

# BUTTE COUNTY BOARD OF SUPERVISORS

## MINUTES

OCTOBER 23, 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 9:04 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.

Observation of a Moment of Silence.

**CORRECTIONS AND/OR CHANGES TO THE AGENDA.** (None)

0723-001 **ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.**

1. 2008 Board Meeting Calendar - action requested - AMEND AS NEEDED; APPROVE AND ADOPT 2008 BOARD MEETING CALENDAR. (Chief Administrative Office)

SUPERVISOR KIRK REQUESTED TO PULL THIS ITEM FOR DISCUSSION.

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0723-002 **CONSENT AGENDA**

1. Resolution Authorizing Low-Value Exemption from Taxation of a Transitory Use Possessory Interest in a Publicly-Owned Fairground - approval is requested for this resolution pursuant to Section 155.20 of the California Revenue and Taxation Code. The law releases the county Assessor of the responsibility to assess transitory possessory interests having a base year value or full value of \$50,000 or less as the assessment can cost the County more money than the taxes received - action requested - ADOPT RESOLUTION 07-165 AND AUTHORIZE THE CHAIR TO SIGN. (Assessor)
2. Butte County Behavioral Health Board - action requested - APPOINT DR. BRUCE AIKIN AS A CONSUMER MEMBER TO A TERM TO END DECEMBER 31, 2009. (Behavioral Health)
3. Victor Treatment Centers, Inc. - approval is requested for a sole source agreement with Victor Treatment Centers, Inc. for the provision of day treatment services, medication support, residential services, and crisis intervention to mentally ill youth. The term of the agreement is July 1, 2007 through June 30, 2008 with a maximum amount payable of \$192,150 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

4. Safe and Drug Free Schools and Communities Grant - approval is requested to accept and appropriate \$165,387 grant funds from the State Department of Alcohol and Drugs Programs. The Department of Behavioral Health has received a five year grant to sustain, enhance, and expand drug and violence prevention services through the Butte Youth Impact project. The term of the grant agreement is October 1, 2007 through September 30, 2012. The amount received is a portion of the first year's allocation - action requested - APPROVE BUDGET TRANSFER B-90 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)
5. Resolution Approving Fiscal Year 2007/2008 County Plan Regarding Substance Abuse and Crime Prevention Act of 2000 and Offender Treatment Program - approval is requested for the resolution approving the County's plan as required by Title 9 of the California Code of Regulations. Funding for Fiscal Year 2007/2008 will be \$900,061 - action requested - ADOPT RESOLUTION 07-166 AND AUTHORIZE THE CHAIR TO SIGN. (Behavioral Health)
6. 2007 National Exemplary Award for Innovative Substance Abuse Prevention Programs, Practices and Policies - approval is requested to accept and appropriate \$1,500 received from the National Association of State Alcohol and Drug Directors to be used in the Department of Behavioral Health's Prevention Program - action requested - APPROVE BUDGET TRANSFER B-91 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)
7. State of California Department of Mental Health Revenue (DMH) - approval is requested to accept and appropriate \$83,100 from DMH to be used for planning the Workforce Education and Training component of the Mental Health Service Act - action requested - APPROVE BUDGET TRANSFER B-92 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)
8. Tulare County Superintendent of Schools - approval is requested for a revenue agreement with Tulare County for the Friday Night Live mentoring program. The term of the agreement is October 1, 2007 through September 30, 2008 with a maximum amount to be received of \$33,500 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40987) (Behavioral Health)

