

# BUTTE COUNTY BOARD OF SUPERVISORS

## AGENDA

**FEBRUARY 10, 2009**



### County Supervisors

Bill Connelly, District 1  
Jane Dolan, District 2  
Maureen Kirk, District 3  
Steve Lambert, District 4  
Kim Yamaguchi, District 5

Gregory G. Iturria, Interim 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.**
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**3.00**            **CONSENT AGENDA**

**AGRICULTURE**    **3.01 \***            California Department of Food and Agriculture (CDFA) - approval is requested for a revenue agreement with CDFA in which the County will provide services for placing and servicing traps for the detection of exotic pests that are considered hazardous to agriculture. The term of the agreement is July 1, 2008 through June 30, 2010 with a maximum amount receivable of \$57,182 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R41095)

**AUDITOR-CONTROLLER**    **3.02 \***            Appropriations for Transfer of Impact Fees to New Special Revenue Fund - On January 27, 2009, the Board authorized the Auditor-Controller and Treasurer-Tax Collector to establish a new Special Revenue Fund for impact fees. In order to properly transfer funds to the new Special Revenue Impact Fee Fund, appropriations must be in place. The source of funds for the appropriations is the Reserved Fund Balance of the General Fund, Road Fund and Fire Fund, which will now transfer to the new Special Revenue Fund for Impact Fees - action requested - APPROVE THE REQUEST FOR APPROPRIATIONS IN ORDER TO TRANSFER IMPACT FEE FUNDS TO THE NEW SPECIAL REVENUE IMPACT FEE FUND.

BOARD OF SUPERVISORS

3.03 \*

Resolution Recognizing Joan Townsend Upon her Retirement from Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.04 \*

Resolution Recognizing Judith Terry Upon her Retirement from Butte County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.05

District 4 Appointments - Supervisor Lambert has submitted his nominations for District 4 representatives for the following: 1) the Butte County Planning Commission; 2) the Butte County Fair Board; 3) the Agricultural Advisory Committee; 4) the Butte County Water Commission; and 5) the Butte County Housing Authority Board. The term for each appointment will end January 7, 2013 - action requested - APPOINT ED BECKER TO THE BUTTE COUNTY PLANNING COMMISSION; APPOINT LEIGH ANN JONES TO THE BUTTE COUNTY FAIR BOARD; REAPPOINT MARK LAVY TO THE AGRICULTURAL ADVISORY COMMITTEE; REAPPOINT RYAN SCHOHR TO THE BUTTE COUNTY WATER COMMISSION; AND REAPPOINT LARRY HAMMAN TO THE BUTTE COUNTY HOUSING AUTHORITY BOARD.

3.06 \*

District 5 Appointments - Supervisor Yamaguchi has submitted his nominations for District 5 representatives for the following: 1) the Butte County Housing Authority Board; 2) the Butte County Fish and Game Commission; and 3) the Butte County Planning Commission. The term for each appointment will end January 7, 2013 - action requested - APPOINT CHRISTINE BOYLE TO THE BUTTE COUNTY HOUSING AUTHORITY BOARD; APPOINT HUGH SMITH TO THE BUTTE COUNTY FISH AND GAME COMMISSION; AND REAPPOINT FERNANDO MARIN TO THE BUTTE COUNTY PLANNING COMMISSION.

CHIEF ADMINISTRATIVE OFFICE

3.07

Adoption of an Ordinance Adding Section 1-17.5, Seal of the County of Butte, and Section 1-17.6, Use of the County Seal, to Chapter 1 of the Butte County Code - action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN; UPON ADOPTION, DIRECT THE SEAL BE FILED IN THE OFFICE OF THE COUNTY CLERK. (FROM 1-27-09 [item 3.09])

3.08 \* Resolution Amending the Composition of the County of Butte Indian Gaming Local Community Benefit Committee - On September 30, 2008, the Governor signed AB 158 which amended Government Code Section 12715. As a result of that amendment, the composition of the County of Butte Indian Gaming Local Community Benefit Committee will be changed from seven (7) members to five (5) members: two (2) representatives from the Board of Supervisors, one (1) representative from the City of Oroville, and two (2) representatives from the tribes. This change is a result of the new language in the statute which states that if there is only one city within 4 miles of any casino and that casino is entirely within the unincorporated area of the County, then city representation shall be one individual - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.09 \* June Lightning Complex Fires After Action Report - submitted is the After Action Report prepared by William Sager, Fire Chief (retired) of the Butte County Fire Department - action requested - ACCEPT FOR INFORMATION.

