

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

APRIL 10, 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 9:09 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Josiassen, Yamaguchi, Kirk 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.

CORRECTIONS AND/OR CHANGES TO THE AGENDA.

- 0707-001 1. Award for Bid of Construction of Ophir Road and Lincoln Blvd Signalization, County Project No. 21461-98-2 -approval is requested to award the contract for County Project No. 21461-98-2 to the lowest responsive bidder, Granite Construction Company. The project includes construction of an eight-phase traffic actuated signal system, roadway widening, extension of a concrete box culvert and corrugated steel pipe structures, construction of turn pockets, and an overlay and striping of the roadway. The project Bids were opened on March 28, 2007 with two bids received. The bid in the amount of \$1,108,854 from Granite Construction Company was determined to be the lowest responsive and responsible bid - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.
- ACTION REQUESTED SHOULD INCLUDE: "AWARD BID TO GRANITE CONSTRUCTION COMPANY" IN ADDITION TO THE ACTIONS REQUESTED ON THE AGENDA.

CONSENT AGENDA

- 0707-002 1. Child Welfare Services Outcome Improvement Program (CWSOIP) Grant Funds - approval is requested to accept and appropriate \$89,294 in CWSOIP funds. With these funds, the department will provide comprehensive Alcohol & other Drug (AOD) and Mental Health assessments to parents referred to Butte County Children's Services Division - action requested - APPROVE BUDGET TRANSFER B-323 ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT.
2. Linda Huffmon - amendment - approval is requested for an amendment to the agreement with Linda Huffmon for the provision of consulting services related to program and procedural planning and grant planning and preparation. The amendment increases the maximum amount payable by \$23,920 (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. 16091)

- 0707-002 3. Franco and Rossana Giannecchini Family Trust - amendments (5) - approval is requested for amendments to the lease agreements with the Franco and Rossana Giannecchini Family Trust as follows: 1) The Oroville Professional Arts Center located at 2854 Olive Highway, Suites A and E, Oroville. The amendment extends the term of the lease from July 1, 2000 through September 30, 2007 with a maximum payable amount of \$69,659.60. This is an increase of \$14,887.60. All other terms and provisions remain the same (department budget); 2) The Oroville Professional Arts Center located at 2856 Olive Highway, Suites A, B, and C, Oroville. The amendment extends the term of the lease from July 1, 2000 through September 30, 2007 with a maximum payable amount of \$163,496.88. This is an increase of \$22,604.40. All other terms and provisions remain the same (department budget); 3) The Oroville Professional Arts Center located at 2858 Olive Highway, Suites A, B, and C, Oroville. The amendment extends the term of the lease from July 1, 2000 through September 30, 2007 with a maximum payable amount of \$198,110. This is an increase of \$27,300. All other terms and provisions remain the same (department budget); 4) The Oroville Professional Arts Center located at 2860 Olive Highway, Suites B and C, Oroville. The amendment extends the term of the lease from July 1, 2000 through September 30, 2007 with a maximum payable amount of \$65,444.95. This is an increase of \$8,053.50. All other terms and provisions remain the same (department budget); 5) The Oroville Professional Arts Center located at 2860 Olive Highway, Suites D and E, Oroville. The amendment extends the term of the lease from July 1, 2000 through March 31, 2007 with a maximum payable amount of \$81,018 over the multi-year term of the lease. This is an increase of \$1,610. All locations are utilized by the Youth Services Division. All other terms and provisions remain the same (department budget) - APPROVE AGREEMENT AMENDMENTS (5) AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract Nos. X11827, X11836, X11826, X11825, X11824)
4. Feather River Hospital - approval is requested for a letter in support of fair compensation for Feather River Hospital in Paradise. The Hospital is facing potential decreases in reimbursement rates by United Healthcare - action requested - APPROVE LETTER OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN.
- 0707-002 5. Budget Transfer - Local Area Formation Commission (LAFCo) - approval is requested for a transfer of \$1,858 from the General Fund Appropriations for Contingencies to LAFCo's budget unit to increase the appropriation for the County contribution to LAFCo. In June 2006, certain support service charges to LAFCo from the County were adjusted, but a corresponding adjustment to the County contribution was not done at that time - action requested - APPROVE BUDGET TRANSFER B-324 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

