Subdivision Agreement - The Ridge Subdivision, Phase 1, Unit 1, is comprised of 34 lots for single family residences. It is a conditionally approved gated private street subdivision, located just south of Saddle Drive in the Oroville area (APNs 069-620-001 through 034). The developer has provided performance bonds and a Subdivision Agreement to guarantee construction of improvements required for Phase 1, Unit 1 of the multi-phase development. The improvements are currently under construction but the current Subdivision Agreement has expired. Proposed is a new Subdivision Agreement that will extend the completion deadline for construction of the Phase 1, Unit 1 improvements - action requested - APPROVE THE SUBDIVISION AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL.
31. Lake Oroville Area Public Utility District Expansion of Property - the Lake Oroville Area Public Utility District (LOAPUD) will be expanding its existing facilities and will acquire additional property as part of the planned expansion. Pursuant to Government Code Section 66428(a)(2), Board approval is requested to find that LOAPUD does not need to file a Parcel Map to acquire additional property adjacent to its facilities (APN 069-590-003) - action requested - FIND THAT PUBLIC POLICY DOES NOT NECESSITATE THE FILING OF A PARCEL MAP FOR THE LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT TO ACQUIRE ADDITIONAL PROPERTY ADJACENT TO ITS FACILITIES ON APN 069-590-003.

- 0622-001 32. Scrub Seal 2006-Polymer Modified Asphalt Rejuvenating Scrub Seal (County Project No. SC-2006-1) - Contract Change Order (CCO) No. 1 - CCO No. 1, in the overall decreasing amount of \$119,624.20, provides for decreases in contract items at contract unit prices to reflect actual quantities used on the project - action requested - APPROVE CONTRACT CHANGE ORDER NO. 1 AND AUTHORIZE THE CHAIR TO SIGN.
- 33. Scrub Seal 2006-Polymer Modified Asphalt Rejuvenating Scrub Seal (County Project No. SC-2006-1) - Notice of Completion - the project consisted of the application of polymer modified asphaltic rejuvenating emulsion with bituminous seal and aggregate on roads in the Kelly Ridge area of Oroville, and the Estates Drive area of Chico. All contract work has been completed - action requested - ACCEPT CONTRACT WORK; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND DIRECT RECORDING OF THE NOTICE OF COMPLETION.
- 34. Budget Transfer and Computer Equipment Purchase - approval is requested to transfer \$19,500 from the Civil Equipment Trust Fund to the department's budget to provide the appropriation to purchase one primary server (fixed asset) and two backup servers for the Civil Division - action requested - APPROVE BUDGET TRANSFER B-119 (4/5 vote required) ACCEPTING AND APPROPRIATING TRUST FUND REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE THE FIXED ASSET PURCHASE OF A COMPUTER SERVER.
- 35. Relief of Accountability - approval is requested for relief of accountability for a 1996 Ford Crown Victoria damaged beyond repair in an accident and used for parts. The District Attorney has reviewed the request - action requested - APPROVE RELIEF OF ACCOUNTABILITY AS DETAILED IN THE AGENDA REPORT.
- 36. Unexpended Indian Gaming Special Distribution Funds - approval is requested to restore to the department's budget unexpended fiscal year 2005-2006 Indian Gaming Special Distribution Funds in the amount of ~~\$81,026.83~~ \$101,026.83. The funds were transferred to the General Fund at the end of the 2005-2006 fiscal year. The funds will be used to purchase a patrol vehicle equipped for a canine officer, and to fund future vehicle replacements, and Board approval is also requested for the fixed asset purchase of the patrol vehicle - action requested - APPROVE BUDGET TRANSFER B-118 (4/5 vote required) ACCEPTING AND APPROPRIATING ~~\$81,026.83~~ \$101,026.83 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT; AND APPROVE THE FIXED ASSET PURCHASE OF A PATROL VEHICLE. (81)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 3.36 AMENDED TO REVISE THE BUDGET TRANSFER AMOUNT FROM \$81,026.83 TO \$101,026.83.

M 2

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

REGULAR AGENDA

0621-002 Boards, Commissions and Committees. (98)

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

0621-003 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (128) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, REPORTED THAT THERE IS NOT MUCH TO REPORT BECAUSE THE STATE BUDGET HAS BEEN ADOPTED AND THE LEGISLATURE AND CONGRESS ARE IN RECESS.

