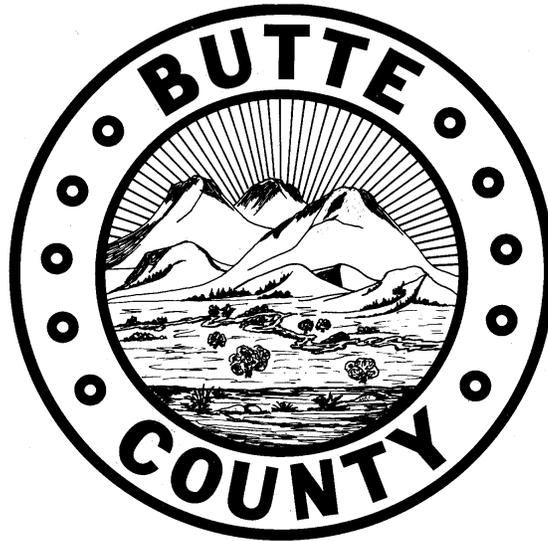


BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

SEPTEMBER 11, 2007



County Supervisors

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

Starlyn Brown, Interim Chief
Administrative Officer and Clerk
of the Board

Bruce Alpert, County Counsel

Called to Order at 9:08 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: Starlyn Brown, Interim 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.

CORRECTIONS AND/OR CHANGES TO THE AGENDA.

0717-001 **ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.**

1. Fiscal Year 2007/2008 Budget Adjustments for Various County Service Areas - submitted are various County Service Area (CSA) budget adjustments for Fiscal Year 2007/2008 - action requested - APPROVE BUDGET TRANSFERS (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Public Works)

THE AUDITOR-CONTROLLER'S OFFICE REQUESTED THIS ITEM BE REMOVED FROM THE AGENDA. IT WILL RETURN ON A SUBSEQUENT AGENDA.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOV. CODE SEC. 54956.8:

PROPERTY: APN 012-041-004
AGENCY NEGOTIATOR: BRUCE ALPERT
NEGOTIATING PARTY: LESA FRANCO
NEGOTIATIONS: PRICE AND TERMS OF PAYMENT.

COUNTY COUNSEL REMOVED THIS ITEM FROM THE AGENDA.

Observation of a Moment of Silence.

CONSENT AGENDA

- 0717-002 1. Surplus Equipment - approval is requested to declare surplus an HP Color LaserJet 5m Printer (fixed asset no. 25833). The item has been determined to be non-functional - action requested - DECLARE FIXED ASSET ITEM SURPLUS TO THE NEEDS OF THE COUNTY; DIRECT THE ITEM BE REMOVED FROM THE FIXED ASSET INVENTORY LIST; AND AUTHORIZE DISPOSAL IN ACCORDANCE WITH COUNTY POLICY. (Behavioral Health)

2. Loumark Associates - approval is requested for a lease agreement with Loumark Associates for the property located at 564 Rio Lindo Avenue, Suites 200, 202, 203 and 204. The property is utilized for Adult Treatment Court Programs. The term of the agreement is September 1, 2007 through August 31, 2012 with a maximum amount payable of \$357,540 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
3. Department of Alcohol and Drug Programs (ADP) - Substance Abuse Offender Treatment Program (OTP) - approval is requested to accept and appropriate \$29,064 in unanticipated OTP funds. Approval is also requested for a budget transfer of \$9,232 from the Probation Department to the Department of Behavioral Health (DBH) as Probation's anticipated OTP expenditures are less than budgeted. ADP has approved this transfer of funds which will be used by DBH for residential services - action requested - APPROVE BUDGET TRANSFER B-34 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT; AND AUTHORIZE BUDGET TRANSFER OF \$9,232 FROM PROBATION TO BEHAVIORAL HEALTH. (Behavioral Health)
4. Resolution in Support of Expanding Economic Opportunities at Beale Air Force Base - action requested - ADOPT RESOLUTION 07-146 AND AUTHORIZE THE CHAIR TO SIGN. (Supervisor Dolan)
5. Consolidated Area Housing Authority of Sutter County - approval is requested for an agreement with the Consolidated Area Housing Authority of Sutter County for administration of the County's Housing Rehabilitation Loan Program. The term of the agreement commences on September 1, 2007 and continues until terminated by either party. Each individual exhibit will have terms with specific time frames. Exhibit 1 provides the Housing Authority to administer a minimum of \$280,000 in loans and grants. The term of this exhibit is September 1, 2007 through December 31, 2009 - action requested - APPROVE AGREEMENT, INCLUDING EXHIBIT 1 AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Chief Administrative Office)
6. Office of Homeland Security (OHS) - 2006 Buffer Zone Protection Program - approval is requested to accept and appropriate \$950,000 in unanticipated OHS funds as detailed in the agenda report. \$80,000 will be used to purchase thermal imagers and \$841,500 will be used for the purchase of waterway security devices - action requested - APPROVE BUDGET TRANSFER B-36 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASES OF THERMAL IMAGERS IN THE AMOUNT OF \$80,000 AND WATERWAY SECURITY DEVICES IN THE AMOUNT OF \$841,500. (Chief Administrative Office)

