

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

JANUARY 11, 2005



County Supervisors

Bill Connelly, 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.
 - 1.04 Corrections and/or Changes to the Agenda.
-

2.00 **BOARD OF SUPERVISORS ORGANIZATION - 2005**

- 2.01 Election of Board Chair
 - 2.02 Election of Board Vice Chair
 - 2.03 Comments by Supervisors:
 - 1. New Chair
 - 2. Board Members
-

3.00 **CONSENT AGENDA**

**AUDITOR-
CONTROLLER**

3.01 * Local Agency Improvement Fees - submitted is the Combined Report of Impact Fees or Local Agency Improvement Fees for Fiscal Year 2003-2004. Pursuant to Government Code Section 66006, this item was introduced at the meeting of December 14, 2004, and has been on file and available for public inspection in the Chief Administrative Office. Final action on the report is now required - action requested - ACCEPT REPORT AND MAKE FINDINGS AS DETAILED IN THE AGENDA REPORT FOR EACH OF THE ACCOUNTS WITH REGARD TO PURPOSE, RELATIONSHIP, SOURCE AND AMOUNTS, AND TIMING. (FROM 12-14-04 [3.01])

**BEHAVIORAL
HEALTH**

3.02 * Davis Wright Tremaine LLP - approval is requested for a waiver of conflict of interest with the law firm of Davis Wright Tremaine LLP. The law firm represents the Metropolitan Water District of Southern California in connection with the re-licensing of the Oroville Project. The department would like to use the firm to draft and negotiate software license agreements, support, services and other agreements, and to provide legal services for the Information Systems Division. The waiver is required to allow that representation - action requested - APPROVE WAIVER OF CONFLICT OF INTEREST AND AUTHORIZE THE CHAIR TO SIGN.

- 3.03 * Medipose - approval is requested for an agreement with Medipose to collect and remove all biomedical waste generated by Paradise Adult Outpatient programs. The term of the agreement is October 1, 2004, through September 30, 2009, with a maximum amount payable for the multi-year term of \$3,500 (\$700 per fiscal year [department budget]) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.04 * Youth For Change - approval is requested for a sublease agreement with Youth For Change for the County-leased property located at 5910 Clark Road, Suite T, Paradise. The property is utilized by the Family Bridges program and will be subleased to Youth For Change to provide individual and family assessments, and individual, group and family therapy and rehabilitation services. The term of the agreement is October 1, 2004, through June 30, 2006, with a maximum amount payable to the County for the multi-year term of \$45,581.21 (\$19,384.97 for fiscal year 2004-2005 and \$26,196.24 for fiscal year 2005-2006) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.05 * State of California, Department of Mental Health - approval is requested for an agreement with the State of California, Department of Mental Health, for the provision of inpatient hospital services to acutely mentally ill persons requiring health care services. The agreement provides for the State's rendering of services through State hospitals. The term of the agreement is July 1, 2004, through June 30, 2005. There is no dollar amount associated with the agreement, as the department does not anticipate utilization of State hospital services during fiscal year 2004-2005 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.06 * Donation - approval is requested, pursuant to Government Code Section 25355, to accept and appropriate \$500 received from an anonymous donor for department related activities - action requested - ACCEPT DONATION; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

3.07 * Computer Equipment Purchase - approval is requested for the fixed asset purchase of a storage tape drive for computer files in the amount of \$5,771. Funding for the purchase is available within the department's budget and Board approval is also requested for a transfer between budget line items to provide the needed appropriation - action requested - APPROVE FIXED ASSET PURCHASE OF TAPE DRIVE IN THE AMOUNT OF \$5,771; AND APPROVE A BUDGET TRANSFER APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

CHIEF
ADMINISTRATIVE
OFFICE

3.08 * Maximus, Inc. - Amendment - approval is requested for an amendment to the agreement with Maximus, Inc., for preparation of a countywide development impact fee study. The amendment extends the term of the agreement through June 30, 2005, to allow for payment of final invoices received after the prior agreement term date had expired. 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. X14149)

