

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

OCTOBER 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.

2.00 CORRECTIONS AND/OR CHANGES TO THE AGENDA.

3.00 CONSENT AGENDA

AGRICULTURE 3.01 * Resolution in Recognition of the 25th Annual Farm City Celebration - Silver Anniversary - approval is requested for a resolution recognizing October 30 - November 19, 2005, as the 25th Annual Farm City Celebration - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

BEHAVIORAL HEALTH 3.02 * Substance Abuse and Mental Health Services Administration Block Grant - approval is requested to apply to the State of California, Department of Mental Health, for funds under the Substance Abuse and Mental Health Services Administration Block Grant program and to approve the grant agreement accepting the funds. The County will be awarded \$345,070 for fiscal year 2005-2006. The funds will be used for socialization and vocational activities for adult consumers, counseling services for detainees in the Juvenile Hall, and department administrative costs. Approval is also requested for a budget transfer adjusting revenue and appropriation accounts to reflect the actual amount awarded - action requested - APPROVE RENEWAL APPLICATION AND GRANT AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE A BUDGET TRANSFER MAKING ADJUSTMENTS AS DETAILED IN THE AGENDA REPORT.

3.03 * Work Training Center for the Handicapped, Inc. (Do-It-Leisure) - approval is requested for a sole source agreement with Work Training Center for the Handicapped, Inc. (Do-It-Leisure), for the provision of a socialization program for referred clients. The term of the agreement is July 1, 2005, through June 30, 2006, with a maximum amount payable of \$118,502 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 3.04 * Butte County Department of Public Health - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Butte County Department of Public Health for System of Care services. The amendment reduces the maximum amount payable by \$45,000 for fiscal year 2005-2006, and revises the agreement's exhibits to reflect the reduction. All other terms and provisions remain the same. Board approval is also requested for a budget transfer adjusting the departments' budget units to reflect the decrease - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE A BUDGET TRANSFER APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT. (Contract No. X11980)
- 3.05 * Substance Abuse and Crime Prevention Act of 2000 Revised Fiscal Year 2005-2006 Plan - approval is requested for a revised Fiscal Year 2005-2006 Plan required to be submitted to the State of California, Department of Alcohol and Drug Programs, to receive funds under the Substance Abuse and Crime Prevention Act of 2000. The revised plan incorporates changes to reflect the decreased allocation for fiscal year 2005-2006 of \$251,187. Board approval is also requested for adjustments to the department's budget to reflect the reduced allocation - action requested - APPROVE REVISED PLAN; AND APPROVE A BUDGET TRANSFER REVISING REVENUE AND EXPENDITURE ACCOUNTS AS DETAILED IN THE AGENDA REPORT.
- 3.06 * Willow Glen Care Center - approval is requested for a sole source agreement with Willow Glen Care Center for the provision of rehabilitation services for referred clients. The term of the agreement is July 1, 2005, through June 30, 2006, with a maximum amount payable of \$101,725 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.07 * State of California, Department of Mental Health - approval is requested for a performance contract with the State of California, Department of Mental Health, for the County's establishment of community mental health services to cover the entire area of the County. The term of the agreement is July 1, 2005, through June 30, 2006. There are no monetary provisions associated with the performance agreement. Board approval is also requested for a resolution authorizing the agreement - 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.

- 3.08 * North Valley Behavioral Health - approval is requested for a sole source agreement with North Valley Behavioral Health for the provision of psychiatric inpatient care services. The term of the agreement is October 15, 2005, through June 30, 2006, with a maximum amount payable of \$100,800 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO APPROVAL BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.09 * Sequoia Psychiatric Center - approval is requested for a sole source agreement with Sequoia Psychiatric Center for the provision of psychiatric inpatient care services. The term of the agreement is October 15, 2005, through June 30, 2006, with a maximum amount payable of \$154,560 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO APPROVAL OF COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