7. Peerless Building Maintenance - approval is requested for an agreement with Peerless Building Maintenance for the provision of janitorial services. The term of the agreement is October 1, 2007 through June 30, 2010 with a maximum amount payable of \$63,015 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Child Support Services)
8. Special Districts - Insufficient Nominee Appointments in Lieu of Elections - submitted is a list of special districts wherein no person filed a declaration of candidacy for any office, and where there was no petition submitted calling for an election. Pursuant to California Elections Code Section 10515, the Board may appoint any qualified person to office at any time on or before November 27, 2007. Following is a list of offices that require appointment: 1) Berry Creek Community Services District - one Director, four year term (candidate shall be a registered elector residing within the district); 2) Buzztail Community Services District - one Director, four year term (candidate shall be a registered elector residing within the district); 3) Richardson Springs Community Services District - one Director, four year term (candidate shall be a registered elector residing within the district) - action requested - ACCEPT FOR INFORMATION. (Clerk-Recorder)
9. Special Districts - Appointments in Lieu of Elections - California Elections Code Section 10515 allows the Board of Supervisors to appoint various special district board members for districts scheduled to elect members on November 6, 2007, where the number of persons filing a declaration of candidacy is equal to or less than the number of offices to be filled, and there was no petition submitted calling for an election. The Clerk-Recorder submits a Certificate of Facts-Exhibit A, listing the following: 1) Berry Creek Community Services District - Don Stubblefield, Director, four year term; James R. Crawford, Director, two year term; 2) Buzztail Community Services District - Robin Wilder, Director, four year term; 3) Richardson Springs Community Services District - Jake Findley, Director, four year term; Evan J. Poe, Director, two year term - action requested - APPOINT NOMINEES. (Clerk-Recorder)
10. Sidley Austin LLP - approval is requested for an agreement with Sidley Austin LLP for the provision of legal services in connection with federal tax issues. The hourly rates for the principal attorneys are \$485 (Michael Kinn) and \$265 (Lisa Park) - action requested - AUTHORIZE COUNTY COUNSEL TO EXECUTE AGREEMENT WITH SIDLEY AUSTIN LLP. (County Counsel)

11. David Kennedy - amendment - approval is requested for an amendment to the agreement with David Kennedy for the provision of legal services to the Children's Services Division of the Department of Employment and Social Services. The amendment increases the annual maximum amount payable to \$141,270 (Employment and Social Services budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER. (Contract No. X16315) (County Counsel)
12. Pacific Municipal Consultants (PMC) - amendment - approval is requested for an amendment to the agreement with PMC for the provision of assistance in processing planning applications. Applicants voluntarily electing to utilize PMC shall pay 100% of the costs associated with this agreement. PMC will provide the County with an estimate of costs for specific tasks, and applicants will be required to agree and submit funds for services prior to the consultant beginning work. The amendment, which increases the maximum amount payable by \$292,000, will allow for the department to process applications in a more timely manner. 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 B-35 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. X16227) (Development Services)
13. Budget Transfer - approval is requested to accept and appropriate \$218,083 in unanticipated revenue from the Federal Deficit Reduction Act (DRA) to support five new positions of Eligibility Specialist. These positions are needed to implement additional requirements for citizenship verification - action requested - APPROVE BUDGET TRANSFER B-42 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Employment and Social Services)
14. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: ~~PUBLIC HEALTH - changes one vacant position of Environmental Health Specialist, Associate; Environmental Health Specialist, Senior to the position of Environmental Health Technician.~~ EMPLOYMENT AND SOCIAL SERVICES - adds five positions of Eligibility Specialist. The positions will be funded by the Federal Deficit Reduction Act. LIBRARY - the department requests that two positions of Library Assistant be flexibly staffed to Library Assistant or Library Assistant, Senior - action requested - ADOPT RESOLUTION 07-147 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

