

# BUTTE COUNTY BOARD OF SUPERVISORS

## AGENDA

SEPTEMBER 14, 2004



### 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

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**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 Observation of a Moment of Silence.

**2.00 CORRECTIONS AND/OR CHANGES TO THE AGENDA.**

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**3.00 CONSENT AGENDA**

**BEHAVIORAL**  
**HEALTH**

**3.01** \* Budget Transfer - approval is requested to transfer \$59,898 between the Behavioral Health Department and the Public Health Department to fund the cost of a Public Health Nurse working in Youth System of Care programs - action requested - APPROVE BUDGET TRANSFER B-047 (4/5 vote required) TRANSFERRING, ACCEPTING AND APPROPRIATING REVENUE AS DETAILED IN THE AGENDA REPORT.

**3.02** \* Accept Unanticipated Revenue and Budget Transfer - approval is requested to accept and appropriate \$898,462 in additional Federal Financial Participation (FFP) and Early and Periodic Screening Diagnosis and Treatment (EPSDT) program funds to a new revenue account to provide for payment of contracted youth organizational providers. Other FFP and EPSDT revenue within the department's budget will also be transferred to the new revenue account - action requested - APPROVE BUDGET TRANSFER B-048 (4/5 vote required) ACCEPTING, APPROPRIATING AND TRANSFERRING REVENUE AS DETAILED IN THE AGENDA REPORT.

**3.03** \* Glenn County Health Services - approval is requested for a revenue agreement with Glenn County Health Services for the provision of acute psychiatric inpatient care to residents of Glenn County. The term of the agreement is July 1, 2004, through June 30, 2005, and provides a maximum amount payable to the County of \$80,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.04 \* Butte County Probation Department/Butte County Department of Behavioral Health - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Probation Department for assignment of three part-time Probation Officers to the Inter-Agency Services Placement Unit for delivery of SB933 services. The amendment extends the term of the agreement through June 30, 2005, and increases the maximum amount payable to the Probation Department by \$10,000 (department budget) for the extended term. 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. X13369)

3.05 \* Butte County Department of Employment and Social Services/Butte County Department of Behavioral Health - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Department of Employment and Social Services for assignment of a full-time Social Worker to the Inter-Agency Services Placement Unit for delivery of SB933 services. The amendment extends the term of the agreement through June 30, 2005, and increases the maximum amount payable to the Department of Employment and Social Services by \$20,000 (department budget) for the extended term. 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. X13410)

CHIEF  
ADMINISTRATIVE  
OFFICE

3.06 \* Response to the 2003-2004 Grand Jury Final Report - submitted is the draft Board of Supervisors' response to the findings and recommendations contained in the 2003-2004 Grand Jury Final Report. The report also includes a copy of the responses provided directly to the Presiding Judge from the elected and appointment department heads - action requested - APPROVE THE DRAFT RESPONSE AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO SUBMIT THE REPORT TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE.

- (3.07) \* The Ferguson Group - approval is requested for an agreement with the Ferguson Group for the provision of legislative advocacy services for the County. The group will pursue federal appropriations for areas such as transportation, water quality and resources, homeland security, and communications. The cost of the agreement is \$80,000 per fiscal year, and Board approval is also requested for a transfer from the General Fund Appropriation for Contingencies to provide the needed funding - action requested - AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH THE FERGUSON GROUP FOR LEGISLATIVE ADVOCACY SERVICES, SUBJECT TO REVIEW OF COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-049 (4/5 vote required) ACCEPTING AND APPROPRIATING REVENUE FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT.

CHILD SUPPORT  
SERVICES

- (3.08) \* Unanticipated Revenue - approval is requested to accept and appropriate \$2,203 received from the sale of a department vehicle to the Sheriff's Office - action requested - APPROVE BUDGET TRANSFER B-050 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

CLERK OF  
THE BOARD

- (3.09) \* Approval of Minutes - action requested - APPROVE MINUTES OF MAY 11, 2004, AND AUGUST 17, 2004.

