

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

MARCH 25, 2003



County Supervisors

R.J. "Bob" Beeler, District 1

Jane Dolan, District 2

Mary Anne Houx, District 3

Curt Josiassen, District 4

Kim Yamaguchi, District 5

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board

Bruce Alpert, County Counsel

9:00 A.M. 1.00 CALL TO ORDER

- 1.01 Call to Order - Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville.
- 1.02 Pledge of Allegiance to the Flag of the United States of America.
- 1.03 Invocation - Pastor Curt Jarboe, Grace Baptist Church, Oroville.

2.00 CORRECTIONS AND/OR CHANGES TO THE AGENDA

3.00 CONSENT AGENDA

BEHAVIORAL
HEALTH

- 3.01 * State of California Department of Alcohol and Drug Programs - Grant Agreement Amendment - approval is requested for an amendment to the grant agreement with the State of California Department of Alcohol and Drug Programs for funds to support the Drug Court Partnership Project. The amendment provides for an additional \$2,234 in grant funds for fiscal year 2002-2003. All other terms and provisions remain the same - action requested - APPROVE BUDGET TRANSFER B-345 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE; AND APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40153)
- 3.02 * T.W. DuFour and Associates - Amendment - approval is requested for an amendment to the lease agreement with T.W. DuFour and Associates for the property located at 470 Rio Lindo Avenue, Suite 1, Chico. The property is utilized by the Youth Services Division. The amendment corrects the agreement's term ending date from October 31, 2004, to October 31, 2003. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X11853)
- 3.03 * Cherokee Restoration Fellowship - Amendment - approval is requested for an amendment to the agreement with Cherokee Restoration Fellowship for the provision of residential treatment services. The amendment increases the maximum amount payable by \$13,807.40 (department budget) for additional client treatment days. 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 AND THE AUDITOR-CONTROLLER. (Contract No. X13745)

BOARD OF SUPERVISORS

3.04

Facilities Master Plan Steering Committee - Supervisor Houx submits a District 3 representative to the Facilities Master Plan Steering Committee - action requested - APPOINT PATRICK COLE, DISTRICT 3 REPRESENTATIVE.

CHIEF ADMINISTRATIVE OFFICE

3.05 *

Americans with Disabilities Act (ADA) Door Operators - Budget Transfer - approval is requested to transfer \$2,500 of lease revenue from the County's General Fund to cover the cost of installing ADA Door Operators at the Paradise Branch Library. The Paradise Recreation and Park District leases County-owned land at the rate of \$5,000 per year. The lease agreement provides that the funds received from the lease are utilized to improve County services or programs - action requested - APPROVE BUDGET TRANSFER B-350 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

3.06 *

An Ordinance Amending Ordinance Number 3826, Entitled "Community Health Care Ordinance Providing Standards for the Use of Local Tobacco Monies" and Amending Chapter 2 of the Butte County Code, Entitled "Administration", Adding Article XXIII, Entitled "Community Health Care Ordinance Providing Standards for the Use of Local Tobacco Monies" - approval is requested for an ordinance which will amend Ordinance No. 3826, revising Section 1, paragraph (b) to incorporate changes in the purpose and scope of Proposition 10 and the Butte County Children and Families Commission as requested by the Commission, revising Section 2, paragraph (a) to clarify how appointments to the Tobacco Monies Advisory Commission are to be made, and adding the required language to provide for codification of the ordinance into the Butte County Code - action requested - WAIVE READING OF THE ORDINANCE.

CLERK OF THE BOARD

3.07 *

Resolution Certifying Charter Amendment "L" - approval is requested for a resolution which will provide for the Butte County Charter Amendment approved by the voters at the November 5, 2002, general election, and certified to the Board on December 10, 2002, to henceforth be known to the County as Ordinance Number 3842 and submitting the Charter amendment to the Secretary of State of the State of California in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California and Government Code Section 23723 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE COUNTY CLERK-RECORDER-REGISTRAR OF VOTERS AND THE CLERK OF THE BOARD OF SUPERVISOR TO SIGN CERTIFICATION.

COUNTY
COUNSEL

3.08 *

Abbott & Kindermann, LLP - Amendment - approval is requested for an amendment to the agreement with Abbott & Kindermann, LLP, for the provision of specialized attorney services. The amendment increases the hourly reimbursable rate by \$15 per hour (department budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY THE AUDITOR-CONTROLLER.

