

# BUTTE COUNTY BOARD OF SUPERVISORS

## MINUTES

JANUARY 8, 2008



### County Supervisors

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

C. Brian Haddix, 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: C. Brian Haddix, 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.

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**BOARD OF SUPERVISORS ORGANIZATION - 2008**

0801-001 Election of Board Chair

MOTION: I MOVE TO NOMINATE SUPERVISOR JOSIASSEN AS CHAIR.

M 2

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

0801-002 Election of Board Vice Chair

MOTION: I MOVE TO NOMINATE SUPERVISOR DOLAN AS VICE CHAIR

M 2

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

Comments by Supervisors:

1. New Chair
2. Board Members

EACH BOARD MEMBER MADE INDIVIDUAL STATEMENTS FOR THE RECORD.

CHAIR JOSIASSEN INTRODUCED CHRIS SMITH WHO REPLACED LENNY DURRER AS THE BOARD'S NEW VIDEOGRAPHER.

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

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

0801-003 Budget Transfer - Juvenile Hall Capital Project - approval is requested to appropriate \$33,025 as detailed in the agenda report to cover anticipated costs for the repair of drainage problems on the facility's basketball court. The repairs will include re-engineering the drainage in the recreation area and installing two small concrete pads and a sidewalk - action requested - APPROVE BUDGET TRANSFER B-174 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (General Services)

THIS ITEM WAS REMOVED WITHOUT ACTION AND WILL RETURN ON A SUBSEQUENT AGENDA.

**CONSENT AGENDA**

- 0801-004
1. Accept Donated Piano - approval is requested to accept the donation of a piano from Carlos Cuellar. The piano, valued at \$500, will be used for musical programs at the department's "Rehabilitation of our Friends" (ROOF) Program - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTER OF APPRECIATION. (Behavioral Health)
  2. Butte County Resource Conservation District - Supervisor Kirk submits her nomination for District 3 Director - action requested - APPOINT RICHARD COON TO A TERM TO END JANUARY 8, 2011. (Board of Supervisors)
  3. Adoption of an Ordinance Amending Chapter 47 - Video Customer Service Regulations and Adding Chapter 47A - Video Regulations for State Franchise Agreements to the Butte County Code - action requested - ADOPT ORDINANCE 3974 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 12-11-2007 [4.04]) (Chief Administrative Office)
  4. Budget Transfer - approval is requested by the Fish and Game Commission for a budget transfer of \$2,700 as detailed in the agenda report in order to fund the extension of an agreement with CSU, Chico Research Foundation - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)
  5. Accept Unanticipated Revenue - approval is requested to accept and appropriate \$3,000 that was received as an equipment allowance upon receipt of the newly purchased Urban Search and Rescue Fire Vehicle. The funds will be used to purchase authorized equipment for the vehicle - action requested - APPROVE BUDGET TRANSFER B-171 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)

6. Northern Rural Training and Employment Consortium - Joint Powers Agreement Amendment - approval is requested for an amendment to the Joint Powers Agreement (JPA) creating the Northern Rural Training and Employment Consortium. The JPA allows the County to operate the Workforce Investment Act Program. The proposed amendment will add Nevada County to the current ten member-county consortium - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL. (Chief Administrative Office)
7. Local Area Formation Commission (LAFCo)- approval is requested for a contractual services agreement between the County and LAFCo for the provision of certain support services such as accounting services, treasury, and information systems/communication support - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL. (Chief Administrative Office)
8. Approval of Minutes - action requested - APPROVE MINUTES OF SEPTEMBER 11, 2007. (Chief Administrative Office)
9. Adoption of Ordinance Repealing Sections 30-1 through 30-5 Regarding Fees for Civil Services, in Chapter 30, Entitled "Fees for Civil Service Rendered by the District Attorney," of the Butte County Code - action requested - ADOPT ORDINANCE 3975 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 12-11-2007 [3.05]) (Child Support Services)
10. Bartkiewicz, Kronick & Shanahan - amendment - approval is requested for an amendment to the agreement with Bartkiewicz, Kronick & Shanahan for the provision of legal services. The amendment increases the reimbursement rates as follows: \$230 per hour for a Principal I Attorney; \$205 per hour for a Principal II Attorney; \$165 per hour for an Associate Attorney; \$90 per hour for a Paralegal; and fifty and one half cents (\$.505) per mile for ground transportation. The amendment is effective beginning December 15, 2007 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (County Counsel)
11. Abbott & Kindermann, LLP - amendment - approval is requested for an amendment to the agreement with Abbott & Kindermann, LLP for provision of legal services related to land use and General Plan issues. The amendment increases the hourly reimbursement rate for William Abbott to \$330 effective December 21, 2007 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (County Counsel)