9. Resolution Accepting the Proposed Targeted Employment Area (TEA) for the Oroville Enterprise Zone - consideration of a resolution to accept the boundaries of an updated TEA. The new Oroville Enterprise Zone has received conditional designation from the California Department of Housing and Community Development. In order to receive official designation, it is required that both the Board of Supervisors and the Oroville City Council adopt resolutions approving the updated TEA - action requested - ADOPT RESOLUTION 07-167 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
10. Resolution Approving Increased Distribution of Existing Civil Filing Fees - consideration of a resolution that will increase the distribution of existing civil filing fees for alternate dispute resolution programs from \$3.00 to \$8.00, as allowed by Section 470.5(c) of the the Business and Professions Code - action requested - ADOPT RESOLUTION 07-168 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
11. Fixed Asset Authority - approval is requested for fixed asset purchases that were included in department appropriations during the 2007/2008 budget process but were inadvertently left off of the schedule of fixed assets. These fixed asset purchases are: 1) An \$11,000 computer server for the Sheriff's Office; 2) A \$28,000 vehicle for the Sheriff's Office; 3) A \$7,800 AutoCad license for a new position in Public Works; 4) A \$5,500 backup software upgrade for Department of Employment and Social Services; and 5) A \$17,000 envelope printer for the Clerk-Recorder's office - action requested - APPROVE FIXED ASSET PURCHASES. (Chief Administrative Office)
12. Reissue Time-Expired Check - approval is requested to reissue time-expired check number 1420-659187 in the amount of \$116.79 dated November 11, 2002. The Auditor-Controller has verified that the check is time expired and has not been reissued - action requested - DIRECT AUDITOR-CONTROLLER TO REISSUE TIME-EXPIRED CHECK. (Chief Administrative Office)
13. Medical Liability Insurance Program - approval is requested to appropriate a total of \$67,239 in funds as detailed in the agenda report due to an increase in premiums in the Medical Liability Insurance Program - action requested - APPROVE BUDGET TRANSFER B-95 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)

14. Tri-County Economic Development Corporation (TCEDC) - amendments - approval is requested for amendments to the Master Subrecipient Agreement with TCEDC and for related budget transfers in the amounts of \$500,000 and \$34,605 as detailed in the agenda report. Butte County entered into the original agreement on February 1, 2001 to provide staff services related to the Community Development Block Grant Program. The amendments provide for the implementation and administration of both the Butte County Business Incubation Program and the Business Capital Access and Loan Marketing Strategy Development Program Analysis - action requested - APPROVE AGREEMENT AMENDMENTS AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFERS B-89 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)
15. Approval of Minutes - action requested - APPROVE MINUTES OF OCTOBER 11, 2007. (Chief Administrative Office)
16. Extension of Out of Class Assignment - approval is requested to extend the out of class assignment of an employee temporarily assigned the duties of Manager, Support Services as a result of the incumbent staff member's extended medical leave of absence - action requested - APPROVE THE EXTENSION OF OUT OF CLASS ASSIGNMENT AS DETAILED IN THE AGENDA REPORT FOR AN ADDITIONAL 180 DAYS OR UNTIL THE INCUMBENT RETURNS TO WORK, WHICHEVER OCCURS FIRST. (Employment and Social Services)
17. Butte County Child Abuse Prevention Council - approval is requested for an agreement with the Butte County Child Abuse Prevention Council to administer and monitor the Frank Watters and Mary Anne Houx Children's Trust Fund. Approval is also requested for a resolution which changes the name of the Trust Fund to the Frank Watters and Mary Anne Houx Children's Fund and authorizes the Child Abuse Prevention Council to receive and administer the funds - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT RESOLUTION 07-169 AND AUTHORIZE THE CHAIR TO SIGN. (Employment and Social Services)
18. Resolution to Continue the Water Infiltration Remediation at Courthouse Expansion - consideration of a resolution to continue the action taken by Resolution Number 07-153 which was adopted at the September 25, 2007 Board of Supervisors meeting. Section 22050(c) of the Public Contract Code requires that the Board adopt a resolution at each subsequent meeting until the findings of the initial resolution are no longer relevant - action requested - ADOPT RESOLUTION 07-170 (4/5 vote required) AND AUTHORIZE THE CHAIR TO SIGN. (General Services)

19. Western Business Products - amendment - approval is requested for an amendment to the agreement with Western Business Products for the provision of copier services. The amendment extends the term of the agreement to June 30, 2008 and increases the maximum amount payable by \$105,772 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (General Services)
20. Vanir Construction Management, Inc. - amendment - approval is requested for an amendment to the agreement with Vanir Construction Management, Inc. for the provision of site evaluation services on certain sites being considered for possible consolidation of government offices. The amendment extends the term of the agreement to June 30, 2008, increases the maximum amount payable by \$28,000, and amends the scope of work as detailed in the agenda report - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16368) (General Services)
21. Donation of Surplus Computers to Biggs Teen Center - approval is requested for the donation of five surplus computers, monitors, printers and keyboards to the Biggs Teen Center which will be housed below the Butte County Library in Biggs. The County continues to have a surplus of equipment after regular surplus sales - action requested - APPROVE DONATION OF COMPUTERS, MONITORS, PRINTERS AND KEYBOARDS TO THE BIGGS TEEN CENTER. (General Services)
22. Creekridge Capital, LLC - approval is requested for a three year lease agreement with Creekridge Capital, LLC for an Automated Case File Tracking System for the District Attorney's office. Best and Final Offer (BAFO) 71-07 was sent to the two suppliers that responded to Request for Proposal (RPF) 71-07 with Creekridge Capital receiving the favorable score - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (General Services)
23. Fire Station 44 Capital Project - approval is requested for the appropriation of \$10,575 as detailed in the agenda report to cover the cost of the awning contract and work performed by Facilities Services on the modular structure installed at the South Chico Fire Station 44 - action requested - APPROVE BUDGET TRANSFER B-94 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (General Services)