3.10 \* Quincy Library Group (QLG) Litigation Fund - approval is requested to continue to participate in the litigation regarding fuel reduction and forest restoration projects. The County has funded similar requests in the last two fiscal years. QLG is requesting a \$4,500 contribution from Butte County (department budget) - action requested - DIRECT STAFF TO PROVIDE PAYMENT TO THE QUINCY LIBRARY GROUP LITIGATION FUND FOR FISCAL YEAR 2008/2009.

3.11 \* Approval of Minutes - action requested - APPROVE MINUTES OF JANUARY 27, 2009.

GENERAL  
SERVICES

3.12 \* Lillian Rickards - approval is requested for a recast lease agreement with Lillian Rickards for the property located at 260 Cohasset Road in Chico. The term of the recast lease is February 1, 2009 through January 31, 2014 with an initial monthly payment of \$3,200 which is \$0.94120 per square foot (department budget using MHSA revenue) - action requested - APPROVE RECAST LEASE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

HUMAN  
RESOURCES

3.13 \*

Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows:

DISTRICT ATTORNEY - deletes one (1) vacant position of Legal Secretary due to anticipated delays in reimbursement from the State for the Child Abduction and Recovery Program. This will decrease the allocated positions in budget unit 320-003 from 3 to 2 - action requested - ADOPT THE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

FIRE

3.14 \*

Award of Bid for a New Hazardous Materials Unit - approval is requested to award a bid for a Hazardous Materials Unit. Gridley Country Ford was the lowest responsible and responsive bidder with a bid in the amount of \$45,636.49. 100% of the cost of the vehicle will come from the Hazardous Materials Trust Fund - action requested - AWARD BID TO GRIDLEY COUNTRY FORD AUTHORIZING FIXED ASSET PURCHASE IN THE AMOUNT OF \$45,636.49; AND APPROVE RELATED BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING FUNDS AS DETAILED IN THE AGENDA REPORT.

LIBRARY

3.15 \*

Library Donations - pursuant to Government Code Section 25355, donations of \$200 from Alma Herrera; \$3,000 from Chico Friends of the Library; \$100 from Maudie Penney; \$1,200 from Paradise Friends of the Library; and \$686.25 from an anonymous source have been received for Books; \$944.43 from the Paradise Friends of the Library for Operations - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.

PROBATION

3.16 \*

Resolution Recognizing David M. Scott Upon His Retirement from Butte County after Fourteen Years of Service - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

PUBLIC  
WORKS

3.17 \*

Freeway Agreement with the State of California Covering a Portion of State Highway Route 70 - approval is requested for a Freeway Agreement covering a portion of State Highway Route 70 from Palermo Road to the Oroville City Limit at 0.3 mile South of Grand Avenue. The proposed updated Freeway Agreement documents the revised boundary between the County and the City of Oroville as well as State-planned highway improvements in the area. Approval is also requested for a related resolution - action requested - APPROVE FREEWAY AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; ADOPT RELATED RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

3.18 \*

Request for Release of Invitation for Bids - approval is requested for the department to release an invitation for bids to install additional soil gas probes for the Neal Road Sanitary Landfill. The installation is required due to changes in Title 27 regulations - action requested - AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO RELEASE AN INVITATION FOR BIDS TO INSTALL SOIL GAS PROBES.

SHERIFF-  
CORONER

3.19 \*

Accept Donation - approval is requested to accept a donation by Mr. Raynor Gimbal of a 2001 Winnebago Ultimate Advantage motor home valued at \$119,300. The vehicle will be used by Butte County Search and Rescue as a command vehicle - action requested - ACCEPT DONATION AND AUTHORIZE LETTER OF APPRECIATION.

