

BUTTE COUNTY BOARD OF SUPERVISORS

MINUTES

OCTOBER 27, 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)

CONSENT AGENDA

- 0926-001
1. California Counties Mental Health Services Authority (CCMHSA) - The California Mental Health Directors Association has developed this Joint Powers Authority (JPA) in order to combine resources and efforts to perform administrative requirements and duties related to five statewide Mental Health Services Act Prevention and Early Intervention Projects. The CCMHSA had an initial membership of the following seven counties: Colusa, Humboldt, Monterey, San Bernadino, San Luis Obispo, Solano, and Stanislaus. Approval is requested to allow the Butte County Department of Behavioral Health (BCDBH) to enter into the CCMHSA in order to jointly develop and fund mental health services and educational programs. The cost for Butte County to join the JPA is \$500. It is also requested the Board appoint the Director of Behavioral Health as Butte County's delegate and grant the Director authority to designate an alternate - action requested - ADOPT RESOLUTION 09-154 APPROVING MEMBERSHIP AND APPOINTMENT OF DIRECTOR OF BEHAVIORAL HEALTH TO ACT AS DELEGATE AND AUTHORIZE THE CHAIR TO SIGN. (Behavioral Health)
 2. Best, Best, & Krieger - amendment - approval is requested for an amendment to the agreement with Best, Best, & Krieger for the provision of legal services related to administrative appeals and other areas requiring legal services. The amendment increases the maximum amount payable by \$10,064.74 (department budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

3. Northern Valley Catholic Social Services (NVCSS) - amendment - approval is requested for an amendment to the agreement with NVCSS for the provision of the Parent Partner component of the Connecting Circles of Care Program. The amendment increases the maximum amount payable by \$88,612.10 (unexpended grant funds from FY 08/09). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT 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. (Behavioral Health)
4. Skyway House - amendment - approval is requested for an amendment to the agreement with Skyway House for the provision of Long-Term Residential Recovery Services, Day Care Habilitative Services, and the Alcohol and Drug Free Housing for eligible residents referred by the department. The amendment increases the maximum amount payable by \$61,145.23 (department budget utilizing grant funds). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
5. Fixed Asset Purchase - approval is requested for the purchase of computer/server system imaging solution with support and associated software. This system will be utilized to minimize computer/server systems downtime due to hardware systems failure. The estimated cost is \$20,000 - action requested - APPROVE THE FIXED ASSET PURCHASE OF COMPUTER/SERVER SYSTEMS IMAGING SOLUTION IN THE AMOUNT OF \$20,000; AND APPROVE BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)
6. Farrell Design Group - approval is requested for an agreement with Farrell Design Group for the design, production, and printing of a brochure and report to be used to increase public awareness of the programs and services provided by Butte County Department of Behavioral Health. The publications will be distributed to the general public, specifically targeting mental health consumers and other agencies that provide services - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)

7. Accept Unanticipated Revenue - approval is requested to accept \$53,670 from the U.S. Department of Housing and Urban Development for permanent housing assistance for homeless individuals - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)
8. Substance Abuse & Crime Prevention Act (SACPA/Proposition 36) Funding Elimination - Pursuant to the elimination of Proposition 36 funding in the State Fiscal Year (FY) 2009/2010 Budget, approval is requested to reduce \$682,014 in SACPA funds from the department's FY 09/10 budget. SACPA provided funding to cover the costs of drug treatment, probation supervision, vocational training, family counseling, and literacy training - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required) AS DETAILED IN THE AGENDA REPORT. (Behavioral Health)
9. Approval of Minutes - action requested - APPROVE MINUTES OF OCTOBER 20, 2009. (Chief Administrative Office)
10. Proposition 1A Securitization Program - consideration of a resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement with respect to the sale of the seller's Proposition 1A Receivables. Proposition 1A was passed by California voters in 2004 to ensure local property tax and sales tax revenues remain with local government to help fund public safety, health, libraries, parks, and other local services. An emergency suspension of Proposition 1A was passed by the State Legislature in July 2009. The Proposition 1A Securitization Program was instituted to enable local agencies to sell their respective Proposition 1A Receivables to California Communities. The purchase price will equal 100% of the amount of the property tax reduction and all transaction costs of issuance and interest will be paid by the State - action requested - ADOPT RESOLUTION 09-155 AND AUTHORIZE THE CHAIR TO SIGN. (Chief Administrative Office)
11. Lumos & Associates - approval is requested for an agreement with Lumos & Associates to perform a Wastewater Study in the community of Palermo. A Request for Proposal (RFP) was sent to fifty-three firms. Four proposals were submitted. Lumos & Associates was chosen with a bid of \$66,500. This study will be funded 100% with Community Development Block Grant funds. The term of the agreement is October 28, 2009 through May 8, 2010 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Chief Administrative Office)
12. State Community Development Block Grant (CDBG) Micro-