24. Resolution Establishing Responsibilities for the Implementation of the Americans with Disabilities Act (ADA) - approval is requested for a resolution which will supercede previous resolutions related to ADA compliance. This resolution proposes replacing the current advisory committee with staff appointed by the Chief Administrative Officer in order to improve the response to ADA related issues - action requested - ADOPT RESOLUTION 07-171 AND AUTHORIZE THE CHAIR TO SIGN. (General Services)
25. Appropriation of Excess Funds from the Memorial Hall Trust Fund - approval is requested to appropriate \$7,658.09 from contingencies as detailed in the agenda report. This same amount was originally held in the Memorial Hall Trust Fund as unidentifiable depositor funds and will be used to acquire podiums equipped with microphones and speakers, and for tables, chairs, or carts as needed for the halls - action requested - APPROVE BUDGET TRANSFER B-93 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (General Services)
26. Resolution Amending Department Head Benefits - Due to a recent audit by PERS and in order to allow for appropriate reporting of salaries to PERS, the department has prepared a resolution which will amend Department Head Benefits Resolution as follows: SECTION 16 - SEVERANCE PAY - the language "Severance pay for elected officials is discontinued effective December 31, 2006 with any accrued severance pay to be paid out to those officials subsequent to that date" will be removed. SECTION 17 - PAY PLAN - amends the language to make reference to salary ranges and the Board's ability to assign salary within the range. SECTION 18 - POST INCENTIVE - amends the language to clarify that the POST Incentives for which the Sheriff-Coroner is eligible are applied to the salary indicated in the salary ordinance, including adjustments pursuant to Section 17 related to elected officials - action requested - ADOPT RESOLUTION 07-172 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)
27. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: HUMAN RESOURCES - requests to change Section 58 of the Salary Ordinance titled, "Salary Plan for Elected and Appointed Officials, Reference A, Appointed Department Heads" to include a minimum and maximum salary range based on performance measures that are established by the Board of Supervisors as certified by the Chief Administrative Officer. This resolution also amends the language related to Section 58 as detailed in the agenda report. The department also requests to reclassify the following positions at the Department of Employment and Social Services: 1) Two positions of Legal Clerk to be changed to Legal Office Specialist effective January 1, 2007 and 2) Six positions of Legal Clerk to Legal Office Specialist effective May 1, 2007. Human Resources is also requesting to add the classification of Community Relations Coordinator to Section 57f of the

Salary Ordinance titled, "Management, Confidential, and Supervisory Unit." This new position will be set at salary range 56 effective July 10, 2007. EMPLOYMENT AND SOCIAL SERVICES - requests to delete the following positions: 1) Two positions of Office Specialist; Office Specialist, Senior; Legal Clerk (Class Codes 1056/1055/7029) effective January 1, 2007; and 2) Six positions of Office Specialist; Office Specialist, Senior; Legal Clerk (Class Codes 1056/1055/7029) effective May 1, 2007. The department also requests to add the following positions: 1) Two positions of Office Specialist; Office Specialist, Senior; Legal Clerk (Class Codes 1056/1055/7027) effective January 1, 2007; and 2) Six positions of Office Specialist; Office Specialist, Senior; Legal Clerk (Class Codes 1056/1055/7027) effective May 1, 2007. These changes are in conjunction with the reclassification of the Legal Clerks to Legal Office Specialists. The department is also requesting to delete one position of Office Specialist; Office Specialist, Senior; Legal Clerk (Class Codes 1056/1055/7029) effective November 1, 2007 and add one position of Office Specialist; Office Specialist, Senior; Legal Clerk (Class Codes 1056/1055/7027) effective November 1, 2007. This change is in conjunction with the reclassification of the Legal Clerks to Legal Office Specialists. BEHAVIORAL HEALTH - requests to add the following: 1) One position of Mental Health Clinician; Mental Health Clinician, Intern; and 2) One position flexibly staffed position of Administrative Analyst, Associate; Administrative Analyst; Administrative Analyst, Senior. The department also requests to change the allocation of one vacant position of Medical Records Technician; Medical Records Technician, Senior to a 50% allocated position - action requested - ADOPT RESOLUTION 07-173 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

