

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

OCTOBER 26, 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

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.

3.00 CONSENT AGENDA

AGRICULTURAL
COMMISSIONER

3.01 * State of California, Department of Pesticide Regulation - approval is requested for a revenue agreement with the State of California, Department of Pesticide Regulation, for funds to provide for electronic submission of quarterly pesticide use reports to the State. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$9,492 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40731)

3.02 * State of California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for funds to provide for an inspection program for establishments selling and distributing petroleum products. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$5,850 (\$75 per initial inspection) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40725)

3.03 * State of California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for funds to provide services in support of the Glassy-Winged Sharpshooter/Pierce's Disease Program. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$113,719 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40732)

3.04 * State of California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for funds to provide for an inspection program for establishments operating as licensed weighmasters. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$3,000 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40724)

3.05 * State of California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for funds to provide services in support of the High-Risk Pest Exclusion Program. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$4,793.64 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40575)

BEHAVIORAL
HEALTH

3.06 * Youth For Change - approval is requested for a sole source agreement with Youth For Change for the provision of specialty mental health services, rehabilitation services, and medication support services to clients receiving Medi-Cal benefits. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$869,353.70 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.07 * Victor Community Support Services, Inc. - approval is requested for an agreement with Victor Community Support Services, Inc., for the provision of school-based mental health services to children receiving Medi-Cal benefits. The term of the agreement is October 1, 2004, through June 30, 2005, with a maximum amount payable of \$894,415 (department budget). The agreement is the result of a Request For Proposal - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.08 * Caminar, Inc. - approval is requested for a sole source agreement with Caminar, Inc., for the provision of vocational and work experience services for referred clients. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$217,557.60 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 3.09 * James E. Pannell, Jr., MFT - approval is requested for a sole source agreement with James E. Pannell, Jr., for the provision of specialty mental health services for clients receiving Medi-Cal benefits. The term of the agreement begins October 26, 2004, and continues until terminated by either party. Services are billed pursuant to the payment rate schedule and are invoiced as provided (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.10 * Enloe Medical Center - approval is requested for a sole source agreement with Enloe Medical Center for the provision of the Touchstone Perinatal Program for fiscal year 2004-2005. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$513,564 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.11 * Budget Transfer - approval is requested for a transfer of \$37,750 from the Behavioral Health Department budget to the Probation Department budget for services in support of the Proposition 36 Program - action requested - APPROVE A BUDGET TRANSFER ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
- 3.12 * Resolution of Support for the Mental Health Services Act - approval is requested for a resolution of support for the Mental Health Services Act; Proposition 63 on the November 2, 2004, ballot. The proposition would generate funding for increased mental health services - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

CHIEF
ADMINISTRATIVE
OFFICE

- 3.13 * California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 - approval is requested for resolutions approving the pass through of grant funds received under the Per Capita Grant Program and Roberti-Z'Berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. The County was allocated \$1,523,456 which will be disbursed to the following eligible agencies based on population served: County of Butte (\$66,913), Durham Recreation and Park District (\$36,656), Paradise Recreation and Park District (\$224,969), Feather River Recreation and Park District (\$266,729), Chico Area Recreation and Park District (\$350,101), City of Biggs (\$13,104), City of Gridley (\$41,630), City of Oroville (\$95,930), Town of Paradise (\$77,322), and City of Chico (\$350,101) - action requested - ADOPT RESOLUTIONS (5) AND AUTHORIZE THE CHAIR TO SIGN.

3.14 * Resolution Approving the Appropriation of Remittance Payments in Fiscal Year 2004-2005 and Authorizing and Directing Certain Actions in Connection Therewith - approval is requested for a resolution which will provide for the appropriation of funds to make remittance payments pursuant to a remittance agreement, and other actions needed to support the County's transition to a self-insured Workers' Compensation program - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

CHILD SUPPORT SERVICES

3.15 * Unanticipated Revenue - approval is requested to accept and appropriate \$11,455 received from the sale of a surplus department vehicle - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

DISTRICT ATTORNEY

3.16 * Unanticipated Revenue - approval is requested to accept and appropriate \$12,000 from the Environmental Protection Trust Fund to the department's budget to provide the appropriation needed to pay mileage reimbursement to the Special Deputy District Attorney responsible for prosecuting environmental cases - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING TRUST FUND REVENUE AS DETAILED IN THE AGENDA REPORT.

