

# BUTTE COUNTY BOARD OF SUPERVISORS

## MINUTES

MAY 5, 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 9:02 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)

0911-001 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

1. Resolution Amending Resolution 08-131 and Rescinding the approval of the Mitigated Negative Declaration for the Tuscan Aquifer Monitoring, Recharge and Data Project - consideration of a resolution which will rescind the approval of the Mitigated Negative Declaration for the Tuscan Aquifer Monitoring, Recharge and Data project approved by the Board on September 23, 2008 due to the stop-work order issued by the State for bond-funded projects. Prior to commencing any work associated with the project, the County will be required to prepare a new environmental document - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)

JIM BROBECK REQUESTED THIS ITEM BE REMOVED FROM CONSENT FOR DISCUSSION ON THE REGULAR AGENDA.

2. Comment Letter to the Department of Water Resources (DWR) on the Bay-Delta Conservation Plan (BDCP) Scoping Document - approval is requested to submit a comment letter on the joint Environmental Impact Report and Environmental Impact Statement for the BDCP - action requested - APPROVE COMMENT LETTER AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)

SUPERVISOR YAMAGUCHI REQUESTED THIS ITEM BE REMOVED FROM CONSENT FOR DISCUSSION ON THE REGULAR AGENDA.

CONSENT AGENDA

- 0911-002
1. Megabyte Systems, Inc. - approval is requested for a sole source agreement and addenda with Megabyte Systems, Inc. which provides the software package for the tax cycle departments. The term of the agreement is July 1, 2009 through June 30, 2010 at a monthly fixed rate of \$9,456.24 - action requested - APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Assessor)
  2. Resolution Recognizing May 2009 as Mental Health Month and May 7, 2009 as Butte County Children's Mental Health Day - action requested - ADOPT RESOLUTION 09-067 AND AUTHORIZE THE CHAIR TO SIGN. (Behavioral Health)
  3. Willow Glen Care Center - amendment - approval is requested for an amendment to the sole source agreement with Willow Glen Care Center which provides residential board and care for Behavioral Health clients. The amendment adds an additional program site, the Willow Glen - Trinity Pines home in Paradise, and increases the maximum amount payable by \$25,620 (department budget utilizing realignment funds)- action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
  4. Bangor Cemetery District - action requested - APPOINT KATHLEEN ARNOLDSSEN TO A TERM TO END JANUARY 1, 2013. (Supervisor Connelly)(Board of Supervisors)
  5. Approval of Minutes - action requested - APPROVE MINUTES OF APRIL 7, 2009. (Chief Administrative Office)
  6. Design, Community, & Environment (DC&E) - amendment - approval is requested for an amendment with DC&E, the consultant for General Plan 2030. The amendment incorporates changes to the scope of work as detailed in the agenda report and extends the term of the agreement through December 31, 2010. There is no additional net cost to the County as a result of this amendment - action requested - APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X16261)(Development Services)

7. Violence Against Women Vertical Prosecution Program (VV) - approval is requested to ratify the submittal of an application to the California Emergency Management Agency's (CalEMA) Law Enforcement and Victim Services Division to receive funding for the VV program. The initial application is on a competitive basis and funding is based on population of the proposed service area. The funding for the program is a three-year cycle beginning July 1, 2009 with a funding amount of of \$200,000 in the first year with a required in-kind match of \$66,667 (department budget) - action requested - RATIFY THE SUBMITTAL OF THE APPLICATION AND AUTHORIZE THE DISTRICT ATTORNEY TO SIGN ANY SUBSEQUENT DOCUMENTS RELATED TO THE GRANT. (District Attorney)
8. Addus Healthcare, Inc. - approval is requested for an agreement with Addus Healthcare, Inc. for the provision of Contract Mode In-Home Supportive Services (IHSS). The IHSS Advisory Committee recommends approval of this agreement. The term of the agreement is July 1, 2009 through June 30, 2011 with a maximum amount payable of \$2,564,520 - action requested - APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Employment and Social Services)
9. Private Industry Council (PIC) of Butte County - amendment - approval is requested for an amendment to the agreement with PIC for the provision of Assessment Testing; Work Experience Site Development and Enhancement Services; and supportive services for CalWORKS Welfare-to-Work participants. The amendment extends the term of the agreement through June 30, 2009 and increases the maximum amount payable by \$400,000 - action requested - APPROVE THE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Employment and Social Services)
10. Resolution to Amend the Salary Ordinance - the department has prepared a resolution that includes certain actions approved by the Board on March 24, 2009. The resolution will amend the salary ordinance as follows:

ASSESSOR - requests to delete one (1) position of Assessment Clerk, Senior/Assessment Clerk. This change will decrease the total allocated positions in the department from 39 to 38.

HUMAN RESOURCES - requests to delete one position of Administrative Assistant/Office Specialist, Senior/Office Specialist/Office Assistant. This change will decrease the total allocated positions in the department from 20 to 19.