12. James A. Curtis - amendment - approval is requested for an amendment to the agreement with James A. Curtis for the provision of legal services. The amendment increases the hourly rate to \$185 effective January 1, 2008 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (County Counsel)
13. Revised Resolution Establishing an Orderly System of Destruction of Records of the County of Butte - approval is requested for a resolution revising the comprehensive retention and destruction schedule for County records - action requested - ADOPT RESOLUTION NO. 08-001 (4/5 vote required) AND AUTHORIZE THE CHAIR TO SIGN. (County Counsel)
14. Budget Transfers - approval is requested for a budget transfer in the amount of \$14,909 as detailed in the agenda report. This amount is the remaining balance of the Fiscal Year (FY) 2006/2007 annual allocation received from the State to fund the Supplemental Law Enforcement Services Fund. Additionally, the FY 2007/2008 allocation has been increased by \$11,056 - action requested - APPROVE BUDGET TRANSFERS B-169 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)
15. Budget Transfer - approval is requested for a budget transfer in the amount of \$25,000. The funds are the first reparation payment received from a defendant in an environmental air quality case. These funds will be distributed to the damaged parties - APPROVE BUDGET TRANSFER B-170 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)
16. Accept Tactical Equipment - approval is requested to accept one folding ballistic shield valued at \$1,500 and one taser kit valued at \$650. The equipment was received through a grant program from the National Tactical Officers Association - action requested - ACCEPT GRANT FUNDED EQUIPMENT.
17. Constellation Justice Systems - amendment - approval is requested for an amendment to the agreement with Constellation Justice Systems which is the provider of the District Attorney's automated case management system. The amendment increases the amount payable by \$13,200 and extends the term of the agreement through June 30, 2008 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X10774) (District Attorney)

18. Budget Transfer and Fixed Asset Purchase - approval is requested for a budget transfer in the amount of \$4,111 as detailed in the agenda report. The Final Budget of 2007/2008 authorized the purchase of two vehicles at a cost of \$48,000. The final cost of the vehicles is actually \$52,110.66 - action requested - APPROVE BUDGET TRANSFER B-178 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)
19. Budget Transfer - approval is requested for a budget transfer in the amount of \$454.32. These funds were received from the Fire Safe Council as a refund from the 2006/2007 agreement to implement projects under HR2389. The refunded amount will be applied to the 2007/2008 agreement - action requested - APPROVE BUDGET TRANSFER B-172 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Fire Department)
20. Budget Transfer - approval is requested for a budget transfer in the amount of \$15,000 to cover the cost of a replacement pump on the sewer lift station that services the Sheriff's complex - action requested - APPROVE BUDGET TRANSFER B-176 (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT (General Services)
21. Award of Contract for the Americans with Disabilities Act (ADA) Remodel at the Gridley Memorial Hall - Six bids were received in response to Invitation for Bids (IFB) 40-08. The lowest responsible and responsive bidder was Crawford Construction in the amount of \$185,846 - action requested - AWARD CONTRACT TO CRAWFORD CONSTRUCTION OF CHICO IN THE AMOUNT OF \$185,846; AND APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (General Services)
22. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: PUBLIC HEALTH - deletes an existing vacant position of Public Health Nurse, Senior; Public Health Nurse; Public Health Nurse, Associate; or Staff Nurse, Senior; Staff Nurse; or Staff Nurse, Associate; and adds two fifty percent positions of Public Health Nurse, Senior; Public Health Nurse; Public Health Nurse, Associate; or Staff Nurse, Senior; Staff Nurse; or Staff Nurse, Associate. The department is also requesting that an existing vacant position of Occupational Therapist, Senior; Occupational Therapist; Physical Therapist, Senior; or Physical Therapist be decreased to a seventy-five percent position. The department also requests to add one sunset position of Public Health Education Specialist, Associate; Public Health Education Specialist; or Public Health Education Specialist, Senior; and one sunset position of Mental Health Clinician with both positions ending June 30, 2008. The department is also requesting to flexibly staff a current position of Information Systems Analyst, Associate; Information Systems Analyst; or Information Systems Analyst, Senior to

