

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

APRIL 21, 2009



County Supervisors

Bill Connelly, District 1
Jane Dolan, District 2
Maureen Kirk, District 3
Steve Lambert, District 4
Kim Yamaguchi, District 5

Gregory G. Iturria, Interim Chief
Administrative Officer and
Clerk of the Board

Bruce Alpert, County Counsel

Called to order at 9:03 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Dolan, Kirk, Lambert, Yamaguchi, and Chair Connelly. Also present: Gregory G. Iturria, Interim 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. (None)

CONSENT AGENDA

- 0910-001
1. Resolution Recognizing Ken Reimers Upon His Retirement from Butte County - action requested - ADOPT RESOLUTION 09-058 AND AUTHORIZE THE CHAIR TO SIGN. (Assessor)
 2. Cherokee Restoration Fellowship - amendment - approval is requested for an amendment to the agreement with the Cherokee Restoration Fellowship for long-term residential services for men participating in an alcohol and drug recovery program. The amendment extends the number of alcohol and drug free housing days and increases the maximum amount payable by \$1,931.08 (department budget) - action requested - APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17292)(Behavioral Health)
 3. 7th Avenue Center - amendment - approval is requested for an amendment to the agreement with the 7th Avenue Center which provides beds and services to Behavioral Health clients who are in need of 24-hour skilled nursing services. The amendment decreases the maximum amount payable by \$53,935 - action requested - APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17236)(Behavioral Health)

4. Kindred Healthcare, dba Medical Hill Rehab Center, LLC - amendment - approval is requested for an amendment to the agreement with Kindred Health Care, a skilled nursing facility which serves chronic mentally disordered patients. The amendment decreases the maximum amount payable by \$10,650 - action requested - APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17234)(Behavioral Health)
5. Mental Health Services Act (MHSA) 2009/2010 Plan Update - submitted is the 2009/2010 Community Services and Supports Plan and the Mental Health Services Act Overview and Update which provides a comprehensive update on the MHSA program - action requested - ACCEPT FOR INFORMATION. (Behavioral Health)
6. Resolution Recognizing the Centennial Celebration and Cornerstone Rededication of the Oroville Masonic Lodge 103 - action requested - ADOPT RESOLUTION 09-059 AND AUTHORIZE THE CHAIR TO SIGN. (Supervisor Connelly)(Board of Supervisors)
7. Approval of Minutes - action requested - APPROVE MINUTES OF FEBRUARY 10, 2009 AND MARCH 24, 2009. (Chief Administrative Office)
8. Board Meeting Calendar Amendment - approval is requested to schedule a special Board of Supervisors meeting on Monday, May 18, 2009 at 9:00 a.m. to commence budget hearings on the Butte County Fiscal Year 2009/2010 final budget. Pursuant to Government Code 29081, these hearings can continue for up to ten (10) calendar days if needed - action requested - SET SPECIAL BOARD OF SUPERVISORS MEETING FOR MONDAY, MAY 18, 2009 AT 9:00 A.M. (Chief Administrative Office)
9. Library Funding Request - Due to the current financial situation, library hours have been reduced, and further reductions will be considered during budget hearings. Because the Butte County libraries serve residents of both the unincorporated and incorporated areas of the County, authorization is requested to send a letter to each city/town council requesting that each jurisdiction either continue or begin to provide funding for their local library branch - action requested - AUTHORIZE CHAIR TO SEND LETTER TO EACH CITY AND TOWN COUNCIL. (Chief Administrative Office)

