

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

SEPTEMBER 15, 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

- 0922-001 1. Change of Interval for Special District Audits - Previous law required the County Auditor to perform an annual audit of the accounts and records of every special district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided. The adoption of AB 2510 (La Malfa) in 2008 modified Government Code Section 26909(b)(3) which allowed special districts to replace the required annual audit with an audit to be conducted at specified intervals as recommended by the County Auditor. The following districts requested extended audit periods: Sacramento River Reclamation District, Richvale Sanitary District, Butte Creek Drainage District, Drainage District #2, and Upham Cemetery District. The Auditor-Controller recommends that the extended audit periods not exceed three years - action requested - UNANIMOUSLY AUTHORIZE REPLACING THE ANNUAL AUDIT PERIOD OF THE ABOVE SPECIAL DISTRICTS AS FOLLOWS: SACRAMENTO RIVER RECLAMATION DISTRICT - THREE YEARS; RICHVALE SANITARY DISTRICT - THREE YEARS; BUTTE CREEK DRAINAGE DISTRICT - THREE YEARS; DRAINAGE DISTRICT #2 - THREE YEARS, AND UPHAM CEMETERY DISTRICT - TWO YEARS. (Auditor-Controller)
2. Modesto Residential Living Center, LLC - approval is requested for a sole source agreement with Modesto Residential Living Center, LLC which is a residential board and care facility for Behavioral Health clients. The term of the agreement is July 1, 2009 through June 30, 2010 with a maximum amount payable of \$141,950 (department budget utilizing realignment funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

3. Northern Valley Catholic Social Services (NVCSS) - approval is requested for an agreement with NVCSS for the provision of the Parent Partner component of the Connecting Circles of Care Program. In addition to services, NVCSS will provide office space, office equipment/supplies, and program supplies. The term of the agreement is July 1, 2009 through June 30, 2010 with a maximum amount payable of \$1,000,448.25 (department budget utilizing Substance Abuse and Mental Health Services Administration 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. (Behavioral Health)
4. Work Training Center (WTC) - amendment - approval is requested for an amendment to the agreement with WTC for the provision of the Stomp Out Stigma program in which Department of Behavioral Health consumers provide information and education regarding mental illness to community groups. The amendment increases the maximum amount payable by \$23,902 (department budget utilizing Mental Health Services Act funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
5. LocumTenes.Com, LLC - approval is requested for an agreement with LocumTenes.Com, LLC for the provision of one full-time psychiatrist to serve clients at various clinical sites. The term of the agreement is August 1, 2009 through December 31, 2009 with a maximum amount payable of \$174,600 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
6. Department of Employment and Social Services (DESS) - approval is requested for an agreement with DESS for the provision of behavioral health services and/or alcohol and drug treatment services for children, their parents, and family members. The term of the agreement is July 1, 2009 through June 30, 2010. The Department of Behavioral Health will provide \$227,307 in services and DESS will provide \$400,000 in services - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

7. Crestwood Behavioral Health, Inc. - amendment - approval is requested for an amendment to the agreement with Crestwood Behavioral Health, Inc. for the provision of Institutions for Mental Disease (IMD) and Enhancement Services. There is an increased need for placement of clients. The amendment increases the maximum amount payable by \$30,952.61 (department budget utilizing realignment funds) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
8. Butte County Public Health Department - amendment -approval is request for an amendment to the agreement with Butte County Public Health Department for the provision of on-site HIV services for substance abuse clients in treatment through Behavioral Health. The amendment extends the term of the agreement through June 30, 2010 and increases the maximum amount payable by \$60,280 (department budget utilizing grant funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE 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.
9. Response to the ~~2009/2010~~ 2008/2009 Grand Jury Final Report - amended - submitted is the Board of Supervisors' response to the findings and recommendations contained in the ~~2009/2010~~ 2008/2009 Grand Jury Final Report. At the August 25, 2009 Board of Supervisors meeting, direction was given to staff to make modifications to the draft response - action requested - APPROVE THE RESPONSE FOR SUBMITTAL TO THE PRESIDING JUDGE. (Chief Administrative Office)
10. Letter in Support of Restoring Williamson Act Funding in the State Budget - approval is requested for a letter to the State of California requesting that the Open Space (Williamson Act) Subvention be restored in the 2010/2011 State Budget. Butte County depends upon the approximately \$600,000 it receives through the program to fund a variety of county services - action requested - APPROVE LETTER OF SUPPORT AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)