FIRE DEPARTMENT

3.17 * Donation of Funds - pursuant to Government Code Section 25355, a donation of \$4,000 has been received from Cleanrite-Buildrite, Inc. The donation represents the proceeds from the second annual Fire on the Fairway Golf Tournament - action requested - ACCEPT DONATION AND AUTHORIZE A LETTER OF APPRECIATION.

GENERAL SERVICES

3.18 * Homeland Security Grant Program Funds for Fiscal Year 2002 - approval is requested by the Emergency Services Division to accept and appropriate \$2,403 in unallocated fiscal year 2002 Homeland Security Grant Program Funds. The additional funds will be used to purchase program-approved equipment - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.

3.19 * Fixed Asset Equipment Purchase - approval is requested by the Emergency Services Division for the fixed asset purchase of an Explosive Ordinance Disposal (EOD) Helmet in the amount of \$5,304. An EOD Helmet was part of the equipment to be purchased under the Homeland Security Grant Program in fiscal year 2003, but it was not included as a fixed asset item so purchasing approval is now required. Approval is also requested for a transfer of grant funds between budget line items to provide the appropriation needed for the purchase - action requested - APPROVE FIXED ASSET PURCHASE OF EXPLOSIVE ORDINANCE DISPOSAL HELMET; AND APPROVE A BUDGET TRANSFER APPROPRIATING GRANT FUNDS AS DETAILED IN THE AGENDA REPORT.

HUMAN
RESOURCES

3.20 * Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: SHERIFF-CORONER - SERVICES - extends the position end date of one sunset position of Sheriff's Clerk II from 12-31-04 to 12-31-05. SHERIFF-CORONER - SPECIAL ENFORCEMENT UNIT - extends the position end date of one sunset position of Deputy Sheriff from 10-31-04 to 6-30-05. AGRICULTURAL COMMISSIONER - adds one sunset position of Agricultural/Weights & Measures Inspector (position end date of 6-30-05). PUBLIC HEALTH-GENERAL SERVICES - converts one sunset position of Information Systems Analyst III/II/I (position end date of 6-30-05) to a permanent position. Adds one position of Program Manager-Public Health. CHILD SUPPORT SERVICES - adds one term position of Courier/Stock Clerk (position end date of 3-31-06). SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY UNIT CLASSIFICATION - adds the position of Program Manager-Public Health and sets the salary range at \$28.99 to \$35.23 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.21 * Sigma Data Systems, Inc. - approval is requested for a software license agreement with Sigma Data Systems, Inc., for the provision of a system upgrade for the department's automated applicant management system. The term of the agreement is for the life of the product, with a maximum amount payable of \$32,355.75 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

LIBRARY

3.22 *

Small Business in a Box Mini-Grant Program - approval is requested to accept and appropriate \$7,000 in grant funds received from the California State Library for materials and programming to reach out to the business community with information and services - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.

PROBATION
DEPARTMENT

3.23 *

Butte Interagency Narcotics Task Force/Butte County Probation Department - approval is requested for a Memorandum of Understanding with the Butte Interagency Narcotics Task Force for the lease of office space. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$17,064.51. Board approval is also requested to accept and appropriate the unanticipated revenue - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED LEASE REVENUE AS DETAILED IN THE AGENDA REPORT.

PUBLIC
HEALTH

3.24 *

California Department of Health Services - approval is requested for a grant agreement with the California Department of Health Services for funds to support bioterrorism preparedness and response activities. The term of the agreement is July 1, 2004, through August 30, 2005, with a maximum amount payable to the County of \$462,992 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE THE CERTIFICATION FORM AGAINST SUPPLANTING AND AUTHORIZE THE CHAIR TO SIGN.