CLERK-  
RECORDER

- (3.10) \* Special Districts - Appointments in Lieu of Elections - California Elections Code Section 10515 allows the Board of Supervisors to appoint various special district board members for districts scheduled to elect members in the November 2, 2004, election but where the number of persons filing a declaration of candidacy is equal to or less than the number of offices to be filled, and there was no petition submitted calling for an election. The Clerk-Recorder submits a Certificate of Facts-Exhibit A listing the following appointments to be made pursuant to the Elections Code: El Medio Fire Protection District - Gary R. Nystuen and Elizabeth Thayer; Durham Irrigation District-Division 2 - Raymond Cooper; South Feather Water and Power Agency-Division 2 - Vivian Meyer; Paradise Irrigation District-Division 1 - Claude Powers; Paradise Irrigation District-Division 5 - Rick Hall; Thermalito Irrigation District-Division 2 - Gary Allen; Thermalito Irrigation District-Division 4 - Stan Huston; Lake Oroville Area Public Utility District - T.C. Dennis and Keith J. Fraser; Durham Recreation and Park District - Roy Farrell and Casey Sohnrey; Paradise Recreation and Park District - Marc F. Grosso and Morgan Miller; and Richvale Recreation and Park District - Audrey F. Stephens and Gregory A. Stephens. All appointments are for 4 year terms - action requested - APPOINT NOMINEES.

3.11) \* Special Districts - Insufficient Nominee Appointments in Lieu of Elections - submitted is a list of special districts wherein no person filed a declaration of candidacy for any office, and where there was no petition submitted calling for an election. Pursuant to California Elections Code Section 10515, the Board may appoint any qualified person to office at any time on or before November 9, 2004. Following is a list of offices that require appointment: El Medio Fire Protection District, 1 position for a 4 year term, and 1 position for a 2 year term (a candidate for District Director shall be a registered voter of the District); Durham Irrigation District-Division 3, 1 position for a 4 year term (a candidate for District Director shall be a voter and a landowner in the District and a resident of the division that he or she represents at the time of his or her nomination and through his or her entire term). The Clerk of the Board will return requests for appointment to the Board for action as they are received, and when appointments are made, will issue the Certificate of Appointment and Oath of Office - action requested - ACCEPT FOR INFORMATION.

DEVELOPMENT  
SERVICES

3.12) \* Willdan - Amendment - approval is requested for an amendment to the agreement with Willdan for the provision of plan examination and building inspection services for the department. The amendment increases the maximum amount payable by \$50,001 (department budget) to fund continued services through June 2005. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14838)

3.13) \* Notice of Non-Renewal - Williamson Act Agreement - approval is requested to accept a Notice of Non-Renewal for a Williamson Act Agreement with Wayne and Kathy Birkholz, APN 026-250-021, Williamson Act Contract Instrument Number 68964, Book 1565, Pages 476 through 482 - action requested - ACCEPT NOTICE OF NON-RENEWAL AND DIRECT RECORDING OF NOTICE.

3.14) \* Fee Collection for Archeological Records Review Services - approval is requested for a resolution which will authorize the Department of Development Services to collect the fees established by the Northeast Information Center, California State University, Chico, for performance of archeological records review for discretionary land use projects subject to the California Environmental Quality Act. Fees for performing the search will be collected from the project applicant by the County and the County will then transmit those fees to the Northeast Information Center for the records review services provided - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

FIREDEPARTMENT

3.15 \*

HR 2389 Secure Rural Schools and Community Self-Determination Act of 2000 Funding - approval is requested to accept and appropriate supplemental HR 2389 Secure Rural Schools and Community Self-Determination Act of 2000 funds in the amount of \$2,096. The funds are the difference between the department's budgeted amount for the revenue and the actual revenue received - action requested - APPROVE BUDGET TRANSFER B-051 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