15. Library Donations - pursuant to Government Code Section 25355, donations of \$1,863.60 from Oroville Friends of the Library, \$4,307 from Chico Friends of the Library, \$125 from Meriam Library staff, \$121.12 from Ruthmarie Ferris, \$100 from Maxine and Hubert Davis, \$316.50 from an anonymous source, \$200 from the Chico Lioness Club, \$250 from Dorothy Dingfelder, \$1,151.64 from Paradise Friends of the Library, and \$100 from Maudie Penney have been received for the purchase of books; \$532.04 from Paradise Friends of the Library has been received for operations - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)
16. Resolution Recognizing the Month of September 2007 as the Fourth Annual National Preparedness Month - action requested - ADOPT RESOLUTION 07-148 AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
17. California Department of Health Services - Fiscal Year 2007/2008 Rural Health Services Program Funds - approval is requested for a declaration of intent not to apply for Fiscal Year 2007/2008 Rural Health Services Program Funds. Legislation currently exists which permits the State to administer the Hospital Services, Physician Services, and Children's Treatment Program allocations for counties. The State's administration relieves counties of several requirements to document and report expenditures and program activities - action requested - APPROVE THE DECLARATION OF INTENT NOT TO APPLY FOR FISCAL YEAR 2007/2008 RURAL HEALTH SERVICES PROGRAM FUNDS AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
18. Adoption 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 twenty-five miles per hour on the following roads: 1) Circle Drive from Oroville-Bangor Highway to End; 2) Naranja Avenue from Mt. Ida Road to the Oroville-Bangor Highway; and 3) Oroville-Bangor Highway from Mt. Ida Road to Miners Ranch Road - action requested - ADOPT ORDINANCE 3970 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 8-28-07 [3.24]) (Public Works)
19. Notice of Completion for 2007 Scrub Seal and Micro-Surfacing Project - County Project No. SC-2007-1 - All contract work which consisted of placing a Scrub Seal and/or Micro-Surfacing and Fog Seal on various roads in Paradise Pines area, Nimshew Road, and portions of Keefer Road has been completed - action requested -ACCEPT CONTRACT WORK; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND AUTHORIZE THE RECORDING OF THE NOTICE OF COMPLETION. (FROM 8-28-07 [3.23]) (Public Works)

20. JND Thomas Co., Inc. - amendment - approval for an amendment to the agreement with JND Thomas Co., Inc. to remove sludge and solids from the primary septage pond located at the Neal Road Sanitary Landfill. The amendment increases the maximum amount payable by \$47,365.20 and amends the completion date from July 31, 2007 to a completion date to be determined by the Department of Public Works. 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 B-40. (Contract No. X16506) (Public Works)
21. Resolution of Intent to Vacate a Portion of Lincoln Boulevard - consideration of a resolution that gives notice of a Public Hearing to vacate a portion of the public right of way along Lincoln Boulevard, Oroville - action requested - ADOPT RESOLUTION 07-149 WHICH SETS PUBLIC HEARING FOR OCTOBER 9, 2007 AT 10:00 A.M. AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
22. Butte County Association of Governments (BCAG) - approval is requested for a Letter Agreement with BCAG for the provision of project management services for the development of a State Route 99 Neal Road Interchange Project Study Report or equivalent services. The agreement will provide a means to study the intersection and suggest possible alternatives for the location, including eventual construction of a new intersection or controls. The maximum amount payable under this agreement is \$266,261 (department budget) -action requested - AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENT SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
23. Contract Change Order for the Construction of Ophir Road and Lincoln Boulevard Signalization - approval is requested for a Contract Change Order that provides for additional compensation to the contractor for the extra work required for removing and replacing unsuitable material in the northwest corner of the intersection. This change increases the contract by \$32,954.19. All other terms and provisions remain the same - action requested - APPROVE CHANGE ORDER AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15720) (Public Works)