3.25 *

California Department of Health Services - Amendment - approval is requested for an amendment to the revenue agreement with the California Department of Health Services for funds to provide the Women, Infants and Children program. The amendment increases the maximum amount payable to the County by \$39,785, and revises the agreement's exhibits and attachments to reflect the increase. 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. R40199)

3.26 * California Department of Health Services - Fiscal Year 2004-2005 Rural Health Services Program Funds - approval is requested for a declaration of intent not to apply for fiscal year 2004-2005 Rural Health Services Program Funds. Legislation currently exists which permits the State to administer the Hospital Services, Physician Services, and Children's Treatment Program allocations for counties. The State's administration relieves counties of several requirements to document and report expenditures and program activities - action requested - APPROVE THE DECLARATION OF INTENT NOT TO APPLY FOR THE FISCAL YEAR 2004-2005 RURAL HEALTH SERVICES PROGRAM FUNDS AND AUTHORIZE THE CHAIR TO SIGN.

3.27 * Donation of Funds - pursuant to Government Code Section 25355, the department has received a \$500 anonymous donation. The funds are to be used to continue public education about West Nile Virus - action requested - ACCEPT DONATION.

PUBLIC
WORKS

3.28 * Resolution in Recognition of Richard O. Fox Upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.29 * Resolution in Recognition of John B. Butler Upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.30 * Fixed Asset Purchase - approval is requested to purchase two Cab/Chassis for two 5-yard dump trucks in the amount of \$99,020, plus tax. The department's budget included \$90,000 for the purchase, and approval is also requested to utilize savings from another fixed asset equipment purchase to provide the remaining needed funds - action requested - AUTHORIZE THE FIXED ASSET PURCHASE OF TWO CAB/CHASSIS; AND AUTHORIZE THE USE OF FIXED ASSET SAVINGS.

3.31 * Compressed Natural Gas (CNG) Fueling Facilities Funding - approval is requested to accept and appropriate \$45,000 from the Charges For Services revenue account into the department's operating budget to provide the appropriation needed for equipment improvements at the County's CNG fueling facilities - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 3.32 * Partial Final Closure, Modules 1, 2, and 3 at the Neal Road Sanitary Landfill - Funding - approval is requested to accept and appropriate \$250,000 from the Landfill Enterprise Fund Retained Earnings account to the department's operating budget to provide the appropriation needed to fund the Contract Change Orders required to complete the project - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
- 3.33 * Reconstruction of Holland Avenue - County Project No. 42253-01-1 - Contract Change Order (CCO) No. 1 - CCO No. 1, in the increasing amount of \$1,500.36, provides for the adjustment of contract quantities to meet field conditions, and the additional work required to remove concrete driveway approaches and driveway aprons - action requested - APPROVE CONTRACT CHANGE ORDER NO. 1 AND AUTHORIZE THE CHAIR TO SIGN.
- 3.34 * Installation of Storm Drain Facilities and Partial Reconstruction of Holland Avenue from Florida Lane to Durham Dayton Highway - County Project No. 42253-01-1 - Notice of Completion - the project consisted of the reconstruction of the two lane roadway with aggregate base and surfacing with asphalt concrete, installation of drainage facilities, and installation of concrete curb, gutter and sidewalks along the west side. All contract work has been completed in accordance with plans and specifications - action requested - ACCEPT CONTRACT WORK; APPROVE NOTICE OF COMPLETION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT RECORDING OF THE NOTICE OF COMPLETION.
- 3.35 * Relief of Accountability - approval is requested for relief of accountability for a fixed asset computer transferred to surplus as a non-fixed asset item. The District Attorney and Auditor-Controller have reviewed the request - action requested - GRANT RELIEF OF ACCOUNTABILITY.
- 3.36 * California State University, Chico - Amendment - approval is requested for an amendment to the revenue agreement with California State University, Chico, for provision of the "no-fare" bus service program to students, faculty and staff. The University reimburses the County monthly based on the actual number of riders per month. The amendment extends the term of the agreement through June 30, 2005, and sets the maximum amount payable to the County at \$24,000 for the extended term. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40046)