HUMANRESOURCES

3.16 \*

Introduction of a Salary Ordinance Amendment - the department has prepared a salary ordinance which reflects changes contained in the fiscal year 2004-2005 final budget as follows: AUDITOR-CONTROLLER - deletes one flexibly staffed position of Accounting Specialist/Senior Account Clerk/Account Clerk, and one position of Auditor-Accountant III/II. PURCHASING - deletes one position of Buyer III/II/I. TREASURER-TAX COLLECTOR - deletes one position of Information Systems Technician III/II/I. ASSESSOR - deletes one flexibly staffed position of Appraisal Specialist/Assessment Clerk III/II, one flexibly staffed position of Appraiser III/I/I/Appraisal Specialist, one position of Assessment Clerk II/I, one flexibly staffed position of Cadastral Drafting Technician/Drafting Aide, and one flexibly staffed position of Secretary I/Administrative Services Assistant. COUNTY COUNSEL - deletes one position of Deputy County Counsel IV/III/II/I. DISTRICT ATTORNEY-CRIMINAL - deletes one position of Assistant District Attorney effective February 28, 2005, and one half-time flexibly staffed position of Legal Typist Clerk/Office Assistant III/II/I. DISTRICT ATTORNEY-CHILD SUPPORT INVESTIGATIONS - deletes one and a half positions of District Attorney Investigator II/I, and one position of Investigative Assistant. DISTRICT ATTORNEY-CHILD ABDUCTION - deletes one position of District Attorney Investigator II/I. DISTRICT ATTORNEY-WELFARE FRAUD - deletes one position of District Attorney Investigator II/I. SHERIFF-CORONER-SERVICES - deletes one position of Deputy Sheriff, one position of Public Safety Dispatcher, one position of Sheriff's Sergeant, and one position of Sheriff's Lieutenant. Adds one position of Information Systems Analyst III/II/I, and two positions of Information Systems Technician II/I. SHERIFF-CORONER - OPERATIONS - deletes two positions of Deputy Sheriff, and one sunset position of Deputy Sheriff (position end date 12-31-04).

(CONTINUED ON PAGE 6)

3.16 \* SHERIFF-CORONER - RURAL COUNTY SUPPLEMENTAL FUNDING -  
(Cont.) deletes two positions of Deputy Sheriff, one position  
of Information Systems Analyst III/II/I, two positions  
of Information Systems Technician II/I, and one  
position of Sheriff's Clerk III/II. PROBATION-JUVENILE  
HALL - deletes eight positions of Juvenile Hall  
Counselor II/I, and one and a half positions of Office  
Assistant III/II/I. PROBATION - deletes three  
positions of Probation Technician. PROBATION-BOARD OF  
CONTROL GRANT - deletes one half-time flexibly staffed  
position of Legal Secretary/Legal Typist Clerk/Office  
Assistant III. DEVELOPMENT SERVICES - deletes one  
flexibly staffed position of Secretary I/Office  
Assistant III. Adds one flexibly staffed position of  
Secretary II/I/Office Assistant III. PUBLIC WORKS-  
CONSTRUCTION AND MAINTENANCE - deletes two flexibly  
staffed positions of Assistant Engineer/Junior  
Engineer, one flexibly staffed position of Associate  
Civil Engineer/Associate Engineer/Assistant Engineer,  
one flexibly staffed position of Associate  
Surveyor/Assistant Surveyor, and six flexibly staffed  
positions of Road Maintenance Worker II/I/Road  
Maintenance Aide. PUBLIC HEALTH-GENERAL SERVICES -  
deletes one position of Health Education Specialist  
III/II/I, and one sunset position of Public Health  
Nurse III/II/I (position end date 6-30-05). Adds one  
position of Administrative Services Assistant, and one  
position of Environmental Health Specialist III/II.  
PUBLIC HEALTH-ENVIRONMENTAL HEALTH - adds three  
positions of Environmental Health Specialist III/II.  
BEHAVIORAL HEALTH-GENERAL SERVICES - deletes three  
flexibly staffed positions of Accounting  
Specialist/Senior Account Clerk/Account Clerk, one  
position of Administrative Services Assistant, one  
position of Auditor-Accountant II/I, one position of  
Clinical Program Manager, three positions of Health  
Education Specialist II/I, one position of Information  
Systems Technician II/I, one position of Manager-  
Program Resource and Development, one position of  
Mental Health Clinician I, one position of Mental  
Health Counselor, one flexibly staffed position of  
Mental Health Counselor/Mental Health Worker, two  
positions of Program Manager-Community Services, one  
flexibly staffed position of Senior Mental Health  
Counselor/Mental Health Counselor, seven and a half  
flexibly staffed positions of Senior Mental Health  
Counselor/Mental Health Counselor/Mental Health Worker,  
one position of Senior Staff Services Systems  
Specialist, one position of Supervisor-Clerical Support  
Services, and one position of Supervisor-Health  
Education Specialist.

