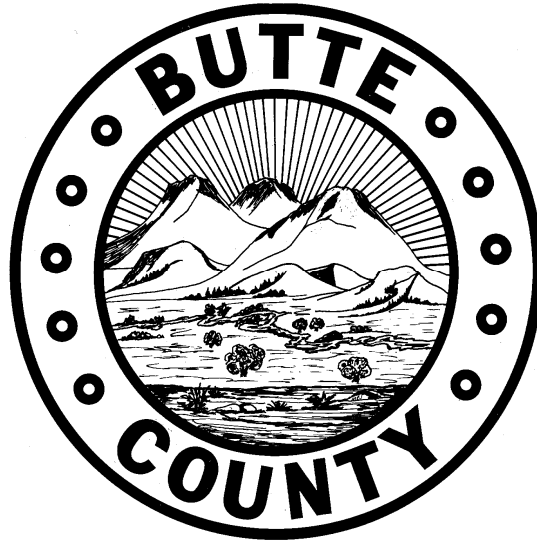


BUTTE COUNTY BOARD OF SUPERVISORS
MINUTES
January 25, 2011



County Supervisors

Bill Connelly, District 1
Larry Wahl, District 2
Maureen Kirk, District 3
Steve Lambert, District 4
Kim Yamaguchi, District 5

Paul Hahn, Chief Administrative Officer
and Clerk of the Board

Bruce Alpert, County Counsel

Called to order at 9:00 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Wahl, Kirk, Yamaguchi, and Chair Lambert. Also present: Paul Hahn, 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.

1102-001 **CORRECTIONS AND/OR CHANGES TO THE AGENDA**

1. Resolution Declaring an All-Way Stop Intersection at Monte Vista Avenue and Lower Wyandotte Road in Oroville – Traffic data and field observations indicate this intersection has become a safety concern. The Department of Public Works requests the Board declare the intersection an all-way stop and instruct the department to install legal STOP signs and markings at the appropriate entrances thereto – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

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

2. Lincoln Boulevard Median Safety Improvement Project, County Project No. 18491-2008-1 – Bids were received and opened publicly on January 6, 2011 for the construction of raised concrete median safety improvements on a portion of Lincoln Boulevard in Oroville. The County received five bids with Franklin Construction, Inc. of Chico submitting the lowest responsive and responsible bid in the amount of \$883,998 – action requested - AWARD AGREEMENT TO FRANKLIN CONSTRUCTION, INC. SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY. (Public Works)

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

3. Lincoln Boulevard Median Landscaping Improvement Project, County Project No. 18491-2009-1 - Bids were received and opened publicly on January 6, 2011 for the construction of median landscaping on a portion of Lincoln Boulevard in Oroville. The County received three bids with Franklin Construction, Inc. of Chico submitting the lowest responsive and responsible bid in the amount of \$36,100 – action requested - AWARD AGREEMENT TO FRANKLIN CONSTRUCTION, INC. SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY. (Public Works)

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

4. Budget Adjustment and Fixed Asset Purchase – request to upgrade the department’s Geographic Information System (GIS) server. The total cost of the upgrade is \$10,716.75. Funds are available in the Road Fund Appropriation for Contingency for this fixed asset purchase – action requested – APPROVE FIXED ASSET PURCHASE OF TWO SOFTWARE LICENSES AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required). (Public Works)

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

CONSENT AGENDA

1102-002

1. Budget Adjustment – request to accept and appropriate \$61,051 received through the Mental Health Services Act – Prevention and Early Intervention program for Fiscal Years 2008/2009, 2009/2010, and 2010/2011 - action requested - APPROVE BUDGET ADJUSTMENT (4/5 vote required). (Behavioral Health)
2. Sutter Health Sacramento Sierra Region dba Sutter Center for Psychiatry - agreement for inpatient psychiatric hospitalization services for clients referred by Butte County Behavioral Health. The term of the agreement shall begin on the date of execution through June 30, 2011. Approximately eighteen clients will be served at a cost of \$5,932 per client. Butte County’s realignment funding will be directly offset by the State Department of Mental Health for hospital claims - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
3. Victor Treatment Centers, Inc. - agreement with Victor Treatment Centers, Inc. for intensive day treatment services and medication support services for emotionally disturbed children. The term of the agreement is July 28, 2010 through June 30, 2011 with a maximum amount payable of \$28,532.40 (department budget utilizing State and Federal Medi-cal revenue) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Behavioral Health)
4. Valley Toxicology Services, Inc. – amendment to the agreement with Valley Toxicology for forensic and drug toxicology testing, reporting, and court testimony. The amendment extends the term of the agreement through June 30, 2011 and increases the maximum amount payable by \$41,268 (department budget) – action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (District Attorney)