11. Letter of Opposition Regarding the Proposed Changes to the Clean Water Restoration Act (CWA) - The Clean Water Restoration Act of 2009 (S. 797) introduced in April 2009 proposes significant changes to the CWA. Butte County, the National Association of Counties, the California State Association of Counties, and the Regional Council of Rural Counties oppose the current bill as written and the proposed definition change related to "waters of the U.S." The proposed new definition would expand federal regulatory jurisdiction to all waters, including roadside ditches, storm drains, or any feature or infrastructure that may carry water - action requested - APPROVE LETTER OF OPPOSITION AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
12. 2010 Census New Construction Program - approval is requested to participate in the 2010 Census New Construction Program which provides an opportunity for jurisdictions to submit a list of housing unit addresses where basic construction began after March 2009 and completion is expected before April 1, 2010. In participating jurisdictions, the Census Bureau will either mail or hand-deliver questionnaires to the new housing units. To participate, the County must designate a New Construction Program liaison - action requested - 1) APPROVE PARTICIPATION IN THE 2010 CENSUS NEW CONSTRUCTION PROGRAM AND AUTHORIZE THE CHAIR TO SIGN REGISTRATION FORM; AND 2) APPOINT THE MANAGER OF GEOGRAPHIC INFORMATION SYSTEMS AS THE NEW CONSTRUCTION PROGRAM LIAISON. (Chief Administrative Office)
13. Fiscal Year 2009/2010 Budget Adjustments for Various County Service Areas - submitted are various County Service Area (CSA) budget adjustments for Fiscal Year 2009/2010 - action requested - APPROVE BUDGET TRANSFERS (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Chief Administrative Office)

14. Secure Rural Schools Act - The Secure Rural Schools Act was reauthorized in October 2008 for a four year period. Each year the County is required to notify the USDA Forest Service of the County's choices for allocating funds under the Act. The payments to Butte County will be approximately \$281,222 for Title I (roads) and \$49,200 for Title III activities. Approximately \$91,000 will remain with the Federal Government for Title II activities - 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; AND 2) 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)
15. Northern Valley Claims and Investigative Services - approval is requested for a sole source agreement with Northern Valley Claims and Investigative Services for the provision of investigating liability claims filed against the County. The term of the agreement is July 1, 2009 through July 1, 2010 with a maximum amount payable of \$33,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Chief Administrative Office)
16. The Ferguson Group, LLC - amendment - approval is requested for an amendment to the agreement with The Ferguson Group, LLC for the provision of legislative advocacy services for the County. The amendment extends the term of the agreement through September 30, 2010. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL. (Chief Administrative Office)
17. Special Districts - Appointments in Lieu of Elections - California Elections Code Section 10515 allows the Board of Supervisors to appoint various special district board members for districts scheduled to elect members on November 3, 2009, where the number of persons filing a declaration of candidacy is equal to or less than the number of offices to be filled, and there was no petition submitted calling for an election. The Clerk-Recorder submits a Certificate of Facts-Exhibit A, listing the following: 1) Berry Creek Community Services District - Miguel A. Calvo, Thomas D. Miller, and Fredrick C. Smith - each for four year terms; 2) Berry Creek Community Services District - Roger F. Dunn - two year term; 3) Richardson Springs Community Services District - Bradley J. Olson - four year term; 4) Richvale Sanitary District - Dennis E. Thengvall and Thomas R. Warner - four year terms - action requested - APPOINT NOMINEES. (Clerk-

Recorder/Elections)

18. Special Districts - Insufficient Nominee Appointments in Lieu of Elections - submitted is a list of special districts wherein no person filed a declaration of candidacy for any office, and where there was no petition submitted calling for an election. Pursuant to California Elections Code Section 10515, the Board may appoint any qualified person to office at any time on or before November 10, 2009. Following is a list of offices that require appointment: 1) Buzztail Community Services District - two Directors for four year terms. Each candidate shall be a registered voter residing within the District; and 2) Richardson Springs Community Services District - two Directors for four year terms. The candidates shall be registered voters residing within the District. The Clerk of the Board will return requests for appointment to the Board for action as they are received, and when appointments are made, will issue the Certificate of Appointment and Oath of Office - action requested - ACCEPT FOR INFORMATION. (Clerk Recorder/Elections)
19. Budget Transfer - approval is requested to transfer \$52,048 from Contingencies as detailed in the agenda report. This amount is the final award with interest from a lawsuit filed against the County by William Hauselt. While the damages were claimed to be in excess of \$5 million dollars, the Court awarded \$1,034 for a temporary taking caused by County actions during a 1997 flood event and \$45,039.10 for attorneys' fees - action requested - APPROVE BUDGET TRANSFERS (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (County Counsel)
20. Resolution to Amend the Salary Ordinance - The resolution will amend the salary ordinance as follows:
- PUBLIC HEALTH - requests to add one position of Administrative Assistant, Senior/Administrative Assistant (term position to end June 30, 2010). This position is added to backfill for a long term leave of absence. This change will increase the total allocations in the department from 160.05 to 161.05 - action requested - ADOPT RESOLUTION 09-138 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)
21. Fremont-Rideout Comp Clinic - approval is requested for an agreement with Fremont-Rideout Comp Clinic for the provision of pre-employment medical examinations. The term of the agreement is July 1, 2009 through June 30, 2010 with a maximum amount payable of \$45,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Human Resources)

