

# BUTTE COUNTY BOARD OF SUPERVISORS

## MINUTES

NOVEMBER 4, 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 9:06 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Dolan, Yamaguchi, Kirk, and Chair Josiassen. Also present: C. Brian Haddix, Chief Administrative Officer; Bruce Alpert, County Counsel; and Kathleen Moghannam, Assistant 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.**

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**CONSENT AGENDA**

- 0824-001
1. California Department of Food and Agriculture (CDFA) - approval is requested for a revenue agreement with CDFA to implement the Federal Emergency Order Restricting Interstate Movement of Nursery Stock and conduct emergency response activities as related to detections of Sudden Oak Death in nurseries. The term of agreement is July 1, 2008 though June 30, 2009 with a maximum amount payable to the County of \$38,036.67 -action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Agriculture)
  2. Approval of Minutes - action requested - APPROVE MINUTES OF SEPTEMBER 9, 2008 AND OCTOBER 21, 2008. (Chief Administrative Office)
  3. Resolution of Termination of Local Emergencies - consideration of a resolution to terminate the local emergencies declared on June 11, 2008 and June 22, 2008 as a result of the June 2008 Firestorm and June 2008 Butte Lightning Strike Complex - action requested - ADOPT RESOLUTION 08-146 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
  4. Budget Transfer - approval is requested for a budget transfer of \$15,000 from the Fish and Game Commission fund balance for the purchase of items to be used by Fish and Game Wardens, including binoculars, spotting scopes, and a vehicle mounted scanner - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)

5. Budget Transfer - County Service Area (C.S.A.) 128, Wildflower Estates - approval is requested for a budget transfer of \$800 for repair costs associated with a replacement bladder tank for the fire protection system in C.S.A. 128 - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)
6. Secure Rural Schools Act - On October 3, 2008, the Emergency Economic Stabilization Act (P.L. 110-343) was signed into law. The bill, which provides over \$700 billion to bailout the nation's financial sector, also contains a four-year reauthorization of the Secure Rural Schools (SRS) Act. Funding for SRS will be distributed by the USDA Forest Service for Fiscal Year 2008 in mid-December or early January. Due to changes to requirements, counties must make immediate decisions about the receipt and allocations of the SRS funds at the County level - action requested - APPROVE LETTER TO THE USDA FOREST SERVICE REGARDING THE COUNTY'S DECISIONS FOR ALLOCATIONS AS FOLLOWS: 1) RECEIVE THE COUNTY SHARE OF THE STATE PAYMENT; 2) ESTABLISH A RESOURCES ADVISORY COMMITTEE; AND 3) RESERVE 20% OF PAYMENTS FOR ACTIVITIES UNDER TITLE II AND III OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2008 WITH 13% ALLOCATED FOR TITLE II AND 7% ALLOCATED FOR TITLE III. (Chief Administrative Office)
7. Budget Transfer - approval is requested for a budget transfer in the amount of \$66,970 received from the Department of Insurance through the Automobile Insurance Fraud Program. The funds will be used for the investigation and prosecution of automobile insurance fraud and car theft - action requested -APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)
8. Budget Transfer - approval is requested for a budget transfer in the amount of \$44,974 received from the Department of Insurance through the Workers' Compensation Insurance Fraud Program. The funds will be used for the investigation and prosecution of workers' compensation insurance fraud Program - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (District Attorney)
9. Budget Transfer - approval is requested to accept and appropriate \$337,500 as detailed in the agenda report for the stucco repairs at Southside Oroville Community Center - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (General Services)