Information Systems Analyst, Associate; Information Systems Analyst; Information Systems Analyst, Senior; or Information Systems Analyst, Principal. HUMAN RESOURCES - the department is recommending that the Superintendent, Juvenile Hall classification be listed in the Salary Ordinance under Section 57 (k), Salary for Non-Represented Classifications with an asterisk notation indicating that it is represented by Butte County Management Employee's Association - action requested - ADOPT RESOLUTION 08-002 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

23. Accept Unanticipated Revenue - approval is requested to accept and appropriate a \$7,194 Public Library Staff Education grant received from the California State Library - action requested - APPROVE BUDGET TRANSFER B-177 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Library)
24. Library Donations - pursuant to Government Code Section 25355, donations of \$3,924.76 from Oroville Friends of the Library; \$3,625 from Chico Friends of the Library; \$1,000 from the Raymond Family in honor of Lois Berney; \$100 from William and Fianna Saxton in honor of Lois Berney and Madge Kindig; \$285 from Oroville Friends of the Library in honor of Mildred Gnass, Chuck Hubbard, and Betty Schlichting; \$100 from Vienna Wolder in honor of Lois Berney and Madge Kindig; \$109.50 from an anonymous source; \$500 from Jim and Mary Johnson; \$100 from Maudie Penney and \$2,602.57 from Paradise Friends of the Library have been received for the purchase of books; \$401.71 from Paradise Friends of the Library has been received for operations - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)
25. Fee Waiver for Emergency Septic Repair - approval is requested for a one-time permit fee waiver of \$397 for an emergency septic repair at 14837 Holmwood Drive, Magalia, APN 065-350-043. The owners have presented sufficient information regarding extenuating circumstances to warrant this waiver in order to immediately repair their system - action requested - APPROVE WAIVER OF \$397 PERMIT FEE. (Public Health)
26. CaremarkPCS Health, L.P. - approval is requested for an agreement with CaremarkPCS Health, L.P. for the provision of the National Association of Counties (NACo) Prescription Discount Card program designed for uninsured and underinsured County residents. While the discount card is not insurance, it entitles the cardholder to negotiated discount prices on prescription medications when used at participating retail pharmacies - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL. (Public Health)

- 27. Award of Contract for Durham-Dayton Highway Bridge Replacement Project Across Hamlin Slough - Federal Project no. BHLS-5912(056), County Project No. 44201-02-1 - Sixteen bids were received and opened on December 12, 2007 for the Durham-Dayton Highway Bridge Replacement Project across Hamlin Slough. The lowest responsible and responsive bidder was Viking Construction Company of Rancho Cordova in the amount of \$1,157,500 - action requested - AWARD CONTRACT TO VIKING CONSTRUCTION COMPANY OF RANCHO CORDOVA IN THE AMOUNT OF \$1,157,500. (Public Works)
- 28. Monthly Investment Report - submitted is the Monthly Investment Report dated November 30, 2007, in accordance with the Statement of Investment Policy dated July 1, 2007 - action requested - ACCEPT FOR INFORMATION. (Treasurer/Tax-Collector)
- 29. Tax Sale Service of CA - approval is requested for a sole source agreement with Tax Sale Service of CA for the provision of the June 2008 internet auction of tax-defaulted properties. The term of the agreement is January 1, 2008 through December 31, 2008 with a maximum amount payable of \$36,060 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND AUDITOR-CONTROLLER. (Treasurer/Tax-Collector)
- 30. Local Child Care Planning Council Membership Certification - the Butte County Office of Education submits for approval the Local Child Care Planning Council Certification Statement - action requested - ACCEPT AND APPROVE THE CERTIFICATION STATEMENT REGARDING COMPOSITION OF THE LOCAL CHILD CARE PLANNING COUNCIL AND AUTHORIZE THE CHAIR TO SIGN. (Other Departments and Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 3.21 WHICH WAS PULLED FROM THIS AGENDA.

M 2

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

SUPERVISOR CONNELLY THANKED THOSE WHO DONATED MONEY TO THE LIBRARY.

