

BUTTE COUNTY BOARD OF SUPERVISORS

AGENDA

JANUARY 23, 2007



County Supervisors

Bill Connelly, District 1
Jane Dolan, District 2
Maureen Kirk, District 3
Curt Josiassen, District 4
Kim Yamaguchi, District 5

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board

Bruce Alpert, County Counsel

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- 9:00 A.M. **1.00** CALL TO ORDER
- 1.01 Call to Order - Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville.
- 1.02 Pledge of Allegiance to the Flag of the United States of America.
- 1.03 Observation of a Moment of Silence.
- 2.00** CORRECTIONS AND/OR CHANGES TO THE AGENDA.
-

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 2005-2006. Pursuant to Government Code Section 66006, this item was introduced at the meeting of December 12, 2006, 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 AS SET FORTH IN GOVERNMENT CODE SECTION 66001(d). (From 12-12-06 [3.03])

BEHAVIORAL
HEALTH

- 3.02** * Butte County Probation Department - approval is requested for a renewal of the Family Bridges Memorandum of Understanding with the Probation Department for Fiscal Year 2006/2007. The program is designed to serve at-risk youth ages 8 to 18 and their families. The term of the agreement is July 1, 2006 through June 30, 2007. The maximum financial obligation is \$282,488. Funding is identified in the 541-011 budget unit 554430 account - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 3.03 * Butte County Probation Department - approval is requested for a renewal of the Memorandum of Understanding (MOU) with the Butte County Probation Department. The purpose of the MOU is to maintain and expand Butte County's successful Drug Court Program. The term of the agreement is July, 1, 2006 through June 30, 2007. Funding is from Drug Court Partnership Grant monies and will not exceed \$54,064 for Fiscal Year 2006/2007. Funding is identified in the 541-012 budget unit 554430 account - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.04 * Medispose - approval is requested for an agreement with Medispose for the collection and removal of all biomedical wastes generated by the department's Oroville Outpatient facility at 18C County Center Drive, Oroville, and for the treatment and/or disposal of those wastes. The rates are \$38.50 per each 6.2-quart sharps container and \$50 per each 3-gallon pharmaceutical box. The term of the agreement is November 1, 2006 through October 31, 2011. The maximum amount payable will not exceed \$800 per Fiscal Year. Funding is identified in the 541-011 budget unit 526.201 account - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
- 3.05 * Medispose - approval is requested for an agreement with Medispose for the collection and removal of all biomedical wastes generated by the Psychiatric Health Facility at 592 Rio Lindo, Chico, and for the treatment and/or disposal of those wastes. The rates are \$38.50 per 20-gallon barrel with \$1 for each pound over the 20 lb. weight limit; and \$50 per each 3-gallon pharmaceutical box. The term of the agreement is November 1, 2006 through October 31, 2011. The maximum amount payable will not exceed \$800 per Fiscal Year. Funding is identified in 541-001 budget unit 526.201 account -action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 3.06 * Medispose - approval is requested for an agreement with Medispose for the collection and removal of all biomedical wastes generated by the Rehabilitation of our Friends (ROOF) Program and Chico Adult Outpatient Services at 107 Parmac, Suites 1 and 2, Chico, and for the treatment and/or disposal of those wastes. The rates are \$38.50 per each 20-gallon barrel and each 5-gallon barrel; \$50 per each 3-gallon pharmaceutical box; \$89.95 per each 8-gallon pharmaceutical container; and \$38.50 per each 1.7, 4.7, 5.0 or 6.2-quart sharps container. The term of the agreement is November 1, 2006 through October 31, 2011. The maximum payable amount will not exceed \$800 per Fiscal Year. Funding is identified in 541-011 budget unit 526.201 account - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

CHIEF
ADMINISTRATIVE
OFFICE

- 3.07 * Resolution Appointing County Representative to the Butte County Abandoned Vehicle Abatement Service Authority - consideration of a resolution appointing a County member by position, instead of name, due to the periodic rotation of staff member responsible for the functional area that includes the Abandoned Vehicle Abatement Program. The new term will run for four years - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