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10. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: PROBATION - requests to delete one sunset position of Probation Technician effective October 21, 2008 due to discontinued funding to the department's FOREST Program. This change will leave the allocated positions in budget unit 430-001 reduced by one position from 99 to 98. The position is currently vacant - action requested - ADOPT RESOLUTION 08-147 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)
11. Resolution for Paying and Reporting the Value of Employer Paid Member Contributions (EPIC) - consideration of a resolution for the County to continue to designate its required employee contributions as being "picked up" by the employers and to treat these contributions as employer contributions for tax purposes. The effect of pick up is to defer tax on employee contribution amounts until the member retires and receives benefits or separates from employment and takes a refund of contributions - action requested - ADOPT RESOLUTION 08-148 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)
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12. Fiscal Year 2008 Interoperable Emergency Communications Grant Program (IECGP) - Butte County has been awarded \$20,000 from the Governor's Office of Homeland Security in support of county-wide interoperable communications exercises - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND ADOPT RELATED RESOLUTION 08-149 AND AUTHORIZE THE CHAIR TO SIGN. (Information Systems)
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13. Adoption of Ordinance Amending Chapter 4 of the Butte County Code Relating to Animals - consideration of an ordinance which will amend Chapter 4 of the Butte County Code to address recurring problem related to barking dogs and regarding the humane treatment of cats - action requested - ADOPT ORDINANCE 3992 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 10-21-08 [Item 5.01]) (Public Health)
14. Contract Change Order for the Construction of the Durham-Dayton Highway Bridge across Hamlin Slough; Federal Project No. BHLS-5912(056), County Project No. 44201-02-1 - approval is requested for this change order which provides for increased funding for the placement of 227.82 tons of Class II aggregate base, 125 tons of asphalt concrete, 15 feet of 12" corrugated metal pipe, 14.85 tons of rock slope protection, and 17.5 fee of barbed wire fencing. This contract change order results in an overall increase to the contract of \$59,973.14 - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN. (Public Works)

15. Butte Meadows Hillsliders Snowmobile Club - approval is requested for this agreement to provide funding to groom snowmobile trails and provide roadway snow removal for winter recreation in Butte County. The term of the agreement is November 1, 2008 through June 30, 2011 with a maximum amount payable of \$195,000 (state grant funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE RELATED BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Public Works)
16. Phase 2 of Caltrans Highway 70-Ophir Road Safety Project - The project includes widening Highway 70 and relocating portions of Pacific Heights Road. Caltrans has determined that they need an easement for Pacific Gas and Electric facilities, adjacent to this dedicated right of way. The granting of this easement requires modification of the right of way contract - action requested - APPROVE AMENDED RIGHT OF WAY CONTRACT AND DEED TO THE STATE OF CALIFORNIA SUBJECT TO REVIEW BY COUNTY COUNSEL. (Public Works)
17. Budget Transfer - approval is requested for a budget transfer in the amount of \$4,000 to complete the fabrication and installation of four doors into the passenger section of the prisoner transport vehicle -action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Sheriff-Coroner)
18. Agreements for Mortuary Services - approval is requested for agreements with Paradise Chapel of the Pines, Brusie Funeral Home, Ramsey Funeral Home, and Newton Bracewell for morgue and coroner services. The terms of each agreement are July 1, 2008 through June 30, 2013, each with an annual maximum amount payable of \$75,000 - action requested - APPROVE AGREEMENTS (4) AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)
19. Monthly Investment Report - submitted is the Monthly Investment Report dated September 30, 2008, in accordance with the Statement of Investment Policy dated July 1, 2008 - action requested - ACCEPT FOR INFORMATION. (Treasurer/Tax Collector)
20. Resolution Recognizing November 2008 as National Adoption Month - action requested - ADOPT RESOLUTION 08-150 AND AUTHORIZE THE CHAIR TO SIGN. (Other Departments and Agencies)
21. Private Industry Council - action requested - APPOINT LINDA ZORN TO A TERM TO END JUNE 30, 2011. (Other Departments and Agencies)

SUPERVISOR CONNELLY REQUESTED CONFIRMATION THAT THERE WOULD BE A FUTURE REPORT ON THE ANIMAL CONTROL ORDINANCE THAT WAS SET TO BE ADOPTED ON THE CONSENT AGENDA. C. BRIAN HADDIX, CHIEF ADMINISTRATIVE OFFICER, CONFIRMED THAT A PROGRESS REPORT WOULD BE PRESENTED AT A BOARD MEETING IN JULY 2009.