Enterprise Activities - approval is requested to accept and appropriate \$300,000 in funds received for the Butte County Micro-Enterprise Business Assistance Program. Approval is also requested for an exhibit to the Master Subrecipient Agreement with 3Core (formally Tri-County EDC) which was originally implemented in February 2001 to provide staff services related to the CDBG program. The exhibit provides for administration and implementation of the current grant - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE EXHIBIT 32 TO THE MASTER SUBRECIPIENT AGREEMENT. (Chief Administrative Office)

13. Expert Witness Fees - approval is requested for the payment of expert witness services in the amount of \$1,091.70 (department budget). Perinatal & Pediatric Specialists Medical Group, Inc. was utilized in a criminal case, but due to the nature of the crime and time constraints, the department was not able to go through the administrative procedures set up for the payment of expert witnesses - action requested - AUTHORIZE PAYMENT OF INVOICE IN THE AMOUNT OF \$1,091.70 FOR EXPERT WITNESS SERVICES. (District Attorney)
14. Resolution Approving the Application for an American Recovery & Reinvestment Act (ARRA) 1% Loan - consideration of a resolution to approve the submittal of an application for an energy efficiency loan not to exceed \$200,000 from the California Energy Commission. The loan will be used for the replacement of a boiler which is a key component of the HVAC system at 25 County Center Drive and must be repaid from energy cost savings within thirteen years using simple interest calculations - action requested - 1) FIND THE ACTIVITIES FUNDED UNDER THIS LOAN ARE CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES; 2) ADOPT RESOLUTION 09-156 AND AUTHORIZE THE CHAIR TO SIGN; AND 3) AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE LOAN. (General Services)
15. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows:

ASSESSOR - requests to add one term position of Assessment Clerk. This position was eliminated in the 2009-2010 budget process. Organizational changes have created existing salary savings to fund this position through June 30, 2010. This change will increase the total allocations in the department from 38 to 39.

BEHAVIORAL HEALTH - requests to delete one position of Mental Health Clinician/Mental Health Clinician Intern and requests to add one position of Certified Nurse

Practitioner/Physician's Assistant. The new position will allow for greater flexibility in the department and increased medical care. These changes will leave the total allocations in the department unchanged at 281.75 - action requested - ADOPT RESOLUTION 09-157 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

16. Delta Dental of California - amendment - approval is requested for an amendment to the agreement with Delta Dental of California. The term of the amendment is January 1, 2009 through December 31, 2009. This amendment reflects changes in monthly premium payments for all County Enrollees and their dependents - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Human Resources)
17. Interoperable Emergency Communications Grant Program (IECGP) - approval is requested to accept and appropriate \$358,719 in unanticipated revenue received as a result of the redistribution of Fiscal Year 2008 IECGP funds. Approval is also requested for an amendment to the agreement with North Highland for the provision of an emergency services planning consultant for a Northern Planning Area Interoperability Assessment. The amendment increases the maximum amount payable by \$535,992 (\$298,992 from FY08 IECGP and \$237,000 from FY09 IECGP) and amends the original scope of work - action requested - APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Information Systems)
18. Public Health Emergency Preparedness Grant - approval is requested for a revenue agreement with the California Department of Public Health to provide funding for Public Health Emergency Preparedness. The maximum amount receivable is \$906,989 for varied terms ranging from July 1, 2009 through July 30, 2010 depending on the program. The following programs are funded by this grant: Centers for Disease Control and Prevention Emergency Preparedness, the Hospital Preparedness Program (HPP), the State Pandemic Influenza program, and the H1N1 HPP - 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 UNANTICIPATED FUNDS AS DETAILED IN THE AGENDA REPORT. (Public Health)
19. Resolution Authorizing Local Government Agency (LGA) Coordinator - consideration of a resolution authorizing an LGA Coordinator for oversight of the Targeted Case Management

(TCM) services in Butte County. The resolution authorizes the LGA coordinator, or designee, to execute documents necessary for the implementation of the TCM - action requested - ADOPT RESOLUTION 09-158 AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)