LIBRARY - requests to reduce one position of Library Assistant from 100% Full-Time Equivalent (FTE) to 50% FTE effective July 1, 2009. In addition, the department requests to delete one position of Library Assistant effective July 1, 2009. The department also requests to delete one position of Librarian and four 50% FTE positions of Library Assistant. These changes will decrease the total allocation in the department from 31.75 to 28.75. Effective July 1, 2009 the total allocations in the department will decrease from 28.75 to 27.25.

GENERAL SERVICES - requests to delete three positions of Janitor and two positions of Building Crafts Worker, Senior/Building Crafts Worker. These changes will decrease the total allocated positions in the department from 58 to 53.

CHIEF ADMINISTRATIVE OFFICE - requests to delete one position of Administrative Services Officer and one position of Assistant Chief Administrative Officer. These changes will decrease the total allocated positions in the department from 29 to 27.

PUBLIC WORKS - requests to delete two positions of Engineering Technician, Senior/Engineering Technician, Associate/Engineering Technician, Assistant/Engineering Aide and one position of Office Specialist, Senior/Office Specialist/Office Assistant. These changes will decrease the total allocated positions in the department from 137.75 to 134.75.

FARM, HOME, AND 4H - requests to delete one position of Office Specialist, Senior/Office Specialist/Office Assistant. This change will decrease the total allocated positions in the department from 3 to 2.

DEVELOPMENT SERVICES - requests to delete the following: two positions of Building Inspector, Senior/Building Inspector; one position of Permit Technician/Permit Assistant; and two positions of Planner, Senior/Planner, Assistant/Planner, Associate. These changes will decrease the total allocated positions in the department from 29.8 to 24.8.

DISTRICT ATTORNEY - requests to delete the following: one position of District Attorney Victim Counselor; one position of Bad Check Program Coordinator; one position of Investigator II/I; and one position of Investigator II/I. These changes will decrease the total allocated positions in the department from 86.5 to 82.5.

SHERIFF-CORONER - requests to delete one position of Sheriff's Clerk III/II/I. This change will decrease the total allocated positions in the department from 278 to 277.

PROBATION - requests to delete the following: three positions of Probation Officer III/II/I; one position of Supervising Probation Officer; and one position of Office Specialist, Senior/Office Specialist/Office Assistant. These changes will decrease the total allocated positions in the department from 99 to 94.

PUBLIC HEALTH - requests to delete one position of Deputy Director, Environmental Health and one position of Public Health Laboratory Technician. These changes will decrease the total allocated positions in the department from 162.05 to 160.05.

EMPLOYMENT AND SOCIAL SERVICES - requests to delete one position of Paralegal. This change will decrease the total allocated positions in the department from 534 to 533.

INFORMATION SYSTEMS - requests to delete the following: one position of GIS Technician; one position of Information Systems Technician, Senior/Information Systems Technician/Information Systems Technician, Associate; and one position of Telecommunications Technician. These changes will decrease the total allocated positions from 27 to 24.

BEHAVIORAL HEALTH - Due to the approval of the Proposition 36 Capital Facilities and Information Technology (CAP/IT) plan and funding, the department requests to add one position of Information Systems Technician/Information Systems Technician, Associate. This change will increase the total allocated positions in the department from 301.25 to 302.25 - action requested - ADOPT RESOLUTION 09-068 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

11. Employer Pick Up Resolution Pre-tax Payroll Deduction Plan for Service Credit Purchases - In 1997, the Board adopted Resolution 97-66 which allows employees to take advantage of Internal Revenue Code Section 414(h)(2) to choose a pre-tax payroll deduction for service credit purchases with CalPERS. The proposed resolution is needed because the coverage groups have expanded and the identification numbers of coverage groups have changed - action requested - ADOPT RESOLUTION 09-069 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