- 3.08 * Budget Transfer to Fish and Game Commission Budget - approval is requested for an appropriation of \$3,000 to the Fish and Game Commission Budget from the Fish and Game Fund Balance. The additional funds requested will allow for the purchase of an all terrain vehicle to be used by State Game Wardens in their enforcement efforts. Funds are available in the Fish and Game Fund to support this request - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

DEVELOPMENTSERVICES

- 3.09 * Compatibility of "Handi-Riders" Tentative Parcel Map (TPM) #06-12 with the Williamson Act - determination is requested that the "Handi-Riders" TPM application # 06-12 is compatible with the Williamson Act. TPM #06-12 would divide an approximately 133 acre parcel into two parcels: one 71 acres and one 62 acres. The property is subject to a 2001 Williamson Act Contract and is located on the east side of Coal Canyon Road, one mile south of Hwy 70 and Wheelock, at the end of Flag Creek Road. The APN is 041-140-069. On December 14, 2006, the Butte County Planning Commission conditionally approved TPM 06-12 subject to a determination by the Board of Supervisors that the map is compatible with the Williamson Act - action requested - DETERMINE THAT THE "HANDI-RIDERS" TENTATIVE PARCEL MAP #06-12 IS COMPATIBLE WITH THE WILLIAMSON ACT.
- 3.10 * Compatibility of "Ballou" (aka - Camelot Equestrian Park) Use Permit (UP) 05-10 with the Williamson Act - determination is requested that the "Ballou" UP 05-10 is compatible with the Williamson Act. The UP would allow for equestrian training, education and an event park. The property is subject to a 1976 "Leah Martin" Williamson Act contract and is a 160 acre portion of a 352 acre parcel located on the west side of Clark Road (SR 191) approximately 1.8 miles north of SR 70, northeast of Oroville. The APN is 041-190-051. UP 05-10 was conditionally approved by the Planning Commission on November 30, 2006 subject to a determination by the Board of Supervisors that the proposed uses are compatible with the Williamson Act - action requested - DETERMINE THAT THE USES APPROVED AND CONDITIONED BY THE "BALLOU" UP 05-10 ARE COMPATIBLE WITH THE WILLIAMSON ACT.
- 3.11 * Notice of Partial Non-Renewal - Williamson Act Agreement - approval is requested to accept County initiated Notice of Partial Non-Renewal for Williamson Act Agreement as follows: James R., Patricia L., and Elmer E. Walter (Walter 1982), Partial Non-Renewal, APN 039-200-071, 072, and 073 (totaling approximately 120 acres), Williamson Act Contract Instrument Number 82-3626, Book 132, Pages 4 through 6 - action requested - ACCEPT NOTICE OF PARTIAL NON-RENEWAL AND DIRECT RECORDING OF NOTICE.

- 3.12 * Wireless Communications Zoning Code Amendment - Report to the Board and Rescheduling of Public Hearing - pursuant to Butte County Code Section 24-25.40 (b), submitted is the Butte County Planning Commission Report recommending approval of zoning code amendment 06-00021 to provide for a ministerial permitting process in the County to replace the existing discretionary permitting process regulating proposed installations of "collocation facilities" on, or immediately adjacent to a "wireless telecommunications collocation facility," consistent with the Government Code Sections 65850.6 and 65964. This item appeared on the Board's agenda of January 9, 2007 (item 3.27) and is being rescheduled to February 13, 2007 at 10:00 a.m. - action requested - RESCHEDULE PUBLIC HEARING TO FEBRUARY 13, 2007 AT 10:00 A.M. (FROM 1-9-07 [3.27])

EMPLOYMENT
AND SOCIAL
SERVICES

- 3.13 * Resolution Recognizing Employment and Eligibility Staff Week in Butte County - consideration of a resolution proclaiming January 21, 2007 through January 27, 2007, as Employment and Eligibility Staff Recognition Week in Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