20. Resolution Authorizing Acceptance of Funds from State Water Resources Control Board (SWRCB) - approval is requested to accept and appropriate \$100,000 in unanticipated revenue from the SWRCB which will be used for the repair of an underground storage tank site at 153505 Skyway in De Sabla. As part of the Pre-Letter of Award, it is required a Grantee Representative is designated - action requested - 1) APPROVE BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT; 2) DESIGNATE THE ENVIRONMENTAL HEALTH DIRECTOR OR DESIGNEE AS GRANTEE REPRESENTATIVE; AND 3) ADOPT RESOLUTION 09-159 AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
21. Adoption of an Ordinance Establishing Speed Limits on Certain Roads Within Butte County - In response to citizens' concerns regarding the speed on Keefer Road from Hicks Lane to Cohasset Road, the department has performed a speed study and Engineering & Traffic Survey. Based on these findings, it is recommended that the speed limit be changed from 35 mph to 45 mph - action requested - - action requested - ADOPT ORDINANCE 4008 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 10-13-2009 [Item 3.23])(Public Works)
22. Contract Change Order for the Construction of the Aguas Frias Road Bridge across Butte Creek, County Project No. 23201-95-1 - approval is requested for this change order which provides for increased funding for the placement of 767.61 metric tons of Hot Mix Asphalt and for the adjustment of the back wall dimensions. This contract change order results in an overall increase to the contract of \$80,922.95. The construction portion of this project is 88.53% reimbursable through the Federal Highway Bridge Program (HBP), and the remaining 11.47% is reimbursable through the State Transportation Improvement Program. There is sufficient funding in the department's budget to cover the increase - action requested - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)

23. Butte Regional Waste Management Authority Formation

Agreement - amendment - approval is requested for this amendment showing the current membership of the Butte Regional Waste Management Authority. The member jurisdictions are now: The City of Biggs, The City of Gridley, and the County of Butte - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN. (Public Works)

- 24. Notice of Completion - Excavation of Module 4, Phase D at the Neal Road Recycling and Waste Facility, County Project No. 757-5916 - All contract work has been completed in accordance with the plans and specifications - action requested - ACCEPT CONTRACT WORK; AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION; AND AUTHORIZE THE RECORDING OF THE NOTICE OF COMPLETION.(Public Works)
- 25. Monthly Investment Report - Submitted is the monthly investment report dated September 30, 2009, in accordance with Butte County Statement of Investment Policy dated July 1, 2009 - action requested - ACCEPT FOR INFORMATION. (Treasurer-Tax Collector)
- 26. Resolution Recognizing November 2009 as National Adoption Month - action requested - ADOPT RESOLUTION 09-160 AND AUTHORIZE THE CHAIR TO SIGN. (Other Departments and Agencies)

MOTION: I MOVE TO ADOPT THE CONSENT AGENDA.

2 M

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

REGULAR AGENDA

0926-002 Boards, Commissions and Committees.

1. Appointments to Listed Vacancies. (NONE)

2. Board Member or Committee Reports.

SUPERVISOR YAMAGUCHI REPORTED ON A STEWARDSHIP COUNCIL MEETING,

SUPERVISOR KIRK REPORTED HER ATTENDANCE AT THE BUTTE COUNTY 4H AWARDS CEREMONY.

SUPERVISOR KIRK REPORTED ON HER ATTENDANCE AT A NEIGHBORHOOD MEETING IN CHICO ON NITRATE PROJECT. SHE REPORTED THAT THERE WERE APPROXIMATELY 200 PEOPLE AT THE MEETING.

0926-003 Update on Current Budget and Legislative Issues by the Chief Administrative Officer.

GREGORY G. ITURRIA, INTERIM CHIEF ADMINISTRATIVE OFFICER ASKED CATHI GRAMS, DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES TO INTRODUCE HER NEW ASSISTANT DIRECTOR OF CHILDREN AND ADULT SERVICES, ARLENE HOSTETTER.

0926-004 Update of General Plan 2030 Process by Director-Development Services.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED AN UPDATE OF GENERAL PLAN 2030.

0926-005 Update Regarding Upcoming Butte County Code Amendments.

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

0926-006 Fiscal Year 2008/2009 End of Year Financial Report - submitted is the FY 08/09 Year End Report which provides summary information of the fiscal year end analysis, noting State budget impacts, cash flow challenges, the economy, and the future fiscal outlook for Butte County. The report reviews recent fiscal challenges and outcomes, and describes future challenges by extrapolating current trends and recognizing present risks - action requested - ACCEPT THE FISCAL YEAR 2008/2009 YEAR END REPORT. (Chief Administrative Office)

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

MR. ITURRIA ANSWERED QUESTIONS OF THE BOARD.