3.20 \*

Ecolab Pest Control Services - approval is requested for an agreement with Ecolab Pest Control Services for the provision of pest prevention and elimination services at various locations. The term of the agreement is November 1, 2008 through October 31, 2011 with a maximum amount payable of \$27,742 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

TREASURER/  
TAX COLLECTOR

3.21 \*

Monthly Investment Report - submitted is the Monthly Investment Report dated December 31, 2008, in accordance with the Statement of Investment Policy dated July 1, 2008 - action requested - ACCEPT FOR INFORMATION.

3.22 \*

State of California Employment Development Department (EDD) - amendment - approval is requested for an amendment to the agreement with EDD for the provision of wage and employment verification data. The amendment increases the maximum amount payable by \$8,392.62 (department budget) - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

WATER AND  
RESOURCE  
CONSERVATION

3.23 \*

Recommendations of the Butte County Water Commission for Appointments to the Butte County Water Advisory Committee - action requested - APPOINT/REAPPOINT THE FOLLOWING MEMBERS TO TERMS TO END JANUARY 11, 2013: APPOINT RAYMOND ANTONOWICH AS THE DURHAM SUB-INVENTORY UNIT REPRESENTATIVE; REAPPOINT COUNCIL MEMBER TOM NICKEL AS AT-LARGE REPRESENTATIVE FOR THE CITY OF CHICO; APPOINT COUNCIL MEMBER DAVE PITTMAN AS THE AT-LARGE REPRESENTATIVE FOR THE CITY OF OROVILLE; AND APPOINT COUNCIL MEMBER JOE DIDUCA AS THE AT-LARGE REPRESENTATIVE FOR THE TOWN OF PARADISE.

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

4.03 Update of General Plan 2030 Process by Director-Development Services.

4.04 \* Update Regarding Upcoming Butte County Code Amendments.

PRESENTATION  
AND DISCUSSION  
ITEMS

4.05 \* Report on Butte County Tourism Program - Presentation by Debra Lucero & Associates on Butte County's Tourism Program - action requested - ACCEPT FOR INFORMATION. (Chief Administrative Office)

4.06 \* Butte County Community Wildfire Protection Plan (CWPP) 2009 - approval is requested for the certification of the CWPP and a project list amendment for 2009. The CWPP serves as the County's master wildland fire planning document and certification of the plan and the amendment is critical for applications to 2009 State and Federal grants - action requested - APPROVE THE PROJECT LIST AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN THE COMMUNITY WILDFIRE PROTECTION PLAN CERTIFICATION AND AGREEMENT. (Fire)



4.07 \*

Resolution to Authorize the Sale and Issuance of Oroville Union High School District (OUHSD) Election of 2008 General Obligation Bonds - consideration of a resolution which authorizes the issuance of \$12,000,000 in general obligation bonds. Pursuant to the approval of more than 55% of the voters in the November 4, 2008 election, and the resolution adopted on January 21, 2009 by the OUHSD, it is requested the Board authorize the issuance of the bonds on behalf of the OUHSD. The bonds are payable from the levy of an ad valorem tax against the taxable property in the District and are not an obligation of the County - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Treasurer/Tax Collector)

4.08 \*

A Matter on Which a Public Hearing Has Been Held and a Motion of Intent Adopted - Appeal of Planning Commission's Denial of Variance 08-0001 (Ronald Kohler) - At the January 27, 2009 Board of Supervisors meeting, the Board considered an appeal of a Planning Commission denial of a variance to allow a deck and deck cover to encroach 2.5 feet into the required 5-foot side setback. The Board made a motion of intent with findings to uphold the appeal by the applicant - action requested - ADOPT RESOLUTION MAKING FINDINGS, UPHOLDING THE APPEAL, AND APPROVING VARIANCE 08-0001. (Department of Development Services)

4.09 \*

Regulations for Limited Density Owner-Built Rural Dwellings - Discussion of a draft ordinance which would allow for the adoption of regulations for Limited Density Owner-Built Rural Dwellings in Concow fire area - action requested - DISCUSS DRAFT ORDINANCE AND PROVIDE DIRECTION; AND DIRECT THE OFFICE OF COUNTY COUNSEL TO PREPARE AN ORDINANCE FOR ADOPTION BASED ON DIRECTION. (Department of Development Services)

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

Recess as the Butte County Board of Supervisors and  
Convene as the Thompson Flat Cemetery District Board of  
Directors.