28. Accept Donation - approval is requested to accept the donation of computer equipment received from Infopeople, a federally funded grant project administered by the California State Library through the Peninsula Library System. The donation provided replacement equipment, including eleven laptop computers, two storage trunks, and one LCD projector, for an existing computer lab used by Infopeople to provide training for public library staff throughout Northern California. After three years, the computer lab and equipment will become the sole property of the Butte County Library - action requested - ACCEPT DONATION OF COMPUTER EQUIPMENT. (Library)
29. Accept Unanticipated Revenue - approval is requested to accept \$5,600 in grant revenue received from First 5 Butte County Children and Families Commission that will be used to expand Literacy Coach services to include Berry Creek and Oakdale Heights elementary schools - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Library)

30. Northern Valley Catholic Social Services (NVCSS) - amendment - approval is requested for an amendment to the agreement with NVCSS for the provision of a variety of educational services at the Butte County Juvenile Hall. The amendment extends the term of the agreement to June 30, 2008 and increases the maximum amount payable by \$8,500. 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. (Probation)
31. California Department of Public Health (CDPH) - approval is requested for a revenue agreement with CDPH to provide funding for Public Health Emergency Preparedness. The term of the agreement is August 31, 2007 through August 9, 2008 with a total allocation of \$75,269. The State requires that two exhibits to the agreement are signed by the Chair in addition to the agreement - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE EXHIBITS D(F) AND E AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
32. Golder Associates, Inc. - amendment - approval is requested for an amendment to the agreement with Golder Associates, Inc. for the provision of Construction Quality Assurance (CQA) Monitoring which is required during the construction of the Module 4, Phase C base liner installation at the Neal Road Sanitary Landfill, County Project No. 757-5903. The amendment increases the maximum amount payable by \$13,982 to cover costs associated with the additional regulatory requirement to conduct an electrical leak location survey. 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-96 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Public Works)
33. Reclamation District No. 833 - the Secretary of Reclamation District No. 833 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 - REAPPOINT CHARLES H. JOHNSON, JR. AND WILLIAM B. FIELDER TO TERMS TO END DECEMBER 2, 2011. (Other departments or agencies)

- 34. Charles Brian Haddix - approval is requested for an employment agreement with Charles Brian Haddix for the position of Chief Administrative Officer. The initial term of the agreement is November 7, 2007 to November 7, 2010. The starting annual salary is \$181,560 with a performance and pay evaluation at six months. The agreement provides for a relocation allowance of up to \$7,500 for actual relocation expenses - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
  
- 35. Paul H. Gosselin - approval is requested for an employment agreement with Paul H. Gosselin as Director - Water and Resource Conservation. The initial term of the agreement is November 26, 2007 to November 27, 2010. The starting annual salary is \$125,363. The agreement provides for a relocation allowance of up to \$4,000 for actual relocation expenses - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 3.15 WHICH HAS BEEN PULLED FOR DISCUSSION.

2 M

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

0723-003 **ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.**

- 1. 2008 Board Meeting Calendar - action requested - AMEND AS NEEDED; APPROVE AND ADOPT 2008 BOARD MEETING CALENDAR. (Chief Administrative Office)

SUPERVISOR KIRK PULLED THIS ITEM FOR DISCUSSION TO REQUEST AN AMENDMENT TO THE PROPOSED CALENDAR WHICH WOULD REMOVE THE SECOND MEETING IN JULY 2008.

MOTION: I MOVE TO APPROVE AND ADOPT 2008 BOARD MEETING CALENDAR AMENDING THE CALENDAR TO REMOVE THE SECOND MEETING IN JULY OF 2008.(185)

M 2

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

THE BOARD DID DISCUSS THE M & T HEARING THAT IS SCHEDULED FOR NOVEMBER 6, 2007 AS SUPERVISOR CONNELLY WILL NOT BE AVAILABLE AT THE MEETING. THE BOARD AGREED THAT THE HEARING MUST TAKE PLACE AS ORIGINALLY SCHEDULED AND THE ITEM WILL BE CONTINUED OPEN UNTIL THE JANUARY 8, 2008 REGULAR BOARD MEETING.

