

Called to order at 9:09 a.m. in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Connelly, Dolan, Houx, Josiassen, and Chair Yamaguchi. Also present: Paul McIntosh, Chief Administrative Officer; Bruce Alpert, County Counsel; and Marion Reeves, Assistant Clerk of the Board.

Pledge of Allegiance to the Flag of the United States of America.

Observation of a Moment of Silence.

CORRECTIONS AND/OR CHANGES TO THE AGENDA.

0516-001 **ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.**

1. Courthouse Expansion Project - Notice of Completion - all contract work has been completed in accordance with plans and specifications - action requested - ACCEPT CONTRACT WORK; APPROVE NOTICE OF COMPLETION AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT RECORDING OF THE NOTICE OF COMPLETION. (FROM 8-30-05 [3.25])

AT THE REQUEST OF THE GENERAL SERVICES DIVISION, THIS ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. THE ITEM WILL RETURN ON A SUBSEQUENT AGENDA.

2. Library Donations - pursuant to Government Code Section 25355, a donation of \$9,005.35 has been received from the estate of Helen R. Domalsky, (\$5,506.35 for Chico Library staff support hours and \$3,500 for books) - action requested - ACCEPT DONATION, EXPRESSING THE BOARD'S DEEP APPRECIATION TO THE ESTATE OF HELEN R. DOMALSKY FOR THE GENEROUS DONATION.
3. Mineral Business Appraisal - approval is requested for an agreement with Mineral Business Appraisal for the preparation of an appraisal of the Almond Avenue Gravel Pit. The term of the agreement is 120 days from the receipt of the notice to proceed, with a maximum amount payable of \$25,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
4. Oroville Redevelopment Agency - Agreement to Sell Tax Defaulted Properties - approval is requested, pursuant to the Revenue and Taxation Code, for an agreement to sell 2 tax defaulted properties to the Oroville Redevelopment Agency as follows: 1330 Downer Street, Oroville, estimated sales price of \$105,228; 2450 Montgomery Street, Oroville, estimated sales price of \$37,654 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.

CONSENT AGENDA

- 0516-002 1. California, Department of Pesticide Regulation - approval is requested for a revenue agreement with the State of California, Department of Pesticide Regulation, for funds to provide electronic submission of quarterly pesticide use reports to the State. The term of the agreement is July 1, 2005, through June 30, 2006, with a maximum amount payable to the County of \$9,608 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40797)
2. State of California, Department of Food and Agriculture - approval is requested for a revenue agreement with the State of California, Department of Food and Agriculture, for funds to support the County's placing and servicing of traps for the detection of exotic insect pests which are considered hazardous to the agriculture and economy of California, including but not limited to the Gypsy Moth, Japanese Beetle and fruit flies such as the Olive Fruit Fly. The term of the agreement is July 1, 2005, through June 30, 2006, with a maximum amount payable to the County of \$68,374.10. Board approval is also requested to accept and appropriate an allocation for Olive Fruit Fly activities in the amount of \$35,283 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE BUDGET TRANSFER B-054 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT. (Contract No. R40801)
3. Resolution Authorizing Examination of Sales and Use Tax Records - approval is requested for a resolution which will allow authorized representatives of the County to examine the confidential sales and use tax records of the State Board of Equalization pertaining to sales and use taxes collected by the Board for the County, pursuant to Revenue and Taxation Code Section 7056 - action requested - ADOPT RESOLUTION 05-115 AND AUTHORIZE THE CHAIR TO SIGN.
4. State of California, Department of Alcohol and Drug Programs - Amendment - approval is requested for an amendment to the Combined Negotiated Net Amount and Drug/Medi-Cal revenue agreement with the State of California, Department of Alcohol and Drug Programs. The amendment decreases the maximum amount payable to the County for fiscal year 2004-2005 by \$33,254, and revises the agreement's exhibits to reflect the reduction. All other terms and provisions remain the same - action requested - ADOPT RESOLUTION 05-116 APPROVING AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHAIR TO SIGN AMENDMENT SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40688)