12. Federal Apportionment Exchange Program and State Match Program - approval is requested for the Fiscal Year 2009/2010 Federal Apportionment Exchange Program and State Match Program Agreement with the California Department of Transportation. The agreement will allow the Department of Transportation to exchange Regional Surface Transportation Program funds for non-federal funds. In addition to the exchange of funds, State matching funds are allocated from the State Highway Account to the Public Works Department - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT RELATED RESOLUTION 09-070 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
13. California Department of Transportation (Caltrans) Disadvantaged Business Enterprise (DBE) Implementation Agreement - as a condition of receipt of federal funding for transportation projects, the County must adopt a DBE program in compliance with Title 49 CFR, Part 26. Under this program, sub-recipients must immediately adopt Exhibit 9-A as shown in the agenda report - action requested - ADOPT RESOLUTION 09-071 APPROVING AND ADOPTING EXHIBIT 9-A AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE DIRECTOR OF PUBLIC WORKS TO EXECUTE SUCH ADOPTION IN ORDER TO FACILITATE SUBMISSION TO CALTRANS FOR APPROVAL ON BEHALF OF BUTTE COUNTY. (Public Works)
14. Resolution Approving and Authorizing Execution of Administering Agency - State Agreement for State-Funded Projects Master Agreement No. 03-00248S - approval is requested for this Master Agreement with Caltrans to incorporate and conform to recent changes in State statutes, regulations, and policies, including Caltrans Local Assistance procedures and requirements relating to State-funded programs - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT RELATED RESOLUTION 09-072 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
15. Resolution Authorizing the Director of Public Works to Execute Program Supplements to Administering Agency - State Agreement for State-Funded Projects Master Agreement No. 03-00248S - consideration of a resolution required in order to process the Program Supplements as required by recent regulations set by Caltrans to deobligate lapsed programmed funds and make the funds eligible to new projects - action requested - ADOPT RESOLUTION 09-073 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
16. Resolution Recognizing May 15, 2009 as Peace Officers' Memorial Day and the Week of May 10-16, 2009 as Police Week - action requested - ADOPT RESOLUTION 09-074 AND AUTHORIZE THE CHAIR TO SIGN. (Sheriff-Coroner)

17. Monthly Investment Report - submitted is the Monthly Investment Report dated March 31, 2009, in accordance with the Statement of Investment Policy dated July 1, 2008 - action requested - ACCEPT FOR INFORMATION. (Treasurer-Tax Collector)
18. Annual Statement of Investment Policy - pursuant to Government Code Sections 27133 and 53601, approval is requested for the Annual Statement of Investment Policy which sets forth policies regarding the investment of surplus funds and funds under the custodianship of the Treasurer. The policy has been reviewed by the Butte County Treasury Oversight Committee and will become effective July 1, 2009 - action requested - APPROVE ANNUAL STATEMENT OF INVESTMENT POLICY. (Treasurer-Tax Collector)
19. Introduction of an Ordinance Amending Butte County Code Section 2-166 Delegating Investment Authority to the Butte County Treasurer-Tax Collector - pursuant to Government Code Section 53607, approval is requested for an ordinance which will delegate investment authority to the Treasurer-Tax Collector for Fiscal Year 2009/2010. This ordinance will replace No. 3985 which expires June 30, 2009 - action requested - WAIVE READING OF THE ORDINANCE. (Treasurer-Tax Collector)
20. 2009 Butte County Basin Management Objectives (BMOs)- Chapter 33A of the Butte County Code calls for the establishment of a monitoring network and BMOs to define acceptable groundwater elevations, groundwater quality, and land subsidence. Both the Water Advisory Committee and Butte County Water Commission recommend the approval of the countywide management plan as represented in the 2009 BMOs - action requested - APPROVE THE 2009 BUTTE COUNTY BASIN MANAGEMENT OBJECTIVES. (RESOLUTION NO. 09-075) (Water and Resource Conservation)
21. Resolution Recognizing Silver Star Families of America and Recognizing May 1, 2009 as Silver Star Banner Day -action requested - ADOPT RESOLUTION 09-076 AND AUTHORIZE THE CHAIR TO SIGN. (Other Departments and Agencies)
22. Resolution Recognizing the Child Abuse Prevention Council of Butte County and Child Abuse Prevention Month - action requested - ADOPT RESOLUTION 09-077 AND AUTHORIZE THE CHAIR TO SIGN. (Other Departments and Agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEMS 3.21 AND 3.22 WHICH WERE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

2 M

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

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**PRESENTATION OF RESOLUTIONS ADOPTED ON THE CONSENT AGENDA**

- 0911-003
1. RESOLUTION RECOGNIZING MAY 2009 AS MENTAL HEALTH MONTH AND MAY 7, 2009 AS BUTTE COUNTY CHILDREN'S MENTAL HEALTH DAY. ED WALKER, INTERIM DIRECTOR OF BEHAVIORAL HEALTH ACCEPTED THE RESOLUTION.
  2. RESOLUTION RECOGNIZING MAY 15, 2009 AS PEACE OFFICERS' MEMORIAL DAY AND THE WEEK OF MAY 10-16, 2009 AS POLICE WEEK. BUTTE COUNTY SHERIFF PERRY RENIFF ACCEPTED THE RESOLUTION.
  3. RESOLUTION RECOGNIZING SILVER STAR FAMILIES OF AMERICA AND RECOGNIZING MAY 1, 2009 AS SILVER STAR BANNER DAY.
  4. RESOLUTION RECOGNIZING THE CHILD ABUSE PREVENTION COUNCIL OF BUTTE COUNTY AND CHILD ABUSE PREVENTION MONTH. MARGIE RUEGGER FROM THE CHILD ABUSE PREVENTION COUNCIL ACCEPTED THE RESOLUTION.
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**REGULAR AGENDA**

0911-004 Boards, Commissions and Committees.

