

# BUTTE COUNTY BOARD OF SUPERVISORS

## MINUTES

FEBRUARY 27, 2007



### County Supervisors

Bill Connelly, District 1  
Jane Dolan, District 2  
Maureen Kirk, District 3  
Curt Josiassen, District 4  
Kim Yamaguchi, District 5

Paul McIntosh, Chief Administrative  
Officer and Clerk of the Board

Bruce Alpert, County Counsel

Called to order at 9:03 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Kirk, Josiassen, Yamaguchi, and Chair Dolan. Also present: Paul McIntosh, Chief Administrative Officer, Bruce Alpert, County Counsel and Kathleen Moghannam, Associate Clerk of the Board.

Pledge of Allegiance to the Flag of the United States of America.

Observation of a Moment of Silence.

0705-001

**CORRECTIONS AND/OR CHANGES TO THE AGENDA.**

1. Resolution Accepting Offer of Dedication of Park Way, West Way, and Portions of Crest Drive and Mountain Vista Drive within Palm Crest Village Subdivision - the Community Housing Improvement Program (CHIP), as owner of a majority of the lots within the interior of the Palm Crest Village Subdivision in Thermalito, has constructed Park Way, West Way and portions of Crest Drive and Mountain Vista Drive to County standards and formed County Service Area No. 181 for maintenance of the drainage systems and street lighting. CHIP has requested the County accept Park Way, West Way, and the portions of Crest Drive and Mountain Vista Drive as dedicated for County maintenance - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

PUBLIC WORKS REQUESTED THIS ITEM BE REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION.

2. Palm Crest Village Subdivision Reimbursement Agreement - the Community Housing Improvement Program (CHIP), as owner of a majority of the lots within the interior of the Palm Crest Village Subdivision in Thermalito, has constructed Park Way, West Way and portions of Crest Drive and Mountain Vista Drive to County standards and formed County Service Area No. 181 for maintenance of the drainage systems and street lighting. These improvements serve two lots (11 and 12) within the subdivision which are not owned by CHIP. CHIP is requesting approval of the agreement in order to be reimbursed by the property owners of Lots 11 and 12 prior to the issuance of development permits - action requested -APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLIC WORKS REQUESTED THIS ITEM BE REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION.

3. Resolution Regarding the Kennedy Avenue Closure -Right of Way Exchange - consideration of a resolution regarding the County vacating and exchanging real property with the Chapman Family Trust for the new cul-de-sac right of way - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; APPROVE QUITCLAIM DEEDS AND AUTHORIZE THE CHAIR TO SIGN; AND ACCEPT GRANT DEED AND AUTHORIZE THE CHAIR TO SIGN.

PUBLIC WORKS REQUESTED THIS ITEM BE REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION.

0704-002 Items Removed from the Consent Agenda for Board Consideration and Action.

1. Renewal of Memorandum of Understanding (MOU) between the County of Butte and Butte County Superior Court -Enhanced Collection and Compliance Program - approval is requested for an update to the MOU that defines the responsibilities of the County and the Court in administering the collaborative effort to enhance revenue generation, improve compliance with court orders, and manage both current and delinquent accounts. Both Central Collections Division and the Court Compliance Unit have increased staff and both intend to contract with the California State Court Ordered Debt program for the collection of old and/or difficult accounts. An increase in costs of \$23,000 per year in the first two years, and an agreed upon amount, determined by production results, for year three is needed to support the additional overhead. The term of the MOU will be extended through December 31, 2009 -action requested - APPROVE RENEWAL OF MOU AND APPROVE (4/5 vote required) AND APPROPRIATE AN ADDITIONAL \$23,000 IN UNANTICIPATED REVENUE FOR FISCAL YEAR 2006/2007. (Contract No. X15156)

THE DISTRICT ATTORNEY REQUESTED THAT THIS ITEM BE PULLED FROM THE CONSENT AGENDA FOR DISCUSSION.