- 0516-002 5. Thomas Lancaster, M.D. - approval is requested for a sole source agreement with Thomas Lancaster, M.D. for the provision of professional medical and psychiatric services for department clients. The term of the agreement is July 1, 2005, through June 30, 2006, with a maximum amount payable of \$64,525 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
6. Revised Agreement - S. Bonnie Lombardi dba Party Central - on May 24, 2005, the Board approved a lease and agreement with S. Bonnie Lombardi dba Party Central, for the vacant property located adjacent to 2430 Bird Street, Oroville. The property is used as a parking lot for the staff and clients at the Bird Street facility. The agreement was approved subject to review by County Counsel, and that review resulted in a change to the agreement regarding Americans with Disabilities Act requirements. As a result of that change, the agreement is being resubmitted to the Board for approval. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15495)
7. Resolution Celebrating the 100th Birthday of the North State Symphony - Supervisor Houx is requesting the Board adopt a resolution celebrating the 100th Birthday of the North State Symphony, formerly the Chico Symphony - action requested - ADOPT RESOLUTION 05-117 AND AUTHORIZE THE CHAIR TO SIGN.
8. Volunteer Efforts for the Victims of Hurricane Katrina - Hurricane Katrina has been described as the worst natural disaster to hit the United States since the 1906 San Francisco earthquake. The Red Cross and other reputable agencies have a critical need for volunteers to help provide aid. With the concurrence of the department director, and according to procedures to be approved by Human Resources and the Chief Administrative Officer, approval is requested to allow Butte County employees release time to participate in volunteer activities related to helping the victims of Hurricane Katrina. Release time will be paid time off during which the employee will continue to accrue benefits. The program will be subject to meet and confer with employee bargaining units - action requested - WITH THE CONCURRENCE OF THEIR DEPARTMENT DIRECTOR, APPROVE RELEASE TIME FOR EMPLOYEES WISHING TO VOLUNTEER TO AID THE VICTIMS OF HURRICANE KATRINA, SUBJECT TO PROCEDURES APPROVED BY HUMAN RESOURCES AND THE CHIEF ADMINISTRATIVE OFFICER.
9. Reissue Time-Expired Check - approval is requested to reissue time-expired check number 1420-579240 in the amount of \$190.99, dated September 21, 2001. The Auditor-Controller has verified that the check is time expired and has not been reissued - action requested - DIRECT AUDITOR-CONTROLLER TO REISSUE TIME-EXPIRED CHECK.

- 0516-002 10. Lee Rosenthal - Amendment - approval is requested for an amendment to the agreement with Lee Rosenthal for the provision of legal services in the area of redevelopment. The amendment increases the billing rate by \$20 per hour (County Service Area 114 Funds). 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. X11464)
11. Tri-County Economic Development Corporation - Amendment - approval is requested for an amendment to the Master Subrecipient Agreement with Tri-County Economic Development Corporation for services in support of the Community Development Block Grant (CDBG) Program. The amendment adds Exhibit Nos. 18, 19, and 20 to the agreement, providing for administration and implementation activities associated with the various CDBG Planning and Technical Assistance activities, and the Butte County Business Incubator Program. Funding for the additional services and activities is provided by grant funds and CDBG Program Income. All other terms and provisions remain the same. To provide for a more streamlined method of tracking the various CDBG grants and activities, Board approval is also requested to transfer funds to newly created budget units under a single fund designation - action requested - APPROVE AGREEMENT AMENDMENT, EXHIBIT NUMBERS 18, 19 AND 20, AND AUTHORIZE THE ASSISTANT CHIEF ADMINISTRATIVE OFFICER TO SIGN; AND APPROVE BUDGET TRANSFER B-055 (4/5 vote required) TRANSFERRING AND ALLOCATING FUNDS AS DETAILED IN THE AGENDA REPORT.
12. The Ferguson Group, L.L.C. - Amendment - approval is requested for an amendment to the agreement with The Ferguson Group, L.L.C., for the provision of legislative advocacy services for the County. The group pursues federal appropriations in areas such as transportation, water quality and resources, homeland security, and communications. The amendment adds language to allow for termination by either party upon 60 days written notice, and extends the term of the agreement through September 30, 2006. 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. X15254)
13. Health Insurance Incentives Revenue - approval is requested to accept and appropriate \$2,073 of unexpended fiscal year 2001-2002 Health Insurance Incentive Funds. The State Department of Child Support Services has approved an extension of the County's time to expend the funds - action requested - APPROVE BUDGET TRANSFER B-056 (4/5 vote required) ACCEPTING AND APPROPRIATING PRIOR YEAR FUNDS AS DETAILED IN THE AGENDA REPORT.