6. Consent of City Acquisition of Extra-Territorial Property - approval is requested to give consent to the City of Chico to acquire extra-territorial property. In the expansion of the City of Chico's Water Pollution Control Plant, the City must acquire an easement from one property owner. The area in question is outside of the territorial limits of the City of Chico. California Government Code 37351 provides for such extra-territorial acquisitions when it is necessary for municipal services - action requested - APPROVE CITY'S ACQUISITION OF EXTRA-TERRITORIAL PROPERTY AS DETAILED IN THE AGENDA REPORT; AND DIRECT THE PUBLIC WORKS DIRECTOR TO NOTIFY THE CITY OF CONSENT.
7. Tamara Miller, PE - amendment - approval is requested for an amendment to the agreement with Tamara Miller, PE for the provision of engineering services related to the submittal of a loan application to the State Water Regional Control Board for sewer installation in the Greater Chico Urban Area. The amendment extends the term of the agreement through December 31, 2007 and increases the maximum payable by \$10,000. The additional appropriation will be paid from County Service Area 114 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X15936)
8. Resolution Extending a Non-Exclusive Cable Television Franchise for the Unincorporated Areas of Butte County - consideration of a resolution extending the term of the agreement with Comcast of Southern California, Inc., an Oregon corporation and Comcast of Northern California II, Inc., a California corporation. The time required to conclude negotiations and allow for public review will extend beyond the initial expiration date. In order to avoid interruption of cable service, it is in the public interest to extend the current franchise through October 31, 2007 - action requested - ADOPT RESOLUTION 07-061 AND AUTHORIZE THE CHAIR TO SIGN.

- 0707-002 9. Memorandum of Understanding (MOU) between Child Support Services and Information Systems - approval is requested for this MOU in order to comply with requirements relating to the submittal of Child Support Services Annual Electronic Data Processing (EDP) Budget. Local Child Support Agencies (LCSA) must submit a current MOU between the LCSA and the County Information Systems department as part of the annual EDP budget request process - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
10. Fixed Asset Purchase - approval is requested for a lease purchase with the Ford Motor Company for a vehicle for the Environmental Investigator. The accounting practices for recording lease/purchases have changed, requiring the lease be booked into the fixed asset account for the purchase price. Loan proceeds will offset the purchase - action requested - APPROPRIATE UNANTICIPATED REVENUE B-329 AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE AND PAYMENT PLAN.
11. Fixed Asset Purchase - approval is requested for the purchase of a high quality printer to be used for creating employee photo ID cards for security reasons. In September 2006, the machine that the department had been using began to malfunction and ultimately stopped working. The new printer will automatically laminate the cards and prevent images from degrading. The cost of the printer, including tax, freight, labor, testing, badge stock, ribbons, lamination materials for up to 2,000 badges is \$15,122 (department budget) -action requested - APPROVE FIXED ASSET PURCHASE OF PRINTER.

- 0707-002 12. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: ADMINISTRATION -FACILITIES SERVICES - adds one term position of Janitor to end June 30, 2007. ADMINISTRATION - due to reorganization, the department is requesting to change the headings of the following sections: Section 10 - from Administrative-General Services Administration to General Services-Administration; Section 12 - from Administrative-Purchasing to General Services-Purchasing; Section 56 - from Administrative-Veterans' Service Office to General Services-Veterans' Service Office; Section 62 - from Administrative-Facilities Services to General Services-Facilities; Section 63 - from Administrative-Central Duplicating to General Services-Central Duplicating; Section 64 - Administrative-Central Stores to General Services-Central Stores. These changes will be effective on April 16, 2007. ADMINISTRATION - deletes one classification of Deputy Director, General Services and adds one position of Assistant Director, General Services to be set at salary range 66. This will be effective April 16, 2007. HUMAN RESOURCES - requests a change in the salary range of the Labor Relations Officer from range 64 to range 68 as the department has determined that the current salary has been a deterrent to recruiting qualified candidates for the position -action requested - ADOPT RESOLUTION 07-062 AND AUTHORIZE THE CHAIR TO SIGN.
13. Library Donations - pursuant to Government Code Section 25355, donations of \$100 from Carol E. Gardner, \$1,406.65 from Paradise Friends of the Library, \$100 from Maudie Penney, \$100 from Peter Panchesson, \$560 from Chico Friends of the Library, and \$410 from an anonymous donor, have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.
14. Budget Transfer - approval is requested for a budget transfer of \$32,000 from General Fund Contingencies. Due to an ongoing staffing issue, there is a shortfall of extra help and overtime allocations - action requested - APPROVE BUDGET TRANSFER B-327 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
15. Juvenile Justice Crime Prevention Act - consideration of a resolution authorizing application to the California Department of Corrections and Rehabilitation, Corrections Standards Authority, for the County's per capita funding distribution under the Schiff-Cardenas Crime Prevention Act of 2000. The department's distribution for Fiscal Year 2007/2008 is projected to be \$693,751 with no County matching funds required - action requested - ADOPT RESOLUTION 07-063 AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHIEF PROBATION OFFICER TO SIGN APPLICATION ON BEHALF OF THE COUNTY.