DEVELOPMENT
SERVICES

3.09

Adoption of an Ordinance Correcting the Legal Description of Ordinance 3767 - approval is requested for an ordinance which will correct the legal description attached to Ordinance 3767, an ordinance zoning a portion of the County of Butte, State of California, a C-1 (Light Commercial) district, pursuant to Section 24-25.40 of the Butte County Code. On September 11, 2001, the Board approved a Conditional Rezone of 8 +/- acres of land on the northwest corner of Highway 99 and B Street in the Biggs area to C-1 (Light Commercial). Subsequent to the approval of the project an error was discovered in the legal description of the area rezoned. The proposed ordinance will correct the legal description. Staff is also requesting the Board approve a revised Conditional Zoning Agreement containing the corrected legal description - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE CONDITIONAL ZONING AGREEMENT CONTAINING A CORRECTED LEGAL DESCRIPTION AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-11-03 [3.10])

EMPLOYMENT
AND SOCIAL
SERVICES

3.10 *

Interim Statewide Automated Welfare System Consortium - approval is requested for a Memorandum of Understanding and Bylaws for the Interim Statewide Automated Welfare System (ISAWS) Consortium. The 35 member counties have been operating as a voluntary consortium for several years and the proposed documents will create a formalized consortium and formalize the current process for system maintenance charges. There are no financial obligations associated with the proposed documents - action requested - APPROVE MEMORANDUM OF UNDERSTANDING AND BYLAWS AND AUTHORIZE THE CHAIR TO SIGN.

GENERAL
SERVICES

3.11 *

RRM Design Group - approval is requested for an agreement with RRM Design Group for the provision of architectural and engineering work for the design of the fire station to be constructed at Eaton Road and Hicks Lane in the north Chico area. A Request For Proposal was issued and the selection committee selected RRM Design Group. The term of the agreement is March 11, 2003, through June 11, 2003, with a maximum amount payable of \$35,393 (project construction budget) for services through the schematic design phase. An option is included in the agreement that allows for extension of the contract through completion of the project for an additional maximum amount payable of \$153,807 - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

HUMAN
RESOURCES

3.12 *

Public Safety Dispatcher Lateral Transfers - approval is requested to compensate Public Safety Dispatchers hired as Lateral Transfers at step two of the salary range for Public Safety Dispatcher in support of recruiting efforts. The job specifications have been updated to detail qualifications needed to be hired as a Lateral Transfer - action requested - APPROVE COMPENSATION OF PUBLIC SAFETY DISPATCHERS HIRED AS LATERAL TRANSFERS AT STEP TWO OF THE SALARY RANGE FOR PUBLIC SAFETY DISPATCHERS.

3.13 *

Resolution to Amend the Salary Ordinance - approval is requested for a resolution which will amend the salary ordinance as follows: HUMAN RESOURCES - deletes one flexibly staffed position of Personnel Analyst III/II/I and adds one flexibly staffed position of Personnel Analyst III/II/I/Personnel Specialist. DISTRICT ATTORNEY-CRIMINAL - deletes one flexibly staffed sunset position of Office Assistant III/II/I and adds one sunset position of Legal Typist Clerk (sunset positions end 6-30-03). SHERIFF-CORONER-SERVICES - deletes seven flexibly staffed positions of Public Safety Dispatcher/Public Safety Dispatcher Trainee and adds seven positions of Public Safety Dispatcher and one flexibly staffed position of Sheriff's Clerk III/II/I. SALARY PLAN FOR CLASSIFIED POSITIONS REFERENCE C - eliminates the classification of Public Safety Dispatcher Trainee and adjusts the salary range for Public Safety Dispatcher to \$14.70-\$17.86. SALARY PLAN FOR CLASSIFIED POSITIONS REFERENCE F - adjusts the salary range for Supervising Dispatcher to \$17.42-\$21.18. Deletes the classification of Supervising Juvenile Hall Counselor. SALARY PLAN FOR CLASSIFIED POSITIONS REFERENCE I - adds the classification of Supervising Juvenile Hall Counselor - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