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**CONSENT AGENDA**

- 0704-003
1. Reduction to CalWORKS Program - Butte County Department of Behavioral Health recently renewed its Revenue Agreement with the Department of Employment and Social Services for its CalWORKS program. Under this agreement, funding received from the State was reduced for the Mental Health treatment portion of CalWORKS allocation for Fiscal Year 2006/2007 by \$137,683. Budget reductions are requested - action requested - APPROVE BUDGET REDUCTION PER AGENDA REPORT.

2. Drug Free Communities (DFC) Grant - approval is requested to accept and appropriate \$33,856 in unanticipated revenue from the Substance Abuse Mental Health Services Administration for a DFC program. The department's Prevention Unit will work with Butte Youth Now Coalition to reduce substance abuse among youth and adults by addressing community factors that increase the risk of substance abuse - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.
3. Department of Employment and Social Services (DESS) for Youth Placement - amendment - approval is requested to amend the Memorandum of Understanding (MOU) with DESS for the provision of behavioral health services to children placed in group homes as authorized by the Senate Bill 933 (SB 933) Inter-Agency Unit that is made up of staff from the Butte County Department of Behavioral Health (BCDBH), DESS, Probation, Education, and Public Health. DESS will follow placement procedures set by the SB 933 Inter-Agency Unit and reimburse BCDBH for the provision of non-Medi-Cal or non-recoverable services. The term of the MOU will be from July 1, 2003 through June 30, 2007, and DESS will reimburse BCDBH as follows: up to \$15,000 for both Fiscal Year (FY) 2003/2004 and FY 2004/2005; \$50,000 for both FY 2005/2006 and FY 2006/2007. The maximum compensation of the MOU is \$130,000 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14432)
4. Additional Appropriation for Federal Energy Regulatory Commission (FERC) and Consulting Services - approval is requested for additional appropriations for the payment of consulting and analytical services that have been approved to assist the Board's response to various State Agencies and State Water Contractors' filings with FERC as related to the re-licensing of the Oroville Facilities Project - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
5. Tri-County Economic Development Corporation (TCEDC) - amendment - approval is requested for an amendment to the Master Subrecipient Agreement with TCEDC. Butte County entered into the agreement on February 1, 2001 to provide staff services related to the Community Development Block Grant Program. The amendment adds language to Section II, "Time of Performance" which allows for an extension of TCEDC's services through January 31, 2010. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

6. Cash Advance Request for Community Development Block Grant (CDBG) Program - approval is requested for a cash advance of \$100,000 from the General Fund. The funding for each grant is secured by an agreement with the California Department of Housing and Community Development (HCD) and funds can be requested as advances or reimbursements. Currently, the County requests funds as advances by anticipating future months' billings. This system is cumbersome and time consuming, and it is difficult to predict receipt of HCD's payments, therefore restricting the County's ability to pay vendors timely. By utilizing the reimbursement method, invoices could be paid each month ensuring timely payment to vendors, then a reimbursement request is made to HCD. The cash advance would allow for implementation of the reimbursement method - action requested - AUTHORIZE CASH ADVANCE OF \$100,000 APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
7. Tracy Tully-Davis - approval is requested for an agreement with Tracy Tully-Davis for Public Defender Services. The Indigent Defense Policy Board recommends the appointment as nominated by the Public Defender Consortium - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
8. Budget Transfer of Fiscal Year 2005 State Homeland Security Grant Program (HSGP) Funds - approval is requested by the Office of Emergency Services for the transfer of \$2,088 in unobligated funds from the 2005 State Homeland Security Grant Program. The funds will be used to purchase additional HSGP authorized items - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
9. Dickinson Wright PLLC - approval is requested for an agreement to retain attorney services with Dickinson Wright PLLC. The hourly billing rates are from \$95 to \$520 and cannot be adjusted prior to January 1, 2008 -action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.