(CONTINUED ON PAGE 7)

3.16 (Cont.) BEHAVIORAL HEALTH-GENERAL SERVICES - adds one sunset position of Program Manager-Community Services (position end date 12-31-04), one position of Psychiatrist, and one flexibly staffed sunset position of Senior Mental Health Counselor/Mental Health Counselor/Mental Health Worker (position end date 12-31-04). BEHAVIORAL HEALTH-SUBSTANCE ABUSE SERVICES - deletes one position of Administrative Services Assistant and one sunset position of Health Education Specialist III/II (position end date 12-31-05). Adds three positions of Health Education Specialist II/I, and one position of Information Systems Technician II/I. CHILD SUPPORT SERVICES - deletes three flexibly staffed positions of Accounting Specialist/Senior Account Clerk/Account Clerk, one position of Administrative Analyst III/II/I, one position of Courier-Stock Clerk, two positions of Family Support Case Manager III/II/I, one position of Information Systems Analyst II/I, one position of Information Systems Technician II/I, and four positions of Office Assistant III/II/I. Adds two flexibly staffed sunset positions of Accounting Specialist/Senior Account Clerk/Account Clerk (position end dates 9-30-05). FACILITIES SERVICES - deletes two positions of Janitor. CENTRAL DUPLICATING - deletes one position of Offset Duplicating Machine Operator II/I. CENTRAL COMMUNICATIONS - deletes one position of Administrative Analyst III/II/I, and one position of Office Assistant III/II/I. NEAL ROAD SANITARY LANDFILL-MANAGEMENT - adds one position of Landfill Maintenance Worker II, one position of Landfill Scale Attendant, and one position of Senior Landfill Equipment Operator. NEAL ROAD SANITARY LANDFILL-USED OIL BLOCK GRANT - adds one position of Recycling Coordinator II/I - action requested - WAIVE READING OF THE ORDINANCE.

LIBRARY (3.17) \* Library Donation - pursuant to Government Code Section 25355, a donation of \$330 from the Chico Friends of the Library group has been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATION AND AUTHORIZE A LETTER OF APPRECIATION.

PROBATION (3.18) \* Resolution in Appreciation of William R. Dague Upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

PUBLIC  
HEALTH

- 3.19 \* California Department of Health Services - approval is requested for a revenue agreement with the California Department of Health Services for funds to support the Chlamydia Awareness Prevention Program. The term of the agreement is July 1, 2004, through June 30, 2009, with a maximum amount payable to the County of \$9,077 per fiscal year - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.20 \* California Department of Health Services - approval is requested for a revenue agreement with the California Department of Health Services for funds to support the TeenSMART Outreach Program. The term of the agreement is January 1, 2004, through June 30, 2006, with a maximum amount payable to the County of \$90,000 per fiscal year - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.21 \* California Department of Health Services - approval is requested for a grant agreement with the California Department of Health Services for funds to support preparedness and response to bioterrorism activities. The term of the agreement is July 1, 2003, through June 30, 2004, with a maximum amount payable to the County of \$460,394 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.22 \* Medifax-EDI, LLC - Amendment - approval is requested for an amendment to the agreement with Medifax-EDI, LLC, for the provision of electronic billing services in compliance with State requirements. The amendment extends the term of the agreement through June 30, 2005, and increases the maximum amount payable by \$90,000 (department budget) for the extended term. 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. X11682)