COUNTY
COUNSEL

3.09 * Local Agency Biennial Conflict of Interest Code Report - Non-Exempt Agencies - pursuant to Government Code Section 87306.5, approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following non-exempt agencies: Butte County Association of Governments, Berry Creek Community Services District, Butte County Housing Authority, Butte Creek Drainage District, Butte Water District, Buzztail Community Services District, Chico Area Recreation and Park District, Durham Irrigation District, Durham Mosquito Abatement District, El Medio Fire District, Feather River Recreation and Park District, Gridley-Biggs Cemetery District, Lake Madrone Water District, Lake Oroville Public Utilities District, Oroville Mosquito Abatement District, Paradise Cemetery District, Reclamation District No. 833, Richvale Irrigation District, Richvale Sanitary District, Sacramento River Reclamation District, Sewerage Commission-Oroville Region, and Thermalito Irrigation District. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS.

- 3.10 * Local Agency Biennial Conflict of Interest Code Report - Exempt Agencies - pursuant to Government Code Section 87306.5, approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following exempt agencies: Bangor Cemetery District, Drainage District No. 1, Drainage District No. 2, and the Thompson Flat Cemetery District. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS.
- 3.11 * Local Agency Biennial Conflict of Interest Code Report - Non-Exempt School Districts - pursuant to Government Code Section 87306.5, approval is requested for the Local Agency Biennial Conflict of Interest Code Reports for the following non-exempt school districts: Bangor Union Elementary School District, Chico Unified School District, Feather Falls Union School District, Golden Feather Union School District, Gridley Unified School District, Manzanita Elementary School District, Pioneer Union Elementary School District, and Thermalito Union School District. The reports have been reviewed by County Counsel and determined to be proper - action requested - ACCEPT BIENNIAL REPORTS.
- 3.12 * Paradise Recreation and Park District - Conflict of Interest Code Amendment and Biennial Report - pursuant to Government Code Section 87306.5, Board approval is requested for an amended Conflict of Interest Code and Biennial Report for the Paradise Recreation and Park District. The amended code adds additional District positions to the reporting requirements. The amended code and report have been reviewed by County Counsel and determined to be proper - action requested - APPROVE AMENDED CONFLICT OF INTEREST CODE; AND ACCEPT BIENNIAL REPORT.
- 3.13 * Oroville Cemetery District - Conflict of Interest Code Amendment and Biennial Report - pursuant to Government Code Section 87306.5, Board approval is requested for an amended Conflict of Interest Code and Biennial Report for the Oroville Cemetery District. The amended code adds an additional District position to the reporting requirements. The amended code and report have been reviewed by County Counsel and determined to be proper - action requested - APPROVE AMENDED CONFLICT OF INTEREST CODE; AND ACCEPT BIENNIAL REPORT.
- 3.14 * Butte County Conflict of Interest Code - Amendment - approval is requested for an amendment to the Butte County Conflict of Interest Code which will remove the Development Review Committee from the code. The committee has been disband - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.15) * Abbott & Kindermann, LLP - Amendment - approval is requested for an amendment to the agreement with Abbott & Kindermann, LLP, for the provision of specialized legal services. The amendment increases the hourly compensation rate for William Abbott by \$30 per hour and provides for reimbursement of out-of-pocket expenses (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.

3.16) * Bartkiewicz, Kronick & Shanahan - Amendment - approval is requested for an amendment to the agreement with Bartkiewicz, Kronick & Shanahan for the provision of specialized legal services. The amendment revises the reimbursement rates for services (Principal I Attorney-\$215 per hour, Principal II Attorney-\$190 per hour, Associate I Attorney-\$190 per hour, Associate II Attorney-\$145 per hour, and Paralegal Services-\$75 per hour), and provides for reimbursement of out-of-pocket expenses (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.