- 0707-002 16. Juvenile Accountability Block Grant - consideration of a resolution authorizing application to the Corrections Standards Authority for \$12,403 in grant funds. The grant requires a \$1,378 cash match from the County (proposed department budget). The grant's goal is to reduce juvenile offending through accountability-based initiatives that focus on both offenders and the juvenile justice system - action requested - ADOPT RESOLUTION 07-064 AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHIEF PROBATION OFFICER TO SIGN GRANT APPLICATION AND GRANT DOCUMENTS ON BEHALF OF THE COUNTY.
17. Budget Transfer and Fixed Asset Purchase - approval is requested for a transfer of a portion of funds that were originally designated for the remodel of the Public Health Laboratory. The remodel project was re-evaluated and will not be completed at this time. The department requests a transfer of \$30,000 as detailed in the agenda report to cover the purchase of modular furniture for the reception area of the Public Health Clinic located in Chico - action requested - APPROVE BUDGET TRANSFER B-325 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE OF MODULAR FURNITURE.
18. Redwood Toxicology Laboratory, Inc. - amendment - approval is requested for an amendment to the agreement with Redwood Toxicology Laboratory Services, Inc., for the provision of drug test screening services. The amendment extends the term of the agreement through June 30, 2008 and increases the maximum amount payable by \$64,000 (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. X15491)
19. Private Industry Council - amendment - approval is requested for an amendment to the sublease agreement with the Private Industry Council for the property located at 202 Mira Loma, Oroville. The amendment increases the funds available for change orders, modifications and design changes by \$140,000 (department budget) for Fiscal Year 2006/2007. 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. X13127)

- 0707-002 20. Fixed Asset Purchases - approval is requested for fixed asset purchases using grant funds that will assist health care agencies within the County to be prepared for emergencies. The Public Health department currently administers the Health Resources and Services Administration (HRSA) National Bioterrorism Hospital Preparedness Program grant. The following fixed asset items will be purchased and transferred upon receipt to the agency listed: one Surge Capacity Trailer and sixteen portable hospital beds for Enloe Hospital in the amount of \$15,000; one Surge Capacity Trailer and eleven portable hospital beds for Oroville Hospital in the amount of \$11,200; one Surge Capacity Trailer and eleven portable hospital beds for Feather River Hospital in the amount of \$11,200; one Surge Capacity Trailer and eight portable hospital beds for Feather River Tribal Health in the amount of \$9,500; and one Surge Capacity Trailer and eight portable hospital beds for Biggs-Gridley Hospital in the amount of \$9,500 (department budget) - action requested - APPROVE FIXED ASSET PURCHASES; AND APPROVE DONATION OF ITEMS AND TRANSFER OR OWNERSHIP TO APPROPRIATE AGENCY.
21. Introduction of an Ordinance Establishing Speed Limits on Certain Roads Within the County of Butte - approval is requested for an ordinance which will establish a speed limit of 35 miles per hour on West Sacramento Avenue from 0.2 miles west of Glenwood Avenue to the Chico City Limits - action requested - WAIVE READING OF THE ORDINANCE.
22. Award for Bid of Construction of Ophir Road and Lincoln Blvd Signalization, County Project No. 21461-98-2 -approval is requested to award the contract for County Project No. 21461-98-2 to the lowest responsive bidder, Granite Construction Company. The project includes construction of an eight-phase traffic actuated signal system, roadway widening, extension of a concrete box culvert and corrugated steel pipe structures, construction of turn pockets, and an overlay and striping of the roadway. The project Bids were opened on March 28, 2007 with two bids received. The bid in the amount of \$1,108,854 from Granite Construction Company was determined to be the lowest responsive and responsible bid - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND AWARD BID TO GRANITE CONSTRUCTION COMPANY.
23. Resolution Recognizing Butte County Sheriff's Office Volunteers - consideration of a resolution that recognizes the numerous volunteer organizations and hundreds of volunteers that assist the Sheriff's department and the community of Butte County. April is National Volunteer Appreciation Month - action requested - ADOPT RESOLUTION 07-065 AND AUTHORIZE THE CHAIR TO SIGN.