SHERIFF'S
OFFICE

3.37 * Resolution in Recognition of Floyd L. Kirk, Jr., Upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.38 * Local Law Enforcement Block Grant Funds - approval is requested to transfer interest earnings in the amount of \$1,149 from the Local Law Enforcement Block Grant Funds account to the department's operating budget to provide the appropriation needed to purchase Taser Intermediate Weapon cartridges, a grant approved expenditure - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

3.39 * California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal MMET) Grant Funds - approval is requested to accept and appropriate Cal MMET Grant funds for fiscal year 2004-2005. The department received an award of \$60,400 for the program, and \$79,300 for equipment, and Board approval is requested for the fixed asset purchase of a new Cessna 182 plane engine in the amount of \$24,694 utilizing the equipment grant funds. Board approval is also requested to authorize the Human Resources department to prepare a salary ordinance amendment which will extend the sunset Deputy Sheriff position associated with the program from October 31, 2004, to February 28, 2005 - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED GRANT REVENUE AS DETAILED IN THE AGENDA REPORT; APPROVE FIXED ASSET PURCHASE OF AIRPLANE ENGINE; AND DIRECT THE HUMAN RESOURCES DEPARTMENT TO PREPARE A SALARY ORDINANCE AMENDMENT EXTENDING ONE SUNSET DEPUTY SHERIFF'S POSITION AS DETAILED IN THE AGENDA REPORT.

3.40 * Equipment Purchase Transfer - approval is requested to transfer \$10,000 from the asset seizure trust funds to the department's operating budget to provide the appropriation needed to purchase ten Taser Intermediate Weapons and cartridges - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED TRUST FUND REVENUE AS DETAILED IN THE AGENDA REPORT.

TREASURER-
TAX COLLECTOR

3.41 * Monthly Investment Report - submitted is the Monthly Investment Report dated September 30, 2004, in accordance with the Statement of Investment Policy dated July 1, 2004 - action requested - ACCEPT FOR INFORMATION.

OTHER DEPARTMENTS

AND AGENCIES 3.42

North State Cooperative Library System Advisory Board - action requested - REAPPOINT DAVID WILKINSON TO A TERM TO END JUNE 30, 2006.

3.43

Butte County Library Advisory Board - action requested - APPOINT CINDY GARIGLIANO TO A VACATED TERM TO END DECEMBER 31, 2004.

4.00

REGULAR AGENDA

BOARDS,

COMMISSIONS AND

COMMITTEES

4.01 *

Boards, Commissions and Committees.

1. Appointments to Listed Vacancies.

2. Butte County Water Commission-Technical Advisory Committee - action requested - ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION TO REVISE THE COMPOSITION OF THE TECHNICAL ADVISORY COMMITTEE BY REMOVING BOB FORTINO, CRAIG BOLGER AND JEROLD BEHNKE, AND APPOINTING RICHARD PRICE, HUE DANG AND DEBBIE SPANGLER.

3. 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 *

Resolution of Opposition to Measure D - consideration of a resolution of opposition to a proposed initiative that would prohibiting the growing of genetically engineered organisms countywide - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (SUPERVISOR HOUX)

4.04 *

Nuisance Abatement Program - Report to the Board - update on the County's nuisance abatement program - action requested - ACCEPT FOR INFORMATION. (DEVELOPMENT SERVICES)

4.05 * Drought Preparedness Plan - consideration of the adoption of a Drought Preparedness and Mitigation Plan. Development and adoption of a plan is part of the County's Integrated Water Resources Plan - action requested - DIRECT STAFF TO MAKE THE RECOMMENDED CHANGES DETAILED IN THE STAFF REPORT; AND ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION AND ADOPT A RESOLUTION APPROVING THE PLAN AND AUTHORIZE THE CHAIR TO SIGN. (WATER AND RESOURCE CONSERVATION)