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**REGULAR AGENDA**

0801-005 Existence of a Local Emergency - commencing January 4, 2008, heavy rains, high winds and wide-spread power outages resulted in a declaration of an existence of a local emergency. Pursuant to the requirements of the California Emergency Services Act, the governing body must ratify the declared emergency. The Emergency Services Officer is also requesting the Board request the Governor proclaim a State of Emergency for Butte County - action requested:



MOTION: I MOVE TO APPROVE TEMPORARY WAIVER OF GREEN WASTE FEES THROUGH  
FEBRUARY 10, 2008.  
2 M  
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

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RECESS: 10:08 A.M.  
RECONVENE: 10:15 A.M.

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**PUBLIC HEARINGS AND TIMED ITEMS**

0801-007 Public Hearing - Itemized Cost of Nuisance Abatement for property located at 40 Dakota Avenue, Biggs, APN 022-180-062. This property was abated between July 9 and July 12, 2007 - action requested - APPROVE THE PLACEMENT OF A LIEN ON THE PROPERTY IN THE AMOUNT OF \$9,404.12; 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)

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES INFORMED THE BOARD THAT FULL PAYMENT WAS RECEIVED THROUGH THE ESCROW PROCESS, AND THAT A LIEN WOULD NOT NEED TO BE PLACED.

PUBLIC HEARING OPENED: 10:16 A.M.  
PUBLIC HEARING CLOSED: 10:18 A.M.

THE PROPERTY OWNER ADDRESSED THE BOARD REQUESTING INFORMATION REGARDING SOME OF THE PROPERTY THAT WAS ABATED FROM THE LOCATION. TIM SNELLINGS AGREED TO MEET WITH HER.

0801-008 Public Hearing - Rare Earth Estates Subdivision - On November 6, 2007, the Board adopted Resolution Number 07-180 which authorized an application to LAFCo for the formation of a County Service Area (CSA) to provide storm drainage maintenance, fire protection, and street lighting services to the Rare Earth Estates Subdivision and to set a protest hearing/ballot proceeding. The current owner of the property has already provided a ballot in favor of the service charges - action requested - OPEN PUBLIC HEARING AND ASK FOR COMMENTS OR PROTESTS TO THE ESTABLISHMENT OF THE PROPOSED SERVICE CHARGES; REQUEST BALLOT RESULTS FROM THE CLERK OF THE BOARD; AND

1. IF A MAJORITY OF BALLOTS ARE IN FAVOR OF THE ESTABLISHMENT OF SERVICE CHARGES, ADOPT RESOLUTION 08-004 AND AUTHORIZE THE CHAIR TO SIGN, WITH THE IMPOSITION OF THESE CHARGES ARE SUBJECT TO LAFCO'S APPROVAL OF THE OF THE CSA.

-OR-

2. IF CURRENT OWNER OF THE PROPERTY WITHDRAWS PREVIOUSLY SUBMITTED BALLOT OR PROTESTS, DENY THE REQUEST TO ESTABLISH SERVICE CHARGES.

PRESENTATION BY STUART EDELL FROM THE DEPARTMENT OF PUBLIC WORKS.

PUBLIC HEARING OPENED: 10:20 A.M.  
PUBLIC HEARING CLOSED: 10:22 A.M.

MOTION: I MOVE TO ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN, WITH THE IMPOSITION OF THESE CHARGES ARE SUBJECT TO LAFCO'S APPROVAL OF THE FORMATION OF THE CSA.

2 M

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

0801-009 Timed Item - Presentation on the Butte County Business Incubator Program - action requested - ACCEPT FOR INFORMATION. (Chief Administrative Office)(2800)

PRESENTATION BY DAN BLAIR, MANAGER, PROGRAM DEVELOPMENT; MARC NEMENIC FROM TRI COUNTY ECONOMIC DEVELOPMENT PROGRAM;

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**REGULAR AGENDA**

0801-010 Demonstration by CALFire of the use of the Automated External Defibrillator (AED) recently installed in the Board Chambers - action requested - ACCEPT FOR INFORMATION. (Fire)(3148)

PRESENTATION BY GEORGE MORRIS AND GREG MCFADDEN FROM CAL FIRE.