10. Shaw Valenza LLP - amendment - approval is requested for an amendment to the agreement with Shaw Valenza LLP for the provision of attorney services. The amendment extends the term of the agreement through September 11, 2010 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (County Counsel)
11. Northern Valley Catholic Social Services (NVCSS) - amendment - approval is requested for an amendment to the agreement with NVCSS for Cal Learn Program case management services. The amendment increases the maximum amount payable by \$20,000 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16785)(Employment and Social Services)
12. Joe M. Azevedo, Ph.D. - amendment - approval is requested for an amendment to the agreement with Joe M. Azevedo, Ph.D. for the provision of learning disability evaluations for CalWORKs Clients. The amendment increases the maximum amount payable by \$15,000 (department budget)- action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Employment and Social Services)
13. Budget Transfers for Fiscal Year 2008/2009 Maintenance Projects - approval is requested for various budget adjustments to project funding as detailed in the agenda report. The recommended adjustments will transfer funding from projects that are completed or are recommended to be abandoned/postponed to those projects that can reasonably be accomplished and are the highest priority to Facilities Services - action requested - DIRECT THE AUDITOR-CONTROLLER TO MAKE THE BUDGET ADJUSTMENTS TO MAJOR MAINTENANCE ACCOUNTS AT THE DEPARTMENT LEVEL; AND TO MAKE CORRESPONDING ADJUSTMENTS IN THE FACILITIES SERVICES BUDGET AND AT THE PROJECT LEVEL TO BALANCE. (General Services)
14. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: PUBLIC WORKS - requests to transfer one position of Office Specialist, Senior/Office Specialist/Office Assistant from budget unit 440-004 to budget unit 533. This transfer is requested to align the Department's position allocations with current workload demands and will increase the total allocated positions in budget unit 533 from 106.75 to 107.75 and decrease the total allocation in budget unit 440-004 from 6 to 5 - action requested - ADOPT RESOLUTION 09-060 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

15. State of California Department of General Services (DGS) - approval is requested for a lease agreement with DGS. The State leases space from Butte County Communications in the Radio Vault at the Chico Sheriff Sub-station. The term of the agreement is February 1, 2009 through January 31, 2019 with an annual lease payment to Butte County of \$1,200 - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Information Systems)
16. Resolution Authorizing the Public Health Officer to Appoint a Deputy Public Health Officer - consideration of a resolution which authorizes the Public Health Officer to appoint a Deputy Public Health Officer to serve on an interim basis during extended absences, such as vacation - action requested - ADOPT RESOLUTION 09-061 AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
17. Resolution Certifying Annual Changes to Butte County Maintained Mileage - consideration of a resolution approving the changes to the County's maintained mileage. The maintained mileage for 2008 was determined to be 1,302.013 miles - action requested - ADOPT RESOLUTION 09-062 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
18. Award of Bid for Excavation of Module 4, Phase D at the Neal Road Sanitary Landfill, County Project Number 757-5916 - Fifteen (15) bids were received and opened on April 7, 2009 for this project. The lowest responsible and responsive bidder was Independent Construction of Concord, CA in the amount of \$1,021,100. This project is budgeted in current Fiscal Year and will be funded by Certificate of Deposit Proceeds - action requested - AWARD BID TO INDEPENDENT CONSTRUCTION. (Public Works)
19. Forest Products & Excavation - amendment - approval is requested for an amendment to the agreement with Forest Products & Excavation for the provision of debris and snow removal for Butte County. The amendment increases the maximum amount payable by \$20,593 (department budget)-action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X17536)(Public Works)
20. Resolution Recognizing Derek Ralston Upon His Retirement from Butte County - action requested - ADOPT RESOLUTION 09-063 AND AUTHORIZE THE CHAIR TO SIGN. (Sheriff-Coroner)

21. State of California, Department of Water Resources (DWR) - approval is requested for an agreement with DWR for funding for the Thermalito Afterbay Boating Enforcement Program. The term of the proposed agreement is July 1, 2009 through June 30, 2012 with a maximum amount receivable of \$767,686 - action requested - AS REQUESTED BY THE STATE, AUTHORIZE THE PREPARATION OF A MINUTE ORDER. (Sheriff-Coroner)
22. Mar-Ken International - approval is requested for an agreement with Mar-Ken International for the provision of patrol dog training services and courtroom expert testimony as needed. The term of the agreement is March 1, 2009 through February 28, 2012 with a maximum amount payable of \$65,736 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)
23. Drug Enforcement Administration of the United States Department of Justice (DEA) - approval is requested for a grant agreement with the DEA. The funds will be used to investigate the illegal cultivation and trafficking of marijuana. The term of the agreement is January 1, 2009 through December 31, 2009 with a maximum amount receivable of \$45,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE SHERIFF TO SIGN AGREEMENT AND ALL DOCUMENTS RELATED TO THE GRANT. (Sheriff-Coroner)
24. Resolution Authorizing and Approving Tax & Revenue Anticipation Notes (TRAN) for Fiscal Year 2009/2010 - consideration of a resolution that will authorize the Auditor and Treasurer to begin procedures to participate in the California Cash Flow Financing Program for the 2009/2010 issuance of Tax and Revenue Anticipation Notes. The issuance will be for a maximum feasible amount to be determined by the Treasurer and Auditor, not to exceed \$35,000,000 - action requested - ADOPT RESOLUTION 09-064 AND AUTHORIZE THE CHAIR TO SIGN. (Treasurer-Tax Collector)