CHIEFADMINISTRATIVEOFFICE

- 3.10 * Development Services Director - approval is requested to appoint Tim Snellings to the position of Director-Development Services, and to approve an employment agreement with Mr. Snellings for a three year term, beginning October 31, 2005. The yearly compensation rate will \$115,000, and the agreement provides for a 5-day annual leave advance and relocation allowance of \$5,000. All other terms and provisions are similar to the employment agreements with all other department directors - action requested - APPOINT TIM SNELLINGS TO THE POSITION OF DIRECTOR-SDEVELOPMENT SERVICES, EFFECTIVE OCTOBER 31, 2005; AND APPROVE EMPLOYMENT AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.
- 3.11 * Resolution Approving an Application and Contract Execution for Funding from the General/Native American Allocation of the State Community Development Block Grant Program - approval is requested for a resolution accepting General Allocation Grant Funds in the amount of \$1,294,800, allocating the funds among the proposed projects, and authorizing the execution of a grant agreement - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

CHILD
SUPPORT
SERVICES

3.12 * Peerless Building Maintenance - Amendment - approval is requested for an amendment to the agreement with Peerless Building Maintenance for the provision of janitorial services for county-leased buildings. The amendment extends the term of the agreement through December 31, 2006, eliminates services at 1447 Huntoon Street, Oroville, effective June 30, 2005, includes carpet cleaning and stain treatment services for 1474 and 1420 Myers Street, Oroville, and increases the maximum amount payable by \$28,200 (department budget) for the extended term and additional services. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14638)

CLERK OF
THE BOARD

3.13 * Approval of Minutes - action requested - APPROVE MINUTES OF AUGUST 31, 2004; SEPTEMBER 14, 2004; SEPTEMBER 28, 2004; AND OCTOBER 12, 2004, WITH THE NOTATION THAT SUPERVISOR CONNELLY WILL ABSTAIN FROM APPROVAL OF 2004 MINUTES.

COUNTY CLERK-
RECORDER

3.14 * Election Assistance for Individuals with Disabilities Grant Program - approval is requested for a resolution authorizing the Clerk-Recorder/Registrar of Voters to participate in the Election Assistance for Individuals with Disabilities Grant program. The funds will be used to improve accessibility to, and participation in, the election process for individuals with a full range of disabilities. The County will receive up to \$25,219.28, and Board approval is also requested to accept and appropriate the unanticipated revenue - action requested - ADOPT RESOLUTION AUTHORIZING GRANT PARTICIPATION AND AUTHORIZE THE CHAIR TO SIGN; AUTHORIZE THE COUNTY CLERK-RECORDER TO SIGN ANY AND ALL DOCUMENTS ASSOCIATED WITH THE GRANT; AND APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

DEVELOPMENT
SERVICES

3.15 * Williamson Act Agreements - Landowner Notification Letters - approval is requested by the Butte County Land Conservation Act Advisory Committee, to direct the Department of Development Services to send to all County landowners subject to Williamson Act contracts, a letter which discloses to the landowner that their property is subject to a Williamson Act contract and provides information concerning compliance with that contract. This is an informational letter intended to educate landowners about Williamson Act contracts and the consequences of non-compliance with the contract's terms - action requested - APPROVE LETTER AND DIRECT THE DEPARTMENT TO SEND LETTERS TO ALL COUNTY LANDOWNERS SUBJECT TO WILLIAMSON ACT CONTRACTS.

DISTRICTATTORNEY

3.16 * Butte Justice Agencies Data Sharing Project - Memorandum of Understanding Amendment and Transfer of Revenue - approval is requested for an amendment to the Memorandum of Understanding for the Butte Justice Agencies Data Sharing Project. The amendment provides for the initiation of the discovery process for the California Case Management System to determine its impact on the Butte Justice Agencies Data Sharing Project and the Superior Court, extends the date of the agreement through June 30, 2006, and increases the maximum amount payable by \$29,723. Board approval is also requested to accept and appropriate \$34,862 from the Automated Warrant System Assessment Trust Fund to provide the additional appropriation needed to fund the agreement - action requested - APPROVE AGREEMENT AMENDMENT 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.