- 1. 2006 Proposed State Transportation Bond - the Public Works Department is requesting the Board take a position of support for the following propositions that will be on the November ballot: Proposition 1A - Transportation Funding Protection (a Legislative Constitutional Amendment), and Proposition 1B - Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 - action requested - APPROVE A POSITION OF SUPPORT FOR PROPOSITIONS 1A AND 1B.

MOTION: I MOVE TO APPROVE A POSITION OF SUPPORT FOR PROPOSITIONS 1A AND 1B.

M 2

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

0621-004 Butte County Coordinating Council for Developmental Disabilities - Report to the Board - presentation of the historic and current roles of the Council in Butte County - action requested - ACCEPT FOR INFORMATION. (533)

PRESENTATION TO THE BOARD BY CARL OCHSNER, EXECUTIVE DIRECTOR, WORK TRAINING CENTER, NICOLE BATEMAN, EXECUTIVE DIRECTOR, CAMINAR, AND GREG WAGNER, EXECUTIVE DIRECTOR, EASTER SEALS OF NORTHERN CALIFORNIA, ALL MEMBERS OF THE BUTTE COUNTY COORDINATING COUNCIL.

0621-005 Just Ask: Identifying People in Addiction - Report to the Board - presentation by the Butte County Children and Families Commission and Enloe Hospital - action requested - ACCEPT FOR INFORMATION. (1056)

THIS ITEM REMOVED FROM THE AGENDA WITHOUT ACTION OR CONSIDERATION. THE ITEM WILL RETURN ON A SUBSEQUENT AGENDA.

0621-006 Influenza in Butte County - Report to the Board - report on seasonal influenza, influenza surveillance in Butte County, pandemic influenza basics, an Avian Flu update, and pandemic preparedness - action requested - ACCEPT FOR INFORMATION. (1059)

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

0621-007 Adoption of an Ordinance Prohibiting Consumption of Alcohol and Possession of Opened Alcohol Containers in Specified Areas in and Along Butte Creek and Within Specified Areas of the Honey Run Road and Centerville Road Rights-of-Way - pursuant to Board direction, consideration of an ordinance banning alcohol in and along Butte Creek - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (COUNTY COUNSEL [FROM 10-10-06 (4.05)]) (1932)

MOTION: I MOVE TO ADOPT ORDINANCE 3941 AND AUTHORIZE THE CHAIR TO SIGN.

2 M

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

0621-008 L.C. Properties (Use Permit 06-15) - Determination of Use Compatibility with the Williamson Act - consideration of the determination of use compatibility with the Williamson Act regarding the addition of clubhouse structure uses associated with an existing duck club/mobile home park on property zoned A-40 (Agricultural - 40 acre parcels) and located on the east side of Seven Mile Lane between Grainland Road and Nelson Road, approximately 8,200 feet north of Nelson Road, west of Nelson, and identified as APN 038-110-016 - action requested - BASED ON FINDINGS OF FACTS 1-11 AS DETAILED IN THE AGENDA REPORT DATED OCTOBER 24, 2006, FIND THAT THE HUNTING CLUB, CLUBHOUSE FACILITY, AND BIRD WATCHING USES AS REQUESTED IN USE PERMIT 06-15 AND APPROVED BY USE PERMIT 02-23 FOR L.C. PROPERTIES ARE COMPATIBLE USES ON WILLIAMSON ACT LAND PURSUANT TO GOVERNMENT CODE SECTION 51238.1. (1973)

MOTION: BASED ON FINDINGS OF FACTS 1-11 AS DETAILED IN THE AGENDA REPORT DATED OCTOBER 24, 2006, AS AMENDED TO INCLUDE THAT THE APPLICANT BE REQUIRED TO SUBMIT AN AGRICULTURAL WEED CONTROL PLAN TO THE AGRICULTURAL COMMISSIONER, I MOVE TO FIND THAT THE HUNTING CLUB, CLUBHOUSE FACILITY, AND BIRD WATCHING USES AS REQUESTED IN USE PERMIT 06-15 AND APPROVED BY USE PERMIT 02-23 FOR L.C. PROPERTIES, ARE COMPATIBLE USES ON WILLIAMSON ACT LAND PURSUANT TO GOVERNMENT CODE SECTION 51238.1.