5. In-Home Supportive Services Advisory Committee – request for reappointment of the following members: Dorothy Churchill, Dominic Console, Cheryl Leeth, and Sarah Okumbe. All terms to end December 19, 2013 – action requested – MAKE APPOINTMENTS AS LISTED. (Employment and Social Services)
6. Resolution to Amend the Salary Ordinance - The resolution will amend the salary ordinance as follows:

BEHAVIORAL HEALTH - requests to increase a Psychiatrist position from 50% to a 75% position. Any additional costs associated with this change will be absorbed through salary savings for FY 10/11 due to two current Psychiatrist vacancies in the department. In addition, the department requests to delete one vacant position of Account Clerk, Senior/Account Clerk/Accounting Specialist and one vacant position of Contracts Specialist, Senior/Contracts Specialist.

The department also requests to add four positions of Behavioral Health Counselor II/I and one position of Administrative Analyst, Senior/Administrative Analyst/Administrative Analyst, Associate. The department has received approval of its Mental Health Services Act (MHSA) Innovative Programs plan which allows for the addition of these five positions. These changes will increase the allocations in budget unit 541-011 from 285.25 to 288.50 and increase the total allocations in the department from 308.75 to 312.25.

ADMINISTRATION – requests to add one position of Risk Management Analyst, Senior/Risk Management Analyst. Once a departmental promotional recruitment is conducted, the vacated position will then be deleted on a future Board of Supervisors agenda. This change will initially increase the allocations in the department from 27 to 28 until the vacated position is deleted at a future Board meeting – action requested – ADOPT RESOLUTION NO. 11-004 AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

7. Overdrive, Inc. – amendment to the agreement with Overdrive, Inc. in order to offer access to digital books on the library website. The amendment increases the maximum amount payable by \$9,600 through February 2014 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Library)
8. Enloe Medical Center - amendment to the agreement with Enloe Medical Center for ambulance service within the boundaries of County Service Area 37 – Gridley/Biggs Ambulance Service. The amendment extends the term of the agreement through December 31, 2011 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)

9. Joint Exercise of Powers Agreement (JPA) for Regional Emergency Medical Services Agency – The Emergency Medical Services Act authorizes a county to designate a local emergency medical services agency to perform particular functions that are required by the Emergency Medical Services Act. There are 10 member counties, now including Butte County, that contract with Sierra-Sacramento Valley Emergency Medical Services Agency to perform this function. Payment by each county is based on base payment of \$10,000 plus an additional payment of \$0.42 per capita. The amount for Butte County for Fiscal Year 2010/2011 was \$103,142 – action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Health)
10. Little Chico Creek Pedestrian and Bicycle Path – The City of Chico requests approval for extra-territorial acquisition rights to purchase 0.151 acres of property located within Butte County’s jurisdiction to accommodate the construction of a pedestrian and bicycle path and pedestrian bridge over Little Chico Creek between the Chapman Neighborhood, Community Park, and Chapman Elementary School – action requested – APPROVE THE CITY OF CHICO’S REQUEST FOR ACQUISITION OF PROPERTY AND DIRECT THE PUBLIC WORKS DIRECTOR TO NOTIFY THE CITY OF THE COUNTY’S ACTION. (Public Works)
11. HDR Engineering, Inc. – amendment to the agreement with HDR Engineering for the Neal Road Recycling and Waste Facility Master Plan design which is still in progress. The amendment revises the term to end upon project completion date –action requested – APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Public Works)
12. Budget Adjustment – request to accept \$5,784.96 in unanticipated revenue received through the Shasta County Sheriff’s Office, California Methamphetamine Enforcement Team grant. This revenue is for aircraft expenses and personnel costs that have already been expended – action requested – APPROVE BUDGET ADJUSTMENT (4/5 vote required) AND INCREASE APPROPRIATIONS. (Sheriff-Coroner)
13. Monthly Investment Report - submitted is the Monthly Investment Report dated November 30, 2010, in accordance with the Statement of Investment Policy dated July 1, 2010 – action requested – ACCEPT FOR INFORMATION. (Treasurer/Tax Collector)
14. Butte County Water Advisory Committee – reappoint the following individuals to terms to end January 11, 2015: Catherine Cottle – Angel Slough Sub-Inventory Unit; Chuck Kutz – At-large Watershed-Butte Creek Watershed Conservancy; Gary Cole – At-large Watershed-Cherokee Watershed Alliance; Rick Ponciano – Esquon Sub-Inventory Unit; J. Baxter Knight – Vina Inventory Unit; and Ted Trimble – Western Canal Water District Sub-Inventory Unit – action requested – MAKE APPOINTMENTS AS LISTED. (Water and Resource Conservation)
15. Local Child Care Planning Council (LPC) Membership – The Butte County Office of Education submits the annual request for Board of Supervisors’ certification of the composition of the LPC - action requested – APPROVE MEMBERSHIP COMPOSITION OF THE LOCAL CHILD CARE PLANNING COUNCIL. (Other departments and agencies)