- 3.14 * Department of Behavioral Health - approval is requested for a Memorandum of Understanding with Department of Behavioral Health for a Substance Abuse Assessment and Referral Program. The program is provided to support activities that are necessary to improve outcomes for children and families who are referred to Child Welfare Services. The target population for this program will be parents who are clients of the Butte County Children's Services Division, particularly those with children age three and younger. The term of the agreement is January 1, 2007 through June 30, 2007. The maximum amount payable shall not exceed \$89,294.28 (Department Budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

GENERAL
SERVICES

- 3.15 * Safeguard/Wilgus Fire Control, Inc. - approval is requested to award the fire system testing and maintenance contract to Safeguard/Wilgus Fire Control, Inc. Invitation for Bids (IFB) 49-07 was issued to solicit bids for a three year period of service. Safeguard/Wilgus Fire Control, Inc. submitted the lowest bid in the amount of \$32,835 (Facilities Services budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 3.16 * Resolution Recognizing Contract Management Week in Butte County - consideration of a resolution proclaiming April 23, 2007 through April 29 2007, as Contract Management Week in Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

HUMAN
RESOURCES

- 3.17 * Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: S SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE C, GENERAL (bcea) UNIT CLASSIFICATIONS - changes the salary range of the Legal Clerk (Class code 7029) from range 21 to range 23. This change is a result of the Adjustment Board's decision as described in the 2005-2008 tentative agreement between the County and Butte County Employees Association; SALARY PLAN FOR CLASSIFIED POSITIONS - per the January 9, 2007 Board agenda item 3.13, the salary of the Director of Public Health is being adjusted as prescribed in the Salary Ordinance Number 3938 in Section 69 "Salary Plan for Elected and Appointed Officials," Reference A: Appointed Department Heads. The annual salary is \$130,752 effective January 1, 2007 - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

INFORMATION
SYSTEMS

- 3.18 * Fixed Asset Purchase - approval is requested for the funding and acquisition of the web-based Pentamation eFinancePLUS system in preparation for the conversion of the existing Pentamation Open Series Financial System to the Pentamation FinancePLUS Financial System and related computer hardware. The cost of the upgrade including training and equipment is \$101,000. Approval is also requested for a transfer from the General Fund Appropriation for Contingencies to provide funding for the purchase - action requested - APPROVE FIXED ASSET PURCHASE OF THE WEB-BASED SYSTEM; APPROVE PURCHASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE A BUDGET TRANSFER (4/5 VOTE REQUIRED) ACCEPTING, AND APPROPRIATING \$101,000 FROM THE GENERAL FUND APPROPRIATION FOR CONTINGENCIES AS DETAILED IN THE AGENDA REPORT.

3.19 * SunGard Pentamation - addendum - approval is requested for an addendum to the existing maintenance agreement with SunGard Pentamation. The conversion of the Pentamation Open Series Financial System to the new Pentamation FinancePLUS Financial System requires an upgrade of the existing UNIX/Informix operating system to the Windows SQL operating system. This is covered by the existing maintenance agreement, however custom programming and other modifications to the existing base system must be converted and migrated by SunGard Pentamation. These modifications are not covered by the existing agreement. No additional funding is required - action requested - APPROVE THE ADDENDUM TO THE AGREEMENT AND AUTHORIZE CHAIR TO SIGN.

LIBRARY

3.20 * Resolution in Honor of L. Jean Lewis Upon Her Retirement from Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.21 * Public Library Staff Education Program - approval is requested to accept and appropriate a tuition reimbursement grant in the amount of \$4,607 awarded through the Public Library Staff Education Program in June of 2006. These funds were awarded by the state to the Library staff member who is attending graduate library school. The library needs to appropriate the funds in order to reimburse staff for the Fall 2006 semester - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING GRANT FUNDS AS DETAILED IN THE AGENDA REPORT.