- 25. Four County Memorandum of Understanding (MOU) - approval is requested for two addendums to the Four County MOU which authorized County of Butte to participate with Glenn, Tehama, and Colusa Counties in the collaborative development of a regional water planning process associated with groundwater related activities. Addendum Two will add Sutter County to the MOU, and Addendum Three is an expression of commitment by all five counties to begin an Integrated Regional Water Management planning process. The Butte County Water Commission voted unanimously to recommend the Board approve the addendums. Approval is also requested for the department to complete the Regional Acceptance Process application to qualify for Proposition 84 - action requested - APPROVE ADDENDUM TWO AND THREE AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE DEPARTMENT TO APPLY FOR FUNDS UNDER PROPOSITION 84 AND AUTHORIZE THE DIRECTOR OF WATER AND RESOURCE CONSERVATION TO COMPLETE ANY ADDITIONAL DOCUMENTS RELATED TO THE APPLICATION. (Water and Resource Conservation)
- 26. Butte County Water Commission - action requested - REAPPOINT D.C JONES AND MARK KIMMELSHUE TO TERMS TO END MARCH 1, 2013. (Other Departments and Agencies)

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

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

0910-002 PRESENTATION OF RESOLUTIONS ADOPTED ON THE CONSENT AGENDA:

- 1. RESOLUTION RECOGNIZING KEN REIMERS UPON HIS RETIREMENT FROM BUTTE COUNTY.
- 2. RESOLUTION RECOGNIZING DEREK RALSTON UPON HIS RETIREMENT FROM BUTTE COUNTY.
- 1. RESOLUTION RECOGNIZING THE CENTENNIAL CELEBRATION AND CORNERSTONE REDEDICATION OF THE OROVILLE MASONIC LODGE 103. THE RESOLUTION WAS PRESENTED TO VIRGLE GAGE.

REGULAR AGENDA

0910-003 Boards, Commissions and Committees.

1. Appointments to Listed Vacancies.

MOTION: I MOVE TO REAPPOINT TOM DONATI AND APPOINT RALPH WILKERSON TO THE BUTTE COUNTY FAIR BOARD. (BOTH TERMS TO END JANUARY 7, 2013)(18:10)

2 M

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

2. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI REPORTED ON AN UPCOMING MEETING OF THE AIR QUALITY MANAGEMENT DISTRICT.

SUPERVISOR KIRK REPORTED HER ATTENDANCE AT A CHICO CITY COUNCIL MEETING. SHE REPORTED THE CITY HAD DISCUSSED THE FEMA LEVEE ISSUES AND POSSIBILITY OF ENTERING INTO A PAL AGREEMENT FOR ALL OF THE LEVEES WITHIN THE INCORPORATED AREAS EVEN WITHOUT DWR SIGNING THE AGREEMENTS. MIKE CRUMP, DIRECTOR OF PUBLIC WORKS PROVIDED SOME ADDITIONAL INFORMATION. (21:05)

SUPERVISOR KIRK REPORTED THAT SHE ATTENDED A WATER WORKSHOP GIVEN BY THE DEPARTMENT OF WATER RESOURCES.

SUPERVISOR KIRK REPORTED ON HER AND SUPERVISOR DOLAN'S ATTENDANCE AT THE LOCAL GOVERNMENT JPFA COMMITTEE MEETING.

SUPERVISOR LAMBERT REPORTED THAT THERE IS A TOWN HALL MEETING IN GRIDLEY ON THURSDAY, APRIL 23, 2009 TO DISCUSS THE FEMA LEVEE ISSUE.

CHAIR CONNELLY REPORTED THAT HE HAS BEEN MEETING WITH THE VETS MEMORIAL GROUP REGARDING THE PROJECT AT THE OROVILLE VET'S MEMORIAL HALL. HE THANKED STAFF FOR THEIR EFFORTS.

RECESS: 10:10 A.M.