- LIBRARY 3.14 * Donations - pursuant to Government Code Section 25355, donations of \$1,181 from the Oroville Friends of the Library and \$1,000 from the Paradise Friends of the Library have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.
- PROBATION 3.15 * Resolution Recognizing National Crime Victims' Rights Week April 6-12, 2003 - the Butte County Victim and Witness Assistance Center is requesting the Board adopt a resolution which recognizes National Crime Victims' Rights Week April 6-12, 2003 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.16 * Vehicle Donation - pursuant to Government Code Section 25355, approval is requested to accept the donation of a 2001 Ford Expedition and a 2000 Chevrolet pickup received from Butte Inter-agency Narcotics Task Force for the Probation Department - action requested - ACCEPT DONATIONS OF FIXED ASSET ITEMS AND AUTHORIZE A LETTER OF APPRECIATION.
- PUBLIC HEALTH 3.17 * Private Industry Council - Amendment - approval is requested for an amendment to the lease agreement with the Private Industry Council for the property located at 2445 Carmichael Road in Chico. The location is utilized as the Chico Employment Center. The amendment provides for the medical clinic to expand from 780 square feet to 2,095 square feet and provides for an additional \$10,000 (department budget) set aside for change orders, modifications, infill or additions necessary for the upgraded clinical services. 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 AND THE AUDITOR-CONTROLLER. (Contract No. X10770)
- PUBLIC WORKS 3.18 * Introduction of an Ordinance Establishing Speed Limits on Certain Roads Within the County of Butte - consideration of an ordinance which will establish the following speed zones in the Chico area: a 25 miles per hour speed limit on Martin Street (from Wisconsin Street to Cleveland Avenue), Jackson Street (from Wisconsin Street to California Street), Bruce Street (from Humboldt Road to Virginia Street), Guill Street (from Ohio Street to Cleveland Avenue), Wisconsin Street (from Boucher Street to Guill Street), Colorado Street (from Boucher Street to Jackson Street), California Street (from Boucher Street to Jackson Street), Mulberry Street (from East 21st Street to East 23rd Street), and Laurel Street (from East 21st Street to East 23rd Street). A 30 miles per hour speed limit on Glenwood Avenue (from State Route 32 [Nord Avenue] to West Sacramento Avenue) - action requested - WAIVE READING OF THE ORDINANCE.

3.19) * Resolution Declaring Multi-way Stop Intersection at Oak Park Avenue and Rose Avenue, Chico - approval is requested for a resolution which would declare the intersection of Oak Park Avenue and Rose Avenue in Chico a multi-way stop intersection. Traffic control considerations deem it advisable to create the multi-way stop controlled intersection - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.20) * Myron Wade Pugh/Alves Fence Co. - approval is requested for an agreement with Myron Wade Pugh d/b/a Alves Fence Co., for repair services to the Public Works Yard fence at 9 County Center Drive which was damaged during a storm in December 2002. The repair work was directed to be completed as soon as possible due to the immediate need to secure the yard area at a cost of \$879 (department budget). Mr. Pugh is currently a Butte County employee who performed the repair work outside his capacity as a County employee and on his own time. Subsequent to the completion of the repair work, the department was informed that Board approval would be required for the contract work - action requested - APPROVE THE AGREEMENT AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

SHERIFF-
CORONER

3.21) * Resolution Authorizing Public Closure of the Thermalito Afterbay April 12-13, 2003 - approval is requested for a resolution which will close the Thermalito Afterbay (between Highway 162 on the north, Hamilton Road on the south, and Highway 99 on the west to the easterly right-of-way boundary) to the public from April 12, 2003, at 6:00 a.m. to April 13, 2003, at 6:00 p.m. in support of a speedboat timed racing event - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.22) * Resolution Recognizing the 10th Anniversary of the Sheriff's Team of Active Retired Seniors (S.T.A.R.S.) - approval is requested for a resolution which recognizes and thanks the S.T.A.R.S. for their contributions to the County of Butte for the past 10 years - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.23) * Facilities Maintenance - Budget Transfer - approval is requested to transfer \$3,033 of department funds between budget line items to provide the appropriation to fund the installation of tile in the Sheriff's Office break room to replace asbestos tiles removed for safety reasons - action requested - APPROVE BUDGET TRANSFER B-352 (4/5 vote required).