PUBLIC  
WORKS

- 3.23 \* Resolution Authorizing the Submittal of the Butte Regional Tire Recycling Grant Program Application - approval is requested to submit a grant application, as lead agency on behalf of the County, City of Biggs, City of Chico, City of Gridley, City of Oroville, and Town of Paradise, for funds under the 2004-2005 Local Government Public Education and Amnesty Day Grant for waste tires. Regional applicants are eligible for up to \$100,000, and if funded the department will plan at least two tire amnesty events - action requested - ADOPT RESOLUTION APPROVING GRANT SUBMITTAL AND AUTHORIZE THE CHAIR TO SIGN; AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ACT AS LEAD AGENCY FOR APPLICATION AND ADMINISTRATION OF THE GRANT; AND AUTHORIZE THE DIRECTOR-PUBLIC WORKS, OR DESIGNEE, TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH SECURING THE GRANT FUNDING AND IMPLEMENTING THE PURPOSES SPECIFIED IN THE GRANT APPLICATION.
- 3.24 \* Resolution Approving the Overall Annual Disadvantaged Business Enterprise (DBE) Program Goal of 10% for Federal Fiscal Year 2004-2005 - as a condition to receiving federal program funding for Department of Transportation assisted contracts, the County is required to develop and submit goal setting methodologies and an overall annual goal for Disadvantaged Business Enterprise participation. In accordance with the federal regulations, the County has developed a proposed overall annual DBE goal of 10% for Federal Fiscal Year 2004-2005, to ensure full compliance with all relevant regulatory requirements - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.25 \* Partial Final Closure of Modules 1, 2, and 3, at the Neal Road Sanitary Landfill; County Project No. 757-5803; Contract Change Order (CCO) No. 3 - CCO No. 3, in the increasing amount of \$23,572.50, provides funding for additional erosion control measures. Funding for the increase will be provided by the Neal Road Sanitary Landfill Enterprise Fund - action requested - APPROVE CONTRACT CHANGE ORDER NO. 3 AND AUTHORIZE THE CHAIR TO SIGN.
- 3.26 \* Cascade Consulting - approval is requested for an agreement with Cascade Consulting for grant management, project implementation, and management services for the ninth and tenth cycle Used Oil Block Grants. The term of the agreement is September 1, 2004, through May 15, 2005, with a maximum amount payable of \$41,000 (grant funds). The agreement is the result of a Request For Proposal selection process - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

SHERIFF'S  
OFFICE

- 3.27 \* Resolution in Appreciation of Terri Burdine Upon Her Retirement from the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.28 \* Resolution in Appreciation of Mitchell Medved Upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 3.29 \* Federal Equitable Sharing Annual Certification Report - approval is requested for the Annual Certification Report to be submitted to the United States Department of Justice and the United States Department of Treasury. The report provides a summary of the equitable sharing activities for the Butte County Sheriff's Office for fiscal year 2003-2004 - action requested - APPROVE ANNUAL CERTIFICATION REPORT AND AUTHORIZE THE CHAIR AND THE SHERIFF TO SIGN.
- 3.30 \* Canteen Correctional Services - approval is requested for a revenue agreement with Canteen Correctional Services for provision of commissary services in the Butte County Jail. The term of the agreement is September 1, 2004, through August 31, 2007, with a maximum amount payable to the County of 37% of the net sales. The agreement is the result of a competitive proposal process - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (FROM 8-17-04 [3.37])