RECONVENE: 10:18 A.M.

0910-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICER REPORTED THAT HE AND HIS STAFF HAVE BEEN WORKING WITH THE TREASURER'S AND AUDITOR'S OFFICE PREPARING THE TAX AND REVENUE ANTICIPATION NOTES (TRANS) FOR A CASH-FLOW LOAN BEGINNING JULY 1, 2009. HE REPORTED THAT THE CAO'S OFFICE HAS BEEN WORKING WITH ALL COUNTY DEPARTMENTS TO PREPARE THE PROPOSED BUDGET FOR FISCAL YEAR 2009/2010. HE REPORTED THAT THE STATE OF CALIFORNIA AND ALL COUNTIES WITHIN CALIFORNIA WILL HAVE MORE DIFFICULTY OBTAINING CASH FLOW LOANS THIS YEAR DUE TO THE ECONOMY. THE PROPOSED BUDGET WILL BE PRESENTED TO THE BOARD AT THE MAY 5, 2009 REGULAR BOARD MEETING.

0910-005 Update of General Plan 2030 Process by Director-Development Services.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED AN UPDATED ON GENERAL PLAN 2030. (40:58)

0910-006 Update Regarding Upcoming Butte County Code Amendments.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED AN UPDATED ON CODE AMENDMENTS.

SUPERVISOR DOLAN REQUESTED THAT THE CODE ENFORCEMENT ADVISORY BOARD (CEAB) PROVIDE RECOMMENDATION REGARDING THE DEFINITIONS OF "FENCING MATERIALS." MR. SNELLINGS REPORTED THAT HE WILL REPORT ON RECOMMENDATIONS OF THE CEAB AT A FUTURE BOARD MEETING.

PUBLIC HEARINGS AND TIMED ITEMS

0910-007 Public Hearing - Southgate Acres Subdivisions, County Service Area (CSA) 90, Zones 1 and 2 - On February 24, 2009, the Board adopted Resolution 09-021, setting a protest hearing for increased maximum service charges in CSA 90, Zones 1 and 2 for storm drainage maintenance. Pursuant to Proposition 218, an increase in the maximum service charge is subject to a protest hearing, and if there is not a majority protest, the increase is then subject to a ballot proceeding. Currently in Zone 1, no services are provided, and there are no maximum service charges. Zone 2 has a current maximum per parcel charge of \$83.36 for fire protection services. The proposed maximum service fee for storm drainage maintenance will be \$88.74 per parcel in both Zones, with Zone 1 maximum service charge of \$88.74 and Zone 2 maximum service charge of \$172.10 (\$83.36 + \$88.74) - action requested -

- 1) IF THERE IS NOT A MAJORITY PROTEST IN EITHER ZONE, ADOPT RESOLUTION 09-065 SETTING A BALLOT PROCEEDING FOR JUNE 9, 2009 AT 9:45 AND AUTHORIZE THE CHAIR TO SIGN; OR
- 2) IF THERE IS A MAJORITY PROTEST IN EITHER ZONE, FIND THAT THE SERVICE CHARGES CANNOT BE ESTABLISHED FOR STORM DRAINAGE MAINTENANCE, AND THE SERVICE WILL NOT BE PROVIDED. (Public Works)

STUART EDELL, DEPUTY DIRECTOR FROM PUBLIC WORKS PROVIDED A REPORT TO THE BOARD.

PUBLIC HEARING OPENED: 10:52 A.M.
 PUBLIC HEARING CLOSED: 10:52 A.M.

MOTION: I MOVE TO ADOPT RESOLUTION SETTING A BALLOT PROCEEDING FOR JUNE 9, 2009 AT 9:45 AND AUTHORIZE THE CHAIR TO SIGN.
 M 2
 VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

REGULAR AGENDA

0910-008 Agreement for Jail Service with United States Marshals Service - The US Marshals Service is in need of housing for federal inmates in Northern California. The Sheriff's Office has analyzed the option of housing the inmates and has found it is a viable option under the current jail operations. Approval is requested for an agreement with the US Marshals Office to house federal inmates at a daily rate of \$77.17 per inmate. The term of the agreement is for a three-year period through April 30, 2012. The US Marshals Service will reimburse the County monthly for housing services - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Sheriff-Coroner)