EMPLOYMENT
AND SOCIAL
SERVICES

3.17) * Accept Unanticipated Revenue - approval is requested to accept and appropriate \$2,142 received from the State of California, Department of Motor Vehicles, as the County's annual allocation of funds received from the issuance and renewal of California "Kids" license plates. The funds will be used for child abuse prevention activities and education - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

FIRE
DEPARTMENT

3.18) * El Medio Fire Protection District - approval is requested for a Cooperative Agreement with the El Medio Fire Protection District for the County's provision of dispatch services for Fire/Emergency Medical Service calls within the District. The term of the agreement is July 1, 2004, through June 30, 2005, with a call rate of \$25.00 per call from July 1, 2004, through December 31, 2004, and \$36.00 per call from January 1, 2005, through June 30, 2005 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

3.19 * Indian Gaming Revenue - approval is requested to accept and appropriate \$41,095.44 received from the 2004 Indian Gaming Fund. The funds will be utilized for fuel and volunteer reimbursements - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

GENERAL
SERVICES

3.20 * Resolution Supporting the Purchase of American Made Vehicles and Rescinding Resolution No. 92-05 - approval is requested for a resolution which will rescind a resolution limiting the purchase of County vehicles to certain brand vehicles, and implementing a policy to allow the purchase of American-made vehicles, regardless of product brand - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.21 * 18 County Center Drive, Suites A and B, Oroville - Notice of Completion - the project consisted of a remodel of the facility. All contract work has been completed pursuant to 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.

3.22 * Disposal of Old Department Records - approval is requested by the Purchasing Division, pursuant to Government Code Section 26202, to dispose of old department requisition, field purchase order, purchase order, and bid files, excluding construction and remodeling project files - action requested - APPROVE DISPOSAL OF OLD RECORDS (4/5 vote required).

3.23 * Pre-Disaster Mitigation Grant Program - approval is requested by the Emergency Services Division to submit a grant application to the Federal Emergency Management Agency for funds under the Pre-Disaster Mitigation Program for fiscal year 2005 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE APPLICATION FOR GRANT FUNDS AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER, GENERAL SERVICES DIRECTOR AND/OR EMERGENCY SERVICES OFFICER TO SIGN GRANT DOCUMENTS.

HUMAN
RESOURCES

3.24 *

Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: SHERIFF-CORONER - SERVICES - deletes one term position of Deputy Sheriff (position end date 6-30-05), one position of Supervising Dispatcher, and one position of Public Safety Dispatcher. Adds two positions of Public Safety Dispatcher-Lead. SHERIFF-CORONER - CORRECTIONS - deletes two positions of Sheriff's Clerk III. Adds two flexibly staffed positions of Sheriff's Clerk III/II/I. BEHAVIORAL HEALTH-GENERAL SERVICES - deletes three flexibly staffed positions of Mental Health Clinician II/I. BEHAVIORAL HEALTH-DRUG TREATMENT - deletes one position of Supervisor-Mental Health Counselor. Increases one 1/2-time position of Supervisor-Mental Health Clinician to a 3/4-time position. Adds one flexibly staffed position of Mental Health Clinician II/I. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE C, GENERAL UNIT CLASSIFICATION - creates the classification of Public Safety Dispatcher-Lead and sets the salary range at \$15.79-\$19.20. SALARY PLAN FOR ELECTED AND APPOINTED OFFICIALS, REFERENCE A, APPOINTED DEPARTMENT HEADS - sets the annual salary rate for the newly appointed Director-Employment and Social Services at \$109,922, effective January 1, 2005 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.25 *

Skills Differential Pay - pursuant to the Personnel Rules, Section 11.13, approval is requested to authorize a 5% skills differential pay to a Public Health Nurse assigned to the California Children's Services program (employee #33663) in settlement of a filed grievance - action requested - APPROVE SKILLS DIFFERENTIAL PAY.