TREASURER-TAX  
COLLECTOR

- 3.31 \* 2004-2005 Butte County Office of Education Tax and Revenue Anticipation Notes (TRAN) - pursuant to California Government Code Section 53853, the Butte County Office of Education is requesting the Board authorize the issuance of TRANs for 2004-2005. The notes to be issued will not exceed \$35,000,000. The notes will be a general obligation of the Butte County Office of Education. The County has no fiduciary responsibility as to repayment of the notes - action requested - ADOPT RESOLUTION AUTHORIZING ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTES AND AUTHORIZE THE CHAIR TO SIGN.

4.00                    REGULAR AGENDA

BOARDS ,  
COMMISSIONS AND  
COMMITTEES

4.01 \*                    Boards, Commissions and Committees.

- 1.        Appointments to Listed Vacancies.
- 2.        Board Member or Committee Reports.

BUDGET AND  
LEGISLATIVE  
UPDATE

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

PRESENTATION  
AND DISCUSSION  
ITEMS

4.03                    Presentation to the Board - Mental Health Initiative - Proposition 63 - Mental Health Services Act - the initiative would enact a state personal income tax surcharge of 1% on taxable incomes in excess of \$1 million beginning January 1, 2005. The proceeds from the tax would finance an expansion of community mental health programs for children and adults - action requested - ACCEPT FOR INFORMATION. (BEHAVIORAL HEALTH)

4.04 \*                    HR 2389 Secure Rural Schools and Community Self-Determination Act of 2000 (Federal Fire Safe Funding) Fiscal Year 2004-2005 Project Authorization - submitted are the recommendations for the fiscal year 2004-2005 HR 2389 funding submitted by the Fire Safe Council. A master agreement to implement the approved projects is also submitted for Board consideration - action requested - APPROVE THE HR 2389 PROJECTS FOR FISCAL YEAR 2004-2005 AS RECOMMENDED BY THE BUTTE COUNTY FIRE SAFE COUNCIL; AND APPROVE MASTER AGREEMENT WITH THE FIRE SAFE COUNCIL FOR IMPLEMENTATION OF THE PROJECTS (WITH THE EXCEPTION OF 04-HR2389-17. PROJECT TO BE AWARDED TO BUTTE COUNTY FIRE) AND AUTHORIZE THE CHAIR TO SIGN. (FIRE DEPARTMENT)

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- 4.05 \* Resolution Establishing the North Valley Animal Disaster Group as an Affiliate of the Butte County Public Health Department - consideration of a resolution which would allow the North Valley Animal Disaster Group to provide emergency assistance for animals in times of disaster or emergency - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (PUBLIC HEALTH)
  
  - 4.06 \* Setback Provisions for Non-Conforming Lots - discussion regarding revisions to the Butte County Code to allow for reduced front and rear yard setbacks on legal non-conforming lots - action requested - DIRECT STAFF TO DRAFT REVISIONS AND RETURN DRAFT REVISIONS TO THE BOARD FOR FURTHER CONSIDERATION AND ACTION. (DEVELOPMENT SERVICES)
  
  - 4.07 Items Removed from the Consent Agenda for Board Consideration and Action.
  
  - 4.08 Adjourn as the Butte County Board of Supervisors and Convene as the Butte County In-Home Supportive Services Public Authority Board.

BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES  
PUBLIC AUTHORITY BOARD  
AGENDA  
SEPTEMBER 14, 2004

1.00            **Call to Order** - Butte County Board of Supervisors Room,  
25 County Center Drive, Oroville.