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

SUPERVISOR DOLAN REPORTED THAT NORTEC RESPONDED TO THE BOARD'S REQUEST TO MOVE THEIR QUARTERLY MEETING TO A DAY OTHER THAN THE FOURTH WEDNESDAY OF EACH MONTH. NORTEC RESPONDED THAT THEIR MEETINGS COULD NOT BE MOVED DUE TO THE NUMBER OF COUNTIES THAT PARTICIPATE AND THE DISTANCE THAT MANY MEMBERS HAVE TO TRAVEL. SUPERVISOR DOLAN REQUESTED TO BE REMOVED FROM THAT COMMITTEE. NO CHANGE WAS MADE. THE CHIEF ADMINISTRATIVE OFFICER CONFIRMED THAT A STAFF MEMBER WILL ATTEND THE MEETINGS ON BEHALF OF BUTTE COUNTY AND THE CHAIR AND VICE CHAIR WILL MEET WITH THE PRIVATE SECTOR INDIVIDUALS FROM BUTTE COUNTY WHO REGULARLY ATTEND THE QUARTERLY MEETINGS.

SUPERVISOR DOLAN REPORTED THAT SHE AND SUPERVISOR KIRK ATTENDED A CHICO CITY COUNCIL FOR THE DISCUSSION ON THE CITY'S GENERAL PLAN.

SUPERVISOR LAMBERT REPORTED HIS ATTENDANCE AT THE BIGGS-GRIDLEY HOSPITAL AGENCY.

SUPERVISOR YAMAGUCHI REPORTED HIS ATTENDANCE AT THE BEHAVIORAL HEALTH BOARD MEETING.

SUPERVISOR YAMAGUCHI REPORTED HIS ATTENDANCE AT A HEARING IN SACRAMENTO REGARDING ASSEMBLY BILL (AB) 1253, WHICH WOULD, IF APPROVED, DEREGULATE THE STRIPED BASS AS A CALIFORNIA GAME FISH. (24:17)

SUPERVISOR CONNELLY REPORTED THAT CONGRESSMAN MCCLINTOCK HELD A MEETING IN THE BOARD OF SUPERVISORS CHAMBERS ON FRIDAY, MAY 1, 2009 TO DISCUSS COUNTY ISSUES INCLUDING THE FERC RELICENSING AND THE FEMA MAP MODERNIZATION.

0911-005 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICER REPORTED THAT THE 2<sup>ND</sup> INSTALLMENT OF PROPERTY TAXES HAVE BEEN COMING IN TO THE COUNTY. HE ALSO REPORTED THE BUDGET HEARINGS FOR THE 2009/2010 PROPOSED BUDGET WILL BEGIN ON MONDAY, MAY 18 AT 9:00 A.M. IN THE BOARD CHAMBERS. MR. ITURRIA ALSO REPORTED THAT ASSEMBLY BILL 155 IS CURRENTLY IN THE ASSEMBLY APPROPRIATIONS COMMITTEE. IF PASSED, AB 155 WOULD REQUIRE LOCAL AGENCIES TO SEEK APPROVAL FROM THE CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMITTEE PRIOR TO SEEKING BANKRUPTCY IN FEDERAL COURT. HE REPORTED THAT STAFF WAS PREPARING A LETTER OPPOSING THE BILL FOR THE CHAIR TO SIGN.

0911-006 Update of General Plan 2030 Process by Director-Development Services.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED AN UPDATE TO THE BOARD. (31:08) HE REPORTED THAT THE BOARD OF SUPERVISORS AND PLANNING COMMISSION WILL HOLD A JOINT STUDY SESSION ON MAY 29, 2009 AT THE SOUTHSIDE COMMUNITY CENTER TO DISCUSS THE HOUSING ELEMENT OF GENERAL PLAN 2030.

THE BOARD DIRECTED THAT DEVELOPMENT SERVICES BRING FORWARD AN ITEM ON THE MAY 19, 2009 BOARD OF SUPERVISORS MEETING REGARDING THE TRANSMISSION AGENCY OF CALIFORNIA.

0911-007 County of Butte Fiscal Year 2009/2010 Proposed Budget - submission of the fiscal year 2009/2010 Proposed Budget - action requested - ACCEPT PROPOSED BUDGET FOR FISCAL YEAR 2009/2010 AS THE AUTHORITY FOR EXPENDITURES DURING PREPARATION OF THE FINAL BUDGET FOR FISCAL YEAR 2009/2010, AND AS THE BASIS FOR FINAL BUDGET HEARINGS; AND SET THE PUBLIC HEARING FOR CONSIDERATION OF THE FINAL BUDGET FOR MONDAY, MAY 18, 2009 AT 9:00 A.M.; AND DIRECT THE CLERK OF THE BOARD TO PUBLISH NOTICE OF THE HEARING PURSUANT TO GOVERNMENT CODE SECTION 29066. (Chief Administrative Office)

GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT TO THE BOARD.