3.17 * Investigative Services Revenue - approval is requested to accept and appropriate \$6,990 received from the Air Quality Management District for the District Attorney's provision of investigative services to the District - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

EMPLOYMENTAND SOCIALSERVICES

3.18 * Youth For Change - Amendment - approval is requested for an amendment to the agreement with Youth For Change for the provision of Promoting Safe and Stable Families services. The amendment extends the term of the agreement through June 30, 2006, increases the maximum amount payable for fiscal year 2005-2006 by \$28,009.51 (department budget), and revises the agreement's exhibits to reflect the changes. 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. X13831)

- 3.19 * Youth For Change - Amendment - approval is requested for an amendment to the agreement with Youth For Change for the provision of Promoting Safe and Stable Families services and Adoption Promotion and Support Services. The amendment extends the term of the agreement through June 30, 2006, increases the maximum amount payable for fiscal year 2005-2006 by \$26,232 (department budget), and revises the agreement's exhibits to reflect the changes. 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. X13830)
- 3.20 * Youth For Change - Amendment - approval is requested for an amendment to the agreement with Youth For Change for the provision of the In-Home Visitation Program. The amendment extends the term of the agreement through June 30, 2006, increases the maximum amount payable for fiscal year 2005-2006 by \$22,104 (department budget), revises the agreement's exhibits to reflect the changes, and revises agreement language regarding department contact, insurance, affirmative action, compliance with Section 504 of the Rehabilitation Act of 1973, and conflict of interest compliance. 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. X13680)
- 3.21 * Parent Education Network - Amendment - approval is requested for an amendment to the agreement with Parent Education Network for the provision of the Families in Transition In-Home Visitation Program. The amendment extends the term of the agreement through June 30, 2006, increases the maximum amount payable by \$44,896 (department budget), revises the agreement's exhibits to reflect the changes, and revises the agreement language regarding department contact, insurance, affirmative action, compliance with Section 504 of the Rehabilitation Act of 1973, and conflict of interest compliance. 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. X13752)

- 3.22 * Parent Education Network - Amendment - approval is requested for an amendment to the agreement with Parent Education Network for the provision of Promoting Safe and Stable Families services. The amendment extends the term of the agreement through June 30, 2006, increases the maximum amount payable by \$26,097.75 (department budget), and revises the agreement's exhibits to reflect the changes. 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. X13938)
- 3.23 * Butte County Department of Behavioral Health - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Butte County Department of Behavioral Health for the provision of Promoting Safe and Stable Families services. The amendment extends the term of the agreement through June 30, 2006, and increases the maximum amount payable for fiscal year 2005-2006 by \$18,085 (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 COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14076)
- 3.24 * Northern Valley Catholic Social Service - Amendment - approval is requested for an amendment to the agreement with Northern Valley Catholic Social Service for the provision of Promoting Safe and Stable Families services. The amendment extends the term of the agreement through June 30, 2006, increases the maximum amount payable for fiscal year 2005-2006 by \$19,108, (department budget) and revises the agreement's exhibits to reflect the changes. 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. X13967)
- EMERGENCY
SERVICES 3.25 * Butte Creek Watershed Floodplain Management Plan - approval is requested for the Butte Creek Floodplain Management Plan for the Butte Creek Watershed. The final draft was presented to the Board on January 25, 2005. The proposed document incorporates public comments received and addressed and represents the complete document - action requested - ACCEPT AS COMPLETE THE BUTTE CREEK FLOODPLAIN MANAGEMENT PLAN DOCUMENT.