24. Sierra Moon Subdivision - Phase 1 - the Sierra Moon Subdivision, APN 047-740-001 is located on the west side of Hicks Lane, approximately one-half mile South from Hicks Lane and Keefer Road, Chico. This is a conditionally approved one-hundred nineteen lot, public street subdivision to be developed in four phases. Phase 1 is comprised of fifty lots. The developer has complied with the Conditions of Approval and has provided performance bonds to guarantee the completion of the required Phase 1 improvements - action requested - APPROVE THE FINAL MAP FOR THE SIERRA MOON SUBDIVISION, PHASE 1; ACCEPT ON BEHALF OF BUTTE COUNTY THE FOLLOWING: 1) SPYGLASS ROAD, CARIBBEAN WAY, BARBADOS COURT, ARUBA COURT, CAYMEN COURT, CURACAO COURT, HICKS LANE AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT, 2) LOT G IN FEE SIMPLE FOR STORM DRAINAGE FACILITIES, COUNTY SERVICE AREA 169 AND FOR OPEN SPACE PURPOSES, 3) THE RELINQUISHMENT OF ABUTTER'S RIGHTS OF ACCESS ALONG HICKS LANE AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; ACCEPT ON BEHALF OF THE PUBLIC THOSE TEN-FOOT WIDE PUBLIC SERVICE EASEMENTS AND A TWELVE-FOOT WIDE DRAINAGE EASEMENT AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; AND AUTHORIZE THE CHAIR TO SIGN THE SUBDIVISION AGREEMENT. (Public Works)
25. Butte Regional Household Hazardous Waste Facility - A/C Industrial Services Corporation, the current contracted service provider for the management and operation of this facility, is requesting approval to assign its rights, duties, and obligations under the current agreement to NRC Environmental Services Corporation. The day-to-day operations of the facility will not be affected - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
26. Budget Transfer and Fixed Asset Purchase - approval is requested for the purchase of new video monitoring system to play educational videos and air certain cable television programs. The Sheriff's office currently utilizes the Etech Control Systems for maintenance of the current systems in the jail and for all door locks and system controls. The new system would require Etech to pull cable and install playback units in Jail D and the women's section. The cost is \$13,940 - action requested - APPROVE BUDGET TRANSFER B-39 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE FIXED ASSET PURCHASE OF NEW VIDEO MONITORING SYSTEM. (Contract No. X16806) (Sheriff-Coroner)
27. Budget Transfer - approval is requested for a budget transfer of \$2,000 in order to retain a media company which will update the meth prevention website - action requested - APPROVE BUDGET TRANSFER B-41 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Sheriff-Coroner)

28. Butte Water District - the Secretary of the Butte Water District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Director does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT STEPHEN PANTALEONI AND RONALD GIOVANETTI TO TERMS TO END DECEMBER 2, 2011. (Other Departments and Agencies)
29. Richvale Irrigation District - the Secretary of the Richvale Irrigation District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Director does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the person who has filed a Declaration of Candidacy - action requested - APPOINT LYLE D. JOB TO A TERM TO END DECEMBER 2, 2011. (Other Departments and Agencies)
30. Western Canal Water District - the General Manager of the Western Canal Water District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Director does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT ERIC F. LARRABEE, KEN ANDERSON AND BRYCE LUNDBERG TO TERMS TO END DECEMBER 2, 2011. (Other Departments and Agencies)
31. Lake Madrone Water District - the Lake Madrone Water District has certified that the number of Declarations of Candidacy for the 2007 Special District Election cycle did not exceed the number of director vacancies. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint and declare elected the candidates who filed - action requested - APPOINT JAMES R. SMITH, DENNIS E. NAY, AND SCOTT B. OWENS TO TERMS TO END DECEMBER 2, 2011. (Other Departments and Agencies)
32. Harvey M. Rose Associates, LLC - amendment - approval is requested for an amendment to the agreement with Harvey M. Rose Associates, LLC for the provision of legal services in connection with the analysis of the California Department of Water Resources' filings to the Federal Energy Regulatory Commission - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (County Counsel)

MOTION: I MOVE TO ADOPT THE CONSENT AGENDA WITH THE CHANGES MADE TO ITEM 3.14 AND WITH THE REMOVAL OF ITEM 3.21.

M 2

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

PRESENTATION OF RESOLUTION RECOGNIZING SEPTEMBER AS THE FOURTH ANNUAL NATIONAL PREPAREDNESS MONTH TO DIRECTOR OF PUBLIC HEALTH, PHYLLIS MURDOCK.

THE BOARD LEFT THE BOARD ROOM FOR APPROXIMATELY 10 MINUTES TO TOUR THE PUBLIC HEALTH DEPARTMENT'S MEDICAL MOBILE UNIT WHICH WAS IN THE FRONT PARKING LOT OF THE BUILDING.

0717-003 **REGULAR AGENDA**

Boards, Commissions and Committees.

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

0717-004 Update on Current Budget and Legislative Issues by the Interim Chief Administrative Officer.