MOTION: I MOVE TO ACCEPT PROPOSED BUDGET FOR FISCAL YEAR 2009/2010 AS THE AUTHORITY FOR EXPENDITURES DURING PREPARATION OF THE FINAL BUDGET FOR FISCAL YEAR 2009/2010, AND AS THE BASIS FOR FINAL BUDGET HEARINGS; AND SET THE PUBLIC HEARING FOR CONSIDERATION OF THE FINAL BUDGET FOR MONDAY, MAY 18, 2009 AT 9:00 A.M.; AND DIRECT THE CLERK OF THE BOARD TO PUBLISH NOTICE OF THE HEARING PURSUANT TO GOVERNMENT CODE SECTION 29066.

2 M

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

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**PUBLIC HEARINGS AND TIMED ITEMS**

0911-008 Public Hearing - General Plan Amendment (GPA) 08-0001 - Land Use Element Text Amendment - consideration of a text amendment which will delete the 6,500 square foot lot reference from the Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR) land use classifications and will replace the term Planned Area Cluster (PA-C) with Planned Unit Development (PUD) - action requested - ADOPT RESOLUTION 09-078 ADOPTING A NEGATIVE DECLARATION WITH FINDINGS AND APPROVING GPA 08-0001 AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

PRESENTATION BY PETE CALARCO, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES.

MICHAEL EVANS ADDRESSED THE BOARD.

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PUBLIC HEARING OPENED: 9:47 A.M.  
PUBLIC HEARING CLOSED: 9:48 A.M.

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MOTION: I MOVE TO ADOPT RESOLUTION ADOPTING A NEGATIVE DECLARATION WITH FINDINGS AND APPROVING GPA 08-0001 AND AUTHORIZE THE CHAIR TO SIGN.

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

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RECESS: 9:50 A.M.  
RECONVENE: 10:03 A.M.

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0911-009 Public Hearing - General Plan Amendment (GPA) 07-0002 and Rezone (REZ) 07-0001 for Verney Chun, APNs 031-060-054 and 031-070-084 - consideration of a request to change the subject parcels from the existing General Plan designation of Public (P) to Agricultural Residential (AR) and a Rezone from Public Quasi-Public (PQ) to Foothill Recreational, twenty acre minimum (FR-20). The property is located on the west side of Cherokee Road, east of Union Pacific Railroad right-of-way, and north of the Thermalito Power Canal and the City of Oroville. The change of designation was requested as the property is no longer under public ownership - action requested - ADOPT RESOLUTION 09-079 ADOPTING THE NEGATIVE DECLARATION WITH FINDINGS AND APPROVING GPA07-0002 FROM PUBLIC TO AGRICULTURAL RESIDENTIAL DESIGNATION; AND ADOPT ORDINANCE 4004 REZONING THE SUBJECT PROPERTY FROM PQ TO FR-20 AND ENTERING INTO A CONDITIONAL ZONING AGREEMENT LIMITING THE DEVELOPMENT OF THE TWO SUBJECT PROPERTIES. (Development Services)

PRESENTATION BY CHUCK THISTLEWAITE, PLANNING MANAGER WITH DEVELOPMENT SERVICES.

MICHAEL EVANS, WHO REPRESENTS THE APPLICANT, ADDRESSED THE BOARD.

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

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MOTION: I MOVE TO ADOPT RESOLUTION ADOPTING THE NEGATIVE DECLARATION WITH FINDINGS AND APPROVING GPA07-0002 FROM PUBLIC TO AGRICULTURAL RESIDENTIAL DESIGNATION; AND ADOPT ORDINANCE REZONING THE SUBJECT PROPERTY FROM PQ TO FR-20 AND ENTERING INTO A CONDITIONAL ZONING AGREEMENT LIMITING THE DEVELOPMENT OF THE TWO SUBJECT PROPERTIES. (54:04)

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

REGULAR AGENDA

0911-010 Provisionally Accredited Levee (PAL) Agreements for the Sycamore-Mud Creek Levee System - consideration of a request from the City of Chico for Butte County to sign a PAL agreement for those portions of the Sycamore Creek levee system located outside the City limits. The City of Chico was recently notified by the Federal Emergency Management Agency (FEMA) that they would be allowed to sign a PAL agreement without the accompanying signature of the Department of Water Resources (DWR) which owns the levee system - action requested - ESTABLISH AN AD HOC COMMITTEE MADE UP OF TWO SUPERVISORS TO WORK WITH COUNTY AND CITY STAFF, INCLUDING DWR AND FEMA AS NECESSARY, TO DISCUSS CURRENT AND FUTURE ISSUES RELATED TO THE SYCAMORE-MUD CREEK LEVEE SYSTEM AND PAL AGREEMENTS. (Public Works)

PRESENTATION BY MIKE CRUMP, DIRECTOR OF PUBLIC WORKS AND STU EDELL.