HUMANRESOURCES

- 3.26 * Cooperative Personnel Services - approval is requested for a sole source agreement with Cooperative Personnel Services for the provision of employment testing materials and services for County applicants. The term of the agreement is one year from date of execution, with a maximum amount payable based on use. The department has budgeted \$28,500 for the agreement, (\$4,000-California Board of Corrections testing; \$24,500-General testing) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15715)
- 3.27 * Side Letter Agreement - approval is requested for a side letter agreement with the Butte County Management Employees Association regarding the employment services of Peter A. Calarco as Assistant Director-Development Services, effective August 15, 2005. The agreement provides for an 80-hour vacation accrual upon date of hire, and for appointment to the position at Step 5 of the salary range - action requested - APPROVE SIDE LETTER AGREEMENT, RETROACTIVE TO AUGUST 15, 2005, AND AUTHORIZE THE CHAIR TO SIGN.
- 3.28 * Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: COUNTY CLERK-ELECTIONS AND REGISTRATION - deletes 1 position of Manager, Support Services. Adds 1 position of Administrative Analyst, Senior/Administrative Analyst. DISTRICT ATTORNEY-CRIMINAL - deletes 1 position of Office Specialist, Senior/Office Specialist/Office Assistant. Adds 1 position of Legal Clerk/Office Specialist, Senior/Office Specialist/Office Assistant. SHERIFF-CORONER-OPERATIONS - deletes 2 positions of Evidence Technician and 1 position of Photographic Technician. Adds 3 positions of Evidence/Photographic Technician. COUNTY-CLERK-RECORDER - deletes 1 position of Manager, Support Services. Adds 1 position of Administrative Analyst, Senior/Administrative Analyst, and 2 positions of Supervisor, Clerk-Recorder/Registrar of Voters. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE C, GENERAL UNIT CLASSIFICATIONS - deletes the classifications of Evidence Technician and Photographic Technician, and adds the classification of Evidence/Photographic Technician (\$15.59-\$18.95). SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY UNIT CLASSIFICATIONS - adds the classification of Supervisor, Clerk-Recorder/Registrar of Voters (\$16.47-\$20.02) - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

- LIBRARY 3.29 * Library Donations - pursuant to Government Code Section 25355, a donation of \$431.20 has been received from the Paradise Friends of the Library Group for support staff hours - action requested - ACCEPT DONATION AND AUTHORIZE A LETTER OF APPRECIATION.
- 3.30 * Annual Report - submitted is the Butte County Fiscal Year 2004-2005 Annual Report to be filed with the California State Library - action requested - ACCEPT FOR INFORMATION.
- PUBLIC
WORKS 3.31 * Waste Recovery West, Inc. - approval is requested for an agreement with Waste Recovery West, Inc., for the provision of waste tire disposal. The term of the agreement is October 1, 2005, through September 30, 2006, with a maximum amount payable of \$30,000 (Landfill Management Fund) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.32 * Budget Transfer and Fixed Asset Authorization - as part of the fiscal year 2005-2006 budget for the department, the Board approved the acquisition of a landfill compactor in the amount of \$560,000. Board approval is requested to increase the fixed asset purchase authorization to a maximum of \$575,000 to provide for the actual cost of the equipment over the estimated budgeted amount. Funding for the increase is available within the department's budget and Board approval is also requested for a transfer of funds to provide the appropriation needed for the purchase - action requested - APPROVE INCREASE IN FIXED ASSET PURCHASE AUTHORIZATION FOR A LANDFILL COMPACTOR BY \$15,000; AND APPROVE A BUDGET TRANSFER APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.
- 3.33 * Sierra Moon Subdivision Annexation to County Service Area No. 169 - on November 30, 2004, the Board approved an application to the Local Agency Formation Commission for the annexation of the Sierra Moon Subdivision to County Service Area No. 169 for the provision of storm drainage maintenance and street lighting. In order to complete the application, the subdivision's environmental document needs to be amended to address annexation to the County Service Area. The revised application, including the addendum to the Mitigated Negative Declaration, will be submitted to the Local Agency Formation Commission - action requested - ADOPT THE ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION FOR THE SIERRA MOON TENTATIVE SUBDIVISION MAP #03-01 (STEPHEN J. SCHUSTER); AND AUTHORIZE THE CHAIR TO SIGN THE LOCAL AGENCY FORMATION COMMISSION APPLICATION.