STARLYN BROWN, INTERIM CHIEF ADMINISTRATIVE OFFICER PRESENTED INFORMATION REGARDING THE STATE LEGISLATURE. SHE DISCUSSED ASSEMBLY BILL (AB) 213 (FUENTES) WHICH PERTAINS TO WORKMEN'S COMPENSATION ISSUES RELATED SPECIFICALLY TO FIRE AND PEACE OFFICERS. THE BILL WOULD ALLOW AN INDIVIDUAL TO FILE FOR WORKERS COMPENSATION ANYWHERE IN THE STATE REGARDLESS OF WHERE THE INJURY OCCURRED AND WOULD PRECLUDE THE COUNTIES TO OBJECT TO THE CHANGE OF VENUE. SHE INDICATED THAT THERE WOULD BE FISCAL IMPACTS, INCLUDING EXTENSIVE TRAVEL EXPENSES IF THIS BILL WAS PASSED. SHE REQUESTED THE BOARD APPROVE A LETTER OF OPPOSITION TO THE BILL AS IT IS NOW PRESENTED. THE BILL IS CURRENTLY IN THE STATE SENATE, HAVING PASSED THE STATE ASSEMBLY. (429)

MOTION: I MOVE TO APPROVE A LETTER OF OPPOSITION TO AB 213.

M 2

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

MS. BROWN ALSO REPORTED THAT CATHI GRAMS, DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES HAS BEEN APPOINTED TO A CALIFORNIA STATE ASSOCIATION OF COUNTIES' COST OF DOING BUSINESS STATEWIDE TASK FORCE. THE STATE CURRENTLY OWES MORE THAN \$800 MILLION TO CALIFORNIA COUNTIES BECAUSE THE STATE HAS NOT FOLLOWED THROUGH ON THE COMMITMENT TO FUND SOCIAL SERVICE PROGRAMS. (512)

CHIEF PROBATION OFFICER, JOHN WARDELL, MADE A PRESENTATION REGARDING THE BOYS AND GIRLS CLUB WHICH HAS BEEN ESTABLISHED WITHIN THE BUTTE COUNTY JUVENILE HALL. BUTTE COUNTY IS THE SECOND COUNTY IN THE STATE WITH A BOYS AND GIRLS CLUB IN THE JUVENILE HALL. HE ALSO EXTENDED AN INVITATION TO THE BOARD TO ATTEND A MEDIA EVENT RELATED TO THE BOYS AND GIRLS CLUB THAT WILL TAKE PLACE AT AN UNSPECIFIED DATE IN OCTOBER. MR. WARDELL INTRODUCED MAUREEN PIERCE, EXECUTIVE DIRECTOR OF THE BOYS AND GIRLS CLUB OF BUTTE COUNTY, WHO BRIEFLY DISCUSSED THE TARGETED RE-ENTRY PROGRAM AT JUVENILE HALL, AND SHE RECOGNIZED JOE HALE, A PROGRAM DIRECTOR WHO HAS BEEN INSTRUMENTAL IN GETTING THE PROGRAM STARTED IN THE BUTTE COUNTY JUVENILE HALL.

0717-005 Update of General Plan 2030 Process by Director-Development Services. (1059)

PRESENTATION BY PETE CALARCO, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES REGARDING THE PROGRESS OF THE GENERAL PLAN 2030. THIS WAS THE EIGHTEENTH REPORT. HE REPORTED ON THE CITIZEN'S ADVISORY COMMITTEE MEETING THAT TOOK PLACE ON SEPTEMBER 10, 2007 AND ANNOUNCED THE ECONOMIC SUMMIT THAT WILL TAKE PLACE ON OCTOBER 15, 2007.

0717-006 Leadership Development Program - presentation by Sheriff Perry Reniff regarding the Leadership Development Program which was created for the training and development of supervisors within the department. Thirteen front-line supervisors completed the program on August 17, 2007 - action requested - ACCEPT FOR INFORMATION. (Sheriff-Coroner)

PRESENTATION BY SHERIFF PERRY RENIFF AND ANDREW DUCH, OPERATION DIVISION LIEUTENANT. THE BOARD PROVIDED CERTIFICATES OF APPRECIATION SIGNED BY THE CHAIR TO EACH DEPARTMENT SUPERVISOR WHO COMPLETED THE PROGRAM.