- \_\_\_\_\_ 10. TCI, a Division of Ray Morgan Company - approval is requested for the purchase of a laser fiche document management system that will work with the County's permit processing software and the new web based system. A document management system will eliminate the need to send documents off site for scanning and will increase efficiencies of staff when researching documents associated with permits, parcels, and maps. A Request for Proposals was sent to forty-six computer software companies, and four responses were received with TCI submitting the lowest responsive proposal of \$65,542 for the document management system and the first year of maintenance. The department requests to utilize \$30,000 originally budgeted for the purchase of an Interactive Voice Response system and for a budget transfer of \$35,542 to cover the cost of this fixed asset purchase -action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE AS DETAILED IN THE AGENDA REPORT.
11. Budget Transfer and Fixed Asset Purchase for Two SQL Server Licenses - approval is requested for a budget transfer for the purchase of components and software programs needed to maintain and upgrade the department's computer system. In Fiscal Year 2006/2007 budget, funds were appropriated for the purchase of various computer hardware components and software programs as non-fixed asset purchases. The purchase price of the two SQL server licenses needed now fall within the County's fixed asset guidelines - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE.
12. Uniting Families Program - approval is requested to accept and appropriate \$50,000 in unanticipated revenue from Youth for Change. These funds will be used for the Uniting Families Program. This program utilizes funds to help offset the cost associated with a child returning to his or her home and to help pay for items of need - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

13. Acceptance of Donations Pursuant to Government Code Section 25355 - consideration of a resolution acknowledging the coordination and oversight provided by Culp and Tanner for the complete remodel of the David Fulbright Room (Children's Services "Transition Room") located at 78 Table Mountain Blvd, Oroville. Culp and Tanner chose to help children in our community by collaborating with and receiving donations from LHP Interiors, Hignell Development, Inc, and Gaylene's Art. Total fixed asset donations for this project total \$9,673. - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.
14. Resolution Proclaiming March 2007 as Social Worker Month - consideration of a resolution proclaiming March 2007 as Social Worker Month in Butte County -action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
15. Appointment of In-Home Supportive Services (IHSS) Advisory Committee Member - the IHSS Advisory Committee is recommending the appointment of Pamela Perry -action requested - APPOINT PAMELA PERRY TO A TERM TO END DECEMBER 19, 2009.
16. Williamson Properties, Inc. - amendement - approval is requested for an amendement to the lease agreement with Williamson Properties, Inc. for the property located at 2334 Fair Street, Chico. This property currently houses Fire Station 44. The lease amendement is needed due to structural issues with one of the buildings on the property, inadequate space in the original relief quarters, and the need for a short-term solution until a new permanent Station 44 can be constructed. Additional funding is requested for the purchase and installation of a new modular structure on the premises. Out of its existing budget, the department will demolish and remove the uninhabitable office building, obtain permits and contract for hazardous material abatement prior to demolition. The amount requested in the agenda report is an estimate that includes all known project costs. Any project balance will be returned to the General Fund upon project completion. A contract for the purchase of the modular structure will be brought to the Board at a future meeting - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

- \_\_\_\_\_ 17. Solar Project Phase II Budget Transfer - approval is requested for a budget transfer from contingencies for the application fee of \$32,709 paid to PG&E for Phase II of the Butte County Solar Project and for \$10,000 of preliminary project costs. The Board approved the application fee at the February 13, 2007 Board of Supervisors meeting, and it was paid out of the Administrative Office Budget. The preliminary project costs will include charges for finalizing project design, reviewing the final proposal, meeting with contractors, negotiating contracts and other miscellaneous costs - action requested - APPROVE BUDGET TRANSFER FROM CONTINGENCIES (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
18. Advanced Step Hire - pursuant to Personnel Rule 11.13, the department is requesting the Board approve the Advanced Step Hire of an Administrative Analyst Associate candidate for the Local Area Formation Commission to step 5 of the salary range based on the candidate's knowledge and experience - action requested - APPROVE ADVANCED STEP HIRE OF ADMINISTRATIVE ANALYST ASSOCIATE CANDIDATE TO STEP 5 OF THE SALARY RANGE.
19. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: ADMINISTRATIVE - adds one sunset position of Administrative Assistant. Due to long term absence of an employee, the department has a need to backfill the position currently held by that employee. The position end date is September 7, 2007. SHERIFF-CORONER - adds one sunset position of Deputy Sheriff and one sunset position of Sheriff's Sergeant. The department has been awarded a grant from the California Multi-Jurisdictional Enforcement Team that will fund these positions. The end date for both positions is June 30, 2007. DISTRICT ATTORNEY - deletes five flexibly staffed positions of Legal Secretary or Legal Clerk and adds five positions of Legal Secretary. Due to reorganization in the District Attorney's Office, the classification of Legal Clerk is not utilized. HUMAN RESOURCES - amends Section 68K "Non-Represented Classifications" to change the salary range of the Assistant Director, Public Health. This change is necessary to set the top step of the Assistant Department Head salary range at the range that is closest to 20% differential to the Department Head, pursuant to Board Resolution 06-062 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