4.06 * A MATTER ON WHICH A PUBLIC HEARING HAS BEEN HELD AND A MOTION OF INTENT ADOPTED - Appeal of Conditions of a Tentative Parcel Map - Edward Niderost - on January 13, 2004, the Board adopted a Motion of Intent to uphold the appeal of 3 conditions of approval on a Tentative Parcel Map to divide a 2-acre parcel into (2) 1-acre parcels. The property is zoned SR-1 (Suburban Residential - 1 acre parcels) and is located on the north side of Butte Avenue, at the intersection of Butte Avenue and Northgraves Avenue, Chico, and is identified as APN 004-490-020 (MM [TPM 03-20]) - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTION:

1. SUBJECT TO FINDINGS I (A AND B) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 26, 2004, GRANT THE APPEAL AND APPROVE THE EXCEPTION REQUEST TO CONDITION NO. 9 TO SUBMIT ROAD AND DRAINAGE IMPROVEMENT PLANS FOR THE INSTALLATION AND CONSTRUCTION OF THE STREET FRONTAGE IMPROVEMENTS ON ONE-HALF STREET FOR BUTTE AVENUE AND NORTHGRAVES AVENUE TO A RS-9 STANDARD;
2. SUBJECT TO FINDING II (A) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 26, 2004, GRANT THE APPEAL TO MODIFY CONDITION NO. 4 TO ALLOW FUTURE RESIDENTIAL DWELLINGS TO BE PLACED AT LEAST 115 FEET FROM ADJACENT AGRICULTURAL OPERATIONS REQUIRING SPRAY (90 FEET FROM THE SOUTH PROPERTY LINE), BASED ON THE EXISTING DWELLINGS LOCATED ON THE ADJACENT PARCELS; AND
3. SUBJECT TO FINDING III (A) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 26, 2004, GRANT THE APPEAL TO REMOVE CONDITION NO. 23 REQUIRING PAYMENT INTO A WATER TENDER FUND. (DEVELOPMENT SERVICES)

4.07 * State of California, Department of Transportation - Cooperative Agreement - consideration of an agreement for realignment of a portion of River Road at the State Route 32 intersection - action requested - APPROVE COOPERATIVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND DIRECT STAFF TO ENCOURAGE CALTRANS TO CONSIDER ALTERNATIVES TO THE REALIGNMENT OF RIVER ROAD THAT REDUCES THE IMPACT OF THE PROPOSED PROJECT ON THE ORCHARD PROPERTY, BUT STILL MEETS THE PURPOSE AND NEED FOR THE HIGHWAY SAFETY IMPROVEMENT PROJECT. (PUBLIC WORKS)

4.08 * Lake Oroville Relicensing - Report to the Board - update on the Federal Energy Regulatory Commission (FERC) Lake Oroville Relicensing Project, Protection, Mitigation and Enhancement measures, and settlement negotiations - action requested - ACCEPT FOR INFORMATION; AND BOARD DISCUSSION AND DIRECTION AS NEEDED. (COUNTY COUNSEL)

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

5.00 PUBLIC HEARINGS AND TIMED ITEMS

10:15 A.M. 5.01 * Public Hearing - Joel Hall Tentative Parcel Map Appeal - consideration of an appeal of the Planning Commission's denial of a proposal for a single parcel Amending Tentative Parcel Map to modify a mitigation measure of a recorded Parcel Map. This is a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. The property is zoned A-40 (Agricultural - 40 acre minimum parcel size) and located on the south side of Cana Highway, approximately 2,600 feet west of Highway 99, north of Chico, and identified as APN 047-100-0182 (CD [TPM 04-02]) - action requested - THE PLANNING COMMISSION RECOMMENDS THE BOARD DENY THE REQUEST TO REPLACE THE "NO RESIDENTIAL DEVELOPMENT" RESTRICTION WITH A "300-FOOT SETBACK" RESTRICTION.