- 16. Oroville Cemetery District – action requested – REAPPOINT MARK WISTERMAN TO A TERM TO END JANUARY 1, 2015. (Supervisor Connelly) (Other departments and agencies)
- 17. Northern Sacramento Valley Integrated Regional Water Management Governing Board - action requested – APPOINT GREG JOHNSON AS AT-LARGE MEMBER OF PREDOMINATELY SURFACE WATER DEPENDENT AREA. (TERM TO END DECEMBER 31, 2012) (Other departments and agencies)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEMS 3.10, 3.11, 3.12, AND 3.14 WHICH WERE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION ON THE REGULAR AGENDA.

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

REGULAR AGENDA

BOARDS, COMMISSIONS, AND COMMITTEES

- 1102-003** 1. Appointments to Listed Vacancies (NONE)
- 2. Board of Supervisors Committee Assignments to the Remote Access Network (RAN) and the Northern Rural Training Employment Consortium (NoRTEC) - On January 11, 2011, the Board of Supervisors voted to disband the RAN Board has not met in many years. It has been determined that the RAN Board needs to remain intact as counties are eligible to receive equipment and/or funding for such equipment provided they have a local RAN Board. It is also requested that the Board of Supervisors appoint a member to serve on the NoRTEC Governing Board – actions requested – 1) RESCIND JANUARY 11, 2011 VOTE TO DISBAND THE RAN BOARD AND APPOINT A BOARD MEMBER; AND 2) APPOINT A BOARD MEMBER TO SERVE ON THE NORTEC GOVERNING BOARD.

MOTION: I MOVE TO RESCIND JANUARY 11, 2011 VOTE TO DISBAND THE RAN BOARD; APPOINT SUPERVISOR LAMBERT TO THE RAN BOARD; AND I MOVE TO APPOINT SUPERVISOR LAMBERT TO THE NORTEC GOVERNING BOARD. (9:48)

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

3. Board Member or Committee Reports

SUPERVISOR YAMAGUCHI REPORTED ON A MEETING OF THE REGIONAL COUNCIL OF RURAL COUNTIES (RCRC).

SUPERVISOR KIRK REPORTED THAT SHE ATTENDED A MEMORIAL SERVICE IN CHICO FOR GENERAL VANG PAO WHO WAS A LEADER IN THE HMONG COMMUNITY.

1102-004 Update of Current Budget and Legislative Issues by the Chief Administrative Officer.

PAUL HAHN, CHIEF ADMINISTRATIVE OFFICER PROVIDED A REPORT.

1102-005 Update of General Plan 2030 Process by Director of Development Services

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED A REPORT.

1102-006 Items Removed from the Consent Agenda for Board Consideration and Action.

1. Resolution Declaring an All-Way Stop Intersection at Monte Vista Avenue and Lower Wyandotte Road in Oroville – Traffic data and field observations indicate this intersection has become a safety concern. The Department of Public Works requests the Board declare the intersection an all-way stop and instruct the department to install legal STOP signs and markings at the appropriate entrances thereto – action requested – ADOPT RESOLUTION NO. 11-005 ND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

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

MIKE CRUMP, PUBLIC WORKS DIRECTOR ANSWERED QUESTIONS.

