



*Resolution No. 99-101*

RESOLUTION AMENDING RESOLUTION NO. 84-197  
ESTABLISHING THE SURFACE MINING  
AGGREGATE OPERATIONS COMMITTEE

WHEREAS, Chapter 13 of the Butte County Code provides for a comprehensive surface mining and reclamation policy; and

WHEREAS, the Board of Supervisors has determined that there is a need for an advisory body that will advise them on all matters pertaining to the setting of standards and ordinance modifications regarding surface mining; and

WHEREAS, the Board of Supervisors on December 18, 1984 enacted Resolution No. 84-197 establishing the Surface Mining Aggregate Operations Committee; and

WHEREAS, the legislature has determined that there is a need for industry representation on certain advisory bodies charged with assisting local legislative bodies in the regulation of that industry; and

WHEREAS, both the state legislature and the California Fair Political Practices Committee have endorsed the concept of industry representation on certain regulatory and advisory committees by enacting legislation such as Government Code Section 87100 et seq. and Section 18707.4 of Title 2, Division 6, Chapter 7, Article I of the California Code of Regulations; and

WHEREAS, it was the intent of this body in enacting Resolution No. 84-197 that surface mining industry representatives should be on the committee; and

WHEREAS, the Board of Supervisors has determined the need to incorporate into resolution No. 84-197 the terms and provisions of Section 18707.4 of Title 2, Division 6, Chapter 7, Article I of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby amends Resolution 84-197 by the addition of paragraphs 4 and 5 to read as follows:

4. For the purposes of Government Code Section 87103 relating to those situations wherein those members of the Surface Mining Aggregate Operations Committee appointed to represent the interests of the surface mining industry have a financial interest in a decision within the meaning of Section 87100 of the Government Code, the "public generally" exception created by Government Code Section 87102.5(a)(6)(C) shall apply as specified in Government Code Section 87103(a) through (d).

5. In accordance with Government Code Section 87100 et seq. and California Code of Regulations, Section 18707.4, the Board of Supervisors finds and declares the following:

- a. Those persons appointed to the Surface Mining Aggregate Operations Committee to represent the interests of the surface mining industry are appointed to represent and further the interests of a specific economic interest.
- b. Each member of the Surface Mining Aggregate Operations Committee appointed to represent the interest of the surface mining industry are required to have the economic interest the member represents.
- c. Those members appointed to represent the surface mining industry shall not participate in any way in the consideration of a

committee decision which has a material financial affect on an economic interest of theirs other than the economic interest those members were appointed to represent.

- d. Those members appointed to represent the surface mining industry will participate in committee decisions only when those decisions will financially affect those member's economic interests in a manner that is substantially the same or proportionately the same as the manner in which those decisions would financially affect a significant segment of the industry those members were appointed to represent.

All other provisions of resolution No 84-197 shall remain in full force and effect and are hereby re-affirmed as originally stated.

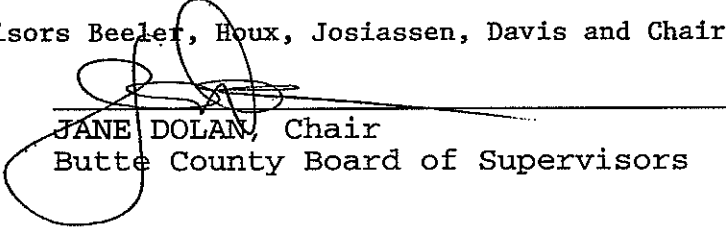
PASSED AND ADOPTED by the Board of Supervisors of the County of Butte, State of California, on the 27th day of July 1999 by the following votes:

AYES: Supervisors Beeler, Houx, Josiassen, Davis and Chair Dolan

NOES: None

ABSENT: None

NOT VOTING: Supervisors Beeler, Houx, Josiassen, Davis and Chair Dolan

  
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JANE DOLAN, Chair  
Butte County Board of Supervisors

ATTESTED:

JOHN BLACKLOCK  
Chief Administrative Officer  
and the Clerk of the Board

By:   
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(SURMIN2.RES)