RUDY JENKINS AND MELISSA ROMERO ADDRESSED THE BOARD.

SHERIFF PERRY RENIFF ADDRESSED THE BOARD.

THE BOARD PROVIDED DIRECTION TO THE CHIEF ADMINISTRATIVE OFFICER TO PROVIDE A COMPREHENSIVE REPORT THAT DETAILS THE ALL DESIGNATED FUND BALANCES AND RESTRICTED FUNDS WITHIN EACH BUTTE COUNTY DEPARTMENT.

RECESS: 10:14 A.M.
RECONVENE: 10:31 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0926-007 Timed Item - A Matter on Which a Public Hearing Has Been Held and Closed - On July 21, 2009 the Board of Supervisors heard an appeal of Planning Commission's Denial of Certificate of Correction application COR07-0002 to remove a note on Lot 28 of the Sierra Foothills #2 Subdivision map, Zinfandel Drive, recorded February 6, 1986 in Book 100, Pages 83 and 84. The Board directed staff to analyze the comments and materials submitted during public hearing and to provide a recommendation. This item was included on the August 25, 2009 Board of Supervisors agenda, but at the request of the applicant, the Board continued the matter closed to October 27, 2009 to allow the applicant time to review the agenda report and resolution. Staff recommends denial of this appeal - action requested - ADOPT RESOLUTION 09-161 WITH FINDINGS DENYING THE APPEAL. (Department of Development Services)

CHUCK THISTLETHWAITE, MANAGER OF PLANNING DIVISION PROVIDED A REPORT TO THE BOARD.

MR. HAYS ADDRESSED THE BOARD.

MOTION: I MOVE TO ADOPT A RESOLUTION WITH FINDINGS DENYING THE APPEAL.

2 M

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

0926-008 Public Hearing - Appeal of Planning Commission's Condition of Approval for Use Permit UP07-0007 - consideration of an appeal to modify Condition of Approval #20 by removing the requirement to construct a curb, gutter and sidewalk along the Railroad Avenue frontage of the project. The project is located east of Railroad Avenue, 0.14-miles south of the Railroad Avenue and Kusel Road intersection, near the city of Oroville (APN 078-030-013). Staff recommends denial of the appeal - action requested - ADOPT RESOLUTION 09-162 DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S CONDITION OF APPROVAL #20.

CHUCK THISTLETHWAITE, MANAGER OF PLANNING DIVISION PROVIDED A REPORT TO THE BOARD.

CALLUM CALLAHAN ADDRESSED THE BOARD.

PUBLIC HEARING OPENED: 10:54 A.M.
PUBLIC HEARING CLOSED: 10:58 A.M.

MOTION: I MOVE TO MAKE A MOTION OF INTENT TO UPHOLD THE APPEAL REGARDING

PLANNING COMMISSION'S CONDITION OF APPROVAL #20 WITH THE FOLLOWING FINDINGS: 1) THE PROJECT LOCATION ADJOINS OTHER PROPERTIES OF EXISTING USES THAT DO NOT HAVE CURB, GUTTER, OR SIDEWALK; 2) THERE IS NO CURRENT STORM DRAINAGE PLAN; 3) THE PROJECT AREA IS ISOLATED FROM OTHER TYPES OF USES; AND 4) THERE HAVE BEEN NO PERMANENT IMPROVEMENT TO THE PARCEL. THERE IS ONLY A TEMPORARY BUILDING WITH NO FOUNDATION.

M 2

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

0926-009 Public Hearing - Zoning Code Amendment (ZCA09-0002) - Residential Generator Noise - consideration of an ordinance establishing standards for noise from residential generators. The standards would apply to the operation of residential generators in all areas of the unincorporated portion of Butte County outside of the area of applicability for Standards for Limited Density Owner-Built Rural Dwellings. The proposed ordinance requires that noise produced by residential generators shall not exceed 55 decibels at or outside the originating property line. The proposed ordinance would be enforced through the County's Code Enforcement Process - action requested - FIND THE PROPOSED ZONING CODE AMENDMENT EXEMPT FROM ENVIRONMENTAL REVIEW UNDER CEQA PURSUANT TO SECTION 15308 OF THE CEQA GUIDELINES; AND ADOPT ORDINANCE 4009 AND AUTHORIZE THE CHAIR TO SIGN.