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. Lincoln Boulevard Median Safety Improvement Project, County Project No. 18491-2008-1 – Bids were received and opened publicly on January 6, 2011 for the construction of raised concrete median safety improvements on a portion of Lincoln Boulevard in Oroville. The County received five bids with Franklin Construction, Inc. of Chico submitting the lowest responsive and responsible bid in the amount of \$883,998 – action requested - AWARD AGREEMENT TO FRANKLIN CONSTRUCTION, INC. SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY. (Public Works)

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

MIKE CRUMP, PUBLIC WORKS DIRECTOR ANSWERED QUESTIONS.

- 3. Lincoln Boulevard Median Landscaping Improvement Project, County Project No. 18491-2009-1 - Bids were received and opened publicly on January 6, 2011 for the construction of median landscaping on a portion of Lincoln Boulevard in Oroville. The County received three bids with Franklin Construction, Inc. of Chico submitting the lowest responsive and responsible bid in the amount of \$36,100 – action requested - AWARD AGREEMENT TO FRANKLIN CONSTRUCTION, INC. SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY. (Public Works)

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

THE MOTION BELOW INCLUDED APPROVAL OF BOTH OF THE LINCOLN BOULEVARD IMPROVEMENT PROJECTS AS SHOWN ABOVE. (ITEMS 3.11 AND 3.12)

MOTION: I MOVE TO AWARD AGREEMENTS (LINCOLN BOULEVARD MEDIAN SAFETY IMPROVEMENT PROJECT, COUNTY PROJECT NO. 18491-2008-1 AND LINCOLN BOULEVARD MEDIAN LANDSCAPING IMPROVEMENT PROJECT, COUNTY PROJECT NO. 18491-2009-1) TO FRANKLIN CONSTRUCTION, INC. SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENTS ON BEHALF OF THE COUNTY.

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

- 4. Budget Adjustment and Fixed Asset Purchase – request to upgrade the department’s Geographic Information System (GIS) server. The total cost of the upgrade is \$10,716.75. Funds are available in the Road Fund Appropriation for Contingency for this fixed asset purchase – action requested – APPROVE FIXED ASSET PURCHASE OF TWO SOFTWARE LICENSES AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required). (Public Works)

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

MIKE CRUMP, PUBLIC WORKS DIRECTOR ANSWERED QUESTIONS.

MOTION: I MOVE TO APPROVE FIXED ASSET PURCHASE OF TWO SOFTWARE LICENSES AND APPROVE RELATED BUDGET ADJUSTMENT (4/5 vote required).

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

PUBLIC COMMENT (None)

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

RECESS 9:27 A.M.
RECONVENE: 9:45 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

1102-007 Timed Item – Consideration of the Draft Butte County Regional Economic Development Strategy and Plan for Implementation – Butte County General Plan 2030 included an Economic Development Element which details the goals, objectives, and action items associated with economic development planning over the next twenty years. Staff has created a draft Butte County Regional Economic Development Strategy which provides a program based around three key initiatives: 1) ensure Butte County is a competitive location for new investment; 2) grow existing key industry sectors; and 3) coordinate business development services on a regional basis. Staff will outline a plan for implementing this strategy - action requested - APPROVE THE BUTTE COUNTY REGIONAL ECONOMIC DEVELOPMENT STRATEGY; AND APPROVE THE CREATION OF AN ECONOMIC DEVELOPMENT AND COMMUNITY DEVELOPMENT UNIT WITHIN ADMINISTRATION. (Administration)

PAUL HAHN, CHIEF ADMINISTRATIVE OFFICER AND JENNIFER MACARTHY, MANAGER OF PROGRAM DEVELOPMENT PROVIDED REPORTS TO THE BOARD. (29:42)

AUDREY TAYLOR, FROM CHABIN CONCEPTS PROVIDED A REPORT.

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: (1:03:19); ROBIN HUFFMAN; WELDON LARSON; JOE MATZ; DEBRA LUCERO; AND JOHN VORISEK.