LIBRARY

3.26 *

Library Donations - pursuant to Government Code Section 25355, donations of \$1,528.25 from the Oroville Friends of the Library, \$1,175.63 from the Paradise Friends of the Library, \$1,000 from the Raymond Family Foundation of Salt Lake City, Utah, \$1,000 from the Kosch-Westerman Foundation of Pismo Beach, California, \$512.96 from the Chico Friends of the Library, \$100 from the Perfect Plank Company of Paradise, \$100 from Gloria Branson of Chico, and \$100 from Laurie and Al McGreehan of Paradise, have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

PUBLIC
HEALTH

- 3.27 * James E. Brown - approval is requested for a lease agreement with James E. Brown for the property located at 1311 Mangrove Avenue, Suites D and E, Chico. The space is occupied by the Women, Infants and Children Program. The term of the agreement is January 1, 2005, through December 31, 2005, with a monthly lease rate of \$2,132 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.28 * Butte County Animal Control Advisory Board - Amendment of Bylaws - approval is requested for an amendment to the bylaws for the Animal Control Advisory Board. The proposed amendment will provide for the addition of a representative from the North Valley Animal Disaster Group to the Board membership - action requested - APPROVE BYLAW AMENDMENT; AND APPOINT DANI NICHOLS, NORTH VALLEY ANIMAL CONTROL DISASTER GROUP REPRESENTATIVE.
- 3.29 * Butte County Animal Control Advisory Board - action requested - APPOINT DR. SUZANNE HANSON, DVM, NORTH VALLEY VETERINARY MEDICAL ASSOCIATION REPRESENTATIVE.
- 3.30 * Purchase of Vehicle - approval is requested for the fixed asset purchase of a compact 4x4 sport utility vehicle or extended cab pickup for the Environmental Health-Solid Waste Enforcement Division in the estimated amount of \$17,500. Funding for the purchase is provided by grant funds from the California Integrated Waste Management Board, and Board approval is also requested for a budget transfer to provide the needed appropriation - action requested - APPROVE FIXED ASSET PURCHASE OF SPORT UTILITY VEHICLE OR EXTENDED CAB PICKUP IN THE AMOUNT OF \$17,500; AND APPROVE A BUDGET TRANSFER (4/5 vote required) OF GRANT FUNDS AS DETAILED IN THE AGENDA REPORT.
- 3.31 * California Family Health Council, Inc. - Grant Funds - approval is requested to accept and appropriate \$13,400 received from the California Family Health Council, Inc. The funds will be used for expenses related to compliance with the revised Family Planning Annual Report - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING GRANT REVENUE AS DETAILED IN THE AGENDA REPORT.

PUBLIC
WORKS

3.32 * Rejection of Bids - approval is requested to reject all bids received for the partial rehabilitation of Seven Mile Lane from Ord Ferry Road to 3.39 miles south project (County Project No. 30142-04-1). The bids are being rejected as a result of on-going settlement negotiations with 360networks for improper trenching, backfilling and compaction of the roadway - action requested - REJECT ALL BIDS RECEIVED FOR COUNTY PROJECT NO. 30142-04-1; AND AUTHORIZE THE DIRECTOR-PUBLIC WORKS TO NEGOTIATE AN AMENDMENT TO THE SETTLEMENT AGREEMENT.