- 0516-002 14. Special Districts - Appointments in Lieu of Elections - California Elections Code Section 10515 allows the Board of Supervisors to appoint various special district board members for districts scheduled to elect members on November 8, 2005, where the number of persons filing a declaration of candidacy is equal to or less than the number of offices to be filled, and there was no petition submitted calling for an election. The Clerk-Recorder submits a Certificate of Facts-Exhibit A, listing the following appointments to be made pursuant to the Elections Code: Berry Creek Community Services District - Miguel Calvo and Joe G. Holsworth. Drainage District No. 100 - Michael W. Arens. Richvale Sanitary District - Dennis Thengvall and Thomas R. Warner. All appointments are for 4 year terms - action requested - APPOINT NOMINEES.
15. Special Districts - Insufficient Nominee Appointments in Lieu of Elections - submitted is a list of special districts wherein no person filed a declaration of candidacy for any office, and where there was no petition submitted calling for an election. Pursuant to California Elections Code Section 10515, the Board may appoint any qualified person to office at any time on or before November 22, 2005. Following is a list of offices that require appointment: Berry Creek Community Services District - 1 Director for a 4 year term. The candidate shall be a registered voter residing within the District. Buzztail Community Services District - 1 Director for a 4 year term. The candidate shall be a registered voter residing within the District. Richardson Springs Community Services District - 3 Directors for 4 year terms. The candidates shall be registered voters residing within the District. The Clerk of the Board will return requests for appointment to the Board for action as they are received, and when appointments are made, will issue the Certificate of Appointment and Oath of Office - action requested - ACCEPT FOR INFORMATION.
16. Parent Education Network - Amendment - approval is requested for an amendment to the agreement with Parent Education Network for the provision of parenting classes to Children's Services clients. The amendment extends the term of the agreement through June 30, 2006, increases the maximum amount payable by \$10,000 (department budget) for the extended term, 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. X14975)