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA.  
2 M  
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

PRESENTATION OF THE RESOLUTION RECOGNIZING NATIONAL ADOPTION MONTH TO DANIEL KATZ OF THE STATE OF CALIFORNIA DEPARTMENT OF SOCIAL SERVICES. (2:29)

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**REGULAR AGENDA**

0824-002 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 DECEMBER 1, 2008.

SUPERVISOR DOLAN THANKED CHAIR JOSIASSEN FOR HIS REPRESENTATION ON CSAC.

MOTION: I MOVE TO NOMINATE SUPERVISOR CONNELLY AS REPRESENTATIVE AND SUPERVISOR KIRK AS AN ALTERNATE.  
M 2  
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

3. Board Member or Committee Reports.

SUPERVISOR DOLAN REPORTED HER ATTENDANCE AT THE FARM CITY CELEBRATION. SHE REPORTED THAT BUTTE COUNTY'S AGRICULTURE COMMISSIONER, RICHARD PRICE, AND SUSAN DONAHUE, THE FARM, HOME & 4-H ADVISOR WERE BOTH RECOGNIZED FOR THEIR CONTRIBUTION TO THE COUNTY.

SUPERVISOR CONNELLY THANKED THE BOARD MEMBERS FOR HIS APPOINTMENT AS BUTTE COUNTY'S REPRESENTATIVE TO CALIFORNIA STATE ASSOCIATION OF COUNTIES.

0824-003 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

C. BRIAN HADDIX, CHIEF ADMINISTRATIVE OFFICER REPORTED THAT GREG ITURRIA, THE COUNTY'S CHIEF FINANCIAL OFFICER WOULD BE PROVIDING A COMPREHENSIVE REPORT ON THE BUDGET LATER IN THIS MEETING.

0824-004 Update of General Plan 2030 Process by Director-Development Services.

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

0824-005 Update Regarding Upcoming Butte County Code Amendments.

PRESENTATION BY TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES.

0824-006 Continued Rehearing of an Appeal of Denial of Application of Grading Permit for Signalized Intersection West, LLC - GRD 06-01 - On September 23, 2008, the Board of Supervisors held a public hearing to rehear the appeal of the denial of a grading permit application for property located in the Butte Creek Canyon approximately two miles northeast of the Honey-Run Road and Centerville Road intersection (APNs 017-090-138 and 017-090-139). At the hearing, the Board received written evidence, made a motion of intent to deny the appeal, and directed staff to prepare a resolution making findings and specifying the actions taken -action requested - STAFF RECOMMENDS THE BOARD ADOPT A RESOLUTION TO: 1) DENY THE APPEAL; 2) NOT ADOPT THE ENVIRONMENTAL DOCUMENT; 3) DENY THE GRADING PERMIT APPLICATION GRD06-01; 4) DECLARE THE GRADING WHICH HAS ALREADY OCCURRED TO HAVE BEEN DONE IN VIOLATION OF ARTICLE I OF CHAPTER 13 OF THE BUTTE COUNTY CODE AND DECLARE THE GRADING TO BE A PUBLIC NUISANCE; AND 5) ORDER THE APPLICANT TO ABATE THIS NUISANCE AND REMEDIATE THE GRADING WHICH HAS OCCURRED PURSUANT TO PLANS TO BE SUBMITTED TO AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS. (From 9-23-08 [Item 5.02]) (Development Services)

PETE CALARCO, ASSISTANT DIRECTOR OF DEPARTMENT OF DEVELOPMENT SERVICES PROVIDED A REPORT TO THE BOARD. (29:51)

BILL WARREN, WHO REPRESENTS THE APPELLANT, ADDRESSED THE BOARD. (36:00)

GERALDINE BURKETT ADDRESSED THE BOARD.