PRESENTATION BY CLAUDIA STUART, PRINCIPAL PLANNER FOR DEVELOPMENT SERVICES.

MICHELLE AND WAYNE DEESE ADDRESSED THE BOARD.

PUBLIC HEARING OPENED: 11:12 A.M.
PUBLIC HEARING CLOSED: 11:17 A.M.

MOTION: I MOVE TO FIND THE PROPOSED ZONING CODE AMENDMENT EXEMPT FROM ENVIRONMENTAL REVIEW UNDER CEQA PURSUANT TO SECTION 15308 OF THE CEQA GUIDELINES; AND ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN.

2 M

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

0926-010 Public Hearing - Zoning Code Amendment (ZCA09-0001) - Outdoor

Lighting in Residential Areas - consideration of an ordinance establishing standards for outdoor lighting in order to prevent direct light from shining onto adjoining properties. The standards would apply to the following zones: Agricultural Residential; Agricultural Suburban-Residential; Foothill Recreational; Mountain or Recreation Subdivisions-Residential; Residential; Residential Nonconforming; Residential-Mobile Home; Suburban Residential; Timber Mountain; and Unclassified. The proposed ordinance requires that all new outdoor lighting conform to the standards and requires all existing outdoor lighting be brought into conformity with standards within three to six months after adoption of the ordinance. The proposed ordinance would be enforced through the County's Code Enforcement Process - action requested - FIND THE PROPOSED ZONING CODE AMENDMENT EXEMPT FROM ENVIRONMENTAL REVIEW UNDER CEQA PURSUANT TO SECTION 15308 OF THE CEQA GUIDELINES; AND ADOPT ORDINANCE 4010 AND AUTHORIZE THE CHAIR TO SIGN.

PRESENTATION BY CLAUDIA STUART, PRINCIPAL PLANNER FOR DEVELOPMENT SERVICES.

GEORGE MENAS ADDRESSED THE BOARD.

PUBLIC HEARING OPENED: 11:29 A.M.
 PUBLIC HEARING CLOSED: 11:35 A.M.

MOTION: I MOVE TO FIND THE PROPOSED ZONING CODE AMENDMENT EXEMPT FROM ENVIRONMENTAL REVIEW UNDER CEQA PURSUANT TO SECTION 15308 OF THE CEQA GUIDELINES; AND ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN.

2 M

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

REGULAR AGENDA

0926-011 Request for a Fee Waiver for Upper Ridge Volunteer Fire Company (Station 31) - consideration of a request submitted by the Upper Ridge Volunteer Fire Company (Station 31) for the waiver of use permit fees, building permit fees, and impact fees for the addition of a 1,200 square foot accessory building on the existing fire station property. The project site (APN 065-090-019) is on the east side of Skyway approximately 3,330 feet north of Nimshew Road and Columbine Road in Magalia. The approximate amount of fees associated with this project is between \$14,800 and \$18,100. Staff recommends the Board grant this request -action requested - PURSUANT TO BUTTE COUNTY CODE SECTION 1-18, DETERMINE THAT A PUBLIC INTEREST FINDING CAN BE MADE TO WAIVE THE USE PERMIT FEES, BUILDING PERMIT FEES, AND IMPACT FEES RELATED TO THIS PROJECT. (Department of Development Services)

PRESENTATION BY MARK MICHELENA FROM DEVELOPMENT SERVICES.

MOTION: I FIND THAT IT IS IN THE PUBLIC INTEREST TO WAIVE ANY AND ALL FEES RELATED TO THE USE PERMIT, BUILDING PERMIT, IMPACT FEES AND ANY OTHER FEES THAT CAN BE WAIVED THAT ARE RELATED TO THIS PROJECT.

2 M

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

0926-012 State Route (SR) 99 Corridor Bike Project - The City of Chico is developing plans for the State Route 99 Corridor Bike Project under an accelerated schedule imposed by the State of California. The overall project, which will be developed in two phases, proposes to construct an approximately 6.7 mile Class I and Class II/III bicycle facilities, portions of which parallel the east side of SR-99. A portion of Phase 1 includes the construction of a paved path over the existing maintenance road within the limits of Shasta Union Drainage Assessment District (SUDAD) between Eaton Road and Panama Avenue. Additional detail is available in the agenda report - action requested -