SHERIFF PERRY RENNIFER PROVIDED A REPORT TO THE BOARD. (51:05)

MOTION: I MOVE TO APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
 2 M
 VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

RECESS: 10:10 A.M.
RECONVENE: 10:18 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0910-009 Public Hearing - Use of Justice Assistance Grant (JAG) for Fiscal Year (FY) 2009/2010 - The District Attorney's Office has been allocated \$96,041 in JAG block grant funds for FY 2009/2010. The grant application must be filed by May 18, 2009 in order for funds to be awarded. The County justice agencies have met and selected to sponsor the Butte County Adult Drug Court/Substance Abuse Treatment Program. No local match is required - action requested - AUTHORIZE APPLICATION FOR JAG FUNDS FOR THE SPONSORED PROGRAM. (District Attorney)(1:09:33)

MIKE RAMSEY, DISTRICT ATTORNEY PROVIDED A REPORT TO THE BOARD.

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

MOTION: I MOVE TO AUTHORIZE APPLICATION FOR JAG FUNDS FOR THE SPONSORED PROGRAM.

M 2

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

0910-010 Public Hearing - Book Farm Road - Reconstruction of Highway 99 created a new frontage road that requires a road name. The County requested that the property owners served by the road submit road name preferences. Four of the five property owners who responded recommended the name Book Farm Road. One property owner requested three alternate names, each of which duplicated existing roads within Butte County. The road name coordinator recommends the name Book Farm Road be approved - action requested - APPROVE ROAD NAME OF BOOK FARM ROAD. (Public Works)(From 4-7-09 [Item 3.16])

STUART EDELL, DEPUTY DIRECTOR OF PUBLIC WORKS PROVIDED A REPORT TO THE BOARD.

PUBLIC HEARING OPENED: 10:25 A.M.
PUBLIC HEARING CLOSED: CONTINUED OPEN UNTIL JUNE 9, 2009 AT
9:55 A.M.

MOTION: I MOVE TO CONTINUE THE HEARING OPEN THROUGH JUNE 9, 2009 AT 9:55
A.M.

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

0910-011 Public Hearing - Appeal of Planning Commission's Denial Without
Prejudice of Legal Lot Determinations (DET) 06-24 and 06-25
(Estate of Cecil Johnson) - consideration of an appeal of two (2)
Legal Lot Determination applications. The properties are located
on the east and west sides of Morgan Ridge Road, near Circle Lane,
south of Paradise - action requested - DENY THE APPEAL AND UPHOLD
THE PLANNING COMMISSION'S DENIAL WITHOUT PREJUDICE; AND UNDER TWO
NEW APPLICATIONS, ALLOW THE APPLICANT TO PROVIDE THE NECESSARY
DOCUMENTATION FOR COMPLETE APPLICATIONS AND TO PAY ONLY ONE
APPLICATION FEE AS A DEPOSIT TO COMPLETE THE PROCESSING OF BOTH
APPLICATIONS. (Development Services)

STEVE TROESTER, PRINCIPAL PLANNER PROVIDED A REPORT TO THE BOARD.

PUBLIC HEARING OPENED: 10:31 A.M.
PUBLIC HEARING CLOSED: 10:33 A.M.

JESSICA MILLER, AN ATTORNEY REPRESENTING THE APPLICANT ADDRESSED
THE BOARD.

MOTION: I MOVE TO DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S
DENIAL WITHOUT PREJUDICE; AND UNDER TWO NEW APPLICATIONS, ALLOW
THE APPLICANT TO PROVIDE THE NECESSARY DOCUMENTATION FOR COMPLETE
APPLICATIONS AND TO PAY ONLY ONE APPLICATION FEE AS A DEPOSIT TO
COMPLETE THE PROCESSING OF BOTH APPLICATIONS. (Resolution 09-066)

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

0910-012 Public Hearing - Appeal of One Condition of the Planning Commission's Decision Related to Tentative Parcel Map (TPM) 07-0008 (Burge) - consideration of an appeal regarding Planning Commission's condition #9 requiring the improvement of access roads to the parcel being divided to RS-8 LD-1 County Improvement Standard. The access roads are: Fire Camp Road, Sandra Lane, and Shirley Lane. The subject property is located at 87 Shirley Lane, Oroville, CA - action requested - ADOPT RESOLUTION 09-067 DENYING THE APPEAL OF CONDITION #9 AND UPHOLDING THE PLANNING COMMISSION'S ACTION REQUIRING THE IMPROVEMENTS OF ACCESS ROADS, FIRE CAMP ROAD, SANDRA LANE, AND SHIRLEY LANE. (Development Services)

CHRIS TOLLEY, ASSISTANT PLANNER PROVIDED A REPORT TO THE BOARD.