REGULAR AGENDA

0723-004 Boards, Commissions and Committees.

- 1. Appointments to Listed Vacancies. (NONE)
- 2. California State Association of Counties - action requested - APPOINT REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO A ONE YEAR TERM BEGINNING NOVEMBER 15, 2007.

MOTION: I MOVE TO REAPPOINT SUPERVISOR JOSIASSEN AS DELEGATE AND SUPERVISOR CONNELLY AS ALTERNATE.

2 M

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

- 3. Board Member or Committee Reports.

SUPERVISOR KIRK AND SUPERVISOR CONNELLY REPORTED THEIR ATTENDANCE AT THE DRUG COURT GRADUATION.

0723-005 Update on Current Budget and Legislative Issues by the Interim Chief Administrative Officer.

STARLYN BROWN, INTERIM CHIEF ADMINISTRATIVE OFFICER, REQUESTED THE BOARD PROVIDE APPROVAL TO ADD AN EMERGENCY ITEM TO THIS AGENDA IN ORDER TO ALLOW DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES STAFF MEMBERS TO ASSIST WITH MASS SHELTERING NEEDED IN THE SOUTHERN CALIFORNIA AREA DUE WITH THE FIRES.

BRUCE ALPERT, COUNTY COUNSEL, STATED THE BOARD MUST FIND THAT THE NEED FOR THIS ACTION AROSE AFTER THE POSTING OF THE AGENDA AND THERE IS NOT AN ABILITY TO MOVE THIS ITEM TO THE NEXT SCHEDULED MEETING BECAUSE THE EMERGENCY REQUIRES ACTION NOW. THE BOARD HAS TO MAKE THESE SPECIAL FINDINGS BY 2/3 VOTE OF THE FULL BOARD AND ACCEPT THAT THIS ITEM CAN BE PLACED ON THE AGENDA.

MOTION: I MOVE TO ADD THE EMERGENCY ITEM TO THIS AGENDA WITH THE FINDINGS AS PRESENTED BY COUNTY COUNSEL.

2 M

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

STARLYN BROWN INDICATED THAT A MINUTE ORDER WITH THE FOLLOWING LANGUAGE WOULD ALLOW DEPARTMENT OF SOCIAL SERVICES STAFF TO ASSIST: WITH THE CONCURRENCE OF THEIR DEPARTMENT DIRECTOR, APPROVE RELEASE TIME FOR EMPLOYEES WISHING TO VOLUNTEER TO AID THE VICTIMS OF THE SOUTHERN CALIFORNIA FIRES, SUBJECT TO THE SAME PROCEDURES AS THE HURRICANE KATRINA RESPONSE APPROVED BY THE CHIEF ADMINISTRATIVE OFFICER AND HUMAN RESOURCES AND AS AGREED TO BY BARGAINING UNITS. THE RELEASE TIME IS PAID TIME OFF DURING WHICH EMPLOYEES CONTINUE TO ACCRUE BENEFITS, EARN VACATION, ETC. (840)

MOTION: I MOVE TO APPROVE THE MINUTE ORDER.

M 2

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

STARLYN BROWN DID NOT HAVE ANY UPDATES FROM THE STATE LEGISLATURE. THE SPECIAL SESSION IS STILL ONGOING AND NO DECISIONS HAVE BEEN MADE REGARDING HEALTHCARE REFORM OR WATER BOND ISSUES.

0723-006 Update of General Plan 2030 Process by Director-Development Services.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED THE 21<sup>ST</sup> UPDATE TO THE BOARD. HE REVIEWED THE ECONOMIC SUMMIT THAT TOOK PLACE ON OCTOBER 15, 2007. (1101)

0723-007 Demonstration by CALFire of the use of the Automated External Defibrillator (AED) recently installed in the Board Chambers - action requested - ACCEPT FOR INFORMATION. (Fire)

THERE WAS NO ACTION TAKEN ON THIS ITEM AS FIRE STAFF HAS BEEN CALLED TO SOUTHERN CALIFORNIA TO ASSIST WITH THE FIRES. IT WILL RETURN ON ANOTHER AGENDA.

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RECESS: 9:46 A.M.  
RECONVENE: 9:58 A.M.