- 0516-002 17. 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 the provision of Public Health Nurses to provide services to clients of the Adult Protective Services, In-Home Supportive Services/Personal Care Services, and Children's Services programs. The amendment reduces the maximum amount payable for fiscal year 2005-2006 by \$65,000 to reflect final budget amounts for services, reduces the number of nurses from 5 to 4, includes language regarding Health Insurance Portability and Accountability Act compliance, and revises the agreement's exhibits to reflect the changes in rate of payment. 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. 14412)
18. The CSU, Chico Research Foundation - Amendment - approval is requested for an amendment to the agreement with The CSU, Chico Research Foundation, for the provision of map data files to enhance the department's Computer Aided Dispatch database. The amendment increases the maximum amount payable by \$30,000 (department budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15516)
19. Volunteer Fire Assistance Grant - approval is requested for a grant agreement with the State of California, Department of Forestry and Fire Protection, for funds under the Volunteer Fire Assistance Grant Program. The grant will provide \$20,000, with a required \$20,000 (department budget) County match for the purchase of a Thermal Imaging Camera - action requested - ADOPT RESOLUTION 05-118 APPROVING GRANT AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHAIR TO SIGN GRANT AGREEMENT SUBJECT TO REVIEW BY COUNTY COUNSEL. (Contract No. R40811)
20. Courthouse Expansion Project - Budget Transfer - approval is requested to accept and appropriate \$19,335 received from the Superior Court of California, County of Butte, to provide the appropriation needed to fund Contract Change Orders 31 and 32 for the Courthouse Expansion Project - action requested - APPROVE BUDGET TRANSFER B-057 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0516-002 21. The Zahn Group, Inc. - Amendment - approval is requested for an amendment to the agreement with The Zahn Group, Inc., for construction management services for the Courthouse Expansion Project. The amendment extends the completion date to August 31, 2005, increases the maximum amount payable by \$17,515.91, and revises the Scope of Work to include language regarding expenses/compensation rates for the Project Director, Construction Manager and Project Coordinator. All other terms and provisions remain the same. Board approval is also requested to accept and appropriate funding from the Superior Court of California, County of Butte, for the amendment - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-058 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
22. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: PUBLIC WORKS - adds 2 positions of Road Maintenance Worker/Road Maintenance Assistant. PUBLIC HEALTH-GENERAL SERVICES - deletes 1 position of Public Health Education Specialist, Senior/Public Health Education Specialist/Public Health Education Specialist, Associate. Adds 1 position of Accountant, Senior/Accountant, 1 position of Deputy Director, Public Health Nursing, 1 position of Dental Hygienist, and 1 position of Supervisor, Therapist. PUBLIC HEALTH-ENVIRONMENTAL HEALTH - deletes 1 position of Administrative Assistant. Adds 1 position of Administrative Assistant/Office Specialist, Senior/Office Specialist/Office Assistant. NEAL ROAD SANITARY LANDFILL-MANAGEMENT - adds 2 positions of Landfill Maintenance Worker, Senior/Landfill Maintenance Worker. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE C, GENERAL UNIT CLASSIFICATIONS - adds the classification of Dental Hygienist (\$17.85-\$21.70). SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE F, MANAGEMENT, CONFIDENTIAL AND SUPERVISORY UNIT CLASSIFICATIONS - adds the classifications of Deputy Director, Public Health Nursing (\$27.92-\$33.94), and Supervisor, Therapist (\$26.59-\$32.32) - action requested - ADOPT RESOLUTION 05-119 AND AUTHORIZE THE CHAIR TO SIGN.
23. Emergency Medical Services Appropriation - the State Department of Health Services has notified the County of the availability of \$247,595 from the Emergency Medical Services Appropriation (EMSA) for fiscal year 2005-2006. The funds will be used for reimbursement of uncompensated emergency medical services. Approval is requested for a Declaration of Intent (Option 2) not to administer the County's Emergency Medical Services allocation. This option authorizes the State Department of Health Services to administer the EMSA on behalf of the County through the EMSA Contract Back Program - action requested - APPROVE DECLARATION OF INTENT, OPTION 2, AND AUTHORIZE THE CHAIR TO SIGN.