22. Library Donations - pursuant to Government Code Section 25355, donations of \$1,200 from Paradise Friends of the Library; \$815 from Chico Friends of the Library; \$716.80 from Oroville Friends of the Library; and \$100 from an anonymous source have been received for Books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION. (Library)
23. Resolution Recognizing September 2009 as National Emergency Preparedness Month - action requested - ADOPT RESOLUTION 09-139 AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
24. Resolution Recognizing Henryk "Henry" J. Kaminski Upon Retirement from Butte County - action requested - ADOPT RESOLUTION 09-140 AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
25. Old Durham Wood - amendment - approval is requested for an amendment to the agreement with Old Durham Wood for the provision of grinding greenwaste and wood waste at the Neal Road Recycling and Waste Facility. The amendment extends the term of the agreement through June 30, 2011. All other terms and conditions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
26. Contract Change Order for the Excavation of Module 4, Phase D at the Neal Road Recycling and Waste Facility, County Project No. 757-5916 - approval is requested for this change order which provides for increased funding for the placement of permanent erosion control on the slopes of the soil stockpile. This contract change order results in an overall increase to the contract in the amount of \$12,072.38 - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN. (Public Works)
27. Domenic's Septic Service - amendment - approval is requested for an amendment to this agreement for the provision of pumping services for the septic tanks for the scale house and office at the Neal Road Recycling and Waste Facility. The amendment extends the term of the agreement through December 31, 2009. All other terms and conditions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)

28. Monthly Investment Report - Submitted is the monthly investment report dated July 31, 2009, in accordance with Butte County Statement of Investment Policy dated July 1, 2009 - action requested - ACCEPT FOR INFORMATION. (Treasurer-Tax Collector)
29. Budget Transfer - approval is requested to accept and appropriate \$1,532,000 in Proposition 50 revenue from the State Department of Water Resources (DWR) for the Tuscan Aquifer Monitoring, Recharge and Data Management Project. In early January 2009, DWR issued a stop-work order for this project, however the State has recently issued a resume-work order - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Water and Resource Conservation)
30. Richvale Irrigation District - the Richvale Irrigation District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Director does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT WALT MEYER AND GERALD MATTSON, DIRECTORS, TO TERMS TO END DECEMBER 6, 2013. (Other Departments and Agencies)
31. Western Canal Water District - the Western Canal Water District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Trustee does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT LANCE TENNIS AND GREG JOHNSON, TRUSTEES, TO TERMS TO END DECEMBER 6, 2013. (Other Departments and Agencies)

- 32. Drainage District, No. 100 - Drainage District, No. 100 submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Trustee does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT DENNIS THENGVALL AND MICHAEL LUNDBERG, TRUSTEES TO TERMS TO END DECEMBER 6, 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)

PRESENTATION OF RESOLUTIONS ADOPTED ON THE CONSENT AGENDA.

- 0922-002 1. RESOLUTION RECOGNIZING SEPTEMBER 2009 AS NATIONAL EMERGENCY PREPAREDNESS MONTH. JOHN LORD ACCEPTED THE RESOLUTION ON BEHALF OF PUBLIC HEALTH.
- 2. RESOLUTION RECOGNIZING HENRYK "HENRY" J. KAMINSKI UPON RETIREMENT FROM BUTTE COUNTY. MR. KAMINSKI ACCEPTED THE RESOLUTION. MIKE CRUMP ADDRESSED THE BOARD.

REGULAR AGENDA

0922-003 Boards, Commissions and Committees.