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0723-008 Decertification of Electronic Voting Systems and Impacts on 2008 Elections - presentation by the County Clerk-Recorder/Registrar of Voters - action requested - ACCEPT FOR INFORMATION. (Clerk-Recorder/Registrar of Voters) (1676) (1961) (2047) (2315)

CANDACE GRUBBS, CLERK-RECORDER/REGISTRAR OF VOTERS PROVIDED A REPORT TO THE BOARD REGARDING THE DECERTIFICATION OF THE COUNTY'S ELECTRONIC SYSTEMS. SHE INDICATED THE SITUATION RELATED TO THE DECERTIFICATION IS STILL FLUID AT THIS TIME.

THE BOARD REQUESTED THAT THE CLERK-RECORDER/REGISTRAR OF VOTERS PROVIDE REGULAR UPDATES WHEN THERE IS NEW AND ADDITIONAL INFORMATION.

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**PUBLIC HEARINGS AND TIMED ITEMS**

0723-009 Public Hearing - Appeal of Condition 12 of Tentative Parcel Map (TPM) 05-24 (Georgia Nelson) - consideration of an appeal of a Planning Commission approval of TPM 05-24 which is on the west side of 7<sup>th</sup> Street, approximately 2,300 feet south of Thermalito Avenue, Oroville, APN 030-160-017. The applicant is appealing the requirements of Condition 12 which requires full road improvements along Middlehoff Lane and 7<sup>th</sup> Street frontages, including curbs, gutters and sidewalks - action requested - ADOPT RESOLUTION DENYING THE APPEAL AND UPHOLDING PLANNING COMMISSION ACTION TO INCLUDE CONDITION 12. (Development Services)

PRESENTATION BY CHUCK THISTLEWAITE, MANAGER, PLANNING DIVISION AND MIKE CRUMP, DIRECTOR OF PUBLIC WORKS. (2798) (3015) (3230)

PUBLIC HEARING OPENED: 10:43 A.M.  
PUBLIC HEARING CLOSED: 10:45 A.M.

MOTION: I MOVE TO UPHOLD THE APPEAL AND WAIVE THE IMPROVEMENTS UNDER CONDITION 12 AND DIRECT STAFF COME BACK AT A LATER DATE WITH CHANGES TO THE CODE FOR FUTURE PROJECTS. (\*97)

M 2

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

0723-010 Public Hearing - Community Development Block Grant (CDBG) application for Virginia Avenue Infrastructure Needs Analysis - approval is requested for the submittal of an application for a \$70,000 Planning and Technical Assistance grant to provide for preliminary engineering needed for improvements to Virginia Avenue located in the unincorporated area of Oroville. If the application is approved, the County will be required to provide a \$1,400 cash match - action requested - ADOPT RESOLUTION APPROVING THE SUBMITTAL OF THE GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)

PRESENTATION BY DAN BLAIR, MANAGER, PROGRAM DEVELOPMENT.

PUBLIC HEARING OPENED: 10:47 A.M.  
PUBLIC HEARING CLOSED: 10:47 A.M.

MOTION: I MOVE TO ADOPT RESOLUTION APPROVING THE SUBMITTAL OF THE GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN. (\*320)

M 2

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

0723-011 Public Hearing - Itemized Cost of Nuisance Abatement for property located at 1915 Idora Street, Oroville, APN 035-175-014. This property was abated on July 5, 2007 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$6,290.49; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. (Development Services)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

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

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$6,290.49; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.

2 M

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

0723-012 Public Hearing - Itemized Cost of Nuisance Abatement for property located at 2440 V7 Road, Oroville, APN 078-280-040. This property was abated between July 9 and July 13, 2007 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$16,225.09; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. (Development Services)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

PUBLIC HEARING OPENED: 10:55 A.M.  
PUBLIC HEARING CLOSED: 10:55 A.M.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$16,225.09; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.  
M 2

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

0723-013 Public Hearing - Itemized Cost of Nuisance Abatement for property located at 3503 Cherokee Road, Oroville, APN 041-480-027. This property was abated on July 6, 2007 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$1,788.30; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. (Development Services)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

PUBLIC HEARING OPENED: 10:58 A.M.  
PUBLIC HEARING CLOSED: 10:58 A.M.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$1,788.30; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.