3.33 * Blue Oak Terrace Subdivision, Phase I - APN 055-550-003, 004 and 005, is a conditionally approved private street subdivision located on the south side of the Skyway at the Skyway Crossroads, along the westerly town limit line of the Town of Paradise, and consists of 40 lots for single family residences to be developed in two phases. Sewer and water services shall be provided by private community systems, operated and maintained by Blue Oak Terrace Mutual Water Company. Phase I is comprised of 20 lots. The developer has complied with the Conditions of Approval, has constructed the majority of the required improvements, and has provided a performance bond to guarantee the construction of the remaining Phase I improvements - action requested - APPROVE THE NEW PRIVATE STREET NAMES OF BAY TREE DRIVE AND TUSCAN DRIVE; APPROVE THE FINAL MAP FOR BLUE OAK TERRACE SUBDIVISION, PHASE I; ACCEPT ON BEHALF OF THE COUNTY OF BUTTE THE RELINQUISHMENT OF ABUTTERS RIGHTS OF ACCESS ALONG THE SKYWAY FRONTAGE AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; ACCEPT ON BEHALF OF THE COUNTY OF BUTTE THE PUBLIC SERVICE EASEMENTS AS OFFERED FOR DEDICATION IN THE OWNER'S STATEMENT; AUTHORIZE THE CHAIR TO SIGN THE SUBDIVISION AGREEMENT; AND APPROVE THE INDEMNITY AGREEMENT BETWEEN THE COUNTY OF BUTTE AND BLUE OAK TERRACE MUTUAL WATER COMPANY AND AUTHORIZE THE CHAIR TO SIGN.

SHERIFF'S
OFFICE

3.34 * Resolution in Appreciation of Peter Vincent Teresi Upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.35 * Budget Transfer - approval is requested for a transfer of \$4,000 from the Sheriff's Development Impact Fees fund to provide the appropriation needed to purchase radio equipment to expand the dispatch radio frequency center - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 3.36 * Vehicle Donation - approval is requested, pursuant to Government Code Section 25355, to accept a rescue vehicle donated by the Butte County Sheriff's Search and Rescue. The total cost of the specialized vehicle was \$67,403.60, and was funded by a combination of grant funds, community and vendor contributions, and donated man-hours. The vehicle will be assigned to the Operations Unit - action requested - ACCEPT DONATION OF FIXED ASSET RESCUE VEHICLE AND AUTHORIZE A LETTER OF APPRECIATION.
- 3.37 * Crime Prevention Merchandise Donation - approval is requested, pursuant to Government Code Section 25355, to accept and appropriate \$1,900 received from the Honorary Deputy Sheriff's Association (\$1,400), and the Deputy Sheriff's Association (\$500), for the purchase of crime prevention equipment and materials - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
- 3.38 * State of California, Department of Parks and Recreation Grant Agreement and Butte Meadows Hillslider's Snowmobile Club Amendment - approval is requested for a revenue agreement with the State of California, Department of Parks and Recreation, Off-Highway Division, for funds to support snow grooming, plowing, and removal services in the Butte Meadows-Jonesville Snowpark area. The term of the agreement is November 1, 2004, through July 30, 2006, with a maximum amount payable to the County of \$80,000 (\$40,000 per fiscal year). Board approval is requested to accept and appropriate \$15,595 in unexpended fiscal year 2003-2004 grant funds into the current fiscal year budget. The department has received an extension to June 30, 2005, to expend the remaining funds on grant related activities. Board approval is also requested for an amendment to the agreement with the Butte Meadows Hillslider's Snowmobile Club for services in support of the grant. The amendment extends the term of the agreement through June 30, 2005, and includes the use of the unexpended fiscal year 2003-2004 funds. All other terms and provisions remain the same - action requested - APPROVE GRANT AGREEMENT AND RATIFY THE SHERIFF-CORONER'S SIGNATURE; AUTHORIZE THE SHERIFF-CORONER, OR HIS DESIGNATED REPRESENTATIVE, TO SIGN GRANT DOCUMENTS NECESSARY TO SUPPORT GRANT ASSOCIATED ACTIVITIES; APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING GRANT REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE AGREEMENT AMENDMENT WITH THE BUTTE MEADOWS HILLSLIDER'S SNOWMOBILE CLUB AND AUTHORIZE THE CHAIR TO SIGN.

TREASURER-

TAX COLLECTOR 3.39 *

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

WATER AND

RESOURCE

CONSERVATION 3.40 *

Richvale Irrigation District - approval is requested for an agreement with Richvale Irrigation District for the transfer of a designated portion of the 2003 Idling Program Funds. The agreement will provide the County with \$85,981.50 from the 2003 Crop Idling Program water transfer. The funds will be used in the management and monitoring of water resources - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; 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 REVENUE AS DETAILED IN THE AGENDA REPORT.