- 10:30 A.M. 5.02 * Continued 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 (only if the Board chooses to deny the appeal). 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 - AT THE REQUEST OF STAFF AND THE APPLICANT, CONTINUE HEARING OPEN TO AN UNSPECIFIED DATE TO ALLOW THE APPLICANT'S PARTICIPATION IN THE UPCOMING GENERAL PLAN UPDATE HEARINGS. (FROM 5-25-04 [5.01])
- 10:35 A.M. 5.03 * Public Hearing - Feather River Recreation and Park District - Park Facility Fee - consideration of an ordinance and resolution, pursuant to Article I, Section 1 of the Butte County Charter and Article XI, Section 7 of the California Constitution, for the purpose of amending Butte County Code Chapter 16 to authorize a park facility fee, and to assess and levy the fee upon any owner of real property located in the unincorporated area of Butte County within the Feather River Recreation and Park District. The proposed fee covers several types of park facilities including public use (community center) facilities, aquatic center facilities, and parkland acquisition and development - action requested - ADOPT ORDINANCE AND RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.
- 10:45 A.M. 5.04 * Public Hearing - Paradise Recreation and Park District - Park Facility Fee - consideration of an ordinance and resolution, pursuant to Article I, Section 1 of the Butte County Charter and Article XI, Section 7 of the California Constitution, for the purpose of amending Butte County Code Chapter 16 to authorize a park facility fee, and to assess and levy the fee upon any owner of real property located in the unincorporated area of Butte County within the Paradise Recreation and Park District. The proposed fee covers several types of park facilities including parkland acquisition, park development, aquatic facilities, and district facilities - action requested - ADOPT ORDINANCE AND RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

10:55 A.M. **5.05** * Timed Recess - Recess to Attend USDA Oroville Service Center Ribbon Cutting and Open House at the USDA Oroville Service Center, 150 Chuck Yeager Way, Oroville.

1:00 P.M. **5.06** * Public Workshop - Wastewater Treatment Report - presentation of a report, and discussion regarding the current issues surrounding wastewater treatment and upcoming issues which will impact wastewater treatment in Butte County - action requested:

1. DIRECT STAFF TO PURSUE CONSULTING CONTRACTS TO ASSIST THE BOARD AND STAFF IN DEVELOPMENT OF POLICY RECOMMENDATIONS FOR WASTEWATER TREATMENT SYSTEMS, INCLUDING THE DEVELOPMENT OF EITHER A NEW REGIONAL WASTEWATER TREATMENT PLANT OR REGIONAL WASTEWATER TRUNK LINE TO SERVE FUTURE GROWTH AREAS IDENTIFIED IN THE GENERAL PLAN UPDATE;
2. DIRECT STAFF TO EXPLORE FUNDING POTENTIALS TO EXPAND CURRENT TREATMENT PLANT CAPABILITIES AND TO EXPLORE THE FEASIBILITY OF DEVELOPMENT OF A NEW PLANT POTENTIALLY OWNED AND OPERATED BY THE COUNTY OF BUTTE; AND
3. DIRECT STAFF TO INCLUDE THE DEVELOPMENT OF WASTEWATER TREATMENT POLICIES AS PART OF THE GENERAL PLAN UPDATE.

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.

7.00 CLOSED SESSION

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

1. WHEAT V. COUNTY OF BUTTE
 (BUTTE COUNTY SUPERIOR COURT CASE NO. 128644)
2. ROWE V. COUNTY OF BUTTE
 (BUTTE COUNTY SUPERIOR COURT CASE NO. 128705)
3. NATIONAL ALLIANCE FOR THE MENTALLY ILL V. COUNTY OF BUTTE (USDC EASTERN DISTRICT CIV-S-03-1087)

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

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
County Administrative Office
25 County Center Drive, Oroville, CA 95965
530-538-7631
www.buttecounty.net/cob