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

0723-014 Public Hearing - Itemized Cost of Nuisance Abatement for property located at 2269 A Street, Oroville, APN 035-083-003. This property was abated on June 28-29, 2007 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$16,636.67; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. (Development Services)

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

PUBLIC HEARING OPENED: 11:01 A.M.  
PUBLIC HEARING CLOSED: 11:01 A.M.

MOTION: I MOVE TO APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$16,636.67; AND ORDER THE AMOUNT DUE BE PLACED UPON THE COUNTY TAX ROLL AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED.

M 2

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

0723-015 Continued Public Hearing - Williamson Act Non-Renewal Date and Cancellation Application Fees for Wayne and Kathy Birkholz - Mr. Birkholz requests a Board determination on his Notice of Partial Non-Renewal date and application fees regarding Cancellation of Williamson Act Contract on APN 026-250-021 - action requested - DETERMINE IF ANY ADJUSTMENT SHOULD BE MADE TO THE DATE OF MR. BIRKHOLZ'S WILLIAMSON ACT NOTICE OF PARTIAL NON-RENEWAL AND FEES ASSESSED TO PROCESS THE WILLIAMSON ACT CANCELLATION APPLICATION (CANC 05-01). (Development Services) (\*751)

PRESENTATION BY STEVE TROESTER, PLANNER DEVELOPMENT SERVICES. HE INDICATED THAT DEVELOPMENT SERVICES STAFF LOCATED THE ORIGINAL NOTICE OF NON-RENEWAL SENT BY MR. BIRKHOLZ, AND IT WAS DATE STAMPED AS RECEIVED ON DECEMBER 6, 2002. HE RECOMMENDED THAT THE BOARD MAKE THE DETERMINATION THAT THE DECEMBER 6, 2002 NOTICE OF NON-RENEWAL IS VALID TO MEET THE REQUIREMENTS OF GOVERNMENT CODE. THE RESULTING CONTRACT EXPIRATION DATE WOULD BE DECEMBER 31, 2012.

MR. TROESTER ALSO INDICATED THAT MR. BIRKHOLZ SUBMITTED HIS APPLICATION FOR CANCELLATION MORE THAN A YEAR AFTER THE APPLICATION FEE INCREASED ON FEBRUARY 1, 2004.

PUBLIC HEARING OPENED: 11:20 A.M.  
PUBLIC HEARING CLOSED: 11:29 A.M.

MR. BIRKHOLZ ADDRESSED THE BOARD. (\*985)

MOTION: I MOVE TO MAKE THE DETERMINATION THAT DECEMBER 6, 2002 IS THE VALID DATE FOR THE NOTICE OF NON-RENEWAL; AND TO REDUCE THE FEES BY HALF TO \$2,407. (\*1169)

M 2

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

0723-016 Tentative Subdivision Map (TSM) 05-08 (Richard Ball) - On May 8, 2007, the Board of Supervisors adopted a motion of intent to deny the appeal of a Planning Commission approval of this TSM and approve TSM 05-08 with sixteen lots rather than seventeen. The Airport Land Use Commission has determined that the revised subdivision map with sixteen lots is consistent with the Airport Land Use Compatibility Plan - action requested - ADOPT RESOLUTION 07-180 DENYING THE APPEAL, ADOPTING THE MITIGATED NEGATIVE DECLARATION WITH FINDINGS, AND APPROVING THE TSM WITH CONDITIONS AND FINDINGS. (Development Services)

PRESENTATION BY CHUCK THISTELEWAITE, MANAGER, PLANNING DIVISION. HE INDICATED THAT THE AIRPORT LAND USE COMMISSION CONCLUDED THAT THE SIXTEEN LOT PLAN WAS CONSISTENT WITH THE AIRPORT LAND USE COMPREHENSIVE PLAN. (\*1250)

MOTION: I MOVE TO ADOPT RESOLUTION DENYING THE APPEAL, ADOPTING THE MITIGATED NEGATIVE DECLARATION WITH FINDINGS, AND APPROVING THE TSM WITH CONDITIONS AND FINDINGS.