0801-011 Quincy Library Group (QLG) Litigation Fund - consideration of a request from QLG to join in litigation regarding fuel reduction and forest restoration projects. QLG is requesting a \$4,000 contribution from Butte County - action requested - DETERMINE WHETHER OR NOT BUTTE COUNTY WISHES TO PARTICIPATE IN THE LAWSUIT FUND AND DIRECT STAFF ACCORDINGLY. (Chief Administrative Office)

PRESENTATION BY FRANK STEWART OF THE QLG. (\*0)

THE BOARD TOOK NO ACTION AT THIS TIME. THE BOARD DIRECTED THE CHIEF ADMINISTRATIVE OFFICER AND COUNTY COUNSEL TO MEET WITH FRANK STEWART AND MICHAEL JACKSON OF QLG TO PROVIDE ADDITIONAL INFORMATION AND REPORTS. THE BOARD DIRECTED THIS ITEM TO RETURN ON THE JANUARY 29, 2008 AGENDA. (\*1480)

0801-012 Speed Zone Review on Oroville-Bangor Highway - At the Board's direction, the Department of Public Works re-examined the findings for lowering the speed limit on the segment of Oroville-Bangor Highway from Mt. Ida Road to Naranja Avenue. Due to existing characteristics of the roadway, adjacent land uses, and development in the surrounding area, staff recommends the speed limit remain at 25 MPH - action requested - UPHOLD ORDINANCE 3970, AS ADOPTED, WITH THE 25 MPH PRIMA FACIE SPEED LIMIT ON OROVILLE-BANGOR FROM MT. IDA ROAD TO NARANJA AVENUE. (Public Works)

PRESENTATION BY MIKE CRUMP, DIRECTOR OF PUBLIC WORKS.

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: JOHN ANDERSON, AL STIEFFEL, MASON ABRAMSON, AND PHIL PENDERGRASS. (\*1766) (\*2098) (\*2730)

MOTION: I MOVE TO RAISE THE SPEED LIMIT TO 30 MPH FROM MT. IDA ROAD TO NARANJA AVENUE.

M

VOTE: 1 Y 2 No Vote 3 No Vote 4 No Vote 5 No Vote

THERE WAS NO SECOND TO THIS MOTION. ORDINANCE 3970 WAS UPHELD.

**PUBLIC HEARINGS AND TIMED ITEMS**

0801-013 Public Hearing - Sale of 3514 Hicks Lane to the City of Chico - approval is requested to convey the property at 3514 Hicks Lane, Chico (APN 007-240-078) to the City of Chico. In 2002, the property was purchased by the County with the intention of constructing a fire station that would be jointly staffed with the City of Chico. The original plan has become infeasible, and the property is now surplus to the County. The City of Chico has agreed to purchase the property for \$410,134 - action requested - 1) ADOPT RESOLUTION NO. 08-005 MAKING NECESSARY FINDINGS, APPROVING CHAIR TO SIGN SALES AGREEMENT, AND AUTHORIZING THE GENERAL SERVICES DIRECTOR TO EXECUTE ALL NECESSARY DOCUMENTS TO IMPLEMENT THE SALES AGREEMENT, AND AUTHORIZE THE CHAIR TO SIGN THE RESOLUTION; AND 2) APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (General Services)

MOTION: I MOVE TO 1) ADOPT RESOLUTION MAKING NECESSARY FINDINGS, APPROVING CHAIR TO SIGN SALES AGREEMENT, AND AUTHORIZING THE GENERAL SERVICES DIRECTOR TO EXECUTE ALL NECESSARY DOCUMENTS TO IMPLEMENT THE SALES AGREEMENT, AND AUTHORIZE THE CHAIR TO SIGN THE RESOLUTION; AND 2) APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

2 M

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

**REGULAR AGENDA**

0801-014 Boards, Commissions and Committees.

1. Appointments to Listed Vacancies.

MOTION: I MOVE TO REAPPOINT LYNN VAN HARDT TO THE BUTTE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT BOARD. (\*3453)

M 2

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

MOTION: I MOVE TO APPOINT TAMMIE MCELROY AND BRIAN COOK TO THE BUTTE COUNTY FAIR ASSOCIATION REPLACING CLARENCE WILLIAMS AND MEL RICHINS.

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

2. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI REPORTED THAT ROSE COMSTOCK WAS ELECTED AS THE NORTH CENTRAL SUB REGION REPRESENTATIVE FOR THE SIERRA NEVADA CONSERVANCY.