MOTION: I MOVE TO ADOPT A RESOLUTION TO: 1) DENY THE APPEAL; 2) NOT ADOPT THE ENVIRONMENTAL DOCUMENT; 3) DENY THE GRADING PERMIT APPLICATION GRD06-01; 4) DECLARE THE GRADING WHICH HAS ALREADY OCCURRED TO HAVE BEEN DONE IN VIOLATION OF ARTICLE I OF CHAPTER 13 OF THE BUTTE COUNTY CODE AND DECLARE THE GRADING TO BE A PUBLIC NUISANCE; AND 5) ORDER THE APPLICANT TO ABATE THIS NUISANCE AND REMEDIATE THE GRADING WHICH HAS OCCURRED PURSUANT TO PLANS TO BE SUBMITTED TO AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS.

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

RECESS: 9:50 A.M.  
RECONVENE: 10:04 A.M.

**PUBLIC HEARINGS AND TIMED ITEMS**

0824-007 Public Hearing - Resolution to Vacate a Portion of 6<sup>th</sup> Street and Shasta Avenue in Thermalito - consideration of a resolution to vacate a portion of the public right of way on 6<sup>th</sup> Street and Shasta Avenue - action requested - FIND THAT THE PUBLIC RIGHT OF WAY IS UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC USE; AND ADOPT THE RESOLUTION VACATING THE DESCRIBED PORTION OF 6<sup>TH</sup> AND SHASTA AVENUE RIGHT OF WAY AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

MIKE CRUMP, PUBLIC WORKS DIRECTOR PROVIDED A REPORT.

MOTION: I MOVE TO FIND THAT THE PUBLIC RIGHT OF WAY IS UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC USE; AND ADOPT THE RESOLUTION VACATING THE DESCRIBED PORTION OF 6<sup>TH</sup> AND SHASTA AVENUE RIGHT OF WAY AND AUTHORIZE THE CHAIR TO SIGN.

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

0824-011 Status Report on the Veterans Memorial Park in Oroville - The Feather River Recreation and Park District has expressed interest in developing the Veterans Memorial Park and providing long-term maintenance. To support the District in this effort, staff recommends that the County supply a letter of support to include in a grant application that the District is preparing. In addition, it is proposed that the County prepare a formal agreement with the District to clearly identify partnership responsibilities and also prepare formal agreement with the Veterans Memorial Park Committee to define access issues and responsibilities related to minor work on the property that is needed in the interim - action requested - 1) APPROVE THE ATTACHED LETTER OF SUPPORT FOR INCLUSION WITH THE DISTRICT'S PROPOSITION 84 GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN; 2) DIRECT STAFF TO BEGIN WORKING WITH THE DISTRICT TO DEVELOP A FORMAL AGREEMENT DEFINING THE DISTRICT'S RIGHTS AND RESPONSIBILITIES RELATED TO THE DEVELOPMENT AND MAINTENANCE OF THE PARK; AND 3) DIRECT STAFF TO DEVELOP A FORMAL AGREEMENT WITH THE VETERANS MEMORIAL PARK COMMITTEE FOR THE SHORT TERM CARE OF THE PROPERTY.

REPORT BY RICHARDS HALL, DIRECTOR OF GENERAL SERVICES. (50:44)

STU SHANER AND BOB SHARKEY OF FEATHER RIVER RECREATION AND PARK DISTRICT ADDRESSED THE BOARD.

MOTION: I MOVE TO 1) APPROVE THE ATTACHED LETTER OF SUPPORT FOR INCLUSION WITH THE DISTRICT'S PROPOSITION 84 GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN; 2) DIRECT STAFF TO BEGIN WORKING WITH THE DISTRICT TO DEVELOP A FORMAL AGREEMENT DEFINING THE DISTRICT'S RIGHTS AND RESPONSIBILITIES RELATED TO THE DEVELOPMENT AND MAINTENANCE OF THE PARK; AND 3) DIRECT STAFF TO DEVELOP A FORMAL AGREEMENT WITH THE VETERANS MEMORIAL PARK COMMITTEE FOR THE SHORT TERM CARE OF THE PROPERTY.

M 2

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