- 0707-002 24. Budget Transfer and Fixed Asset Purchase - approval is requested for a transfer of Off-Highway Vehicle (OHV) Funds to the revenue account in the Special Enforcement Unit as the department was informed that the OHV Trust Fund needed to be liquidated as recommended by an external audit of the Auditor's office. Approval is also requested for the purchase of two sport utility vehicles to allow better accessibility to mountainous areas. Any remaining balance will be used to purchase an all-terrain vehicle(s) and/or snow machine(s) - action requested - APPROVE BUDGET TRANSFER B-326 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASES OF TWO SPORT UTILITY VEHICLES AND 2-3 OFF HIGHWAY MACHINES.
- 25. Budget Transfer - approval is requested for a transfer of \$2,000 from Appropriations for Contingencies to Water and Resource Conservation for the Resource Conservation District (RCD). RCD is requesting the transfer to meet general expenses - action requested - APPROVE BUDGET TRANSFER B-328 ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
- 26. Resolution to Approve the 2007 Basin Management Objectives Developed by the Butte County Water Advisory Committee for the Sub-inventory Areas of Butte County in Accordance with Butte County Code Chapter 33A - consideration of a resolution approving Basin Management Objectives (BMOs) for each of the 16 sub-inventory areas which define acceptable groundwater levels, groundwater quality and land subsidence - action requested - ADOPT RESOLUTION 07-066 AND AUTHORIZE THE CHAIR TO SIGN. (68)
- 27. Permit Fee Waiver - Butte County Habitat for Humanity, a 501(c)(3) organization, has requested a fee waiver for permits required to build a project on Wyandotte Avenue near Oroville - action requested - PURSUANT TO THE BUTTE COUNTY CODE SECTION 3-40.5, FIND THAT THE PROJECT IS IN THE PUBLIC INTEREST AND APPROVE A WAIVER OF ALL FEES ASSOCIATED WITH REQUIRED PERMITS.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA _
 2 M

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

RICHARD PRICE, THE AGRICULTURAL COMMISSIONER, SHARED THE HONOR GIVEN TO HIM BY THE CALIFORNIA RICE COMMISSION. A PLAQUE WITH A PAINTING WAS PRESENTED TO HIM TO RECOGNIZE HIS COOPERATION WITH THE DEPARTMENT OF AGRICULTURE OF GLENN COUNTY TO IMPROVE WATER QUALITY, IN PART, THROUGH THE IRRIGATED LANDS PROGRAM. (140)

PRESENTATION OF RESOLUTION 07-065 RECOGNIZING BUTTE COUNTY SHERIFF'S OFFICE VOLUNTEERS TO SHERIFF PERRY RENIFF. (297)

REGULAR AGENDA

0707-003 Boards, Commissions and Committees.

- 1. Appointments to Listed Vacancies. (NONE)
- 2. Board Member or Committee Reports. (340)

SUPERVISOR CONNELLY REPORTED ON HIS MEETING THE OROVILLE RECREATION AREA COMMITTEE REGARDING RECREATION ISSUES AT THE AFTERBAY.

SUPERVISOR KIRK REPORTED ON HER ATTENDANCE AT THE AUDIT COMMITTEE. ATTENDEES AT THE MEETING INCLUDED MEMBERS OF THE GRAND JURY. (448)

SUPERVISOR JOSIASSEN REPORTED ON A MEETING REQUESTED BY A RESIDENT, MRS. GOMER REGARDING THE PROJECT AT SMUCKER QUALITY BEVERAGE AND HER CONCERNS ABOUT THE TREES AND LANSCAPING. HE MET WITH REPRESENTATIVES FROM SMUCKER AS WELL. IT WAS DETERMINED THAT PG&E HAS BEEN DOING MAJOR TREE TRIMMING IN THE AREA.

0707-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (570)

PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMED THE BOARD REGARDING A REQUEST FROM SANTA BARBARA COUNTY TO SUPPORT ASSEMBLY BILL (AB) 1019. AB 1019 WOULD REQUIRE THAT WHERE LAND PROPOSED FOR ANNEXATION OR INCORPORATION TO A CITY INCLUDES PARCELS THAT HAVE BEEN IDENTIFIED IN A COUNTY'S HOUSING ELEMENT AS DESIGNATED TO MEET ITS REGIONAL HOUSING NEED GOAL. THE MAXIMUM NUMBER OF UNITS THAT MAY BE CONSTRUCTED ON THOSE PARCELS BE TRANSFERRED TO THE ANNEXING OR INCORPORATING CITY AS PART OF ITS FAIR SHARE REGIONAL HOUSING NEED AS SPECIFIED.

MOTION: I MOVE TO SUPPORT OF ASSEMBLY BILL 1019 AND APPROVE SUBMITTAL OF LETTER OF SUPPORT.