0717-007 Skyway Lookout Point - Parking and Pedestrian Viewing Project - County Project RPST PLE 5912 (070) - approval is requested for the acquisition of property for the Skyway Lookout Point Parking and Pedestrian Viewing Project. Negotiations have been completed with two separate property owners for APNs 017-190-040 and 017-190-069 - action requested - APPROVE AGREEMENT WITH PAMELA BOEGER, TRUSTEE OF THE JOHN F. GUERRERO LIVING TRUST IN THE AMOUNT OF \$15,000 AND AUTHORIZE THE CHAIR TO SIGN; APPROVE AGREEMENT WITH ARCHIE C. AND LINDA M. SCHUMANN IN THE AMOUNT OF \$20,860 AND AUTHORIZE THE CHAIR TO SIGN; APPROVE AGREEMENTS (2) WITH EACH PROPERTY OWNER REGARDING THE CLEAN-UP OF PROPERTY LOCATED BELOW LOOKOUT POINT AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT DEPARTMENT OF PUBLIC WORKS TO TEMPORARILY CLOSE LOOKOUT POINT UNTIL PROJECT IS COMPLETE. (Public Works)(1644)

SUPERVISOR YAMAGUCHI THANKED THE PROPERTY OWNERS AND STAFF FOR THEIR EFFORTS TO FINALIZE THIS MATTER.

MOTION: I MOVE TO APPROVE AGREEMENT WITH PAMELA BOEGER, TRUSTEE OF THE JOHN F. GUERRERO LIVING TRUST IN THE AMOUNT OF \$15,000 AND AUTHORIZE THE CHAIR TO SIGN; APPROVE AGREEMENT WITH ARCHIE C. AND LINDA M. SCHUMANN IN THE AMOUNT OF \$20,860 AND AUTHORIZE THE CHAIR TO SIGN; APPROVE AGREEMENTS (2) WITH EACH PROPERTY OWNER REGARDING THE CLEAN-UP OF PROPERTY LOCATED BELOW LOOKOUT POINT AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT DEPARTMENT OF PUBLIC WORKS TO TEMPORARILY CLOSE LOOKOUT POINT UNTIL PROJECT IS COMPLETE.

2 M

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

0717-008 Letter of Support for Senate Constitutional Amendment (SCA) 12 - SCA 12 (Torlakson) is a proposed amendment to the State Constitution regarding the classification of storm water and urban runoff management fees or charges. The proposed amendment would make the classification of storm water and urban runoff management fees or charges consistent with Proposition 218 classification of similar fees or charges related to sewer, water, and refuse collection services which are specifically exempt from voter approval requirements. If passed by the legislature, SCA 12 would need statewide voter approval to become state law - action requested - APPROVE LETTER OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN. (1857)

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

M 2

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

Items Removed from the Consent Agenda for Board Consideration and Action. (None)

Recess at 10:12 a.m. as the Butte County Board of Supervisors and Convene as the Thompson Flat Cemetery District Board of Directors.

**THOMPSON FLAT CEMETERY DISTRICT
BOARD OF DIRECTORS
MINUTES
SEPTEMBER 11, 2007**

Called to Order at 10:12 a.m. in the Butte County Board of Supervisors Room, 25 County Center Drive, Oroville. Members present: Connelly, Josiassen, Yamaguchi, Kirk and Chair Dolan. Also present: Associate Clerk, Kathleen Moghannam.

Agenda Items

0702-001 Adoption of Fiscal Year 2007/2008 Budget - consideration of an expenditure budget of \$7,050 for Fiscal Year 2007/2008 - action requested - ADOPT BUDGET AND AUTHORIZE THE CHAIR TO SIGN STATEMENT OF PROVISION FOR RESERVE.

MOTION: I MOVE TO ADOPT BUDGET AND AUTHORIZE THE CHAIR TO SIGN STATEMENT OF PROVISION FOR RESERVE.

2 M

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

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 is prohibited from taking action on any item not listed on the agenda.

Adjournment

Adjourned at 10:14 a.m. as the Thompson Flat Cemetery District Board of Directors and Reconvened as the Butte County Board of Supervisors.

RECESS: 10:14 A.M.
RECONVENE: 10:26 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0717-009 Public Hearing - Consideration of Tentative Immediate Cancellation of Williamson Act Contract - George Nicolaus requests the Tentative Immediate Cancellation of Williamson Act Contract (1999 Evelyn C. Liptrap) on APN 047-260-199. The property, on 52.72 acres, is located at the terminus of Kittyhawk Drive, approximately 2,100 feet west of Garner Lane and east of and adjacent to State Route 99 in North Chico - action requested - THE BUTTE COUNTY LAND CONSERVATION ACT ADVISORY COMMITTEE RECOMMENDS APPROVAL OF THE TENTATIVE IMMEDIATE CANCELLATION AND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION - RESOLUTION 07-150. (Development Services) (2106) (2469) (2590)

PRESENTATION BY STEVE TROESTER, ASSOCIATE PLANNER.