MOTION: I MOVE TO NOMINATE SUPERVISORS DOLAN AND KIRK AS MEMBERS OF AN AD HOC COMMITTEE TO WORK WITH COUNTY AND CITY STAFF, INCLUDING DWR AND FEMA AS NECESSARY, TO DISCUSS CURRENT AND FUTURE ISSUES RELATED TO THE SYCAMORE-MUD CREEK LEVEE SYSTEM AND PAL AGREEMENTS.

2 M

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

0911-011 Presentation on Local Watershed Activities and Resolution Recognizing May 2009 as Water and Watershed Awareness Month in Butte County - action requested - ACCEPT FOR INFORMATION AND ADOPT RESOLUTION 09-080 AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)

PRESENTATION BY KRISTEN MCKILLOP, MANAGER OF PROGRAM DEVELOPMENT WITH THE WATER AND RESOURCE CONSERVATION.

MOTION: I MOVE TO ACCEPT FOR INFORMATION AND ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

M 2

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

0911-012 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

- 1. Resolution Amending Resolution 08-131 and Rescinding the approval of the Mitigated Negative Declaration for the Tuscan Aquifer Monitoring, Recharge and Data Project - consideration of a resolution which will rescind the approval of the Mitigated Negative Declaration for the Tuscan Aquifer Monitoring, Recharge and Data project approved by the Board on September 23, 2008 due to the stop-work order issued by the State for bond-funded projects. Prior to commencing any work associated with the project, the County will be required to prepare a new environmental document - action requested - ADOPT RESOLUTION 09-081 AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)

JIM BROBECK OF THE BUTTE ENVIRONMENTAL COUNCIL REQUESTED THIS ITEM BE REMOVED FROM CONSENT FOR DISCUSSION ON THE REGULAR AGENDA.

PRESENTATION BY PAUL GOSSELIN, DIRECTOR OF WATER AND RESOURCE CONSERVATION.

VICKIE NORTHWAY ADDRESSED THE BOARD AND READ A LETTER INTO RECORD. JIM BROBECK ADDRESSED THE BOARD.

BRUCE ALPERT, COUNTY COUNSEL ADDRESSED THE BOARD.

MOTION: I MOVE TO ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

M 2

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

- 2. Comment Letter to the Department of Water Resources (DWR) on the Bay-Delta Conservation Plan (BDCP) Scoping Document - approval is requested to submit a comment letter on the joint Environmental Impact Report and Environmental Impact Statement for the BDCP - action requested - APPROVE COMMENT LETTER AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)

SUPERVISOR YAMAGUCHI REQUESTED THIS ITEM BE REMOVED FROM CONSENT FOR DISCUSSION ON THE REGULAR AGENDA.

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

2 M

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

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**CLOSED SESSION**

0911-013 **THE BOARD RECESSED AT 11:20 A.M. TO CLOSED SESSION REGARDING:**

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: LIBRARY DIRECTOR

PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING: GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

1. AGRICULTURAL COMMISSIONER
2. BEHAVIORAL HEALTH DIRECTOR
3. CHIEF ADMINISTRATIVE OFFICER
4. CHIEF PROBATION OFFICER
5. CHILD SUPPORT SERVICES DIRECTOR
6. COUNTY COUNSEL
7. DEVELOPMENT SERVICES DIRECTOR
8. EMPLOYMENT AND SOCIAL SERVICES DIRECTOR
9. HUMAN RESOURCES DIRECTOR
10. INFORMATION SERVICES DIRECTOR
11. LIBRARY DIRECTOR
12. PUBLIC HEALTH DIRECTOR
13. PUBLIC WORKS DIRECTOR
14. WATER AND RESOURCE CONSERVATION DIRECTOR.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FOUR 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;
3. HOUGH V. COUNTY OF BUTTE; USDC CASE NO. 08-2783.
4. DRY CREEK COALITION OF BUTTE COUNTY; BUTTE ENVIRONMENTAL COUNCIL, INC. V. BUTTE COUNTY, ET AL. (NEW ERA MINE); BUTTE COUNTY SUPERIOR COURT CASE NO. 144532.

**THE BOARD RECONVENED AT 1:35 P.M. FROM CLOSED SESSION REGARDING:**

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: LIBRARY DIRECTOR

PUBLIC EMPLOYEE EMPLOYMENT, PERFORMANCE EVALUATIONS, INCLUDING: GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

1. AGRICULTURAL COMMISSIONER
2. BEHAVIORAL HEALTH DIRECTOR
3. CHIEF ADMINISTRATIVE OFFICER
4. CHIEF PROBATION OFFICER

- 5. CHILD SUPPORT SERVICES DIRECTOR
- 6. COUNTY COUNSEL
- 7. DEVELOPMENT SERVICES DIRECTOR
- 8. EMPLOYMENT AND SOCIAL SERVICES DIRECTOR
- 9. HUMAN RESOURCES DIRECTOR
- 10. INFORMATION SERVICES DIRECTOR
- 11. LIBRARY DIRECTOR
- 12. PUBLIC HEALTH DIRECTOR
- 13. PUBLIC WORKS DIRECTOR
- 14. WATER AND RESOURCE CONSERVATION DIRECTOR.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FOUR 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;
- 3. HOUGH V. COUNTY OF BUTTE; USDC CASE NO. 08-2783.
- 4. DRY CREEK COALITION OF BUTTE COUNTY; BUTTE ENVIRONMENTAL COUNCIL, INC. V. BUTTE COUNTY, ET AL. (NEW ERA MINE); BUTTE COUNTY SUPERIOR COURT CASE NO. 144532.