PUBLIC
HEALTH

3.22 * Bonnie Calhoon - approval is requested for a dependent contractor therapy service agreement with Bonnie Calhoon. The County contracts with occupational and physical therapists for the provision of services to children eligible for the California Children's Services program. The term of the agreement is January 1, 2007 through June 30, 2007. The maximum payable is \$26,600 (25% realignment funds, 25% department funds, 50% state funds) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

PUBLIC
WORKS

3.23 * Budget Transfers for County Service Area (CSA) 169 (Pheasant Landing Subdivision) - approval is requested for budget transfers for Zones 1, 2, and 3 within CSA 169. During routine hydrant flow testing, it was determined that there was little to no water pressure for a hydrant that serves Zone 2. Testing showed high amounts of sand within the system. Subsequent fire protection well testing revealed a sand problem within the well which can damage equipment on fire trucks. Diagnostics and repairs were recently performed at a cost of \$3,081. Additional repairs and installation of a well pump protection sand separator and additional well column piping is estimated to cost \$9,695.91, therefore transfers are required to have funds available within the CSAs' budgets - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

SHERIFF

3.24 * Budget Transfer to Acquire Jail Mattresses - approval is requested to transfer \$14,300 from the Stores ISF budget to the jail household budget for the purchase of mattresses. In order to make the purchasing process more efficient, the Sheriff's office will be ordering mattresses directly from a blanket purchase agreement in the future. On September 26, 2006, the Board approved the appropriation of \$35,000 for the purchase of a new style of mattresses for the jail - action requested - APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

WATER AND
RESOURCE
CONSERVATION

3.25 * Butte County Water Commission Technical Advisory Committee - action requested - APPOINT JAMES L.J. HOUPIS, PhD. TO A TERM TO END MARCH 1, 2011.

OTHER
DEPARTMENTS
AND AGENCIES

3.26 * Oroville Cemetery District - action requested - APPOINT ALLEN (J.R.) SIMPSON TO A TERM TO END JANUARY 1, 2008 AND REAPPOINT GORDON ANDOE TO A TERM TO END JANUARY 1, 2011.

3.27 * Butte County Indian Gaming Local Community Benefit Committee - action requested - APPOINT JIM PROUTY AND JAMIE JOHANSSON, CITY OF OROVILLE REPRESENTATIVES, TO TERMS TO END JULY 1, 2011.

- 3.28 * Resolution in Support of Media Coverage of the Frank Watters and Mary Anne Houx Children's Trust Fund - consideration of a resolution acknowledging the contributions of local media to the campaign to increase the awareness of the Trust Fund. The media groups being recognized for their donation of advertising and endorsement in support of the campaign include: KPAY, KHSL, Chico News and Review and Chico Enterprise Record - action requested - ADOPT RESOLUTIONS AND AUTHORIZE THE CHAIR TO SIGN.

4.00 REGULAR AGENDA

BOARDS,
COMMISSIONS AND
COMMITTEES

4.01 * Boards, Commissions and Committees.

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

BUDGET, LEGISLATIVE
OR COUNTY RELATED
UPDATES

- 4.02
1. Update on Current Budget and Legislative Issues by the Chief Administrative Officer.
 2. Update on the State of California's delayed General Fund and Medi-Cal payments to Butte County by Director of Behavioral Health.

- 4.03 Update of General Plan Process by Director-Development Services.