PUBLIC HEARING OPENED: 10:44 A.M.
PUBLIC HEARING CLOSED: 10:49 A.M.

RICHARD PRICE, DIRECTOR OF DEPARTMENT OF AGRICULTURE AND CHAIR OF THE LCA COMMITTEE ADDRESSED THE BOARD. (3056)

MOTION: I MOVE TO APPROVE OF THE TENTATIVE IMMEDIATE CANCELLATION AND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION.

M 2

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

0717-010 Public Hearing - Appeal of Grading Permit for Signalized Intersection West, LLC. (GRD 06-01)- consideration of an appeal of a Planning Commission denial of a Grading Permit on 1.75 acres of an 80-acre property (two 40-acre parcels) for the purpose of developing two single-family dwellings, private roads, and driveway. The property is located in the Butte Creek Canyon in the Northwest side of Centerville Road, two miles Northeast of Honey Run Road - action requested -

1) DENY THE APPEAL AND ORDER THE APPLICANT TO REMEDIATE THE ILLEGAL GRADING TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS. THIS ACTION IS RECOMMENDED BY STAFF AND WOULD REQUIRE THE APPLICANT TO FILL THE DRIVEWAY THAT HAS BEEN CUT.

-OR-

2) DIRECT THE APPLICANT TO PROVIDE REQUIRED BIOLOGICAL AND ARCHEOLOGICAL STUDIES AS RECOMMENDED BY STAFF AND CONTINUE THE APPEAL UNTIL SUCH TIME AS THE RESULTS OF THE STUDIES ARE INCORPORATED AND RE-CIRCULATED WITH THE DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION.

-OR-

3) GRANT THE APPEAL. THIS ACTION REQUIRES THE BOARD TO ADDRESS THE ISSUES RAISED BEFORE THE PLANNING COMMISSION PRIOR TO ADOPTING THE MITIGATED NEGATIVE DECLARATION. IF APPEAL IS GRANTED, STAFF RECOMMENDS A MOTION OF INTENT DIRECTING STAFF TO RETURN WITH A RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION. (Development Services)

PRESENTATION BY PETE CALARCO, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES AND MIKE CRUMP, DIRECTOR OF PUBLIC WORKS. (3318) (*1)

PUBLIC HEARING OPENED: 11:06 A.M.
PUBLIC HEARING CLOSED: 12:45 P.M.

JIM MANN, REPRESENTING THE LANDOWNERS, ADDRESSED THE BOARD.

WES GILBERT, THE ENGINEER ON THE PROJECT WITH LOOMIS AND ASSOCIATES, ADDRESSED THE BOARD. (*1128)

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: JOHN CAMPBELL, TONY CIMINO, (*1177), KATE HICKS, BRUCE HICKS, AND KAY SEMAY.

BRIAN MAYERLEY, THE BIOLOGIST ON THE PROJECT WITH FOOTHILL ASSOCIATES ADDRESSED THE BOARD.

SUPERVISOR KIRK REPORTED EX PARTE COMMUNICATION WITH MR. ALLEN, JIM MANN, PAT ~~BERNINO~~ BERNEDO, AND CAROLINE BURKETT. (*1877)

SUPERVISOR YAMAGUCHI REPORTED EX PARTE COMMUNICATION WITH "BOTH SIDES" AND INDICATED THAT HE VISITED THE SITE. HE WALKED THE PROPERTY BY HIMSELF AND ALSO MET AND WALKED WITH NEIGHBORS.

SUPERVISOR JOSIASSEN AND SUPERVISOR CONNELLY BOTH REPORTED EX PARTE COMMUNICATION WITH JIM MANN AND MR. ALLEN. (*1900)

BENJAMIN ALLEN, THE APPLICANT AND OWNER OF THE PROPERTY, ADDRESSED THE BOARD AND PROVIDED A POWER POINT PRESENTATION WITH PHOTOGRAPHS OF THE PROPERTY. (*2149) (*2481)

LUKE SMITH, THE STORM WATER MONITOR ADDRESSED THE BOARD. (*2585)

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: CAL LING (*2833); BONNIE BURNHAM; LINDA CIMINO (*3045) PROVIDED A POWER POINT PRESENTATION WITH PHOTOGRAPHS OF THE PROPERTY; CAROLINE BURKETT (*3293); GRAHAM HUTTON (*3418); PAT ~~BERNINO~~ BERNEDO PROVIDED A POWER POINT PRESENTATION WITH PHOTOGRAPHS OF THE PROPERTY. (*3560)

RECESS: 12:26 P.M.
RECONVENE: 12:35 P.M.