2.00            **Agenda Items**

2.01 \*        Resolution Authorizing Amendment to the Contract with  
the Public Employees' Retirement System - on  
August 3, 2004, the Board approved a resolution of  
intention to approve an amendment to the contract  
between the Board of Administration, California Public  
Employees' Retirement System, and the Governing Board  
of the Butte County In-Home Supportive Services Public  
Authority, to provide a 2% at 55 full and modified  
formula for local miscellaneous members. The  
modification is requested as a result of the approval  
of Social Security coverage for all eligible employees  
of the Public Authority - action requested - ADOPT  
RESOLUTION 04-003 APPROVING AMENDMENT AND AUTHORIZE THE  
CHAIR TO SIGN.

3.00            **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 California state  
law, the Board is prohibited from taking action on any  
item not listed on the agenda.

4.00            **Closed Session**

4.01            RECESS TO A CLOSED SESSION CONFERENCE WITH LABOR  
NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE  
SECTION 54957.6:

AGENCY REPRESENTATIVES: JEANNE GRAVETTE AND CRAIG JORY.

EMPLOYEE ORGANIZATION: UNITED DOMESTIC WORKERS OF  
AMERICA.

**Adjournment**

Adjourn as the Butte County In-Home Supportive Services  
Public Authority Board and reconvene as the Butte  
County Board of Supervisors.

5.00PUBLIC HEARINGS AND TIMED ITEMS

- 10:30 A.M. 5.01 \* Public Hearing - County Service Area No. 163 (Thorntree Industrial Park) - Increase in Annual Service Charge - Protest Hearing and Ballot Proceeding - on July 13, 2004, the Board adopted a resolution directing commencement of procedures to impose a new and/or increased annual service charge in County Service Area (CSA) No. 163. The proposed maximum service fee of \$200 per parcel will fund improvements and maintenance of the fire protection system - action requested - OPEN HEARING; ACCEPT PROTESTS OR PROPERTY OWNER BALLOTS; CLOSE HEARING; DETERMINE RESULTS OF BALLOT MEASURE; IF MAJORITY BALLOTS ARE IN FAVOR OF THE INCREASE SERVICE CHARGE, ADOPT A RESOLUTION ESTABLISHING THE NEW CHARGE AND AUTHORIZE THE CHAIR TO SIGN.
- 10:35 A.M. 5.02 \* Public Hearing - County Service Area No. 82 (Stirling City Sewer) - Increase in Annual Service Charge - Protest Hearing - on July 13, 2004, the Board adopted a resolution directing commencement of the procedures to impose an increased annual service charge in County Service Area (CSA) No. 82. The proposed increase of \$40 + \$26.12/unit, will fund recent increases in waste discharge permit fees charged by the State of California, State Water Resources Control Board, and address prior year budget shortages - action requested - OPEN HEARING; ACCEPT PROPERTY OWNER PROTESTS; CLOSE HEARING; DETERMINE IF MAJORITY PROTEST EXISTS; IF NO MAJORITY PROTEST EXISTS, ADOPT A RESOLUTION ESTABLISHING THE INCREASED CHARGE AND AUTHORIZE THE CHAIR TO SIGN.
- 11:00 A.M. 5.03 \* Public Hearing - Appeal of Determination Regarding Recognition Petition - the Operating Engineers Local Union No. 3 has filed an appeal of the Director-Human Resources' determination regarding the creation of a Trades and Crafts Unit - action requested - STAFF IS RECOMMENDING THE BOARD DENY THE APPEAL AND UPHOLD THE DIRECTOR-HUMAN RESOURCES' DECISION TO DENY THE MODIFICATION.

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

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**7.00**

**CLOSED SESSION**

7.01

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

7.02

CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):

1. ROWE v. COUNTY OF BUTTE  
BUTTE COUNTY SUPERIOR COURT CASE NO. 128705
  
2. WHEAT v. COUNTY OF BUTTE  
BUTTE COUNTY SUPERIOR COURT CASE NO. 128644

## **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](http://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  
County Administrative Office  
25 County Center Drive, Oroville, CA 95965  
530-538-7631  
[www.buttecounty.net/cob](http://www.buttecounty.net/cob)