TREASURER-TAX
COLLECTOR

3.24 *

Comprehensive Fine Program Reduction in Base Fine Amount - approval is requested to reduce the base amount for delinquent fines and forfeitures accounts that can be included in the comprehensive fine collection program from \$100 to \$1.00 pursuant to Penal Code Section 1463.007 and AB 1819 - action requested - APPROVE THE ADOPTION OF A \$1.00 BASE FINE AMOUNT.

3.25 *

Monthly Investment Report - submitted is the Monthly Investment Report for February 28, 2003, in accordance with the Butte County Statement of Investment Policy dated July 1, 2002 - action requested - ACCEPT FOR INFORMATION.

WATER AND
RESOURCE
CONSERVATION

3.26 *

Susan St. Germaine-Morger - approval is requested for an agreement with Susan St. Germaine-Morger for the provision of professional consulting services to coordinate grant activities for the Cherokee Watershed in support of the grants received from the Department of Water Resources and the State Water Resources Control Board for capacity building, citizen water monitoring, and water quality monitoring. The term of the agreement is April 1, 2003, through May 1, 2005, with a maximum amount payable of \$87,281 (grant funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14057)

OTHER
DEPARTMENTS
OR AGENCIES

3.27 *

Resolution Proclaiming March 2003 as Mediation Month in Butte County - the Mediation Center of the North Valley is requesting the Board adopt a resolution proclaiming March 2003 as Mediation Month in Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

4.00

REGULAR AGENDA

APPOINTMENTS

4.01 *

Appointments to Boards, Commissions and Committees.

1. Appointments to Listed Vacancies.

BUDGET AND
LEGISLATIVE
UPDATE

4.02

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

PRESENTATION
AND DISCUSSION
ITEMS

4.03 *

Kronos Inc. - Time and Attendance System - Report to the Board and Award of Bid - bids have been received for the acquisition and implementation of an automated time and attendance system that will be deployed in every County department and utilized by all County employees - action requested - APPROVE BUDGET TRANSFER B-351 (4/5 vote required); APPROVE AGREEMENT WITH KRONOS INC., FOR SYSTEM ACQUISITION AND IMPLEMENTATION AND AUTHORIZE THE CHAIR TO SIGN; APPROVE PURCHASE OF FIXED ASSETS IN SUPPORT OF THE PROJECT; AND APPROVE SOFTWARE MAINTENANCE AGREEMENT WITH KRONOS INC., AND AUTHORIZE THE CHAIR TO SIGN. (AUDITOR-CONTROLLER AND CHIEF ADMINISTRATIVE OFFICER)

4.04

Integrated Groundwater Management Program and Plan Ordinance - consideration of a proposed ordinance that is intended to: 1) identify and implement, on a comprehensive and integrated basis, existing County ordinances and land use planning policies and their applicability and effect on groundwater management and regulation within the County; 2) protect the groundwater resources within the County through the management and regulation of groundwater pursuant to the County's police power and land use authority; 3) coordinate and cooperate with local water agencies and purveyors and groundwater users within the County; and 4) provide a minimum and uniform standard of groundwater protection within the County - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 3-11-03 [4.03]) (COUNTY COUNSEL)

4.05 *

Northern California Power Agency and City of Fremont - Memorandum of Understanding - consideration of a Memorandum of Understanding with the Northern California Power Agency (NCPA) and the City of Fremont to jointly fund an application for Federal Energy Regulatory Commission Project 2107 (the Poe Project located on the North Fork of the Feather River in Butte County) - action requested - APPROVE MEMORANDUM OF UNDERSTANDING AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE CHIEF ADMINISTRATIVE OFFICER; AND APPROVE BUDGET TRANSFER B-353 (4/5 vote required) TRANSFERRING \$300,000 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCY TO THE COUNTY COUNSEL BUDGET. (COUNTY COUNSEL)

4.06 * Butte County Integrated Watershed and Resource Conservation Program - Report to the Board - update on the status of the project and presentation of an outreach plan - action requested - ACCEPT FOR INFORMATION. (WATER AND RESOURCE CONSERVATION)

4.07 * Request to Cross 1-foot No Access Strip on Forest Ranch Road - consideration of a request to cross a 1-foot no access strip on Forest Ranch Road - action requested - STAFF RECOMMENDS THE BOARD TAKE ONE OF THE FOLLOWING TWO ACTIONS:

1. DENY THE REQUEST TO CROSS THE 1-FOOT NO ACCESS STRIP ON FOREST RANCH ROAD FOR TWO NEW DRIVEWAYS, FINDING THAT THE MAP CONDITIONS PRECLUDE DIRECT ACCESS TO FOREST RANCH ROAD AND REQUIRE THE DRIVEWAY TO THE PARCEL BE LOCATED WITHIN THE SOUTHERLY 50% OF THE PARCEL AND ACCESS CONTENTMENT LANE; OR

2. SUBJECT TO THE CONDITIONS OF APPROVAL 2 (A & B) AS DETAILED IN THE AGENDA REPORT, APPROVE THE REQUEST TO CROSS THE 1-FOOT NO ACCESS STRIP ON FOREST RANCH ROAD FOR TWO NEW DRIVEWAYS. (PUBLIC WORKS)

4.08 In-Home Supportive Services - Report to the Board - update regarding status of In-Home Supportive Services program and Public Authority implementation - action requested - ACCEPT FOR INFORMATION. (EMPLOYMENT AND SOCIAL SERVICES AND CHIEF ADMINISTRATIVE OFFICER)

4.09 * Conditional Discharge Waiver for Agricultural Lands - Report to the Board - presentation of a resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, regarding a conditional waiver of waste discharge requirements for discharges from irrigated lands. The Agricultural Advisory Commission is requesting the Board support the formation of the Sacramento Valley Water Quality Coalition to address water quality issues in the Sacramento River and its tributaries and to support the formation of a voluntary Agricultural Water Quality Workgroup to address irrigation land discharge waiver issues - action requested - ACCEPT REPORT FOR INFORMATION; AND PASS A MOTION TO SUPPORT THE FORMATION OF THE SACRAMENTO VALLEY WATER QUALITY COALITION AND THE BUTTE COUNTY AGRICULTURAL WATER QUALITY WORKGROUP. (AGRICULTURAL COMMISSIONER)

4.10 Items Removed from the Consent Agenda for Board Consideration and Action.

5.00 PUBLIC HEARINGS AND TIMED ITEMS

10:25 A.M. 5.01 * Continued Public Hearing - Abandonment of a Portion of Crown Point Road - the County has received a request to abandon the northerly portion of Crown Point Road, northeast of State Highway 32, in the Forest Ranch area. On January 9, 2003, the Planning Commission recommended approval of the abandonment and on January 28, 2003, the Board adopted Resolution 03-020, giving notice of the hearing on the petition to abandon the public right-of-way - action requested - FIND THE PUBLIC RIGHT-OF-WAY DESCRIBED IN THE NOTICE OF HEARING AND PETITION IS UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC USE AND ADOPT A RESOLUTION ABANDONING THE DESCRIBED PORTION OF THE CROWN POINT ROAD RIGHT-OF-WAY AND AUTHORIZE THE CHAIR TO SIGN. (FROM 2-25-03 [5.01])

10:30 A.M. 5.02 * Public Hearing - County Service Area (CSA) No. 135, Zone 2 (Keefer Creek Estates, Zone 2) - Protest Hearing - CSA No. 135-Zone 2 provides street lighting, drainage and sewer services. The current per parcel service charge is insufficient to cover the increased waste water permit fee charged by the state and maintain current service levels. A hearing is being held to accept landowner protests to the proposed per parcel increase and, if a majority protest is not received, to direct commencement of a ballot proceeding for the proposed charge - action requested - OPEN PUBLIC HEARING; ACCEPT ALL WRITTEN PROTESTS; CLOSE PUBLIC HEARING; REQUEST RESULTS OF WRITTEN PROTESTS FROM CLERK OF THE BOARD; IF A MAJORITY PROTEST EXISTS, DIRECT THAT THE PROPOSED INCREASE NOT BE IMPOSED. IF A MAJORITY PROTEST DOES NOT EXIST, ADOPT A RESOLUTION DIRECTING A BALLOT PROCEEDING AND SETTING A PUBLIC HEARING FOR JUNE 10, 2003, AT 10:30 A.M.