2 M

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

- 1. Resolution Opposing Senate Bill (SB) 893 - SB 893 proposes to shift Proposition 10 tobacco tax revenues from County Children and Families Commissions to the State to fund children's health care coverage. This shift would result in the elimination of a comprehensive range of services including home visiting, early intervention programs, oral health care, nutrition efforts, and school readiness programs funded by our local First 5 Commission - action requested - ADOPT RESOLUTION 07-067 AND AUTHORIZE THE CHAIR TO SIGN. (710)_

MOTION: I MOVE TO ADOPT RESOLUTION 07-067 AND AUTHORIZE THE CHAIR TO SIGN.
M 2
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

2. Ratify Letter - Councilwoman Hoffman of the Town of Paradise requests Board ratification of letter dated March 20, 2007 to the Town Council of Paradise regarding the Skyway - action requested - RATIFY LETTER. (767)

PARADISE TOWN COUNCILWOMAN, ROBIN HUFFMAN, SPOKE TO THE BOARD REGARDING HER OPINION ON THE NEED FOR A PLAN FOR DEVELOPMENT. (912)

MOTION: I MOVE TO RATIFY THE LETTER. (1448) _
2 M
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0707-005 Update of General Plan 2030 Process by Director-Development Services. (1472)(1723)

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES, GAVE THE NINTH UPDATE ON THE GENERAL PLAN 2030 PROCESS. HE REPORTED ON THE CITIZEN'S ADVISORY COMMITTEE MEETING HELD ON MARCH 29, 2007. HE REPORTED ON THE MEETING WITH THE CITY OF BIGGS. HE REVIEWED FUTURE MEETINGS INCLUDING A BOARD STUDY SESSION AT THE BOARD OF SUPERVISORS MEETING ON MAY 8, 2007, THE GENERAL PLAN 2030 WEBSITE, AND OTHER INFORMATION RELATED TO GENERAL PLAN 2030. (2026)

RECESS: 10:02 A.M.

RECONVENE: 10:17 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0707-006 Mineral Resources, LLC, MIN 05-01/Use Permit 93-36 - consideration of an appeal by the applicant of Condition 12 of the Mining Permit approved by the Planning Commission. Condition 12 limits all mining operations on Saturdays and Sundays. The applicant requests that the Board allow operations 24 hours per day, 7 days per week - action requested - STAFF RECOMMENDS APPROVAL OF #1 OF THE FOLLOWING ACTIONS:

- 1. APPROVE THE APPEAL OF CONDITION 12; REAPPLY MITIGATION #9 FROM THE MITIGATED NEGATIVE DECLARATION; AND ADOPT RESOLUTION 07-068 AND AUTHORIZE THE CHAIR TO SIGN.
OR
- 2. DENY THE APPEAL OF CONDITION 12; AND CONSIDER STAFF RECOMMENDATION TO DENY THE APPEAL BUT APPROVE THE JANUARY 25, 2007 PLANNING COMMISSION ACTION THAT RESTRICTED WEEKEND OPERATIONS. (Development Services) (2040)

SUPERVISOR KIRK AND SUPERVISOR JOSIASSEN REPORTED THAT EACH HAD EX PARTE COMMUNICATION WITH JIM PROUTY, THE GENERAL MANAGER OF MINERAL RESOURCES.

PUBLIC HEARING OPENED: 10:31 a.m. (2860)(*1)
PUBLIC HEARING CLOSED: 11:56 a.m.

MOTION: I MOVE TO APPROVE THE APPEAL OF CONDITION 12; REAPPLY MITIGATION #9 FROM THE MITIGATED NEGATIVE DECLARATION; AND ADOPT RESOLUTION 07-068 AND AUTHORIZE THE CHAIR TO SIGN. (*560)

M 2

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

THE BOARD DIRECTED THE DEVELOPMENT SERVICES AND PUBLIC WORKS STAFF TO BRING BACK THE ITEM AS SOON AS POSSIBLE TO LOOK AT ALTERNATE TRUCK ROUTES FOR WEEKENDS FIRST AND THEN TO LOOK AT ALTERNATE ROUTES UPON COMPLETION OF HIGHWAY 149 CONSTRUCTION. (*675)

0707-007 Public Hearing - Appeal of Planning Commission's approval of Use Permit (UP) 06-07 to allow a private kennel for up to twelve Australian Shepard dogs owned by Allan and Lisa Renville - consideration of an appeal by a neighbor citing multiple concerns, including the proximity of kennel to property line and noise issues. The project site has an existing kennel structure and outdoor dog run and is on a 7.01 acre parcel on the private, unpaved Lake Hills Road in a rural residential area of Butte Valley. The APN is 041-120-130 - action requested - DEPARTMENT REQUESTS TO CONTINUE THIS ITEM TO JUNE 26, 2007 AT 10:30 IN ORDER TO PREPARE AN INITIAL STUDY. [FROM 2-13-07 item 5.02] (Development Services)

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

HEARING WAS CONTINUED TO JUNE 26, 2007 AT 10:30 a.m.