M 2

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

RECESS: 10:16 A.M.

RECONVENE: 10:32 A.M.

Public Hearings and Timed Items

0621-009 Public Hearing - Ramon LeFevre - Tentative Parcel Map Appeal - consideration of an appeal of the Planning Commission's denial of a Tentative Parcel Map to subdivide two 20 acre parcels into four parcels, two at 5 acres and two at 15 acres, in the Critical Winter Deer Herd Area on property zoned A-5 (Agricultural - 5 acre parcels) and located on the south side of LeFevre Lane at Century Court, approximately 4,000 feet west of Upham Road in the Bangor area, and identified as APN 028-180-052, 056, 057 - action requested - OPEN HEARING AND CONTINUE OPEN TO DECEMBER 12, 2006. (2437)

PUBLIC HEARING OPENED AT 10:33 A.M., AND CONTINUED OPEN TO DECEMBER 12, 2006, AT 10:25 A.M.

0621-010 Public Hearing - Don Wallrich and Gary Katz - General Plan Amendment and Rezone (GPA/RZ 04-02) - consideration of a General Plan Amendment to change the General Plan Land Use Designation from Grazing and Open Land to Commercial, and a Rezone from A-160 (Agriculture - 160 acre minimum parcel size) to C-2 (General Commercial) for land located at the southwest corner of Clark Road (SR 191) and Durham-Pentz Road, across from Butte College, and identified as APN 041-120-088 and 041-130-040 - action requested:

1. ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION AND DENY THE GENERAL PLAN AMENDMENT AND REZONE BECAUSE OF INCONSISTENCIES WITH THE AGRICULTURAL ELEMENT OF THE GENERAL PLAN AND POTENTIAL IMPACTS ON ADJACENT AND NEARBY AGRICULTURAL USES; OR
2. APPROVE THE PROJECT AND:
 - A. ADOPT A RESOLUTION AND INITIAL STUDY AMENDING THE GENERAL PLAN FROM GRAZING AND OPEN LAND TO COMMERCIAL AND AUTHORIZE THE CHAIR TO SIGN;
 - B. FIND THAT THE PROJECT DOES HAVE THE POTENTIAL TO HAVE SIGNIFICANT IMPACT TO FISH OR WILDLIFE HABITAT; AND
 - C. ADOPT AN ORDINANCE AND CONDITIONAL ZONING AGREEMENT REZONING THE PROPERTY FROM A-160 TO C-2 (GENERAL COMMERCIAL) AND AUTHORIZE THE CHAIR TO SIGN.
(2546) (**00)

PUBLIC HEARING OPENED: 10:36 A.M.
PUBLIC HEARING CLOSED: 11:20 A.M.

0621-010

MOTION: I MOVE TO APPROVE THE PROJECT, ADOPT RESOLUTION 06-146, AND THE INITIAL STUDY AMENDING THE GENERAL PLAN FROM GRAZING AND OPEN LAND TO COMMERCIAL AND AUTHORIZE THE CHAIR TO SIGN; FIND THAT THE PROJECT DOES HAVE THE POTENTIAL TO HAVE SIGNIFICANT IMPACT TO FISH OR WILDLIFE HABITAT; AND ADOPT ORDINANCE 3942 REZONING THE PROPERTY FROM A-160 TO C-2 (GENERAL COMMERCIAL) AND AUTHORIZE THE CHAIR TO SIGN; FURTHER MOVE TO APPROVE THE CONDITIONAL ZONING AGREEMENT, AS AMENDED TO ALLOW MINI STORAGE USES ON UP TO 30% OF THE DEVELOPABLE PROPERTY, AND AUTHORIZE THE CHAIR TO SIGN. ADDITIONALLY, THE APPLICANT WILL BE REQUIRED TO SIGN THE COUNTY'S STANDARD INDEMNIFICATION AGREEMENT.

2 M

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

REGULAR AGENDA

0621-011 Court Facility Transfer - Report to the Board - report on the status of court facility transfers pursuant to the Trial Court Facilities Act (SB 1732) - action requested - ACCEPT FOR INFORMATION. (**715)

REPORT TO THE BOARD BY SANG KIM, DEPUTY ADMINISTRATIVE OFFICER.