- 0516-002 24. Nutrition Services Grant - approval is requested for a grant agreement with The CSU, Chico Research Foundation, acting as lead agency for the Sierra Cascade Nutrition and Activity Consortium, for funds to provide nutrition services. The term of the agreement is October 1, 2004, through September 30, 2005, with a maximum amount payable to the County of \$53,095 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
25. California Family Health Council, Inc. - Amendment - approval is requested for an amendment to the grant agreement with the California Family Health Council, Inc., for funds to support the Healthy Options for Teens Initiative. The amendment increases the maximum amount payable to the County by \$28,500, and revises the agreements amendments to reflect the increase. All other terms and provisions remain the same. Board approval is also requested to accept and appropriate \$6,587 of the revenue for grant related expenses - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-059 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT. (Contract No. R40767)
26. Butte County Children and Families Commission - Amendment - approval is requested for an amendment to the grant agreement with the Butte County Children and Families Commission for funds to help support the Children's Dental Program. The amendment extends the term of the agreement through June 30, 2007, increases the grant amount payable to the County by \$100,000, and revises the agreements exhibits to reflect the changes. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X15096)
27. San Diego State University Research Foundation - approval is requested for a grant agreement with the San Diego State University Research Foundation for funds to support enhanced injury prevention efforts. The term of the agreement is July 29, 2005, through June 16, 2006, with a maximum amount payable to the County of \$12,000. Board approval is also requested to accept and appropriate \$9,800 of the revenue - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-061 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0516-002 28. Fixed Asset Purchase - approval is requested for the fixed asset purchase of a computer program for the Animal Control Division in the amount of \$19,811 (\$15,311 for software, \$4,500 for training). The software program is a fully integrated web-based animal control and shelter program that will enhance all aspects of animal and data management. Funding for the purchase is available using Animal Control Realignment Sales Tax funds and Board approval is also requested for a budget transfer to provide the needed allocation - action requested - APPROVE FIXED ASSET PURCHASE; APPROVE PURCHASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-060 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
29. Northwest Society for the Prevention of Cruelty to Animals - approval is requested for an agreement with the Northwest Society for the Prevention of Cruelty to Animals for the sheltering of animals impounded by Butte County Animal Control. The term of the agreement is July 1, 2005, through June 30, 2006, with a maximum amount payable of \$237,962 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
30. Construction of Site Improvements at the Neal Road Sanitary Landfill - approval is requested to seek bids for the construction of site improvements at the Neal Road Sanitary Landfill to facilitate the placement of a modular building on the site. The work will consist of grading, drainage improvements, aggregate base and asphalt concrete surfacing, utilities, communications and waste water improvements - action requested - AUTHORIZE THE DIRECTOR-PUBLIC WORKS TO RELEASE AN INVITATION FOR BIDS FOR CONSTRUCTION OF SITE IMPROVEMENTS.
31. Federal Emergency Management Agency - approval is requested for a Cooperating Technical Partners Memorandum of Agreement with the Federal Emergency Management Agency. The agreement concerns the responsibilities and information gathering process associated with the updating and conversion of Flood Insurance Rate Maps to a digital format compatible with the County's Geographic Information System. The agreement will have no fiscal impact to the County - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0516-002 32. Resolution of the Board of Supervisors of Butte County Authorizing the Issuance of 2005-2006 Tax and Revenue Anticipation Notes for Butte County Office of Education - approval is requested by the Butte County Office of Education to issue Tax and Revenue Anticipation Notes (TRAN) for 2005-2006. Government Code Section 53853 provides that such notes must be issued in the name of the Office of Education by the Board of Supervisors of the County. The Office of Education is requesting authorization to issue Tax and Revenue Anticipation Notes in an amount not to exceed \$32,500,000. The notes will be a general obligation of the Office of Education. The County has no fiduciary responsibility as to repayment of the notes - action requested - ADOPT RESOLUTION 05-120 AND AUTHORIZE THE CHAIR TO SIGN.
33. Richvale Irrigation District - the Richvale Irrigation District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Director does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT GENE C. HARRIS AND WALTER K. MEYER, DIRECTORS, TO TERMS TO END DECEMBER 4, 2009.
34. Western Canal Water District - the Western Canal Water District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Trustee does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT MILTON J. LAMALFA AND LANCE TENNIS, TRUSTEES, TO TERMS TO END DECEMBER 4, 2009; AND APPOINT ERIC F. LARRABEE, TRUSTEE, TO A TERM TO END DECEMBER 7, 2007.
35. Butte Water District - the Butte Water District submits a certification that the number of persons who have filed a Declaration of Candidacy for the position of Director does not exceed the number of offices to be filled and that no petition requesting a General District Election has been presented to the District. Pursuant to Elections Code Section 10515, the District is requesting the Board appoint the persons who have filed Declarations of Candidacy - action requested - APPOINT ROBERT C. WALLER, GREGORY CORREA AND JOE BOZZO, DIRECTORS, TO TERMS TO END DECEMBER 4, 2009.