0707-008 Public Hearing - Enloe Hospital - Tax Equity and Fiscal Responsibility Act of 1982 - consideration of a resolution approving issuance of \$150 million in bonds for Enloe Hospital's expansion project. The bonds will be issued by California Statewide Communities Development Authority (CSCDA) on behalf of Enloe Hospital. Butte County is a member of CSCDA, having adopted a "joining resolution" and has used CSCDA to finance a number of projects. Section 147 (f) of the Internal Revenue Code of 1986 requires that any proposed financing be approved by a governmental unit having jurisdiction over the area in which the facility to be financed is located. The bonds are issued as limited obligations of CSCDA, not the County, and are payable solely out of the revenues and receipts derived from the loan made by CSCDA to Enloe with the proceeds of the bonds. The bonds proposed to be issued for the financing will be indebtedness of CSCDA, and the County will not be asked to approve or execute any of the documents relating to the financing - action requested - ADOPT RESOLUTION 07-069 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)

PUBLIC HEARING OPENED: 11:13 a.m.
PUBLIC HEARING CLOSED: 11:14 a.m.

MOTION: I MOVE TO ADOPT RESOLUTION 07-069 AND AUTHORIZE THE CHAIR TO SIGN.
(*818)

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

RECESS: 11:16 a.m.

RECONVENE: 11:23 a.m.

REGULAR AGENDA

0707-009 Adult Protective Services (APS) - presentation by the Director of the Department of Employment and Social Services including funding challenges for APS - action requested - ACCEPT FOR INFORMATION; AND AUTHORIZE CHAIR TO SIGN LETTERS OF SUPPORT FOR STATEWIDE FUNDING FOR APS PROGRAMS. (Department of Employment and Social Services) (*973)(*1169)(*1374)

PRESENTATION BY CATHI GRAMS, DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICE AND PATTY SMITH, ASSISTANT DIRECTOR OF CHILDREN AND ADULT SERVICES.

MOTION: I MOVE TO AUTHORIZE CHAIR TO SIGN LETTERS OF SUPPORT FOR STATEWIDE FUNDING FOR APS PROGRAMS. (*1445)

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

0707-010 Recommendation Regarding Consulting Services for Proposal for Ambulance Services - In October 2006, the Public Health Department sent out a request for qualifications to consultants for the provision of ambulance services. The department received 4 responses to the request in December 2006, and a selection committee was established. Following the committee's initial review, 2 firms were selected for follow-up interviews which were conducted on February 28, 2007. The committee unanimously agreed that consultant, Diane Akers best meets the County's needs - action requested - ACCEPT THE RECOMMENDATION OF THE REVIEW COMMITTEE; DIRECT THE PUBLIC HEALTH DIRECTOR, OR HER DESIGNEE, TO NEGOTIATE AGREEMENT WITH DIANE AKERS IN THE AMOUNT NOT TO EXCEED \$198,589 SUBJECT TO FINAL APPROVAL BY THE BOARD. (Public Health)

THIS ITEM IS ON HOLD UNTIL APRIL 24, 2007. THE BOARD DIRECTED PHYLLIS MURDOCK, DIRECTOR OF PUBLIC HEALTH TO MEET WITH PARTIES, INCLUDING LOCAL HOSPITAL REPRESENTATIVES WHO HAVE EXPRESSED CONCERNS REGARDING THE CONSULTANT. SHE WILL CONTACT THE INDIVIDUALS WHO CONTACTED SUPERVISOR JOSIASSEN TO SET MEETINGS. (*2428)

0707-011 Training for County Employees - report by the Director of Human Resources. In its response to the 2005/2006 Final Grand Jury Report, the Board of Supervisors directed the Chief Administrative Officer and Director of Human Resources to prepare a plan and resource request to institute a mandatory supervision and management program for all departments - action requested - ACCEPT FOR INFORMATION AND PROVIDE STAFF DIRECTION. (Human Resources) (*2526)(*2981)(*3141)(*3260)

PRESENTATION BY JEAN GRAVETTE, DIRECTOR OF HUMAN RESOURCES.

THE BOARD DIRECTED THE DIRECTOR OF HUMAN RESOURCES TO WORK WITH THE CHIEF ADMINISTRATIVE OFFICER AND CAO STAFF TO DEVELOP A MORE COMPREHENSIVE PROPOSAL ON HOW TO MAKE TRAININGS MANDATORY FOR MANAGERS.