MOTION: I MOVE TO APPROVE THE BUTTE COUNTY REGIONAL ECONOMIC DEVELOPMENT STRATEGY; AND APPROVE THE CREATION OF AN ECONOMIC DEVELOPMENT AND COMMUNITY DEVELOPMENT UNIT WITHIN ADMINISTRATION SUBJECT TO MORE INFORMATION AND FUTURE APPROVAL OF THE BOARD.

2 M

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

1102-008 Timed Item - Matter On Which a Public Hearing Has Been Held and Motion of Intent Adopted - Appeal of the Planning Commission’s Approval of Use Permit (UP) 09-0005 (Webber-Smith) - The Board of Supervisors conducted and closed a public hearing regarding UP09-0005 at its November 23, 2010 meeting. The appeal is based on concerns regarding six specific issues raised by the appellants with regard to the operation of the existing feed store business on APN 027-100-028, located on the south side of She-Yo Lane, approximately 750 feet east of Reservoir Road in Palermo. The Board made a motion of intent to deny the appeal based upon modified findings and additional conditions of approval to limit the expansion of the current operation – actions requested –

- 1) ADOPT MITIGATED NEGATIVE DECLARATION WITH FINDINGS;
- 2) FIND THAT THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 IS REQUIRED PRIOR TO FILING A NOTICE OF DETERMINATION FOR THE PROJECT UNLESS THE PROJECT PROPONENT PROVIDES VERIFICATION FROM FISH AND GAME THAT THE PROJECT IS EXEMPT FROM THE FEE REQUIREMENT;
- 3) MAKE USE PERMIT FINDINGS DETAILED IN THE ATTACHMENT TO THE RESOLUTION; AND
- 4) ADOPT RESOLUTION NO. 11-003 DENYING THE APPEAL AND APPROVING USE PERMIT 09-0005 SUBJECT TO CONDITIONS AS SET FORTH AS AN ATTACHMENT TO THE RESOLUTION. (Department of Development Services)

SUPERVISOR LAMBERT RECUSED HIMSELF FROM THIS HEARING.

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES AND MARK MICHELENA, SENIOR PLANNER WITH DEVELOPMENT SERVICES PROVIDED REPORTS.

SUPERVISOR WAHL REPORTED THAT HE HAS REVIEWED THE ENTIRE RECORD FROM THE PRIOR BOARD MEETING.

PATRICIA WEBBER-SMITH AND NANCY RYAN ADDRESSED THE BOARD.

MOTION: I MOVE TO: 1) ADOPT MITIGATED NEGATIVE DECLARATION WITH FINDINGS; 2) FIND THAT THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 IS REQUIRED PRIOR TO FILING A NOTICE OF DETERMINATION FOR THE PROJECT UNLESS THE PROJECT PROPONENT PROVIDES VERIFICATION FROM FISH AND GAME THAT THE PROJECT IS EXEMPT FROM THE FEE REQUIREMENT; 3) MAKE USE PERMIT FINDINGS DETAILED IN THE ATTACHMENT TO THE RESOLUTION; AND 3) ADOPT RESOLUTION DENYING THE APPEAL AND APPROVING USE PERMIT 09-0005 SUBJECT TO CONDITIONS AS SET FORTH AS AN ATTACHMENT TO THE RESOLUTION. (RESOLUTION 11-003)

2 M
VOTE: 1 Y 2 Y 3 Y 4 NV 5 Y (MOTION CARRIED 4-0)

SUPERVISOR LAMBERT RECUSED HIMSELF FROM THIS HEARING. ‘NV’ LISTED ABOVE SHOWS SUPERVISOR LAMBERT DID NOT VOTE.

1102-009 Public Hearing – Paradise Summit - TSM08-0006 and PUD08-0001 (Wyckoff) - The project is an application for a Planned Unit Development consisting of a phased Tentative Subdivision Map to subdivide +/- 333 acres into 312 single-family residential parcels while preserving +/-195 acres as open space for various uses. The Board has received public testimony, correspondence, and additional information throughout the public hearing process that supports a fair argument that the project may have a significant impact on the environment and therefore, would require the preparation of an Environmental Impact Report (EIR) pursuant to Public Resources Code and CEQA guidelines – actions requested –

- 1) DETERMINE THAT THERE IS SUBSTANTIAL EVIDENCE THAT THE PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THE DRAFT MITIGATED NEGATIVE DECLARATION CANNOT BE ADOPTED; AND
- 2) REQUIRE AN EIR BE PREPARED AND REMAND THE PROJECT TO THE BUTTE COUNTY PLANNING COMMISSION. (Department of Development Services)

TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES PROVIDED A REPORT. (2:17:00) HE INDICATED THAT A LETTER WAS SUBMITTED BY THE APPLICANT’S ATTORNEY THE EVENING PRIOR TO THIS BOARD MEETING.