3.41 *

Western Canal Water District - approval is requested for an agreement with Western Canal Water District for the transfer of a designated portion of the 2003 Idling Program Funds. The agreement will provide the County with \$73,921.65 from the 2003 Crop Idling Program water transfer. The funds will be used in the management and monitoring of water resources - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; 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 REVENUE AS DETAILED IN THE AGENDA REPORT.

OTHER

DEPARTMENTS

AND AGENCIES 3.42 *

Resolutions in Support of Media Coverage of the Frank Watters Children's Trust Fund - the Children's Services Coordinating Council is requesting the Board adopt resolutions acknowledging the contributions of KHSL, KPAY, the Chico News and Review, and the Chico Enterprise Record, to the campaign to increase the awareness of the Frank Watters Children's Trust Fund - action requested - ADOPT RESOLUTIONS (4) AND AUTHORIZE THE CHAIR TO SIGN.

3.43 *

Waiver of Fees - the Honey Run Covered Bridge Association is requesting the Board waive the development fees associated with the placement of a mobile home on park area land for use by the caretaker. The Association is a 501(c)(3) non-profit organization formed to care for the covered bridge and park - action requested - PURSUANT TO BUTTE COUNTY CODE SECTION 3-40.5, FIND THAT THE PROJECT IS IN THE PUBLIC INTEREST AND APPROVE A WAIVER OF DEVELOPMENT FEES.

3.44 * Local Child Care Planning Council - the Butte County Office of Education submits for approval the Local Child Care Planning Council Certification Statement - action requested - ACCEPT AND APPROVE THE 2004-2005 CERTIFICATION STATEMENT REGARDING COMPOSITION OF THE LOCAL CHILD CARE PLANNING COUNCIL AND AUTHORIZE THE CHAIR TO SIGN.

3.45 * Lake Oroville Area Public Utility District - pursuant to Revenue and Taxation Code Section 99-99.2, the Lake Oroville Area Public Utility District submits a property tax exchange agreement required for a proposed annexation of four parcels to the District. The District's Board of Directors, by Resolution No. 16-04, certify that the change of organization will be revenue neutral to each affected agency - action requested - APPROVE PROPERTY TAX EXCHANGE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.

3.46 Law Library Board of Trustees - action requested - REAPPOINT RAOUL LECLERC AND GARY KNIPPEN TO TERMS TO END JANUARY 2006.

3.47 Oroville Cemetery District Board of Trustees - the District has submitted a recommendation for reappointment - action requested - REAPPOINT JIM EDWARDS TO A TERM TO END JANUARY 1, 2009.

4.00

REGULAR AGENDA

**BOARDS,
COMMISSIONS AND
COMMITTEES**

4.01 (*)

Boards, Commissions and Committees.

1. Appointments to Listed Vacancies.

(*)

2. Butte County Water Advisory Committee - action requested - ACCEPT THE RECOMMENDATION OF THE WATER COMMISSION AND APPOINT GREG SOHNREY, DAVE SIEPERDA, TONY CARRASCO, GENE HARRIS, TED TRIMBLE, JIM BROBECK, MAUREEN KIRK, STEVE JERNIGAN, SAM DRESSER, GARY COLE AND SUSAN STRACHAN.

(*)

3. County Medical Services Program Governing Board - action requested - CAST COUNTY VOTE FOR GOVERNING BOARD MEMBER.

4. 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 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)