M 2

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

0723-017 Request for Waiver of Fees - consideration of a request from Doug and Kari Wheeler, the owners of Wheeler Ranch and Feed, for the waiver of the application fees totaling \$3,429 for a conditional use permit amendment to increase the number of participants and operating hours of an existing equestrian events facility located at 3415 Smith Avenue, north of Biggs. The applicant does not qualify for a waiver as a public entity or a non-profit organization as required by Butte County Code Section 3-40.5. The Board would have to find that it is otherwise in the public interest to approve the waiver request. Staff recommends denial of the waiver request - action requested - MAKE DETERMINATION TO APPROVE OR DENY WAIVER REQUEST. (Development Services)

PRESENTATION BY PETE CALARCO, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES. HE PROVIDED AN UPDATED REPORT TO THE BOARD AND AMENDED THE AMOUNT OF FEES THAT THE BOARD CAN WAIVE. THE CORRECT AMOUNT THAT CAN BE WAIVED IS \$3,429. (\*1445)

KARI AND DOUG WHEELER, THE OWNER OF WHEELER RANCH AND FEED ADDRESSED THE BOARD. (\*1923) (\*2034)

MOTION: BECAUSE OF ALLOWING NON PROFIT USE, I FIND THIS IS IN THE PUBLIC INTEREST AND I MOVE TO APPROVE THE WAIVER OF ONE-HALF OF THE FEES (\$1,714.50) THAT THE BOARD CAN WAIVE. (\*2600) (\*2679) (2805)

M 2

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

PUBLIC COMMENT

0723-018 Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda.

RESIDENT, JOHN ANDERSON ADDRESSED THE BOARD. HE REQUESTED THAT THE SPEED LIMIT ON ORO BANGOR HIGHWAY FROM NARANJA TO MT. IDA ROAD(\*3108) BE INCREASED TO 35 MPH. HE BELIEVES THE PUBLIC WORKS DEPARTMENT SHOULD HAVE NEVER DECREASED THE SPEED TO 25 MPH.

AL STEIFFEL ADDRESSED THE BOARD ON THE SAME ISSUE. HE ALSO REQUESTED THE BOARD REGARDING CLEAN UP ROADSIDE DUMPING.

PHIL PENDERGRAFF ADDRESSED THE BOARD AND INDICATED THAT HE AGREED WITH MR. ANDERSON AND MR. STEIFFEL REGARDING THE SPEED LIMIT.

PAT EARLE ADDRESSED THE BOARD AND AGREED WITH THE PREVIOUS SPEAKERS.

THE CHAIR REQUESTED PUBLIC WORKS LOOK AT THE SPEED ON THIS ROAD AGAIN AND BRING BACK TO THE BOARD AT A LATER TIME.

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RECESS: 12:17 P.M.  
RECONVENE: 12:30 P.M.

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**Closed Session**

0723-019 **THE BOARD RECESSED AT 12:30 P.M. TO CLOSED SESSION REGARDING:**

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

PROPERTY: A.P. NO. 007-240-078  
AGENCY NEGOTIATOR: RICHARDS HALL  
NEGOTIATING PARTY: CITY OF CHICO  
NEGOTIATIONS: PRICE AND TERMS OF SALE;

PROPERTY: A.P. NO. 047-600-005  
AGENCY NEGOTIATOR: RICHARDS HALL  
NEGOTIATING PARTY: OJI TRUST  
NEGOTIATIONS: PRICE AND TERMS OF PURCHASE.

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: AGRICULTURAL COMMISSIONER.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): LAKE OROVILLE INTERVENTION (FERC PROJECT 2100).

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1) - ONE POTENTIAL CASE.

**THE BOARD RECONVENED AT 2:15 P.M. FROM CLOSED SESSION REGARDING:**

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

PROPERTY: A.P. NO. 007-240-078  
AGENCY NEGOTIATOR: RICHARDS HALL  
NEGOTIATING PARTY: CITY OF CHICO  
NEGOTIATIONS: PRICE AND TERMS OF SALE;

PROPERTY: A.P. NO. 047-600-005  
AGENCY NEGOTIATOR: RICHARDS HALL  
NEGOTIATING PARTY: OJI TRUST  
NEGOTIATIONS: PRICE AND TERMS OF PURCHASE.

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT PURSUANT TO GOVERNMENT CODE SECTION 54957: AGRICULTURAL COMMISSIONER.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): LAKE OROVILLE INTERVENTION (FERC PROJECT 2100).

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1) - ONE POTENTIAL CASE. (No Announcements)

**ADJOURNMENT:** THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 2:15 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, NOVEMBER 6, 2007, AT 9:00 A.M.

\_\_\_\_\_  
JANE DOLAN, CHAIR

ATTEST:

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

By: \_\_\_\_\_