0801-015 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (\*\*17)

C. BRIAN HADDIX, CHIEF ADMINISTRATIVE OFFICER REPORTED THAT THE GOVERNOR WILL BE ROLLING OUT THE STATE BUDGET AND OVERALL POLICY DIRECTION THIS WEEK. HE ANTICIPATED THAT THE GOVERNOR WILL BE DECLARING A FISCAL EMERGENCY.

MEEGAN CONDON, PRINCIPAL MANAGEMENT ANALYST PROVIDED AN OVERVIEW OF THE CAREMARKPCS PRESCRIPTION DISCOUNT PROGRAM SPONSORED BY THE NATIONAL ASSOCIATION OF COUNTIES (NACo) THAT WAS APPROVED ON THE CONSENT AGENDA.

0801-016 Update of General Plan 2030 Process by Director-Development Services. (\*\*171)

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED THE BOARD WITH THE 24<sup>TH</sup> UPDATE OF THE GENERAL PLAN 2030 PROCESS. HE REPORTED THAT THE DEPARTMENT IS CURRENTLY WORKING ON THE DEVELOPMENT OF THE ALTERNATIVES EVALUATION REPORT. THE REPORT WILL BE RELEASED IN EARLY MARCH. THE DEPARTMENT IS ALSO WORKING ON A NEWSLETTER THAT WILL BE MAILED TO ALL BUTTE COUNTY RESIDENTS AT THE END OF JANUARY. HE REVIEWED UPCOMING CITIZEN'S ADVISORY COMMITTEE MEETINGS.

Recess as the Butte County Board of Supervisors at 12:20 p.m. and Convene as the Thompson Flat Cemetery District Board of Directors.

**THOMPSON FLAT CEMETERY DISTRICT  
BOARD OF DIRECTORS  
MINUTES  
JANUARY 8, 2008**

Called to Order at 12:20 p.m. in the Butte County Board of Supervisors Room, 25 County Center Drive, Oroville. Members present: Connelly, Dolan, Yamaguchi, Kirk and Chair Josiassen. Also present: Associate Clerk, Kathleen Moghannam.

**Agenda Items** (NO ITEMS)

**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.

0801-001 **Adjournment**

Adjourned at 12:20 p.m. as the Thompson Flat Cemetery District Board of Directors and convene as the Butte County In-Home Supportive Services Public Authority Board.

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**BUTTE COUNTY**  
**IN-HOME SUPPORTIVE SERVICES**  
**PUBLIC AUTHORITY BOARD**  
**MINUTES**  
**JANUARY 8, 2008**

Called to Order at 12:21 p.m. in the Butte County Board of Supervisors Room, 25 County Center Drive, Oroville. Members present: Connelly, Dolan, Yamaguchi, Kirk and Chair Josiassen. Also present: Associate Clerk, Kathleen Moghannam.

**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.

0801-001 **THE BOARD RECESSED AT 12:21 P.M. TO CLOSED SESSION REGARDING:**

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATOR: CRAIG JORY

EMPLOYEE ORGANIZATION: CUHW

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

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**THE BOARD RECONVENED AT 1:50 P.M. FROM CLOSED SESSION REGARDING:**

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATOR: CRAIG JORY

EMPLOYEE ORGANIZATION: CUHW (No Announcements)

**Adjournment**

Adjourned at 1:50 p.m. as the Butte County In-Home Supportive Services Public Authority Board and reconvene as the Butte County Board of Supervisors.

**CLOSED SESSION**

0801-017 **THE BOARD RECESSED AT 12:21 P.M. TO CLOSED SESSION REGARDING:**

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.

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

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE ENVIRONMENTAL COUNCIL V. BOARD OF SUPERVISORS; BUTTE COUNTY SUPERIOR COURT CASE NO. 141433.
3. SIGNALIZED INTERSECTION WEST V. COUNTY OF BUTTE, ET AL; SUPERIOR COURT CASE NO. 141757

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

INITIATION OF LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(C) - ONE POTENTIAL CASE.

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

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**THE BOARD RECONVENED AT 1:50 P.M. FROM CLOSED SESSION REGARDING:**

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.