- 1) ALLOW THE CITY OF CHICO TO OBTAIN AN EASEMENT FOR EXTRA-TERRITORIAL PROPERTY OWNED BY CALIFORNIA WATER SERVICE AND LOCATED WITHIN BUTTE COUNTY'S JURISDICTION AND DIRECT THE DIRECTOR OF PUBLIC WORKS TO NOTIFY THE CITY OF CONSENT; AND
- 2) APPROVE THE GRANT DEED DEDICATION TO THE CITY OF CHICO FOR A BICYCLE PATH EASEMENT AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN; AND
- 3) APPROVE THE AGREEMENT WITH CITY OF CHICO ALLOWING ENCROACHMENT INTO BUTTE COUNTY-OWNED SUDAD PROPERTY FOR THE INSTALLATION, MAINTENANCE, AND ONGOING USE OF A BICYCLE/PEDESTRIAN PATHWAY AND ASSOCIATED IMPROVEMENTS AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

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

BOB GREENLAUB FROM THE CITY OF CHICO PROVIDED A REPORT TO THE BOARD.

MOTION: I MOVE TO ALLOW THE CITY OF CHICO TO OBTAIN AN EASEMENT FOR EXTRA-TERRITORIAL PROPERTY OWNED BY CALIFORNIA WATER SERVICE AND LOCATED WITHIN BUTTE COUNTY'S JURISDICTION AND DIRECT THE DIRECTOR OF PUBLIC WORKS TO NOTIFY THE CITY OF CONSENT; AND APPROVE THE GRANT DEED DEDICATION TO THE CITY OF CHICO FOR A BICYCLE PATH EASEMENT AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN; AND APPROVE THE AGREEMENT WITH CITY OF CHICO ALLOWING ENCROACHMENT INTO BUTTE COUNTY-OWNED SUDAD PROPERTY FOR THE INSTALLATION, MAINTENANCE, AND ONGOING USE OF A BICYCLE/PEDESTRIAN PATHWAY AND ASSOCIATED IMPROVEMENTS AND AUTHORIZE THE CHAIR TO SIGN.

2 M

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)

0926-013 Recessed at 12:05 p.m. as the Butte County Board of Supervisors and Convene as the Thompson Flat Cemetery District Board of Directors.

THOMPSON FLAT CEMETERY DISTRICT

BOARD OF DIRECTORS

MINUTES

OCTOBER 27, 2009

Called to order at 12:05 p.m. in the Butte County Board of Supervisors Room, 25 County Center Drive, Oroville. Members present: Dolan, Kirk, Lambert, Yamaguchi and Chair Connelly. Also present: Assistant Clerk, Kathleen Moghannam.

Consent Agenda

0904-001 Resolution Requesting a Three-Year Audit Period - 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 Butte County Auditor-Controller supports a three-year audit period for the Thompson Flat Cemetery District - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

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

2 M

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 is prohibited from taking action on any item not listed on the agenda.

Adjournment

Adjourned at 12:06 p.m. as the Thompson Flat Cemetery District Board of Directors and reconvene as the Butte County Board of Supervisors.

PUBLIC COMMENT

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.

DEBORAH THOMPSON ADDRESSED THE BOARD REGARDING THE SOUTHSIDE COMMUNITY CENTER.

CLOSED SESSION

0926-014 **THE BOARD RECESSED AT 12:08 P.M. TO CLOSED SESSION REGARDING:**

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 SECTION 54956.9(a) - FOUR CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. DRY CREEK COALITION V. NORTH CONTINENT LAND AND TIMBER, ET AL.; BUTTE COUNTY SUPERIOR COURT CASE NO. 144532;
3. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION, ET AL; D.C. CIRCUIT CASE NO. 09-5179;
4. SALERNO V. COUNTY OF BUTTE; UNITED STATES DISTRICT COURT CASE NO. 07-2157.

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER.

THE BOARD RECONVENED AT 2:30 P.M. FROM CLOSED SESSION REGARDING:

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 SECTION 54956.9(a) - FOUR CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. DRY CREEK COALITION V. NORTH CONTINENT LAND AND TIMBER, ET AL.; BUTTE COUNTY SUPERIOR COURT CASE NO. 144532;
3. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION, ET AL; D.C. CIRCUIT CASE NO. 09-5179;
4. SALERNO V. COUNTY OF BUTTE; UNITED STATES DISTRICT COURT CASE NO. 07-2157.

PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT/RECRUITMENT, PURSUANT TO GOVERNMENT CODE SECTION 54957: CHIEF ADMINISTRATIVE OFFICER. (No Announcements)

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 2:30 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, DECEMBER 8, 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: _____