SHERIFF'S
OFFICE

- 3.34 * Hewlett Packard - approval is requested for a sole source agreement with Hewlett Packard for hardware support of equipment that runs the California Law Enforcement Telecommunications System. The term of the agreement is October 1, 2005, through September 30, 2006, with a maximum amount payable of \$7,152 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15747)

- 3.35 * Advanced Step Hire - approval is requested for the advanced step hire of a Deputy Sheriff candidate to Step 3 of the salary range, based on education and experience, retroactive to September 10, 2005. The Director-Human Resources concurs with the request - action requested - APPROVE ADVANCED STEP HIRE OF DEPUTY SHERIFF TO STEP 3 OF THE SALARY RANGE, RETROACTIVE TO SEPTEMBER 10, 2005, AS DETAILED IN THE AGENDA REPORT.

TREASURER-TAX
COLLECTOR

- 3.36 * Monthly Investment Report - submitted is the Monthly Investment Report dated August 31, 2005, in accordance with the Statement of Investment Policy dated July 1, 2005 - action requested - ACCEPT FOR INFORMATION.

OTHER
DEPARTMENTS
AND AGENCIES

- 3.37 * Resolution Proclaiming October 2005 as Domestic Violence Awareness Month - Catalyst Domestic Violence Services is requesting the Board adopt a resolution proclaiming October as Domestic Violence Awareness Month - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

- 3.38 * Emergency Medical Care Committee - action requested - REAPPOINT RICHARD PRICE, AGRICULTURAL COMMISSIONER REPRESENTATIVE, AND APPOINT STACY SIMPSON, MOBILE INTENSIVE CARE NURSE REPRESENTATIVE, TO TERMS TO END JUNE 30, 2008.

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 Adoption of an Ordinance Requiring Solid Waste Removal and Disposal From All Residential Rental Properties - consideration of an ordinance amending Chapter 31 of the Butte County Code relating to mandatory garbage service for rental housing, and amending Chapter 49 of the Butte County Code relating to landlord responsibility for illegal dumping by tenants. The ordinance would establish mandatory garbage service for any residential rental unit and impose equal responsibility for abatement costs on landlord and tenants for garbage illegally dumped by a tenant when the landlord does not supply regular garbage disposal service - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (PUBLIC WORKS [FROM 9-27-05 (4.05)])

4.04 * A Matter on Which a Public Hearing Has Been Held and a Motion of Intent Adopted - Brent and Debbie Sobrero Tentative Parcel Map Appeal - on April 12, 2005, the Board adopted a motion of intent to uphold an appeal of the Planning Commission's denial of a Tentative Parcel Map to divide a 40-acre parcel into two 20-acre parcels. The project site is located on the north side of Clear Creek Cemetery Road, approximately one mile east of Clark Road (State Highway 191) approximately 5 miles south of Paradise, and identified as APN 041-110-135 (MM [TPM 04-07]) - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I(A-F) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 11, 2005, GRANT THE APPEAL AND APPROVE THE REQUEST TO REDUCE THE 300-FOOT RESIDENTIAL DWELLING SETBACK ON THE WESTERN BOUNDARY ON PROPOSED PARCELS 1 AND 2;

2. SUBJECT TO FINDINGS II(A-D) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 11, 2005, ADOPT A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS; AND

3. SUBJECT TO FINDINGS III(A-F) AS DETAILED IN THE STAFF REPORT DATED OCTOBER 11, 2005, AND THE CONDITIONS OF APPROVAL, IDENTIFIED AS EXHIBIT "B" OF THE STAFF REPORT DATED OCTOBER 11, 2005, APPROVE TENTATIVE PARCEL MAP 04-07 FOR DEBBIE AND BRENT SOBRERO. (FROM 4-12-05 [5.01])