GEORGE MEDINA (**158) ADDRESSED THE BOARD.

MOTION: I MOVE TO DENY THE APPEAL AND ORDER THE APPLICANT TO REMEDIATE THE ILLEGAL GRADING WITH SPECIFIC PLANS TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS. THIS ACTION IS RECOMMENDED BY STAFF AND WOULD REQUIRE THE APPLICANT TO FILL THE DRIVEWAY THAT HAS BEEN CUT.

2 M
VOTE: 1 Y 2 Y 3 Y 4 N 5 Y (MOTION CARRIED 4-1) (**945)

0717-011 **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.

TOM YORK, WHO OWNS RENTAL PROPERTY FOREST RANCH, ADDRESSED THE BOARD REGARDING MEDICAL MARIJUANA LAWS AND THE IMPACTS OF THE LAW ON PROPERTY OWNERS. (**1081) (**1332)

KRISTINE ARMSTRONG ADDRESSED THE BOARD REGARDING A PUBLIC RECORDS ACT REQUEST SHE MADE ON FRIDAY, SEPTEMBER 7, 2007 AND REQUESTED INFORMATION REGARDING THE HIRING OF ADMINISTRATIVE ASSISTANTS FOR BOARD MEMBERS. (**2010)

Adjourned at 1:27 p.m. as the Butte County Board of Supervisors and Convened as the In-Home Supportive Services Public Authority Board.

BUTTE COUNTY
IN-HOME SUPPORTIVE SERVICES
PUBLIC AUTHORITY BOARD
MINUTES
SEPTEMBER 11, 2007

Called to Order at 1:28 p.m. in the Butte County Board of Supervisors Room, 25 County Center Drive, Oroville. Members present: Connelly, Josiassen, Yamaguchi, Kirk and Chair Dolan. Also present: Associate Clerk, Kathleen Moghannam.

THE BOARD RECESSED AT 1:29 P.M. TO CLOSED SESSION REGARDING:

0707-001 CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:
LABOR NEGOTIATOR: CRAIG JORY
EMPLOYEE ORGANIZATION: COHW, AFSCME/SEIU

THIS CLOSED SESSION ITEM WAS HEARD CONTEMPORANEOUSLY WITH THE BUTTE COUNTY BOARD OF SUPERVISORS CLOSED SESSION ITEMS.

THE BOARD RECONVENED AT 4:52 P.M. FROM CLOSED SESSION REGARDING:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:
LABOR NEGOTIATOR: CRAIG JORY
EMPLOYEE ORGANIZATION: COHW, AFSCME/SEIU (No Announcements)

0717-012 **Closed Session** (**386)

THE BOARD RECESSED AT 1:29 P.M. TO CLOSED SESSION REGARDING:

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a):

1. PEOPLE OF THE STATE OF CALIFORNIA AND THE COUNTY OF BUTTE V. GEORGE W. SCOTT, SR.; CHICO SCRAP METAL, INC.; ET AL. BUTTE SUPERIOR COURT CASE NO. 140892;
2. LAKE OROVILLE INTERVENTION (FERC 2100).

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a):
LIGHTNER V. COUNTY OF BUTTE; BUTTE SUPERIOR COURT CASE NO. 136070.

THESE CLOSED SESSION ITEMS WERE HEARD CONTEMPORANEOUSLY WITH THE BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY BOARD CLOSED SESSION ITEMS.

THE BOARD RECONVENED AT 4:52 P.M. FROM CLOSED SESSION REGARDING:

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a):

1. PEOPLE OF THE STATE OF CALIFORNIA AND THE COUNTY OF BUTTE V. GEORGE W. SCOTT, SR.; CHICO SCRAP METAL, INC.; ET AL. BUTTE SUPERIOR COURT CASE NO. 140892;
2. LAKE OROVILLE INTERVENTION (FERC 2100).

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a):
LIGHTNER V. COUNTY OF BUTTE; BUTTE SUPERIOR COURT CASE NO. 136070.
(No Announcements)

ADJOURNMENT : THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 4:52 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, SEPTEMBER 25, 2007, AT 9:00 A.M.

JANE DOLAN, CHAIR

ATTEST:

C. Brian Haddix, Chief Administrative
Officer and Clerk of the Board

By: _____