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**PUBLIC HEARINGS AND TIMED ITEMS**

THE MINUTES ON THIS ONE PUBLIC HEARING (MINUTE ORDER 0911-014) ARE SHOWN ON PAGES 15 THROUGH 18 OF THIS DOCUMENT.

0911-014 Public Hearing - Update of the Butte County Master Fee Schedule - On March 24, 2009, the Board of Supervisors changed fees in the current Butte County Master Fee Schedule by resolution. On April 7, 2009, the Board requested further discussion regarding fees for services provided by the Assessor, Development Services, Fire, and the Environmental Health Division of the Public Health Department. The departments have reviewed the fees originally submitted and recommended a number of changes. The Department of Public Works has also recommended changes. In addition, this item corrects a few fees where the amounts adopted on March 24, 2009 exceed the maximum level the County is authorized to charge - action requested - ADOPT RESOLUTION 09-082 WHICH WILL:

- 1) AMEND RESOLUTION 09-045 BY RESCINDING THE CHANGES TO FEES FOR SERVICES PROVIDED BY THE ASSESSOR, DEVELOPMENT SERVICES, FIRE, THE ENVIRONMENTAL HEALTH DIVISION, AND PUBLIC WORKS AND ADOPTING AMENDED FEES; AND
- 2) CORRECT THE PUBLIC GUARDIAN/PUBLIC ADMINISTRATOR HOURLY RATE FOR SERVICES TO REFLECT THE AMOUNT AUTHORIZED BY THE SUPERIOR COURT OF CALIFORNIA AND DOG LICENSE FEES FOR SPAYED/NEUTERED DOG TO MEET THE REQUIREMENTS OF THE CALIFORNIA FOOD AND AGRICULTURAL CODE. (Chief Administrative Office)

0911-014 (Continued)

PRESENTATION BY SHARI MCCRACKEN, DEPUTY ADMINISTRATIVE OFFICER.

THE PUBLIC HEARING FOR THIS ENTIRE ITEM WAS OPENED AT 1:45 P.M. AND WAS CLOSED AT 3:48 P.M.

EACH DEPARTMENT'S RECOMMENDED FEES WERE DISCUSSED INDIVIDUALLY AND VOTED ON INDIVIDUALLY. A FINAL VOTE ADOPTING THE ENTIRE AMENDED MASTER FEE SCHEDULE, INCLUDING ANY AMENDMENTS DIRECTED DURING THIS HEARING WAS MADE AFTER THE PUBLIC HEARING WAS CLOSED.

**ASSESSOR FEES**

Public comment opened: 1:45 p.m.  
Public comment closed: 1:50 p.m.

MOTION: I MOVE TO APPROVE THE AMENDED ASSESSORS FEES AS PROVIDED TO THE BOARD TODAY WITH THE UNDERSTANDING THAT THE TAX DEPOSIT FEE IS BILLED AT \$51 PER HOUR NOT TO EXCEED \$306. (5:24)

2 M

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

**DEVELOPMENT SERVICES - CONSTRUCTION FEES**

Public comment opened: 1:55 p.m.  
Public comment closed: 2:00 p.m.

DAVE MUNCH ADDRESSED THE BOARD.

MOTION: I MOVE TO AMEND ALL PROPOSED CONSTRUCTION FEES TO BE INCREASED BY 10%, NOT 14% AS PROPOSED.

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

**DEVELOPMENT SERVICES - BUILDING DIVISION - MECHANICAL, PLUMBING, AND ELECTRICAL PERMIT FEES**

Public comment opened: 2:23 p.m.  
Public comment closed: 2:25 p.m.

0911-014 (Continued)

MOTION: I MOVE TO APPROVE FEES AS RECOMMENDED WITH THE EXCEPTION OF THE FEES RELATED TO FENCING PERMITS SHOWN ON PAGE 4 OF 8 (NUMBERS 6 AND 7) OF ATTACHMENT C. THOSE FEES SHALL REMAIN THE SAME AS CURRENT FEES. (50:36)

M 2

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

**DEVELOPMENT SERVICES - PLANNING FEES**

Public comment opened: 2:32 p.m.  
Public comment closed: 2:40 p.m.

MICHAEL EVANS ADDRESSED THE BOARD

MOTION: I MOVE TO APPROVE THE FEES AS RECOMMENDED.