4.04 * 2005 Solar Energy Project - consideration of the award of an agreement, and approval of preliminary actions necessary for the County's 2005 Solar Energy Project. The Board is requested to award the agreement to PowerLight Solar Electric Systems of Berkeley, in the amount of \$7,576,659, and to approve a budget transfer (subject to approval of the project) from the General Fund Appropriation for Contingencies in the amount of \$62,450 for preliminary project expenses - action requested - APPROVE THE AWARD OF THE AGREEMENT TO POWERLIGHT SOLAR ELECTRIC SYSTEMS AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL, THE AUDITOR-CONTROLLER, AND THE TREASURER-TAX COLLECTOR; AUTHORIZE THE TREASURER'S OFFICE, IN CONJUNCTION WITH THE CHIEF ADMINISTRATIVE OFFICE, TO SEEK FINANCING FOR THE PROJECT; AUTHORIZE THE CHAIR OR THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE DOCUMENTS RELATING TO THE FINANCING ON BEHALF OF THE COUNTY; AND APPROVE A BUDGET TRANSFER (4/5 vote required) FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT. (GENERAL SERVICES)

4.05 * An Ordinance of the County of Butte, California, Adding Chapter 49 to the Butte County Code Establishing Unlawful Refuse Dumping Violations, An Administrative Enforcement Program for Such Violations and a Civil Remedial Process for the Forfeiture of Vehicles Connected with the Unlawful Dumping of Refuse - action requested - WAIVE READING OF THE ORDINANCE. (PUBLIC WORKS)

-
- 4.06 * National Pollutant Discharge Elimination System Phase II - Report to the Board - update on the first years' accomplishments - action requested - ACCEPT FOR INFORMATION.
- 4.07 Southside Oroville Community Center - consideration of a citizen request to rename the Center - action requested - BOARD DISCUSSION AND DIRECTION. (CHIEF ADMINISTRATIVE OFFICER)
- 4.08 Items Removed from the Consent Agenda for Board Consideration and Action.
- 4.09 Recess as the Butte County Board of Supervisors and convene as the Thompson Flat Cemetery District Board of Directors.

THOMPSON FLAT CEMETERY DISTRICT
BOARD OF DIRECTORS
AGENDA
JANUARY 11, 2005

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

2.00 **Agenda Items**

(2.01) * Financial Audit and Management Recommendation -
submitted are Financial Statements with Auditor's
Report prepared by the Butte County Auditor-Controller
for the fiscal years ending June 30, 2000, through
June 30, 2003 - action requested - ACCEPT FOR
INFORMATION.

(2.02) * Education Revenue Augmentation Fund Shift - submitted
is a notice from the Butte County Auditor-Controller of
new regulations which will shift a portion of the
property tax revenues for fiscal years 2004-2005 and
2005-2006 to the Education Revenue Augmentation Fund -
action requested - ACCEPT FOR INFORMATION.

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.

Adjournment

Adjourn as the Thompson Flat Cemetery District Board of
Directors and reconvene as the Butte County Board of
Supervisors.

5.00PUBLIC HEARINGS AND TIMED ITEMS10:30 A.M. 5.01 *

Public Hearing - Larry Biegler and Wallace Schwartz - Use Permit Appeal - consideration of an appeal of the Planning Commission's denial of a Use Permit to allow one single family dwelling on each parcel in a C-C (Community Commercial) zone. 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 located on the north side of Hollywood Road, approximately 400 feet east of Skyway, in Magalia, and identified as APN 065-460-019 and 065-460-020 (MM [UP 04-13]) - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I(A-E) AS DETAILED IN THE STAFF REPORT DATED JANUARY 11, 2005, ADOPT A MITIGATED NEGATIVE DECLARATION;

2. 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 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 FISH AND 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; AND

3. SUBJECT TO FINDINGS III(A[1-4]) AS DETAILED IN THE AGENDA REPORT DATED JANUARY 11, 2005, AND THE CONDITIONS OF APPROVAL DETAILED IN EXHIBIT "A" OF THE AGENDA REPORT DATED JANUARY 11, 2005, APPROVE USE PERMIT 04-13 FOR LARRY BIEGLER AND WALLACE SCHWARTZ.

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 INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): TWO POTENTIAL CASES.

7.02 PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS, INCLUDING GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957:

1. CHIEF ADMINISTRATIVE OFFICER;
2. COUNTY COUNSEL.

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