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

SUPERVISOR YAMAGUCHI REPORTED ON HIS ATTENDANCE AT A FIRE SAFE COUNCIL MEETING.

SUPERVISOR LAMBERT REPORTED ON A TOWN HALL MEETING THAT WILL TAKE PLACE AT THE MANZANITA SCHOOL IN GRIDLEY ON SEPTEMBER 23, 2009 AT 6:30 P.M. REGARDING THE FEMA MAP MODERNIZATION.

SUPERVISOR LAMBERT REPORTED ON HIS AND SUPERVISOR CONNELLY'S ATTENDANCE AT A SUTTER BUTTE JPA MEETING.

SUPERVISOR LAMBERT REPORTED ON HIS ATTENDANCE AT A BIGGS-GRIDLEY HOSPITAL MEETING.

SUPERVISOR CONNELLY REPORTED ON A MEETING AT CALIFORNIA STATE ASSOCIATION OF COUNTIES.

SUPERVISOR CONNELLY REPORTED THAT PERRY RENIFF WON A COURT CASE REGARDING MAGAZINES IN JAIL.

0922-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (14:48)

GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICER REPORTED THAT THE STATE LEGISLATURE ADJOURNED FROM REGULAR SESSION THIS PAST SATURDAY. HE PROVIDED AN UPDATE OF THE LEGISLATION PASSED.

PUBLIC HEARINGS AND TIMED ITEMS

0922-005 Timed Item - Discussion Regarding Proposed Youth Regional Treatment Center - The California Area Indian Health Services (CAIHS), an agency of the U.S. Department of Health and Human Services is proposing to construct a new residential treatment center southeast of Oroville at Honeyrock Christian Ministries facility located at 3945 Oro Bangor Highway. Because the proposed project would be owned and operated by a federal agency, Butte County does not have any decision authority for land use entitlements associated with the project. However, CAIHS is required by law to consider comments of the impacted community and the local elected officials prior to making a final determination for the proposed site. It is recommended the Board accept agency and public comment and take one of the following three actions: 1) OPPOSE THE PROJECT LOCATION; 2) SUPPORT THE PROJECT LOCATION; OR 3) TAKE A NEUTRAL POSITION ON THE PROJECT LOCATION. (Chief Administrative Office)

PRESENTATION BY DAVE SPRINGER FROM CALIFORNIA AREA INDIAN HEALTH SERVICES AND TOM EAGLESTAFF, DIRECTOR OF INDIAN HEALTH SERVICES FROM CALIFORNIA AREA INDIAN HEALTH SERVICES.

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: ROSEMARY NELSON, ROBERT FRIEDMAN, TONI REID, JAMES DENLAY (1:02:15 A.M.), VIVIAN MEYER-LAWSON, ROBYN NORTH, JAMES MALCUIT, LOU LODIGIANI, TONY BURDINE, PAMELA LEIS, KIM ELAM, DAVID PITTMAN, JEANNE CECCHI, ROSS BRANCH FROM CONGRESSMAN MCCLINTOCK'S OFFICE, AND D.C. JONES.

THE BOARD ASKED QUESTIONS OF THE MEMBERS REPRESENTING CALIFORNIA AREA INDIAN HEALTH SERVICES. (1:39:10 A.M.)

MOTION: I MOVE TO OPPOSE THE PROJECT LOCATION.

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

RECESS: 10:48 A.M.
RECONVENE: 11:03 A.M.

0922-006 Update of General Plan 2030 Process by Director-Development Services.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED UPDATE. HE DID REPORT THAT THE GENERAL PLAN 2030 DOCUMENT WAS RELEASED ON SEPTEMBER 4, 2009.

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

0922-007 Public Hearing - Consideration of Planning Commission's Recommendation of Denial Of General Plan Amendment (GPA) 06-0002, Rezone (REZ) 06-0004) and Tentative Subdivision Map (TSM) 06-0011 (Jones) - consideration of a recommendation for denial for a General Plan Amendment from Orchard & Field Crops to Agricultural Residential; a Rezone from Agriculture 20-acre minimum to Suburban Residential 1-acre minimum; and a Tentative Subdivision Map to divide two parcels into 46 single-family lots and with a community septic system. The project site is bounded by Durham-Dayton Highway to the north, Burdick Road to the south, and Turner Lane to the east and is located west of the community of Durham - action requested - AT THE REQUEST OF THE APPLICANT, CONTINUE HEARING OPEN TO DECEMBER 8, 2009 AT 9:45 A.M. (Department of Development Services)

BRIEF PRESENTATION BY MARK MICHELENA, SENIOR PLANNER.