0516-002 MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE NOTATION THAT THE BACKUP FOR ITEM 3.11 HAS BEEN REVISED BY THE AUDITOR'S OFFICE TO CORRECT BUDGET NUMBERS AND AMOUNTS TO THOSE CURRENTLY ON RECORD IN THEIR OFFICE AND THOSE CORRECTIONS HAVE BEEN PROVIDED TO THE CLERK OF THE BOARD, AND THE REMOVAL OF ITEMS 3.22, 3.24, 3.33, AND 3.36.

S M
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

REGULAR AGENDA

0516-003 Boards, Commissions and Committees. (195)

1. Appointments to Listed Vacancies.

MOTION: I MOVE TO APPOINT TO THE CHICO MEMORIAL HALL COMMITTEE GEORGE A. HOLLAND, DELEGATE, AND BILL CORBETT, ALTERNATE, DISABLED AMERICAN VETERANS CHAPTER 135 REPRESENTATIVES; JOHN SCHULZ, DELEGATE, AND ED LADD, ALTERNATE, AMERICAN VETERANS REPRESENTATIVE; GLEN MCCORD, DELEGATE, AND WILLIAM E. SCHNOERING, ALTERNATE, AMERICAN LEGION CHICO POST NO. 17 REPRESENTATIVES; FLOYD R. MORRILL, DELEGATE, AND HERBERT BREWSTER, ALTERNATE, VETERANS OF FOREIGN WARS NO. 1555 REPRESENTATIVES; AND SCOTT WILL, DELEGATE, AND RICHARD SNOW, ALTERNATE, VIETNAM VETERANS OF AMERICA, CHAPTER 582 REPRESENTATIVE, ALL TO TERMS TO END JUNE 30, 2006.

M S
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

CHAIR YAMAGUCHI PRESENTS A RESOLUTION CELEBRATING THE 100TH BIRTHDAY OF THE NORTH STATE SYMPHONY TO KEITH HERRITT, PHYLLIS DILTS, AND HELGA RUGE, NORTH STATE SYMPHONY.

2. Board Member or Committee Reports.

SUPERVISOR JOSIASSEN PROVIDED A REPORT ON A CALIFORNIA STATE ASSOCIATION OF COUNTIES MEETING HELD LAST WEEK AND EXPLAINED THE POSITION THAT GROUP TOOK ON VARIOUS PROPOSED PROPOSITIONS ON THE NOVEMBER BALLOT.

SUPERVISOR CONNELLY PROVIDED A REPORT ON THE BUTTE COUNTY FIRE SAFE COUNCIL MEETING AND MENTIONED THAT THE FIRE DEPARTMENT HAS PROVIDED ASSURANCE THAT FIRE TOWERS ARE MANNED ON RED FLAG DAYS.

CHAIR YAMAGUCHI REPORTED THAT SEPTEMBER IS DOMESTIC VIOLENCE AWARENESS MONTH AND WANTED TO RAISE AWARENESS THAT THE ISSUE CROSSES ALL ECONOMIC LINES.

3. Creation of Tribal Relations Sub-committee - consideration of the creation of a Tribal Relations Sub-committee of the Board for the purpose of discussing mutual concerns with the four federally-recognized Tribes located in Butte County - action requested - CREATE A TRIBAL RELATIONS SUB-COMMITTEE OF THE BOARD; AND APPOINT TWO MEMBERS.

0516-003 MOTION: I MOVE TO HAVE THIS SUB-COMMITTEE SUBSUMED INTO THE INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE (SUPERVISOR CONNELLY AND SUPERVISOR JOSIASSEN).

M S

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0516-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (812) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMED THE BOARD THAT THE LEGISLATURE HAS ADJOURNED FOR THE 2005 SESSION, AND HIGHLIGHTED SEVERAL BILLS OF INTEREST TO THE COUNTY. RICHARD PRICE, AGRICULTURAL COMMISSIONER, DISCUSSED SENATE BILL 455, A BILL REGARDING STRENGTHENING THE PESTICIDE ENFORCEMENT PROGRAM, AND REQUESTED THE BOARD APPROVE A LETTER OF OPPOSITION TO THE BILL.