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

5.00PUBLIC HEARINGS AND TIMED ITEMS

- 10:30 A.M. 5.01 * Continued Public Hearing - Tentative Parcel Map Appeal - Sefcik Family Trust - consideration of an appeal of specific conditions of approval of a proposed Negative Declaration with mitigation measures regarding environmental impacts and a Tentative Parcel Map to divide a 16.25 acre parcel into three parcels for residential use on property zoned TM-5 (Timber Mountain - 5 acre parcels) and located on the north side of Starlight Drive, approximately 1,300 feet northeast of Schott Road in the Forest Ranch area and identified as APN 056-280-065 (MM [TPM 05-04]) - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:
1. SUBJECT TO FINDING I AS DETAILED IN THE AGENDA REPORT DATED OCTOBER 11, 2005, UPHOLD THE APPEAL OF CONDITION #12, REVISING THE CUL-DE-SAC DESIGN TO A HAMMERHEAD "T" VEHICLE TURN AROUND AREA AS DETAILED IN THE STAFF REPORT DATED OCTOBER 11, 2005;
 2. SUBJECT TO FINDING II AS DETAILED IN THE AGENDA REPORT DATED OCTOBER 11, 2005, DENY THE APPEAL OF CONDITION # 13; AND
 3. SUBJECT TO FINDING III AS DETAILED IN THE STAFF REPORT DATED OCTOBER 11, 2005, REVISE CONDITION #11 TO PROVIDE A MINIMUM OF 4" CLASS 2 AGGREGATE BASE OVER THE EXISTING INTERSECTION OF STARLIGHT DRIVE AND WAGON ROAD AS DETAILED IN THE AGENDA REPORT DATED OCTOBER 11, 2005. (FROM 8-16-05 [5.01])
- 11:00 A.M. 5.02 * Continued Public Hearing - Tentative Parcel Map Appeal - Kelly Brown - consideration of an appeal of a denial of a Tentative Parcel Map to divide a 12.69 acre parcel into two 6.35 acre parcels on property zoned A-5 (Agricultural - 5 acre parcels) and located on the west side on Jones Avenue, extending northerly 2,040 feet from the intersection of Bell Road, in the Chico area, and identified as APN 042-770-032 (CD [TPM 05-03]) - action requested - AT THE REQUEST OF THE APPLICANT, CONTINUE MATTER TO A UNSPECIFIED DATE TO ALLOW APPLICANT ADDITIONAL TIME TO RESOLVE OUTSTANDING BUSINESS AND PLANNING ISSUES. (FROM 8-16-05 [5.03])

1:30 P.M. 5.03 * Public Hearing - Ophir Road and Lincoln Boulevard Signalization Project - Butte County Project Number 21461-98-2 - Mitigated Negative Declaration Regarding Environmental Impacts - consideration of a Mitigated Negative Declaration regarding environmental impacts for the intersection signalization project at Ophir Road and Lincoln Boulevard, approximately 4 miles east of State Route 70, and 3.5 miles south of the City of Oroville - action requested - STAFF IS RECOMMENDING THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I(A-D) AS DETAILED IN THE AGENDA REPORT DATED SEPTEMBER 27, 2005, ADOPT A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS FOR THE OPHIR ROAD AND LINCOLN BOULEVARD INTERSECTION SIGNALIZATION PROJECT (PROJECT NUMBER 21461-98-2) AND AUTHORIZE THE CHAIR TO SIGN;

2. ADOPT A "DE MINIMUS" EXEMPTION REGARDING IMPACTS TO FISH AND WILDLIFE OR THEIR HABITAT, FINDING THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS WILL NOT CAUSE ENVIRONMENTAL DAMAGE TO FISH AND WILDLIFE OR THEIR HABITAT WITH THE IMPLEMENTATION OF PROPOSED MITIGATION MEASURES AS A SAFEGUARD, AND THAT THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5 IS NOT REQUIRED BECAUSE 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 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. ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM AND DIRECT THE PUBLIC WORKS DEPARTMENT TO MAKE THE MITIGATION MONITORING AND REPORTING PROGRAM A PART OF THE REQUIREMENTS FOR THE PROJECT.

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 CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): MARSHALL V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 134269).

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