0707-012 Bureau of Land Management (BLM) Proposal to Relinquish or Abandon Two Bridges on Ponderosa Way - Butte County received a letter from BLM asking the County if Old Ponderosa Way and 2 associated bridges over Butte Creek and the Middle Fork of the Feather River are still needed. If they are needed, BLM inquired what the County's plans are for providing long term maintenance - action requested - DIRECT PUBLIC WORKS TO COORDINATE A MEETING WITH CONGRESSMAN HERGER'S OFFICE AND BLM TO CONSIDER EITHER OF THE FOLLOWING:

1. RESPONSE TO BLM THAT THE ROADS AND BRIDGES ARE NEEDED FOR PUBLIC ACCESS AND CIRCULATION AND THAT BLM, AS THE GOVERNMENT ENTITY RESPONSIBLE FOR THE CONSTRUCTION OF THESE PUBLIC IMPROVEMENTS, NEEDS TO PROVIDE THE NECESSARY MAINTENANCE.

OR

2. RESPONSE TO BLM THAT THE ROADS AND BRIDGES ARE NEEDED FOR PUBLIC ACCESS AND CIRCULATION AND THAT THE COUNTY WILL CONSIDER ACCEPTING THEM INTO THE COUNTY MAINTAINED ROAD SYSTEM IF BLM COMPLIES WITH COUNTY POLICY AS ESTABLISHED BY REGULATION 65-70 WHICH INCLUDES: A) ROADS, BRIDGES, DRAINAGE FACILITIES TO BE BROUGHT TO COUNTY IMPROVEMENT STANDARDS; B) OWNER (BLM) TO CONVEY THE COUNTY BY DEED, THE NECESSARY RIGHT OF WAY AND EASEMENT.

PUBLIC WORKS WILL RETURN TO THE BOARD WITH A FULL REPORT AND ANY RECOMMENDED ACTIONS AT THE CONCLUSION OF THE MEETINGS. (Public Works) (*3431)(**0)(**1224)

THE BOARD DIRECTED MIKE CRUMP, DIRECTOR OF PUBLIC WORKS DEPARTMENT TO MEET WITH CONGRESSMAN HERGER'S OFFICE AND ALL INTERESTED PARTIES TO DECIDE WHAT NEEDS TO BE DONE. HE WILL BRING BACK A REPORT TO THE BOARD WHEN HE HAS ADDITIONAL INFORMATION. (**1360)

CLOSED SESSION

0707-013 **RECESS:** THE BOARD RECESSED AT 1:05 P.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. FIRST RESPONDER V. NORCAL EMS, COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT 137303;

CONFERENCES WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SEC. 54956.8:

PROPERTY: A.P. NO. 012-041-004
 AGENCY NEGOTIATOR: BRUCE ALPERT
 NEGOTIATING PARTY: LESA FRANCO
 NEGOTIATIONS: PRICE AND TERMS OF PAYMENT

PROPERTY: A.P. NO. 017-190-040
 AGENCY NEGOTIATOR: MIKE CRUMP, DIRECTOR, PUBLIC WORKS
 NEGOTIATING PARTY: REPRESENTATIVE, JOHN F. GUERRERO TRUST
 NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;

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

1. CHIEF ADMINISTRATIVE OFFICER
2. COUNTY COUNSEL
3. DIRECTOR OF WATER AND RESOURCE CONSERVATION

RECONVENE: THE BOARD RECONVENED AT 2:15 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. FIRST RESPONDER V. NORCAL EMS, COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT 137303;

CONFERENCES WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SEC. 54956.8:

PROPERTY: A.P. NO. 012-041-004
 AGENCY NEGOTIATOR: BRUCE ALPERT
 NEGOTIATING PARTY: LESA FRANCO
 NEGOTIATIONS: PRICE AND TERMS OF PAYMENT

PROPERTY: A.P. NO. 017-190-040
 AGENCY NEGOTIATOR: MIKE CRUMP, DIRECTOR, PUBLIC WORKS
 NEGOTIATING PARTY: REPRESENTATIVE, JOHN F. GUERRERO TRUST
 NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;

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

1. CHIEF ADMINISTRATIVE OFFICER

- 2. COUNTY COUNSEL
- 3. DIRECTOR OF WATER AND RESOURCE CONSERVATION (NO ANNOUNCEMENTS)