M 2

VOTE: 1 N 2 N 3 Y 4 N 5 Y (MOTION FAILED TO CARRY 2-3)

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES ANSWERED QUESTIONS FROM THE BOARD, AND THERE WAS ADDITIONAL BOARD DISCUSSION.

MOTION: I MOVE TO APPROVE THE FEES AS RECOMMENDED.

M 2

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

**FIRE FEES**

Public comment opened: 2:46 p.m.  
Public comment closed: 2:46 p.m.

MOTION: I MOVE TO APPROVE THE FEES AS RECOMMENDED.

2 M

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

RECESS: 3:00 P.M.  
RECONVENE: 3:09 P.M.

**PUBLIC HEALTH FEES**

PHYLLIS MURDOCK, DIRECTOR OF PUBLIC HEALTH AND BRAD BANNER, DIRECTOR OF ENVIRONMENTAL HEALTH.

Public comment opened: 3:15 p.m.  
Public comment closed: 3:31 p.m.

0911-014 (Continued)

JACK BIGGS ADDRESSED THE BOARD.

MOTION: I MOVE TO APPROVE THE FEES AS RECOMMENDED WITH THE EXCEPTION OF THE SEPTIC TANK DESTRUCTION FEE WHICH WILL REMAIN AT THE CURRENT LEVEL AND WITH THE EXCEPTION OF THE BUILDING CLEARANCE FEE WHICH WILL BE DISCUSSED LATER IN THIS MEETING. (1:49:38)

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

**PUBLIC WORKS FEES**

Public comment opened: 3:35 p.m.  
Public comment closed: 3:37 p.m.

D.C. JONES ADDRESSED THE BOARD

MOTION: I MOVE TO APPROVE THE FEES AS RECOMMENDED. (1:55:03)

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

**PUBLIC HEALTH - BUILDING CLEARANCE FEE**

CHUCK THISTLEWAITE, PLANNING MANAGER ANSWERED QUESTIONS FROM THE BOARD.

Public comment opened: 3:45 p.m.  
Public comment closed: 3:46 p.m.

MOTION: I MOVE TO APPROVE THE BUILDING CLEARANCE FEE AS PROPOSED. (1:55:43)

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

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**THE PUBLIC HEARING FOR THIS ENTIRE ITEM WAS OPENED AT 1:45 P.M. AND WAS CLOSED AT 3:48 P.M.**

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0911-014 (Continued)

MOTION: I MOVE TO ADOPT RESOLUTION WHICH WILL: 1) AMEND RESOLUTION 09-045 BY RESCINDING THE CHANGES TO FEES FOR SERVICES PROVIDED BY THE ASSESSOR, DEVELOPMENT SERVICES, FIRE, THE ENVIRONMENTAL HEALTH DIVISION, AND PUBLIC WORKS AND ADOPTING AMENDED FEES AS DISCUSSED TODAY (AS SHOWN ABOVE); AND 2) CORRECT THE PUBLIC GUARDIAN/PUBLIC ADMINISTRATOR HOURLY RATE FOR SERVICES TO REFLECT THE AMOUNT AUTHORIZED BY THE SUPERIOR COURT OF CALIFORNIA AND DOG LICENSE FEES FOR SPAYED/NEUTERED DOG TO MEET THE REQUIREMENTS OF THE CALIFORNIA FOOD AND AGRICULTURAL CODE.

M 2

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

0911-015 Public Hearing - Amendments to the Neal Road Sanitary Landfill Gate Fees - consideration of gate fee adjustments as detailed in the agenda report for certain fees at the Neal Road Sanitary Landfill -action requested - ADOPT RESOLUTION 09-083 AMENDING THE NEAL ROAD SANITARY LANDFILL GATE FEES IN THE MASTER FEE SCHEDULE AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

MIKE CRUMP, DIRECTOR OF PUBLIC WORKS AND BILL MANNEL, SOLID WASTE MANAGER PROVIDED A REPORT TO THE BOARD. (2:18:53)

PUBLIC HEARING OPENED: 4:15 P.M.  
PUBLIC HEARING CLOSED: 4:15 P.M.

MOTION: I MOVE TO ADOPT RESOLUTION AMENDING THE NEAL ROAD SANITARY LANDFILL GATE FEES IN THE MASTER FEE SCHEDULE AND AUTHORIZE THE CHAIR TO SIGN.

M 2

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

PUBLIC COMMENT

0911-016 NANCY LEEK AND ANN ELLIOT ADDRESSED THE BOARD REGARDING THE LIBRARY BUDGET.

**ADJOURNMENT :**

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 4:45 P.M., TO RECONVENE AT A SPECIAL MEETING OF THE BOARD TO BE HELD TUESDAY, MAY 12, 2009 AT 9:00 A.M.

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BILL CONNELLY, CHAIR  
BUTTE COUNTY BOARD OF SUPERVISORS

ATTEST:

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

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