10:35 A.M. 5.03 * Public Hearing -Intent to Adopt a Mitigated Negative Declaration for the West Eighth Avenue Road Improvement Project - Butte County Public Works, in cooperation with the City of Chico, is proposing to reconstruct West Eighth Avenue from its existing intersection at State Route 32 to its terminus at the Esplanade. The County proposes to improve West Eighth Avenue using a typical street section design consisting of County Standard 32-foot pavement width (one 11-foot lane and 5-foot bike lane in each direction) with concrete curb gutters and sidewalks. Sidewalks will be detached to provide a roadside parkway where there is sufficient right-of-way. Other traffic improvements proposed include roundabouts at the intersections of Greenwich Drive, Meadow Road (north) and Magnolia Avenue, dedicated left turn pockets at both North Cherry Street and Citrus Avenue, and a raised concrete median at Arcadian Avenue. Additional improvements include new storm drainage facilities, sanitary sewer mains with service laterals and a storm drainage easement. The County has reviewed and considered the proposed project and has determined that, subject to mitigation measures identified in the Negative Declaration, the project will not have a significant effect on the environment, with substantial supporting evidence provided in the Negative Declaration - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. FIND THE WEST EIGHTH AVENUE ROAD IMPROVEMENT PROJECT, BUTTE COUNTY PROJECT NUMBER 54181-99-1, COULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT;

(Continued on Page 12)

- 5.03 (Cont.) 2. SUBJECT TO FINDINGS II (A-D) AS DETAILED IN THE STAFF REPORT, ADOPT A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS AND AUTHORIZE THE CHAIR TO SIGN; AND
- 3. FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH AND WILDLIFE OR THEIR HABITAT AND APPROVE A "DE MINIMUS" EXEMPTION TO THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4(d)(3) AND 14 CCR 753.5 AS THE PROJECT SITE IS NOT KNOWN TO CONTAIN ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR THE UNITED STATES WILDLIFE SERVICE. THE PROJECT WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT; HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT; INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES; CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, OR CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN.

11:00 A.M. 5.04 *

Public Hearing - Margaret Mills - Tentative Parcel Map - consideration of an appeal of the Development Review Committee's denial of a Tentative Parcel Map to divide a 10 +/- acre parcel into two 5 acre parcels on property zoned A-5 (Agricultural - 5 acre parcels). This is an item not subject to environmental review. The property is located on the east side of Dunstone Drive, approximately 3,400 feet south of Avocado Road, in the Bangor area and identified as APN 028-200-041 (CS [TPM 03-11]) - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

- 1. SUBJECT TO FINDINGS I (A-D) AS DETAILED IN THE STAFF REPORT DATED MARCH 25, 2003, FIND THAT THE A-5 ZONE AND THE PROPOSED PROJECT IS NOT CONSISTENT WITH THE BUTTE COUNTY GENERAL PLAN; AND
- 2. UPHOLD THE DEVELOPMENT REVIEW COMMITTEE'S ACTION AND DENY THE APPEAL FOR TENTATIVE SUBDIVISION MAP 03-11.

1:00 p.m. 5.05 *

Continued Public Hearing - Consideration of an Ordinance Amending Flood Hazard Prevention and Special Permit Zone II Levee and Building Regulations in Chapter 26 of the Butte County Code Regarding Conversion or Restoration of Land for Conservation Purposes, and a Zoning Ordinance Amending Chapter 24 of the Butte County Code Requiring a Use Permit for the Conversion of Land for Conservation Purposes - proposed are the following two ordinances:

1. An Ordinance Amending Flood Hazard Prevention and Special Permit Zone II Levee and Building Regulations in Chapter 26 of the Butte County Code Regarding Conversion or Restoration of Land for Conservation Purposes - the proposed ordinance is intended to regulate specified activities for the purpose of protecting people and property from flood hazards and protecting man-made conditions on farmland within the unincorporated area of Butte County which is adjacent to land upon which a conversion to natural habitat is proposed; and
2. A Zoning Ordinance Amending Chapter 24 of the Butte County Code Requiring a Use Permit for the Conversion of Land for Conservation Purposes - the proposed ordinance is intended to regulate the conversion of land for conservation purposes. The purpose of such regulation is to insure that environmental impacts which emanate from lands converted from existing uses are mitigated by the owners of the land converted and to insure that the expenses of the mitigation of such impacts are not shifted to County taxpayers.

Action requested - WAIVE READING OF AMENDED ORDINANCES.
(FROM 3-11-03 [5.05])

6.00**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 State law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda.