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**THOMPSON FLAT CEMETERY DISTRICT**

**BOARD OF DIRECTORS**

**AGENDA**

**FEBRUARY 10, 2009**

**1.00**

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

**2.00**

**Agenda Items** (NO ITEMS)

**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 convene as the Butte County Public Facilities Financing Corporation Board of Directors.

BUTTE COUNTY PUBLIC FACILITIES FINANCING CORPORATION

AGENDA

FEBRUARY 10, 2009

1. Call to Order - Board of Supervisors Room, 25 County Center Drive, Oroville.
2. Approval of Minutes - action requested - APPROVE MINUTES OF SEPTEMBER 9, 2008.
3. Appointment of New Officers - action requested - APPOINT OFFICERS AS FOLLOWS: PRESIDENT - CHAIR CONNELLY; VICE PRESIDENT - VICE CHAIR DOLAN; SECRETARY/TREASURER - C. LINDA BARNES; AND LESSEE REPRESENTATIVES - C. LINDA BARNES AND PEGGY MOAK.
6. 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.
7. Other Business

Adjournment

Adjourn as the Butte County Public Facilities Financing Corporation Board of Directors and reconvene as the Board of Supervisors.

**5.00****PUBLIC HEARINGS AND TIMED ITEMS**10:00 A.M. **5.01 \***

Timed Item - Fiscal Year 2008/2009 Second Quarter Financial Report and Recommendations - The Interim Chief Administrative Officer will provide updated information regarding economic trends, cash flow, the credit market, and the status of the County's current budget and next year's budget - action requested - 1) ACCEPT FISCAL YEAR 2008/2009 SECOND QUARTER FINANCIAL REPORT; 2) DIRECT STAFF TO RETURN WITH SPECIFIC MEASURES TO REDUCE ONGOING EXPENDITURES FOR CONSIDERATION AT THE MARCH 3, 2009 BOARD OF SUPERVISORS MEETING; AND 3) AUTHORIZE THE CHAIR TO SIGN A LETTER TO STATE OF CALIFORNIA REPRESENTATIVES ADVISING THAT THE COUNTY WILL LIKELY BE FORCED TO CLOSE DOWN HEALTH AND HUMAN SERVICE PROGRAMS AND TRANSPORTATION PROJECTS IN EARLY SPRING IF THE STATE PAYMENTS FOR THESE SERVICES ARE NOT PROVIDED TIMELY. (Chief Administrative Office)

10:45 A.M. **5.02 \***

Timed Item - Interim 2008 Countywide User Fee Study Report - presentation of the Interim 2008 Countywide User Fee Study Report/Cost Analysis generated by NBS Local Government Solutions. The report details the cost of County services eligible for User Fees. This study was commissioned by the Administrative Office at the direction of the Board of Supervisors five years ago to conduct such studies at regular intervals. Departments will utilize the results of this report to recommend updated fee amounts at a future meeting. Consideration will be given to local conditions, prevailing market rates, and public benefit attributable to each activity prior to making the final recommendations - action requested - ACCEPT FOR INFORMATION; DIRECT STAFF TO RETURN WITH PROPOSED FEES, CLEARLY IDENTIFYING ANY DEPARTMENT RECOMMENDED DISCOUNTS; AND DIRECT STAFF TO PREPARE A COMPREHENSIVE MASTER FEE SCHEDULE REPORTING ALL CURRENT AND RECOMMENDED FEES. (Chief Administrative Office)

**6.00**            **PUBLIC COMMENT**

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda.

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**7.00**            **CLOSED SESSION**

7.01            ACTUAL LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(a): FIVE CASES

1. LAKE OROVILLE INTERVENTION (FERC PROJECT 2100);
2. BUTTE COUNTY V. NATIONAL INDIAN GAMING COMMISSION (NIGC); CASE NO. 08-519 USDC - DISTRICT OF COLUMBIA;
3. SIGNALIZED INTERSECTION V. COUNTY OF BUTTE (BUTTE CO. SUP. COURT CASE NO. 145636);
4. BUTTE ENVIRONMENTAL COUNCIL V. COUNTY OF BUTTE (BUTTE CO. SUP. COURT CASE NO. 144968); AND
5. FIRST RESPONDER V. COUNTY OF BUTTE; COURT OF APPEAL, THIRD APPELLATE DISTRICT, CASE NO. C060407.