MOTION: I MOVE TO APPROVE A LETTER OF OPPOSITION TO SENATE BILL 455.

M S

VOTE: 1 Y 2 NV 3 Y 4 Y 5 Y (Motion Carried)

0516-005 Butte County Department of Behavioral Health - Report to the Board - report on the Prevention Unit's receipt of 2 awards from the National Association of State Alcohol and Drug Abuse Directors for the Friday Night Live Mentoring and Friday Night Live/Club Live programs - action requested - ACCEPT FOR INFORMATION. (1215)

PRESENTATION TO THE BOARD BY BRAD LUZ, DIRECTOR-BEHAVIORAL HEALTH, AND STAFF MEMBERS CARY YASUHARA, TONYA BASS, JOHN LOPEZ, AND JODI DRYSDALE.

RECESS: 9:59 A.M.

RECONVENE: 10:16 A.M.

0516-006 Response to the 2004-2005 Grand Jury Final Report - submitted is the draft Board of Supervisors' response to the findings and recommendations contained in the 2004-2005 Grand Jury Final Report. The report also includes a copy of the responses provided directly to the Presiding Judge from the elected and appointed department heads - action requested - APPROVE THE DRAFT RESPONSE AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO SUBMIT THE REPORT TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE. (1891)

MOTION: I MOVE TO APPROVE THE DRAFT RESPONSE AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO SUBMIT THE REPORT TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE.

M S

VOTE: 1 Y 2 Y 3 N 4 Y 5 Y (Motion Carried)

PUBLIC HEARINGS AND TIMED ITEMS

0516-007 Public Hearing - Chico Area Recreation and Park District Fees - consideration of a resolution, pursuant to Butte County Code Section 16-33, increasing the amount of park facility fees for the area within the Chico Area Recreation and Park District - action requested - ADOPT RESOLUTION INCREASING PARK FACILITY FEES IN THE CHICO AREA RECREATION AND PARK DISTRICT AND AUTHORIZE THE CHAIR TO SIGN. (2469) (**00)

PUBLIC HEARING OPENED: 10:30 A.M.
 PUBLIC HEARING CLOSED: 10:42 A.M.

MOTION: I MOVE THAT THIS BOARD ASK THE CHICO AREA RECREATION AND PARK DISTRICT BOARD'S CONSIDERATION FOR A SOMEWHAT SMALLER INCREASE AND ALSO IF THEY ARE INTERESTED IN PURSUING LEGISLATION TO GIVE THEM THE FULL AUTHORITY TO IMPOSE THESE FEES INSTEAD OF COMING TO THE BOARD.

M S

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

REGULAR AGENDA

0516-008 HR 2389 Secure Rural Schools and Community Self-Determination Act of 2000 (Federal Fire Safe Funding) Fiscal Year 2005-2006 Project Authorization - submitted are the recommendations for the fiscal year 2005-2006 HR 2389 funding submitted by the Fire Safe Council. A master agreement to implement the approved projects is submitted for Board consideration. Approval is also requested to accept and appropriate prior year unexpended funds - action requested - APPROVE THE HR 2389 PROJECTS FOR FISCAL YEAR 2005-2006 AS RECOMMENDED BY THE BUTTE COUNTY FIRE SAFE COUNCIL; APPROVE A BUDGET TRANSFER (4/5 vote required) ACCEPTING AND APPROPRIATING PRIOR YEAR FUNDS AS DETAILED IN THE AGENDA REPORT; AND APPROVE MASTER AGREEMENT WITH THE FIRE SAFE COUNCIL FOR IMPLEMENTATION OF THE PROJECTS (WITH THE EXCEPTION OF PROJECTS TO BE AWARDED TO CDF AND BUTTE COUNTY FIRE AS DETAILED IN THE AGENDA REPORT) AND AUTHORIZE THE CHAIR TO SIGN. (**96)

ITEM REMOVED FROM THE CONSENT AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. THIS ITEM WILL RETURN ON A SUBSEQUENT AGENDA.