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

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE ENVIRONMENTAL COUNCIL V. BOARD OF SUPERVISORS; BUTTE COUNTY SUPERIOR COURT CASE NO. 141433.
3. SIGNALIZED INTERSECTION WEST V. COUNTY OF BUTTE, ET AL; SUPERIOR COURT CASE NO. 141757

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

INITIATION OF LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(C) -

ONE POTENTIAL CASE. (No Announcements)

PUBLIC HEARINGS AND TIMED ITEMS

0801-018 Continued Public Hearing - M & T Chico Ranch Mine (MIN 96-03) - consideration of two appeals of the Planning Commission's certification of the Final Environmental Impact Report (EIR) and approval of the M & T Chico Ranch Mine. The project consists of a long-term gravel mining operation proposal by Baldwin Construction. The mining would take place on 193-acres of a 235-acre site over a 20-30 year period. Reclamation would occur incrementally and would consist of the creation of open-water wetland wildlife habitat and agricultural uses. The aggregate would be processed on a 40-acre area of the site. The project is located on a portion of the Ranch approximately 1.5 miles east of the Sacramento River and approximately 5 miles southwest of Chico. Access to the site would be from River Road, Chico. The APNs are 039-530-023 and 039-530-025 (formerly 039-530-019 and 039-530-020) - action requested - TAKE PUBLIC TESTIMONY; AND

1. A) UPHOLD THE APPEAL; B) DENY THE MINING USE PERMIT; C) DENY CERTIFICATION OF FINAL EIR; AND D) DIRECT STAFF TO COME BACK WITH FINDINGS.

-OR-

2. A) DENY THE APPEAL; B) ADOPT RESOLUTION CERTIFYING THE FINAL EIR, ADOPTING FINDINGS OF FACT AND ADOPTING A MITIGATION MONITORING PLAN AND AUTHORIZE THE CHAIR TO SIGN; AND C) ADOPT RESOLUTION APPROVING THE MINING USE PERMIT AND RECLAMATION PLAN WITH FINANCIAL ASSURANCE ESTIMATE, STATEMENT OF OVERRIDING CONSIDERATIONS, AND CONDITIONS OF APPROVAL AND AUTHORIZE THE CHAIR TO SIGN.

PRESENTATION BY PETE CALARCO, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES.

PRESENTATION BY DAVE BROWN OF RESOURCE DESIGN TECHNOLOGY, INC., BUTTE COUNTY'S CONSULTANT ON THE PROJECT. (\*\*531)

CHAIR JOSIASSEN REPORTED EXPARTE COMMUNICATION WITH BOTH SIDES OF THE PROJECT; NEIGHBORS NEXT TO THE PROJECT LOCATION; THE PROJECT APPLICANT AND STAFF; AND HE REPORTED THAT HE HAS RECEIVED MANY LETTERS AND EMAILS. (\*\*1424)

SUPERVISOR YAMAGUCHI REPORTED EX PARTE COMMUNICATION WITH BOTH SIDES OF THE PROJECT. HE HAD NO NEW INFORMATION TO REPORT FROM THE LAST HEARING.

SUPERVISOR KIRK REPORTED EX PARTE COMMUNICATION WITH BOTH SIDES AS WELL. SHE DID NOT HAVE ANY NEW INFORMATION TO REPORT.

SUPERVISOR CONNELLY REPORTED THAT HE WAS NOT AT THE NOVEMBER 6, 2007 PUBLIC HEARING, AND HE DISCLOSED THAT HE HAS HAD EX PARTE COMMUNICATION WITH THE APPLICANT AND MANY OPPONENTS OF THE PROJECT. HE REPORTED THAT HE HAS RECEIVED HUNDREDS OF EMAILS REGARDING THE PROJECT. HE ALSO DISCLOSED THAT HE WATCHED A TAPE OF THE NOVEMBER 6, 2007 BOARD OF SUPERVISORS M & T HEARING.

SUPERVISOR DOLAN REPORTED THAT SHE HAS ALSO RECEIVED HUNDREDS OF LETTERS AND EMAILS AND THAT SHE ENSURED THAT ALL MEMBERS OF THE BOARD RECEIVED COPIES OF ALL CORRESPONDENCE. SHE REPORTED SHE RECEIVED A LETTER FROM RON JONES AND SEVERAL EMAILS FROM OTHERS QUESTIONING WHETHER THE ENVIRONMENTAL ANALYSIS REGARDING TRAFFIC ON THE EIR FOCUSED ON HEAVY TRUCK TRAFFIC. (\*\*1521)

RENE VERCRUYSSSEN, THE GENERAL MANAGER AND EXECUTIVE VICE PRESIDENT OF BALDWIN CONSTRUCTION ADDRESSED THE BOARD. (\*\*1620)

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RECESS: 3:44 P.M.  
RECONVENE: 4:08 P.M.