20. Juvenile Justice Crime Prevention Act (JJCPA) Funds - approval is requested to accept and appropriate an additional allocation of \$70,533 in unanticipated JJCPA revenue to be used for juvenile crime prevention programs - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.
- \_\_\_\_\_ 21. Garian Partnership/Ridgewood Plaza - amendment - approval is requested for an amendment to the lease agreement with the Garian Partnership/Ridgewood Plaza for the property located at 1370 Ridgewood Drive, Suites 21 and 22, Chico. The location is utilized by the California Children's Services (CCS) Program. The amendment will make the following changes: effective March 1, 2007, Suite 20A which has an additional 1,320 square feet will be added to the agreement; the lease will be extended by one year to October 31, 2008; and the additional space will increase the monthly rent by \$1,148.40 (department budget). All other terms and provisions remain the same - action requested -APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14430)
22. California Family Health Council (CFHC) Grant - amendment - approval is requested to accept and appropriate \$15,500 in unanticipated funds made available to cover medical supply purchases related to family planning. The revised maximum obligation of CFHC under this agreement will not exceed \$162,570. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. R40839)
23. Appointments of Animal Control Advisory Board Members -the department recommends the following appointments: Maureen Milligan to replace Danny Nichols as representative of the North Valley Animal Disaster Group; Janice Titensor to replace Emily Williams as the representative of Promotion of Animal Welfare Society; and Sue Bernard to replace Barbara St. John as the public member - action requested - APPOINT MAUREEN MILLIGAN, JANICE TITENSOR AND SUE BERNARD TO THE ANIMAL CONTROL ADVISORY BOARD; AUTHORIZE LETTERS OF APPRECIATION FOR OUTGOING MEMBERS; AND AUTHORIZE LETTER OF APPRECIATION FOR SUE BERNARD FOR HER CONTINUED COMMITMENT AND SUPPORT OF THE ANIMAL CONTROL PROGRAM.

24. Caltrans Highway 70-Ophir Road Signal Project - in preparation for the widening of the Highway 70-Ophir Road intersection and the installation of traffic signals at the intersection, Caltrans has requested dedication of a County right of way as described in Exhibit A in the agenda report - action requested -APPROVE QUITCLAIM DEED AND AUTHORIZE THE CHAIR TO SIGN.
25. Budget Transfers for County Service Area (CSA) 169 (Pheasant Landing Subdivision) - approval is requested for budget transfers for Zones 1, 2, and 3 within CSA 169. On January 23, 2007, the Board approved the cost for repairs and installation of a well pump protection sand separator and additional well column piping, but it has been determined that there is a need to install additional well casing steel piping to avoid well collapse - action requested - APPROVE BUDGET TRANSFERS (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
26. Contract Change Order for Lower Honcut Road Bridge Painting Project across Wyandotte Creek - approval is requested for a Contract Change Order that provides funding for de-watering the channel during the project which was not anticipated at the time of the award of the contract. This change increases the contract by \$12,836.81 - action requested - APPROVE CHANGE ORDER AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X16130)
27. Lower Honcut Road Bridge Painting Project across Wyandotte Creek - Notice of Completion - the project consisted of removing the existing coating(s) and corrosion down to bare metal and applying a new paint coating system - action requested - ACCEPT THE WORK CONTRACT AS COMPLETE; APPROVE NOTICE OF COMPLETION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT RECORDING OF THE NOTICE OF COMPLETION. (Contract No. X16130)
28. Gallaway Consulting, Inc. - approval is requested for a sole source agreement with Gallaway Consulting, Inc. to perform necessary services for the 2006 Federal Emergency Management Agency (FEMA) Flood Repair Projects to repair the areas of Concow Road, River Road, Pulga Road, and Bardees Road which were damaged during the severe storms in the winter of 2005/2006 -action requested - APPROVE SOLE SOURCE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16430)