PRESENTATION
AND DISCUSSION
ITEMS

- 4.04 * Butte Regional Habitat Conservation Plan - presentation by the Butte County Association of Governments regarding the development of the Butte Regional Habitat Conservation Plan and the Natural Community Conservation Plan - action requested - ACCEPT FOR INFORMATION. (BUTTE COUNTY ASSOCIATION OF GOVERNMENTS)
- 4.05 * State Route 32/Nord Avenue Corridor Plan - presentation by the Butte County Association of Governments reviewing the State Route 32/Nord Avenue Corridor Study - action requested - ACCEPT FOR INFORMATION. (BUTTE COUNTY ASSOCIATION OF GOVERNMENTS)
- 4.06 * Additional Appointments to the Butte County General Plan Citizens Advisory Committee and Updated Citizens Advisory Committee Resolution - approval is requested for four additional appointments to the Citizens Advisory Committee bringing the total membership to thirty four. Approval is also requested to adopt a resolution concerning the changes to the previous Citizens Advisory Committee Resolution and approve the memberships listed on the Official Roster of the Citizens Advisory Committee - action requested - APPROVE FOUR ADDITIONAL APPOINTMENTS PURSUANT TO THE RECOMMENDATIONS OF THE BOARD'S GENERAL PLAN AD-HOC COMMITTEE; APPROVE OFFICIAL ROSTER OF CITIZENS ADVISORY COMMITTEE; AND ADOPT RESOLUTION OF THE UPDATED CITIZENS ADVISORY COMMITTEE. (DEVELOPMENT SERVICES)
- 4.07 * Introduction of an Ordinance Regarding User Fees Amending Section 3-41 of Chapter 3 (Fees) of the Butte County Code - approval is requested for an ordinance that adds cost escalator language to Section 3-41, to allow for periodic changes to the Building Division Fee Schedule based on the same cost escalators used in various sections of the County Code for other user fees - action requested - WAIVE READING OF THE ORDINANCE. (CHIEF ADMINISTRATIVE OFFICE)

4.08 * Resolution Superseding and Repealing Resolution 00-49, Affirming the Purpose, Amending Administrative Procedures and Uniform Rules, Including Compatible Uses for Land Subject to Land Conservation Act (Williamson Act) Contracts - consideration of a resolution prepared per Board's direction on December 12, 2006 regarding changes to Resolution 00-49 updating Butte County Administrative Procedures and Uniform Rules for Implementing the California Land Conservation Act - action requested - ADOPT RESOLUTION INCLUDING "EXHIBIT A" AS PROVIDED IN THE AGENDA REPORT DATED JANUARY 23, 2007 AND AUTHORIZE CHAIR TO SIGN. (DEVELOPMENT SERVICES)

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

5.00 **PUBLIC HEARINGS AND TIMED ITEMS**

10:20 A.M. 5.01 * Resolutions for the Submittal of Community Development Block Grant (CDBG) Applications - approval is requested for two resolutions. Each year CDBG allocates funds for eligible CDBG activities. Current funds are available for planning and technical assistance (PTA) projects and Economic Development activities. Eligible jurisdictions may apply for up to \$35,000 for CDBG Economic Development PTA Activities and \$500,000 for CDBG Economic Development Allocation. The proposed Economic Development Allocation CDBG PTA Grant Activity will be the Butte County Capital Access Assessment which is an in-depth analysis of industry clusters and what financing challenges they may face in Butte County. The proposed Economic Development Allocation CDBG activity is a continuation of funding for the Butte County Micro-enterprise Business Assistance Program which was founded in the Fall of 2002. The program provides qualified companies of 5 or fewer employees with access to approximately 200 hours of professional services designed to assist with their growth and development - action requested - ADOPT RESOLUTION APPROVING THE SUBMITTAL OF A STATE COMMUNITY DEVELOPMENT BLOCK GRANT, PLANNING AND TECHNICAL ASSISTANCE GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN; AND ADOPT A RESOLUTION APPROVING THE SUBMITTAL OF A STATE COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN.

10:25A.M. 5.02 * Adoption of An Ordinance Amending Sections 3-43 and 3-81 of Chapter 3 (Fees) of the Butte County Code - approval is requested to make corrections to Chapter 3 including two fees adopted by the Board in November 2006. This proposed ordinance amends Section 3-43 and 3-81 in Chapter 3 (Fees). It reinstates the Appeal Fee that was inadvertently removed from Section 3-43 in Ordinance No. 3945, adopted by the Board of Supervisors on November 21, 2006 and amends Section 3-81 to correct the fee for Road Renaming and descriptions for Construction Plan Checking fee for Assessment Districts and Subdivision and Site Improvements - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (FROM 11-21-06 [5.01])