PUBLIC HEARING OPENED: 11:51 A.M.
PUBLIC HEARING CLOSED: 12:57 P.M.

THE FOLLOWING INDIVIDUALS ADDRESSED THE BOARD: TED REECE, SUE SEROPIAN, LEROY ELLINGHOUSE, STEVE CULLETON, CRAIG BAKER, SCOTT WYCOFF (2:50:59), NICK WEIGEL, KAMIE LOESER (3:00:00), DARIN JUDD, RICHARD HARRIMAN, JOHN VORISEK, AND JAY OMAN.

SUPERVISOR WAHL REPORTED EX PARTE COMMUNICATION WITH THE APPLICANTS OF THE PROJECT.

MOTION: I MOVE TO DELAY THE DISCUSSION ON THE EIR AND ALLOW THE DEVELOPER AND COUNTY STAFF THE OPPURTUNITY TO REVIEW THE FIVE ISSUES (TRAFFIC, FIRE EVACUATION, WASTEWATER ISSUES, OPEN SPACE MANAGEMENT PLAN, AND GREENHOUSE GAS) IN QUESTION AND RETURN TO THE BOARD WITH A REPORT IN TWO WEEKS.

2 M

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

MOTION: I MOVE TO: 1) FIND THAT THERE IS SUBSTANTIAL EVIDENCE THAT THE PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THE DRAFT MITIGATED NEGATIVE DECLARATION CANNOT BE ADOPTED; 2) REQUIRE AN EIR BE PREPARED AND REMAND THE PROJECT TO THE BUTTE COUNTY PLANNING COMMISSION IN A TIMELY MANNER; AND 3) DIRECT STAFF TO EXPLORE THE POSSIBILITY OF SOME FINANCIAL RELIEF FOR THE APPLICANT. (3:46:38)

2 M

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

1102-010 CLOSED SESSION

THE BOARD RECESSED AT 1:12 P.M. TO CLOSED SESSION REGARDING:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: JACK HUGHES & BRIAN RING
EMPLOYEE

ORGANIZATIONS: BCEA, SSW, BCMEA, PPOA, PEA,
 DSA - MANAGEMENT/SUPERVISORY UNIT,
 DSA- GENERAL UNIT,
 BCCOA - SUPERVISORY UNIT,
 BCCOA - GENERAL UNIT.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9 (a) – 3 CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BEC V. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 152362; AND
3. CALIFORNIA SPORTFISHING PROTECTION ALLIANCE V. COUNTY OF BUTTE; USDC-EASTERN DISTRICT CASE NO. 10-03203.

THE BOARD RECONVENED AT 2:45 P.M. FROM CLOSED SESSION REGARDING:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

LABOR NEGOTIATORS: JACK HUGHES & BRIAN RING
EMPLOYEE

ORGANIZATIONS: BCEA, SSW, BCMEA, PPOA, PEA,
 DSA - MANAGEMENT/SUPERVISORY UNIT,
 DSA- GENERAL UNIT,
 BCCOA - SUPERVISORY UNIT,
 BCCOA - GENERAL UNIT.

ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9 (a) – 3 CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BEC V. COUNTY OF BUTTE; BUTTE COUNTY SUPERIOR COURT CASE NO. 152362; AND
3. CALIFORNIA SPORTFISHING PROTECTION ALLIANCE V. COUNTY OF BUTTE; USDC-EASTERN DISTRICT CASE NO. 10-03203. (No Announcements)

ADJOURNMENT: THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT APPROXIMATELY 2:45 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS TO BE HELD TUESDAY, FEBRUARY 8, 2011 AT 9:00 A.M.

STEVE LAMBERT, CHAIR
BUTTE COUNTY BOARD OF SUPERVISORS

ATTEST:

Paul Hahn, Chief Administrative Officer
and Clerk of the Board

By: _____