29. Resolution Recognizing the Contribution of the Paradise Irrigation District - consideration of a resolution recognizing the contributions the Paradise Irrigation District has made toward the future Skyway widening project and the cost savings provided by the construction of the Magalia Reservoir Bypass Project. This project will provide significant savings during any future work on Magalia Dam that will be necessary to widen the Skyway to four lanes - action requested -ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
30. Introduction of an Ordinance Establishing Speed Limits on Certain Roads within the County of Butte -proposed is an ordinance which will set the following speed zones: Kennedy Avenue from Meridian Road to Hwy 32 - 35 mph; Meridian Road from West Sacramento Avenue to Wilson Landing Road - 45 mph; Nord Highway from Carmen Lane to City Limits - 50 mph; Oak Way from Meridian Road to City Limits - 35 mph; West Sacramento Avenue from Meridian Road to City Limits - 45 mph; Lincoln Boulevard from Palermo Road to Monte Vista Avenue -40 mph; Ophir Road from Lincoln Boulevard to 0.2 miles east and from Upper Palermo Road to 0.2 miles west - 45 mph - action requested - WAIVE READING OF THE ORDINANCE.
31. Creation of a Parcel by Union Pacific Railroad - William Kelso is in negotiations with Union Pacific Railroad for the purchase of a portion of their operating right of way within parcel 040-200-076 in Durham. The portion in question will be at the southeast corner of Midway and Durham Dayton Highway. After the acquisition, Mr. Kelso is proposing to improve the property and County road frontages to County Standards. The proposed parcel is zoned M-1 and complies with Environmental Health requirements. Creation of a parcel by a government agency, public entity or public utility is allowed pursuant to Government Code Section 66428 - action requested - FIND THAT PURSUANT TO GOVERNMENT CODE 66428(a)(2), PUBLIC POLICY DOES NOT REQUIRE THE FILING OF A PARCEL MAP FOR UNION PACIFIC RAILROAD TO CREATE A NEW PARCEL.
32. Introduction of an Ordinance Amending Sections 20-50, 20-50.5, 20-51, 20-52, and 20-53 of Chapter 20, Subdivisions of the Butte County Code - proposed is an ordinance which will amend the Butte County Code to reference the County's policy on the acceptance of roads into the County Maintained Mileage. The department will bring an application fee recommendation back before the Board at a noticed public hearing at a subsequent meeting - action requested - WAIVE READING OF THE ORDINANCE.

33. Fiscal Year 2006 Buffer Zone Protection Program Grant Acceptance and Fixed Asset Purchases - the Butte County Sheriff's Department and Office of Emergency Services have been awarded the Governor's Office of Homeland Security (OHS) grant under the Fiscal Year 2006 Buffer Zone Protection Program. This award provides funds to build security and risk management capabilities at the State and local levels to protect critical infrastructure and key resources from terrorism. OHS granted \$950,000 for the purchase of security enhanced equipment, including water barrier protection equipment and thermal imaging cameras for the Oroville Lake project and for anti-terrorism training and exercises -action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.
34. Fixed Asset Purchase - approval is requested for the purchase of new workstations for deputies serving in the North County. The Sheriff's Office has received a bid from Esplanade Furniture for just under \$6,000. The new workstations are interchangeable with the workstations currently located in other Sheriff office facilities - action requested - APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE OF NEW WORKSTATIONS.
35. Monthly Investment Report - submitted is the Monthly Investment Report dated January 31, 2007 in accordance with the Statement of Investment Policy dated July 1, 2006 - action requested - ACCEPT FOR INFORMATION.
36. Butte County Water Advisory Committee - the department makes the following recommendations -MUNICIPAL AT-LARGE, CITY OF CHICO - APPOINT MARY FLYNN TO A TERM TO END JANUARY 11, 2009; BUTTE CREEK CONSERVANCY WATERSHED AT-LARGE - APPOINT CHUCK KUTZ TO A TERM TO END JANUARY 11, 2009; ANGEL SLOUGH SUB UNIT - REAPPOINT CATHERINE COTTLE TO A TERM TO END JANUARY 25, 2011; ESQUON SUB-UNIT - REAPPOINT RICK PONCIANO TO A TERM TO END APRIL 27, 2011; WESTERN CANAL SUB UNIT - REAPPOINT TED TRIMBLE TO A TERM TO END JANUARY 11, 2011; FOOTHILL MOUNTAIN AREA - REAPPOINT JIM BROBECK TO A TERM TO END JANUARY 11, 2011; AND WATERSHED AT-LARGE - REAPPOINT GARY COLE TO A TERM TO END JANUARY 11, 2011.
37. Resolution of Appreciation to Supporters of the Tenth Annual Community Wide True Love Waits Campaign - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (SUPERVISOR CONNELLY)