10:30 A.M. 5.03 * Public Hearing - Petition for Immediate Partial Cancellation of a Williamson Act Agreement - consideration of a Tentative Immediate Partial Cancellation of a Williamson Act agreement on a 175 acre parcel located approximately 4 miles north of the City of Oroville, at the Table Mountain Quarry, northeast intersection of State Routes 70 and 149. The parcels are identified as APN 041-140-073 and 074. In accordance with the California Environmental Quality Act, an Initial Study has been prepared for this project and the Planning Division is recommending a Mitigated Negative Declaration - action requested -

1. ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT;
2. BASED ON THE FINDINGS OF FACT AS DETAILED IN THE JANUARY 23, 2007 AGENDA REPORT, APPROVE THE TENTATIVE PARTIAL CANCELLATION OF THE WILLIAMSON ACT CONTRACT FOR THE ESTATE OF GEORGE CHAFFIN ON APN 041-140-079, SUBJECT TO ALL CONDITIONS, CONTINGENCIES AND REQUIREMENTS AS DETAILED IN THE JANUARY 23, 2007 AGENDA REPORT, AND SUBJECT TO ALL OTHER APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS; AND DIRECT THE CLERK OF THE BOARD TO RECORD A CERTIFICATE OF TENTATIVE CANCELLATION PURSUANT TO GOVERNMENT CODE SECTION 51283.4.

10:35A.M. 5.04 *

Continued Public Hearing - Martin Marietta Materials (Table Mountain Quarry) Mining Permit and Reclamation Plan 04-01/Modification of Use Permit 96-02 - consideration of an appeal of the Planning Commission's approval of a Mining Permit and Reclamation Plan 04-01 and the modification of Use Permit 96-02 to expand the permitted mining area of an existing operation to include approximately 44+ additional acres of olivine basalt on the top of north Table Mountain. The project also includes: the reconstruction of approximately 2,800 feet of road along the existing road grade from the plant site and approximately 1,500 feet of new road construction; the installation of an elevated conveyor system to transport rock from the quarry to the processing facility; the relocation of the processing facility approximately 700 feet to the northeast; a time extension of Use Permit 96-02 to the year 2029; the construction of a 4,000 square-foot shop building; and the construction of a new rail spur adjacent and parallel to the existing rail spur. The applicant has also filed a petition to cancel a 175-acre portion of 460 acres subject to a Land Conservation Act Agreement, and has submitted a revised Reclamation Plan in accordance with the Surface Mining and Reclamation Act. This is a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. The Table Mountain Quarry is located on north Table Mountain at 2216 Table Mountain Boulevard, northeast of the intersection of State Route 70 and State Route 149, north of Oroville, and identified as 041-140-014, 028, 032, 034; 041-160-031, 037, 039, 044 and 045; and 041-210-045 - action requested - ADOPT RESOLUTION INCLUDING EXHIBIT A DENYING THE APPEAL OF MIN 04-01/UP 96-02 AND ADOPTING A MITIGATED NEGATIVE DECLARATION, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, APPROVING MINING PERMIT AND RECLAMATION PLAN 04-01, AND MODIFYING USE PERMIT 96-02 TO EXPAND THE PERMITTED MINING AREA TO INCLUDE APPROXIMATELY 44+ ADDITIONAL ACRES AS DETAILED IN THE JANUARY 23, 2007 AGENDA REPORT AND AUTHORIZE THE CHAIR TO SIGN.

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. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. COUNTY OF BUTTE V. DLR GROUP INC. OF CALIFORNIA: BUTTE COUNTY SUPERIOR COURT CASE NO. 137233;
3. PG&E V. STATE BOARD OF EQUALIZATION; FRESNO COUNTY SUPERIOR COURT CASE NO. 05 CE CG 00003 MWS;
4. PEOPLE V. SANFORD; BUTTE SUPERIOR COURT CASE NO. CM020832.

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

1. CHIEF ADMINISTRATIVE OFFICER;
2. COUNTY COUNSEL;
3. PUBLIC HEALTH DIRECTOR.

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