0621-012 Sacramento Valley Integrated Regional Water Management Plan - consideration of a resolution of support for the Sacramento Valley Integrated Regional Water Management Plan - action requested - STAFF RECOMMENDS THE BOARD ADOPT THE RESOLUTION OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN. (**964) (**00) (**00)

RECESS: 12:06 P.M.

RECONVENE: 12:14 P.M.

REGULAR AGENDA

0621-012 Sacramento Valley Integrated Regional Water Management Plan - consideration of a resolution of support for the Sacramento Valley Integrated Regional Water Management Plan - action requested - STAFF RECOMMENDS THE BOARD ADOPT THE RESOLUTION OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN.

RECESSED AT 1:37 P.M. TO CLOSED SESSION. CONTINUED AFTER CLOSED SESSION.

CLOSED SESSION

0621-013 **RECESS:** THE BOARD RECESSED AT 1:37 P.M. TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): LAKE OROVILLE INTERVENTION (FERC PROJECT 2100), AND LIGHTNER V. COUNTY OF BUTTE (BUTTE SUPERIOR COURT CASE NO. 136070). A CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): THREE POTENTIAL CASES. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS, INCLUDING GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: 1. AGRICULTURAL COMMISSIONER, 2. DIRECTOR-BEHAVIORAL HEALTH, 3. CHIEF ADMINISTRATIVE OFFICER, 4. CHIEF PROBATION OFFICER, 5. COUNTY COUNSEL, 6. DIRECTOR-CHILD SUPPORT SERVICES, 7. DIRECTOR-DEVELOPMENT SERVICES, 8. DIRECTOR-EMPLOYMENT AND SOCIAL SERVICES, 9. DIRECTOR-HUMAN RESOURCES, 10. DIRECTOR-INFORMATION SYSTEMS, 11. DIRECTOR-LIBRARIES, 12. DIRECTOR-PUBLIC HEALTH, 13. DIRECTOR-PUBLIC WORKS, AND 14. DIRECTOR-WATER AND RESOURCE CONSERVATION. A CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8: PROPERTIES - APN 017-190-040, AGENCY NEGOTIATORS - MIKE CRUMP, DIRECTOR-PUBLIC WORKS, NEGOTIATING PARTIES - REPRESENTATIVE, JOHN F. GUERRERO LIVING TRUST, AND UNDER NEGOTIATION - PRICE AND TERMS OF PAYMENT.

RECESS: 4:44 P.M.

RECONVENE: 4:51 P.M.

SUPERVISOR HOUX NOT PRESENT.

0621-014 Adoption of Approved Forms of a Site and Facilities Lease and Related Legal Documents for Issuance of Debt by Means of Certificates of Participation to Finance Capital Improvements at the Butte County Neal Road Landfill - consideration of the issuance of Certificates of Participation to finance capital improvements at the Neal Road Landfill. The first series Certificates of Participation will issue in November 2006, in the amount of \$12,500,000 or less - action requested - ADOPT A RESOLUTION APPROVING THE FORMS OF A SITE AND FACILITIES LEASE, A LEASE/PURCHASE AGREEMENT, A TRUST AGREEMENT, AN ASSIGNMENT AGREEMENT, A PURCHASE CONTRACT AND A CONTINUING DISCLOSURE CERTIFICATE, AUTHORIZING CHANGES THERETO AND EXECUTION AND DELIVERY THEREOF TO THE OTHER PARTIES THERETO; APPROVING A PRELIMINARY OFFICIAL STATEMENT, THE DELIVERY THEREOF TO THE UNDERWRITER, AND THE PREPARATION, EXECUTION AND DELIVERY TO THE UNDERWRITER OF AN OFFICIAL STATEMENT TO BE SUBSTANTIALLY DERIVED FROM THE PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION, SALE AND DELIVERY OF NOT TO EXCEED \$12,500,000 OF CERTIFICATES OF PARTICIPATION; AUTHORIZING AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH AND AUTHORIZE THE CHAIR TO SIGN. (*****62)