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: HENRY BAILEY, CASEY HENDRICKS, AND GLEN BURGE (1:44:42)

PUBLIC HEARING OPENED: 10:40 A.M.
 PUBLIC HEARING CLOSED: 11:09 A.M.

STUART EDELL, DEPUTY DIRECTOR OF PUBLIC WORKS ANSWERED QUESTIONS FROM THE BOARD. (1:58:09)

MOTION: I MOVE TO ADOPT A MOTION OF INTENT GRANTING THE APPEAL WITH THE FOLLOWING FINDINGS: DUE TO THE TOPOGRAPHY OF THE AREA, ALLOW THE OWNER TO RESOLVE THE MITIGATION REQUIRED IN CONDITION 9 BY ALLOWING TURNOUTS WHERE THE ROAD NARROWS AND A TURNAROUND AT THE END OF ROAD TO ENSURE THAT FIRE TRUCK CAN TURN AROUND. (2:04:09)

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

RECESS: 11:16 A.M.
 RECONVENE: 11:25 A.M.

REGULAR AGENDA

0910-013 Recruitment for Assessor - As directed by the Board on March 24, 2009, the department is submitting several recruitment strategies, including advertising in local businesses, statewide Assessor and Human Resources offices, various websites, and local newspapers. The department recommends the recruitment period run from May 1, 2009 through June 10, 2009 with interviews to be held in a special meeting to be designated by the Board of Supervisors - action requested - APPROVE THE PROPOSED RECRUITMENT AND SELECTION STRATEGY, AMENDING AS NEEDED; AND PROVIDE DIRECTION TO STAFF TO BEGIN THE PROCESS. (Human Resources)

LAURA BRUNSON, DIRECTOR OF HUMAN RESOURCES PROVIDED A REPORT TO THE BOARD.

KEN REIMERS AND BLAKE BAILEY ADDRESSED THE BOARD.

MOTION: I MOVE TO APPROVE THE PROPOSED RECRUITMENT AND SELECTION STRATEGY AND PROVIDE DIRECTION TO STAFF TO BEGIN THE PROCESS.

2 M

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

0910-014 Report Regarding Human Services in a Time of Economic Crisis - The Director of the Department of Employment and Social Services will present a joint report developed by the California State Association of Counties and the County Welfare Directors Association of California. The report was commissioned to increase public awareness of and legislative support for the resources counties need to administer state-mandated programs and meet the needs of communities - action requested - ACCEPT FOR INFORMATION. (Employment and Social Services)

CATHI GRAMS, DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES PROVIDED A REPORT TO THE BOARD. (2:42:00)

0910-015 Camp Creek Road Bridge Replacement - The Camp Creek Road Bridge was destroyed during the June 2008 Lightning Fire Storm. This bridge only provides access to US Forest Service Lands and a PG&E high voltage transmission line. Staff is recommending not to replace the bridge and requests to return to the Board in a year or less with one of the following options: 1) an agreement between the County and PG&E allowing PG&E to replace the bridge at their sole cost, and upon completion and approval, the County would accept the bridge into the maintained bridge system; or 2) an agenda item initiating the abandonment of that portion of Camp Creek Road between the old bridge site and the Butte/Plumas County line - action requested - MAKE DETERMINATION NOT TO REPLACE THE CAMP CREEK ROAD BRIDGE; AND PROVIDE DIRECTION TO STAFF REGARDING FUTURE ACTIONS RELATING TO THE BRIDGE. (Public Works)

MIKE CRUMP, DIRECTOR OF PUBLIC WORKS PROVIDED A REPORT TO THE BOARD.