PUBLIC HEARING OPENED: 11:10 A.M.

THIS HEARING WAS CONTINUED OPEN TO THE DECEMBER 8, 2009 BOARD OF SUPERVISORS MEETING AT THE REQUEST OF THE APPLICANT.

MOTION: I MOVE TO CONTINUE HEARING OPEN TO DECEMBER 8, 2009 AT 9:45 A.M.
M 2
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (MOTION CARRIED UNANIMOUSLY)

0922-008 Public Hearing - Butte County Individual On-site Wastewater Ordinance Draft Environmental Impact Report (DEIR) - consideration of the DEIR for the proposed Individual On-site Wastewater Ordinance and Manual. The area encompassed by the project includes portions of Butte County not served by wastewater treatment and disposal facilities and that are outside the Town of Paradise Onsite Wastewater Disposal Zone. The proposed ordinance would replace existing County Code in order to be compatible with applicable requirements of the Central Valley Regional Water Quality Control Board and incorporate other changes based on the current state of knowledge and advances in practices and technologies for on-site wastewater treatment and dispersal - action requested - ACCEPT PUBLIC COMMENT AND PROVIDE DIRECTION AS NEEDED.

PRESENTATION BY BRAD BANNER, DIRECTOR OF ENVIRONMENTAL HEALTH. LEONARD CHARLES, CONSULTANT FROM LCA PROVIDED A REPORT.

CHAIR CONNELLY MADE A STATEMENT FOR THE RECORD THAT THIS IS THE BEGINNING OF THIS PROCESS AND THAT THERE IS STILL ROOM FOR CHANGES IF AND WHEN NEEDED. HE STATED THAT UNLESS THERE IS AN EXACT ENVIRONMENTAL CONCERN REGARDING GRAVITY FEED SYSTEMS, IT IS NOT THE INTENT OF THE BOARD TO DO AWAY WITH GRAVITY FEED SYSTEMS OR TO REQUIRE SUPPLEMENTAL TREATMENT OR SAND FILTRATION. HE STATED THE INTENT IS TO SUPPLEMENT THE OPPORTUNITY FOR PROPERLY ZONED PARCELS THAT DO NOT PERK WELL ENOUGH OR THAT DO NOT, FOR ENVIRONMENTAL REASONS, ALLOW FOR GRAVITY FEED SYSTEMS.

THE FOLLOWING MEMBERS OF THE PUBLIC ADDRESSED THE BOARD: DEBORAH MARR, TED RUNGE, BILL CLAYTON, JACK BIGGS, NICK WAGGLE, JAN HILL (1:30:07 P.M.), MIKE ELLIOTT, DAVE MOENCH, PAUL DONAHO, AND MICHAEL EVANS. (1:45:43)

PUBLIC HEARING OPENED: 11:57 A.M.
PUBLIC HEARING CLOSED: 12:53 P.M.

CLOSED SESSION

0922-009 THE BOARD RECESSED AT 1:00 P.M. TO CLOSED SESSION REGARDING:

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

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. FIRST RESPONDER EMS, COUNTY OF BUTTE, ET AL V. CALIFORNIA EMS, ET AL; THIRD DISTRICT COURT OF APPEAL CASE NO. C060407;
3. CABRAL V. COUNTY OF BUTTE; USDC CASE NO. 08-00029;
4. BUTTE COUNTY V. NIGC; U.S. COURT OF APPEALS FOR DC CIRCUIT; CASE NO. 09-5179.

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

THE BOARD RECONVENED AT 3:18 P.M. TO CLOSED SESSION REGARDING:

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

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. FIRST RESPONDER EMS, COUNTY OF BUTTE, ET AL V. CALIFORNIA EMS, ET AL; THIRD DISTRICT COURT OF APPEAL CASE NO. C060407;
3. CABRAL V. COUNTY OF BUTTE; USDC CASE NO. 08-00029;
4. BUTTE COUNTY V. NIGC; U.S. COURT OF APPEALS FOR DC CIRCUIT; CASE NO. 09-5179.

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

ONE ANNOUNCEMENT OUT OF CLOSED SESSION: THE BOARD VOTED UNANIMOUSLY TO PROVIDE COUNTY COUNSEL WITH A NEW FOUR YEAR TERM.

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 3:20 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, SEPTEMBER 29, 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: _____