7.00 CLOSED SESSION

7.01 CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.3(c): ONE POTENTIAL CASE.

7.02 CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b) (1): ONE POTENTIAL CASE.

7.03 PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957: DIRECTOR-HUMAN RESOURCES.

7.04 CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

AGENCY REPRESENTATIVES: JEANNE GRAVETTE.

EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFF'S ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); PROFESSIONAL EMPLOYEES UNIT; SOCIAL SERVICES WORKERS UNIT; AND PROBATION PEACE OFFICERS' ASSOCIATION.

Information and Procedures Concerning the Agenda and Conduct of the Board of Supervisors Meetings

Meeting Information:

Meetings are generally held the second and fourth Tuesday of each month. Meetings start at 9:00 a.m. and are held in the Board of Supervisors Chambers, County Administration Building, 25 County Center Drive, Oroville. At the end of each year the Board adopts a meeting schedule for the upcoming year. Meeting dates can be changed as a result of holidays or other events so please check the meeting calendar to be certain. Copies of the adopted meeting calendar for the year are available in the County Administrative Office or at the Clerk of the Board website at www.buttecounty.net/cob.

Agenda Information:

The agenda for every meeting of the Board is posted in front of the County Administration Building at least 72 hours before each meeting, and is available by mail subscription, e-mail subscription, or at the Clerk of the Board website. A copy of the agenda and supporting materials provided to the Board of Supervisors members to explain each agenda item (excluding documents that are not a public record within the meaning of the Public Records Act) are available for your review at the County Administrative Office, the Chico, Oroville, and Paradise libraries (please do not remove items from these files), and at the Clerk of the Board website. Copies of supporting materials can be made for you at a charge to cover costs. The list of communications included with the agenda packages is not comprehensive. Additional communications to the Board of Supervisors may have been received but not included in the agenda supporting material. Copies of all communications received by the Board of Supervisors (excluding documents that are not a public record within the meaning of the Public Records Act) are available at the Administrative Office upon request. An (*) appearing before an agenda item signifies that material has been provided to the Board of Supervisors members to explain that item.

Agenda Format and Meeting Order:

The agenda is usually organized into the following areas and meetings generally proceed in the following order:

1. Consent Agenda: these are items that are considered routine and are handled by one motion and vote of the Board. If you wish to discuss any item on the Consent Agenda you can either fill out a speaker card (located in the back of the board room) and give it to the Clerk of the Board (sitting to the right of the Board) or, when the Chair asks if there is anything anyone would like to remove from the Consent Agenda, stand and approach the podium and request the item be removed. The removed items are discussed at the end of the Regular Agenda.
2. Regular Agenda: this is where presentations to the Board and items that require full discussion are heard. Items removed from the Consent Agenda are discussed under this section.
3. Public Hearing and Timed Items: this is where items that are required by law to be heard as a public hearing are set. This is the section where appeals before the Board are usually discussed. Hearings may start after the time listed, but will never start before the time listed.
4. Public Comment: this is the area of the agenda where members of the audience may address the Board on any matter not listed on the agenda. The Board, by law, cannot take action on any matter not listed on the agenda, but may respond to statements or questions and provide staff direction.
5. Closed Session: the Board is authorized, by law, to meet in a closed session in certain circumstances. This area of the agenda identifies those items that will be discussed during the closed session.

Public Participation:

It is the policy of the Board of Supervisors, and a requirement of the California Open Meetings Law, to allow members of the public the opportunity to comment on all matters before the Board. Public participation is limited to matters within the subject matter jurisdiction of the Board pursuant to Government Code Section 54954.3. The Board has adopted policy and procedures to facilitate the meeting process and conduct. A complete listing of these policies and procedures can be found in the printed booklet agenda, obtained at the County Administrative Office, or viewed at the Clerk of the Board website.

The Board of Supervisors is also committed to making its proceedings accessible to all citizens. Individuals with special needs should call the Clerk of the Board at 530-538-7631, Monday through Friday, 8:00 a.m. to 5:00 p.m. to request disability-related modifications/accommodations or to request materials in alternate formats. All requests for special accommodations and/or alternative format documents must be made 48 hours prior to the meeting.

For further information contact the: Clerk of the Board of Supervisors
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