389. Resolution Recognizing Community Action Agency, Inc's 40 Years of Service to Butte County Communities -action requested - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF ITEMS 3.24, 3.25, 3.30 AND 3.39.

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

PRESENTATION OF A RESOLUTION RECOGNIZING CULP AND TANNER'S CONTRIBUTION TO IN THE REMODELING OF THE CHILDREN'S SERVICES TRANSITION ROOM, CALLED THE DAVID FULBRIGHT ROOM. (328)

PRESENTATION OF A RESOLUTION FOR THE SUPPORTERS OF THE 10TH ANNUAL TRUE LOVE WAITS CAMPAIGN. MULTIPLE SCHOOL AGED CHILDREN FROM VARIOUS BUTTE COUNTY SCHOOLS MADE PLEDGES OF ABSTINENCE.

PRESENTATION OF A RESOLUTION RECOGNIZING COMMUNITY ACTION AGENCY, INC.'S FORTY YEARS OF SERVICE IN BUTTE COUNTY.

REGULAR AGENDA

0704-004 Boards, Commissions and Committees.

- 1. Appointments to Listed Vacancies. (NONE)
- 2. Board Member or Committee Reports. (793)

SUPERVISOR YAMAGUCHI REPORTED ON HIS ATTENDANCE AT THE SIERRA NEVADA CONSERVANCY MEETING ON MARCH 1, 2007.

SUPERVISOR JOSIASSEN REPORTED ON HIS ATTENDANCE AT THE NORTHERN CALIFORNIA WATER ASSOCIATION.

SUPERVISOR KIRK REPORTED ON HER ATTENDANCE AT THE CALIFORNIA STATE ASSOCIATION OF COUNTIES.

SUPERVISOR CONNELLY REPORTED ON A MEETING THAT HE AND SUPERVISOR JOSIASSEN HAD AT ASSEMBLYMAN RICK KEENE'S OFFICE WITH REPRESENTATIVES FROM CALTRANS AND BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG) REGARDING HIGHWAY 70. SUPERVISOR CONNELLY ADDED THAT HE WOULD LIKE TO FORM AN AD HOC COMMITTEE WITH YUBA COUNTY IN REGARDS TO HIGHWAY 70 AND AIR QUALITY ISSUES. SUPERVISOR YAMAGUCHI INDICATED THAT HE THINKS BCAG SHOULD BE INVOLVED IN THAT DECISION. NO ACTION WAS TAKEN. (972)

0704-005 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

PAUL MCINTOSH INTRODUCED MR. DENNY FORLAND, THE DIRECTOR OF BUTTE COUNTY PUBLIC DEFENDER'S OFFICE TO INTRODUCE THE NEWEST BUTTE COUNTY PUBLIC DEFENDER, TRACY TULLY DAVIS.

PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER REPORTED ON UNIVERSAL HEALTH CARE AND A HEARING IN THE SENATE HEALTH COMMITTEE. THERE WAS NO ACTION TAKEN AT THE MEETING, JUST AN EXCHANGE OF INFORMATION. THE COMMITTEE WILL CONTINUE TO HOLD HEARINGS. MR. MCINTOSH IS PARTICIPATING IN THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) TASK FORCE ON HEALTH CARE. THERE ARE TWO DIFFERENT TASK FORCES: ONE ON THE TECHNICAL SIDE ISSUES AND ONE ON THE POLICY SIDE TO WORK A PLATFORM FOR CSAC HOW COUNTIES CAN AND SHOULD RESPOND TO THE QUESTIONS OF UNIVERSAL HEALTH CARE AND HOW THEY AFFECT COUNTIES AND HOW TO TRANSITION FROM CURRENT PHASE TO WHAT THE SOLUTION WILL BE. THERE ARE TWO BILLS THAT WILL MOVE THROUGH HOUSES AND THEN THERE WILL BE A CONFERENCE COMMITTEE. THE GOVERNOR ALSO HAS A PENDING PROPOSAL FOR LEGISLATURE TO CONSIDER SOMETIME LATE THIS SUMMER. HE REFERRED TO SENATE BILL 113 WHICH WOULD CREATE A PRESIDENTIAL PRIMARY ELECTION IN FEBRUARY 2008 AND FUTURE PRESIDENTIAL ELECTION YEARS.

0704-006 CalWORKS Employment Services Progress Report - the Director of the Department of Employment and Social Services will be presenting information highlighting the changes and challenges resulting from Temporary Assistance for Needy Families Reauthorization and the Deficit Reduction Act of 2005. Information on the CalWORKS County Plan Addendum required by Assembly Bill 1808 will also be presented -action requested -ACCEPT FOR INFORMATION

0704-007 Items Removed from the Consent Agenda for Board Consideration and Action.

1. Renewal of Memorandum of Understanding (MOU) between the County of Butte and Butte County Superior Court - Enhanced Collection and Compliance Program - approval is requested for an update to the MOU that defines the responsibilities of the County and the Court in administering the collaborative effort to enhance revenue generation, improve compliance with court orders, and manage both current and delinquent accounts. Both Central Collections Division and the Court Compliance Unit have increased staff and both intend to contract with the California State Court Ordered Debt program for the collection of old and/or difficult accounts. An increase in costs of \$23,000 per year in the first two years, and an agreed upon amount, determined by production results, for year three is needed to support the additional overhead. The term of the MOU will be extended through December 31, 2009 -action requested - APPROVE RENEWAL OF MOU AND APPROVE (4/5 vote required) AND APPROPRIATE AN ADDITIONAL \$23,000 IN UNANTICIPATED REVENUE FOR FISCAL YEAR 2006/2007. (Contract No. X15156)

THE DISTRICT ATTORNEY REQUESTED THAT THIS ITEM BE PULLED FROM THE CONSENT AGENDA FOR DISCUSSION.

MOTION: I APPROVE RENEWAL OF MOU AND APPROVE (4/5 vote required) AND APPROPRIATE AN ADDITIONAL \$23,000 IN UNANTICIPATED REVENUE FOR FISCAL YEAR 2006/2007.

2 M

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

PUBLIC HEARINGS AND TIMED ITEMS

0704-008 Public Hearing - Adoption of an Ordinance Amending Chapter 43, Public Health Department Fees, of the Butte County Code - approval is requested to amend Butte County Code to add a new charge in the amount of \$187.15 for the issuance of Medical Marijuana Identification Cards pursuant to Health and Safety Code Sections 11362.7 through 11362.83. As detailed in the agenda report, \$45.15 of the fee is to cover administrative costs and the remaining \$142 is the State mandated surcharge per card - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN.

PUBLIC HEARING OPENED: 10:50 a.m.  
 PUBLIC HEARING CLOSED: 11:01 a.m.

THE FOLLOWING MEMBERS OF THE PUBLIC SPOKE IN FAVOR OF THE ADOPTION OF THE ORDINANCE: JOEL CASTLE, DANIEL WHITTLE, SHARON NORTH AND VIRGIL HILLS.