7.02            INITIATION OF LITIGATION PURSUANT TO GOV. CODE SEC. 54956.9(c) - ONE POTENTIAL CASE.

## **Information and Procedures Concerning the Agenda and Conduct of the Board of Supervisors Meetings**

### **Meeting Information:**

Meetings are generally held the second and fourth Tuesday of each month. Meetings start at 9:00 a.m. and are held in the Board of Supervisors Chambers, County Administration Building, 25 County Center Drive, Oroville. At the end of each year the Board adopts a meeting schedule for the upcoming year. Meeting dates can be changed as a result of holidays or other events so please check the meeting calendar to be certain. Copies of the adopted meeting calendar for the year are available in the County Administrative Office or at the Clerk of the Board website at [www.buttecounty.net/cob](http://www.buttecounty.net/cob).

### **Agenda Information:**

The agenda for every meeting of the Board is posted in front of the County Administration Building at least 72 hours before each meeting, and is available by mail subscription, e-mail subscription, or at the Clerk of the Board website. A copy of the agenda and supporting materials provided to the Board of Supervisors members to explain each agenda item (excluding documents that are not a public record within the meaning of the Public Records Act) are available for your review at the County Administrative Office, the Chico, Oroville, and Paradise libraries (please do not remove items from these files), and at the Clerk of the Board website. Copies of supporting materials can be made for you at a charge to cover costs. The list of communications included with the agenda packages is not comprehensive. Additional communications to the Board of Supervisors may have been received but not included in the agenda supporting material. Copies of all communications received by the Board of Supervisors (excluding documents that are not a public record within the meaning of the Public Records Act) are available at the Administrative Office upon request. An (\*) appearing before an agenda item signifies that material has been provided to the Board of Supervisors members to explain that item.

### **Agenda Format and Meeting Order:**

The agenda is usually organized into the following areas and meetings generally proceed in the following order:

1. **Consent Agenda:** these are items that are considered routine and are handled by one motion and vote of the Board. If you wish to discuss any item on the Consent Agenda you can either fill out a speaker card (located in the back of the board room) and give it to the Clerk of the Board (sitting to the right of the Board) or, when the Chair asks if there is anything anyone would like to remove from the Consent Agenda, stand and approach the podium and request the item be removed. The removed items are discussed at the end of the Regular Agenda.
2. **Regular Agenda:** this is where presentations to the Board and items that require full discussion are heard. Items removed from the Consent Agenda are discussed under this section.
3. **Public Hearing and Timed Items:** this is where items that are required by law to be heard as a public hearing are set. This is the section where appeals before the Board are usually discussed. Hearings may start after the time listed, but will never start before the time listed.
4. **Public Comment:** this is the area of the agenda where members of the audience may address the Board on any matter not listed on the agenda. The Board, by law, cannot take action on any matter not listed on the agenda, but may respond to statements or questions and provide staff direction.
5. **Closed Session:** the Board is authorized, by law, to meet in a closed session in certain circumstances. This area of the agenda identifies those items that will be discussed during the closed session.

### **Public Participation:**

It is the policy of the Board of Supervisors, and a requirement of the California Open Meetings Law, to allow members of the public the opportunity to comment on all matters before the Board. Public participation is limited to matters within the subject matter jurisdiction of the Board pursuant to Government Code Section 54954.3. The Board has adopted policy and procedures to facilitate the meeting process and conduct. A complete listing of these policies and procedures can be found in the printed booklet agenda, obtained at the County Administrative Office, or viewed at the Clerk of the Board website.

The Board of Supervisors is also committed to making its proceedings accessible to all citizens. Individuals with special needs should call the Clerk of the Board at 530-538-7631, Monday through Friday, 8:00 a.m. to 5:00 p.m. to request disability-related modifications/accommodations or to request materials in alternate formats. All requests for special accommodations and/or alternative format documents must be made 48 hours prior to the meeting.

For further information contact the: Clerk of the Board of Supervisors  
County Administrative Office  
25 County Center Drive, Oroville, CA 95965  
530-538-7631  
[www.buttecounty.net/cob](http://www.buttecounty.net/cob)