REGULAR AGENDA

0707-014 Sale or Lease of Almond Avenue Gravel Pit - The Almond Avenue Mine is an underutilized asset. A subcommittee was formed to explore better uses of the site, and the subcommittee recommends that the County lease the site and sell the rock on site to an operator. In accordance with Government Code Section 25500, the department recommends the following minimum requirements for lease or sale: \$1,000 minimum monthly lease payment; minimum royalty of \$.40 per ton on rock removal from the site; adjustment to royalty annually; 10 year initial lease term with additional 5 year term subject to Board approval; site to be maintained by operator; operator responsibility to secure required permits and compliance with current reclamation plan. In order to allow time to analyze bids received, it is recommended that the Board issue an order pursuant to Government Code Section 25539 that will allow award of sale at the second Board meeting after the meeting in which the bids are received - action requested - DIRECT PUBLIC WORKS TO RETURN TO THE BOARD WITH A RESOLUTION OF INTENT TO LEASE THE SITE; DIRECT PUBLIC WORKS TO DEVELOP A LEASE AGREEMENT IN COMPLIANCE WITH THE NOTICE OF INTENT; AND ISSUE A MINUTE ORDER APPROVING ALTERNATE SALES PROCEDURE PURSUANT TO GOVERNMENT CODE SECTION 25539. (Public Works)(**1486)(**1662)(**1724)

MOTION: I MOVE TO DIRECT PUBLIC WORKS TO RETURN TO THE BOARD WITH A RESOLUTION OF INTENT TO LEASE THE SITE; DIRECT PUBLIC WORKS TO DEVELOP A LEASE AGREEMENT IN COMPLIANCE WITH THE NOTICE OF INTENT; AND ISSUE A MINUTE ORDER APPROVING ALTERNATE SALES PROCEDURE PURSUANT TO GOVERNMENT CODE SECTION 25539. (**1843)

2 M

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

0707-015 Items Removed from the Consent Agenda for Board Consideration and Action. (NONE)

0707-016 Discussion of Oroville Veteran's Memorial Hall Land Acquisition/Grant Funding - Butte County and the City of Oroville have been in negotiations for some time regarding how to proceed with the transfer of several parcels of real property located on Montgomery Street adjacent to the Veteran's Memorial Hall Building. On March 29, 2007, a letter authorized by the Board of Supervisors was sent to the City of Oroville outlining a proposal suggesting the City of Oroville apply for grant funds for land acquisition only. Information has been received that the City of Oroville does not want to proceed in the manner suggested by the County - action requested - RECEIVE INFORMATION ON ALL DISCUSSIONS AND NEGOTIATIONS WITH THE CITY OF OROVILLE AND PROVIDE STAFF DIRECTION ON HOW TO PROCEED.

THE BOARD DIRECTED COUNTY COUNSEL TO WORK COOPERATIVELY WITH THE CITY OF OROVILLE AND THE STATE TO CLARIFY WHAT THE STATE REQUIREMENTS ARE REGARDING REDEVELOPMENT AGREEMENTS AND RETURN TO THE BOARD WITH ADDITIONAL INFORMATION.

PUBLIC COMMENT

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda. (NONE)

CLOSED SESSION

0707-017 **RECESS:** THE BOARD RECESSED AT 2:52 P.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. FIRST RESPONDER V. NORCAL EMS, COUNTY OF BUTTE;
 BUTTE COUNTY SUPERIOR COURT 137303;

CONFERENCES WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SEC. 54956.8:

PROPERTY: A.P. NO. 012-041-004
 AGENCY NEGOTIATOR: BRUCE ALPERT
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 NEGOTIATIONS: PRICE AND TERMS OF PAYMENT

PROPERTY: A.P. NO. 017-190-040
 AGENCY NEGOTIATOR: MIKE CRUMP, DIRECTOR, PUBLIC WORKS
 NEGOTIATING PARTY: REPRESENTATIVE, JOHN F. GUERRERO TRUST

NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;

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

- 1. CHIEF ADMINISTRATIVE OFFICER
- 2. COUNTY COUNSEL
- 3. DIRECTOR OF WATER AND RESOURCE CONSERVATION

RECONVENE: THE BOARD RECONVENED AT 3:35 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. FIRST RESPONDER V. NORCAL EMS, COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT 137303;

CONFERENCES WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SEC. 54956.8:

PROPERTY: A.P. NO. 012-041-004

AGENCY NEGOTIATOR: BRUCE ALPERT

NEGOTIATING PARTY: LESA FRANCO

NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;

PROPERTY: A.P. NO. 017-190-040

AGENCY NEGOTIATOR: MIKE CRUMP, DIRECTOR, PUBLIC WORKS

NEGOTIATING PARTY: REPRESENTATIVE, JOHN F. GUERRERO TRUST

NEGOTIATIONS: PRICE AND TERMS OF PAYMENT;

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

- 1. CHIEF ADMINISTRATIVE OFFICER
- 2. COUNTY COUNSEL
- 3. DIRECTOR OF WATER AND RESOURCE CONSERVATION (NO ANNOUNCEMENTS)

ADJOURNMENT THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 3:32 p.m., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, APRIL 24, 2007, AT 9:00 A.M.

JANE DOLAN, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board