SHERIFF PERRY RENIFF AND CHIEF DEPUTY DISTRICT ATTORNEY FRANCISCO ZARATE BOTH SPOKE IN SUPPORT OF THE ORDINANCE AS THEY BELIEVE IT WILL ASSIST LAW ENFORCEMENT WHEN DEALING WITH POSSESSION OF MARIJUANA CASES AND WILL GREATLY DECREASE HUNDREDS OF HOURS OF INVESTIGATION BY THEIR DEPARTMENTS. THEY STRESSED THAT THE MEDICAL MARIJUANA ISSUE IS A PUBLIC HEALTH FUNCTION AND THE INVESTIGATIVE PORTION SHOULD BE DONE BY THE DEPARTMENT OF PUBLIC HEALTH.

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

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VOTE: 1 Y 2 Y 3 Y 4 N 5 N (Motion carried by 3-2 vote)

0704-009 Public Hearing - Establishment of Services Charges in County Service Area (CSA) 78, Woodside Lighting - on January 9, 2007, the Board adopted Resolution 07-006 directing commencement of procedures to impose an increase of \$26.40 to the current annual service charge in CSA 78, Woodside Lighting and to set a protest hearing and ballot proceeding. The new total annual service charge if passed will be \$75 - action requested - OPEN AND CLOSE PUBLIC HEARING; IF THERE IS A MAJORITY PROTEST AGAINST IMPOSING THE INCREASED CHARGE, DIRECT PUBLIC WORKS TO INITIATE THE DE-ENERGIZING OF SEVERAL STREETLIGHTS TO MEET AVAILABLE REVENUE; IF NO MAJORITY PROTEST, ADOPT RESOLUTION 07-043 DIRECTING THE COMMENCEMENT OF A BALLOT PROCEEDING TO IMPOSE INCREASE SERVICE CHARGES IN CSA 78 FOR FISCAL YEAR 2007/2008 AND FUTURE YEARS AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO ADOPT RESOLUTION 07-043 DIRECTING THE COMMENCEMENT OF A BALLOT PROCEEDING TO IMPOSE INCREASE SERVICE CHARGES IN CSA 78 FOR FISCAL YEAR 2007/2008 AND FUTURE YEARS AND AUTHORIZE THE CHAIR TO SIGN.

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

0704-010 Public Hearing - Smucker Quality Beverage - Two Appeals of Planning Commission's Approval of Use Permit (UP) 06-0020 which was for the expansion of the existing Smucker Quality Beverage facility. The expansion includes a new 22,000 square foot cold storage building, a new truck access drive, and a relocated employee parking area, less than 100 feet from a residential zone. This is a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. The appeal from the applicant (appellant #1) is regarding Condition 24 added by the Planning Commission that requires the installation of an 8-foot masonry sound wall along the entire north boundary. The applicant proposes instead to provide an 8-foot masonry sound wall along the boundary of APN 040-340-027 based on the proximity (approximately 22 feet) of a dwelling unit to the parcel boundary. The second appellant is appealing the approval of the UP stating the concerns of the neighbors were not understood thoroughly - action requested - STAFF RECOMMENDS THE BOARD CONSIDER THE APPEALS AND ADOPT A MOTION OF INTENT PROVIDING STAFF WITH DIRECTION.

MOTION: I MOVE TO MAKE OF MOTION OF INTENT TO DENY APPEAL #1 AND UPHOLD APPEAL #2 AND DIRECT STAFF TO INCOPORATE ALL DIRECTION GIVEN TO STAFF DURING THIS HEARING.

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

PUBLIC COMMENT (NONE)

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.

0704-011 THE BOARD RECESSED AT 4:12 P.M TO CLOSED SESSION CONFERENCE REGARDING:

CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):

- 1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. HAUSELT V. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 122288;
3. FIRST RESPONDER, ET AL V. NORCAL-EMS, COUNTY OF BUTTE, ET AL; BUTTE COUNTY SUPERIOR COURT CASE NO. 137303.

CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (c): TWO POTENTIAL CASES.

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS, INCLUDING: GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

- 1. CHIEF ADMINISTRATIVE OFFICER
2. DIRECTOR OF PUBLIC HEALTH
3. DIRECTOR OF DEVELOPMENT SERVICES
4. COUNTY COUNSEL

**ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, MARCH 13, 2007, AT 9:00 A.M.

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JANE DOLAN, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative  
Officer and Clerk of the Board

BY: \_\_\_\_\_