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PUBLIC HEARING OPENED: 4:08 P.M.  
PUBLIC HEARING CLOSED: 9:17 P.M.

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: COBY WALTERS FOURNIER, ROGER BEADLE, STEVE PRENTICE (\*\*1955), DAVE SLACK, JIM BREMNER, MARIA PHILLIPS, DONNA COOK, TOM NICKEL (\*\*\*)0), BARBARA BERGER, KAREN READ, JAN HOLMAN (\*\*\*)577), NANCY TALLEY, WALT SCHAFFER, BOB WOODS.

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RECESS: 5:30 P.M.  
RECONVENE: 5:51 P.M.

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THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: KAREN LASLO (\*\*\*)1236), FRANK PRENTICE, LILA PRENTICE, MATTHEW BOERSMA, DAWN GARCIA (\*\*\*)1638), DON ROGERS, LARRY EDGINTON, DARLENE BRUCE (\*\*\*)2702), ANDY HOLCOMBE, HOWARD ELLMAN (\*\*\*)3171), KEVIN COTTER (\*\*\*)91), SUSAN SCOTT, CATHERINE COTTLE, CRAIG CALLOWAY (\*\*\*)707), FRANK MARINELLO, DOREEN DENLAY (\*\*\*)1098), BARBARA MORRIS.

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RECESS: 7:25 P.M.  
RECONVENE: 7:43 P.M.

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THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: DON ROGERS, JR. (\*\*\*)1441), RICHARD THIERIOT, BOB LINSCHIED, SCOTT HUBER (\*\*\*)1978), GEOFF FRICKER, CAROLYN SHORT, GRACE MARVIN, CHARLEY RAY, DARREN MOREHEAD, ED RITCHIE, MARK CHRISTOPHER (\*\*\*)3533), LEANN LAUTT (\*\*\*)0), BIJAN PARHIZCAR, ANDY LANIER, BOB KLANG (\*\*\*)458), DIANE NAEGELI, JAN KNECHT, BILL RANALLA, TUCKER BROOKS, RON JONES, JEFFREY DORSO (\*\*\*)1332), AND JEFF CARTER.

CHAIR JOSIASSEN CLOSED THE PUBLIC HEARING AT 9:17 P.M. AND REQUESTED THE BOARD FINISH DELIBERATIONS AT THE JANUARY 29, 2008 BOARD MEETING IN ORDER TO REVIEW ALL OF THE MATERIALS THAT WERE

SUBMITTED DURING THE MEETING. THE REST OF THE BOARD AGREED. THE BOARD REQUESTS STAFF AND CONSULTANTS BE PRESENT TO ANSWER QUESTIONS FOR THE BOARD DURING DELIBERATIONS. THERE WILL BE NO ADDITIONAL PUBLIC COMMENT AT THE JANUARY 29, 2008 BOARD MEETING.

**PUBLIC COMMENT** (None)

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

**CLOSED SESSION**

0801-019 **THE BOARD RECESSED AT 9:18 P.M. TO CLOSED SESSION REGARDING:**

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.

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

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE ENVIRONMENTAL COUNCIL V. BOARD OF SUPERVISORS; BUTTE COUNTY SUPERIOR COURT CASE NO. 141433.
3. SIGNALIZED INTERSECTION WEST V. COUNTY OF BUTTE, ET AL; SUPERIOR COURT CASE NO. 141757

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

INITIATION OF LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(C) - ONE POTENTIAL CASE.

**THE BOARD RECONVENED AT 10:18 P.M. FROM CLOSED SESSION REGARDING:**

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.

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

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3. SIGNALIZED INTERSECTION WEST V. COUNTY OF BUTTE, ET AL;  
SUPERIOR COURT CASE NO. 141757 (No Announcements)

**ADJOURNMENT** : THERE BEING NO FURTHER BUSINESS BEFORE  
THE BOARD, THE MEETING WAS ADJOURNED  
AT 10:19 P.M., TO RECONVENE AT A  
REGULAR MEETING OF THE BOARD TO BE  
HELD TUESDAY, JANUARY 29, 2008, AT  
9:00 A.M.

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CURT JOSIASSEN, CHAIR  
BUTTE COUNTY BOARD OF SUPERVISORS

ATTEST:

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

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