MOTION: I MOVE TO DIRECT STAFF TO RETURN TO THE BOARD IN A YEAR OR LESS WITH: 1) AN AGREEMENT BETWEEN THE COUNTY AND PG&E ALLOWING PG&E TO REPLACE THE BRIDGE AT THEIR SOLE COST, AND UPON COMPLETION AND APPROVAL, THE COUNTY WOULD ACCEPT THE BRIDGE INTO THE MAINTAINED BRIDGE SYSTEM; AND/OR 2) AN AGENDA ITEM INITIATING THE ABANDONMENT OF THAT PORTION OF CAMP CREEK ROAD BETWEEN THE OLD BRIDGE SITE AND THE BUTTE/PLUMAS COUNTY LINE(2:51:00).

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

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

CLOSED SESSION

0910-016 **THE BOARD RECESSED AT 12:15 P.M. TO CLOSED SESSION REGARDING:**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SECTION 54956.8:

PROPERTY: APN 022-320-002
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: CITY OF BIGGS
NEGOTIATIONS: TERMS OF SALE

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: BILL AVERY/LAURA BRUNSON
EMPLOYEE ORGANIZATION: BCEA, BCMEA, CWA, DSA - MANAGEMENT/SUPERVISORY UNIT, DSA - GENERAL UNIT, BCCOA - SUPERVISORY UNIT, BCCOA - GENERAL UNIT, PPOA, AND PEA.

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

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION(NIGC); CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA.

THE BOARD RECONVENED AT 1:37 P.M. TO CLOSED SESSION REGARDING:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOV. CODE SECTION 54956.8:

PROPERTY: APN 022-320-002
AGENCY NEGOTIATOR: GRANT HUNSICKER
NEGOTIATING PARTY: CITY OF BIGGS
NEGOTIATIONS: TERMS OF SALE

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: BILL AVERY/LAURA BRUNSON
EMPLOYEE ORGANIZATION: BCEA, BCMEA, CWA, DSA -
MANAGEMENT/SUPERVISORY UNIT, DSA -
GENERAL UNIT, BCCOA - SUPERVISORY
UNIT, BCCOA - GENERAL UNIT, PPOA, AND
PEA.

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

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION(NIGC); CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA. (No Announcements)

0910-017 Review of Revised Butte County Mining Ordinance, Butte County Code Chapter 13, Article II, Surface Mining and Reclamation - direction is requested regarding policy questions and the proposed amended mining ordinance - action requested -

- 1) PROVIDE DIRECTION REGARDING THE POLICY QUESTIONS IDENTIFIED IN THE AGENDA REPORT; AND
- 2) REVIEW PROPOSED AMENDED MINING ORDINANCE, AMENDING AS NEEDED; AND
- 3) DIRECT STAFF TO RE-CIRCULATE THE PROPOSED ORDINANCE WITH BOARD DIRECTED AMENDMENTS TO THE DEPARTMENT OF CONSERVATION, THE SURFACE MINING AGGREGATE OPERATIONS COMMITTEE, THE PLANNING COMMISSION, BUTTE COUNTY'S MINE OPERATORS, AND OTHER INTERESTED PARTIES; AND
- 4) DIRECT STAFF TO BRING FINAL VERSION OF ORDINANCE BACK FOR ADOPTION. (Development Services)

PRESENTATION BY PETE CALARCO, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES AND CHRIS THOMAS, ASSOCIATE PLANNER

MARK HARRISON ADDRESSED THE BOARD.

MOTION: I MOVE TO AMEND THIS PROPOSED ORDINANCE ADDING THE OPTION OF MINING APPLICATIONS ALSO GOING TO THE SURFACE MINING AGGREGATE OPERATIONS COMMITTEE AND REFER THE PROPOSED ORDINANCE TO DEPARTMENT OF CONSERVATION, THE SURFACE MINING AGGREGATE OPERATIONS COMMITTEE, THE PLANNING COMMISSION, BUTTE COUNTY'S MINE OPERATORS, AND OTHER INTERESTED PARTIES. DIRECT MINE OPERATORS TO MEET WITH ANY COUNTY STAFF NEEDED AND TO RETURN THE FINAL VERSION OF THE ORDINANCE FOR ADOPTION. (4:24:35)

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

PUBLIC COMMENT (NONE)

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

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 2:27 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, MAY 5, 2009 AT 9:00 A.M.

BILL CONNELLY, CHAIR
BUTTE COUNTY BOARD OF SUPERVISORS

ATTEST:

Gregory G. Iturria, Interim Chief Administrative
Officer and Clerk of the Board

By: _____