MOTION: I MOVE TO ADOPT RESOLUTION 06-148 APPROVING THE FORMS OF A SITE AND FACILITIES LEASE, A LEASE/PURCHASE AGREEMENT, A TRUST AGREEMENT, AN ASSIGNMENT AGREEMENT, A PURCHASE CONTRACT AND A CONTINUING DISCLOSURE CERTIFICATE, AUTHORIZING CHANGES THERETO AND EXECUTION AND DELIVERY THEREOF TO THE OTHER PARTIES THERETO; APPROVING A PRELIMINARY OFFICIAL STATEMENT, THE DELIVERY THEREOF TO THE UNDERWRITER, AND THE PREPARATION, EXECUTION AND DELIVERY TO THE UNDERWRITER OF AN OFFICIAL STATEMENT TO BE SUBSTANTIALLY DERIVED FROM THE PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION, SALE AND DELIVERY OF NOT TO EXCEED \$12,500,000 OF CERTIFICATES OF PARTICIPATION; AUTHORIZING AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH AND AUTHORIZE THE CHAIR TO SIGN.

M 2

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

0621-015 Items Removed from the Consent Agenda for Board Consideration and Action. (NONE)

RECESSED AT 4:59 p.m. AS THE BUTTE COUNTY BOARD OF SUPERVISORS AND CONVENEED AS THE BUTTE COUNTY PUBLIC FACILITIES FINANCING CORPORATION.

BUTTE COUNTY PUBLIC FACILITIES FINANCING CORPORATION

MINUTES

OCTOBER 24, 2006

Called to order at 5:00 p.m. in the Board of Supervisors Room, 25 County Center Drive, Oroville. Board of Directors members present: Connelly, Dolan, Yamaguchi, and President Josiassen. Also present Peggy Moak, Lessee Representative, and Marion Reeves, Deputy Clerk.

Regular Agenda

0602-001 Resolution Approving Lease Purchase Agreements and Certain Other Documents with the County of Butte - consideration of a resolution approving the documents and action necessary to assist the County in financing the acquisition and construction of improvements to its existing solid waste landfill facility - action requested - ADOPT RESOLUTION AND AUTHORIZE THE PRESIDENT OF THE BOARD OF DIRECTORS TO SIGN.

MOTION: I MOVE TO ADOPT RESOLUTION 06-001 AND AUTHORIZE THE PRESIDENT OF THE BOARD OF DIRECTORS TO SIGN.

M 2

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

Public Comment

0602-002 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.

Adjournment

ADJOURNED AT 5:04 p.m. AS THE BUTTE COUNTY PUBLIC FACILITIES FINANCING CORPORATION BOARD OF DIRECTORS AND RECONVENED AS THE BUTTE COUNTY BOARD OF SUPERVISORS.

BUTTE COUNTY BOARD OF SUPERVISORS AGENDA
PUBLIC HEARINGS AND TIMED ITEMS

0621-016 Public Hearing - Nuisance Abatement Costs - consideration of the approval of a lien, in the amount of \$6,030.13, to recover costs associated with the abatement of a public nuisance at 2451 Wyandotte Avenue, Oroville. The property was abated August 3-8, 2006 - action requested - APPROVE A LIEN, IN THE AMOUNT OF \$6,030.13, BE PLACED ON THE PROPERTY LOCATED AT 2451 WYANDOTTE AVENUE, OROVILLE; DIRECT RECORDING OF THE LIEN; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLE AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.

PUBLIC HEARING OPENED: 5:08 P.M.
PUBLIC HEARING CLOSED: 5:09 P.M.

MOTION: I MOVE TO APPROVE A LIEN, IN THE AMOUNT OF \$6,030.13, BE PLACED ON THE PROPERTY LOCATED AT 2451 WYANDOTTE AVENUE, OROVILLE; DIRECT RECORDING OF THE LIEN; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLE AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.
M 2

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (MOTION CARRIED)

0621-017 Butte County Improvement Standards Amendments - consideration of amendments to the Improvement Standards for developments within the unincorporated areas of the County - action requested - ADOPT THE RESOLUTION 06-149 AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO ADOPT THE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN WITH RS-8 COMING BACK TO THE BOARD AT A LATER DATE.
M

VOTE: 1 Y 2 Y 3 NP 4 Y 5 Y (MOTION CARRIED)

PUBLIC COMMENT

0621-018 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.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD,
THE MEETING WAS ADJOURNED AT 5:32 P.M., TO
RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE
HELD TUESDAY, NOVEMBER 21, 2006, AT 9:00 A.M.

CURT JOSIASSEN, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board

By: _____