0516-009 Revised Financial Assurance Documents for the Neal Road Sanitary Landfill - consideration of 2 resolutions giving financial assurances for closure and post-closure activities and maintenance plans for the Neal Road Landfill as required by the California Integrated Waste Management Board. The proposed resolutions provide revised closure estimates which will allow the County to apply for a withdrawal of surplus closure funds following Phase I activities which can then be applied to Phase II activities - action requested - ADOPT RESOLUTIONS (2) AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE A PLEDGE OF REVENUE AGREEMENT FOR POSTCLOSURE MAINTENANCE OF THE NEAL ROAD SANITARY LANDFILL AND AUTHORIZE THE DIRECTOR-PUBLIC WORKS TO SIGN. (**101)

0516-009 MOTION: I MOVE TO ADOPT RESOLUTIONS 05-121 AND 05-122 AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE A PLEDGE OF REVENUE AGREEMENT FOR POSTCLOSURE MAINTENANCE OF THE NEAL ROAD SANITARY LANDFILL AND AUTHORIZE THE DIRECTOR-PUBLIC WORKS TO SIGN.

M S

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0516-010 Items Removed from the Consent Agenda for Board Consideration and Action. (**995)

1. Library Donations - pursuant to Government Code Section 25355, a donation of \$9,005.35 has been received from the estate of Helen R. Domalsky, (\$5,506.35 for Chico Library staff support hours and \$3,500 for books) - action requested - ACCEPT DONATION, EXPRESSING THE BOARD'S DEEP APPRECIATION TO THE ESTATE OF HELEN R. DOMALSKY FOR THE GENEROUS DONATION.

SUPERVISOR HOUX ACKNOWLEDGES THE GENEROUS DONATION FROM THE ESTATE OF HELEN R. DOMALSKY.

MOTION: I MOVE TO ACCEPT THE DONATION, EXPRESSING THE BOARD'S DEEP APPRECIATION TO THE ESTATE OF HELEN R. DOMALSKY FOR THE GENEROUS DONATION.

S M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

2. Mineral Business Appraisal - approval is requested for an agreement with Mineral Business Appraisal for the preparation of an appraisal of the Almond Avenue Gravel Pit. The term of the agreement is 120 days from the receipt of the notice to proceed, with a maximum amount payable of \$25,000 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

MOTION: I MOVE TO APPROVE THE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

S M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

3. Oroville Redevelopment Agency - Agreement to Sell Tax Defaulted Properties - approval is requested, pursuant to the Revenue and Taxation Code, for an agreement to sell 2 tax defaulted properties to the Oroville Redevelopment Agency as follows: 1330 Downer Street, Oroville, estimated sales price of \$105,228; 2450 Montgomery Street, Oroville, estimated sales price of \$37,654 - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO AUTHORIZE THE TREASURER TO NEGOTIATE WITH THE CITY OF OROVILLE REDEVELOPMENT AGENCY TO PURCHASE THE PROPERTY LOCATED AT 2450 MONTGOMERY STREET, OROVILLE, FOR A MUCH REDUCED AMOUNT.

M S

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

RECESS: 11:27 A.M.

RECONVENE: 11:33 A.M.

PUBLIC COMMENT

0516-011 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. (**1475)

1. BRENDA MUNOS, UNITED DOMESTIC WORKERS, ADDRESSED THE BOARD TO INTRODUCE A STUDY SHOWING HOW BUTTE COUNTY CAN LIFT HOMECARE WORKERS OUT OF POVERTY AND AT THE SAME TIME BOOST THE LOCAL ECONOMY, AND REQUESTED TO BE PLACED ON THE AGENDA TO FORMALLY PRESENT THE STUDY.
2. GOLDEN SIESMORE ADDRESSED THE BOARD TO REQUEST PLACEMENT OF THE STUDY ON THE AGENDA.
3. LYNN BARBIE ADDRESSED THE BOARD TO REQUEST THE STUDY BE PLACED ON THE AGENDA, AND TO REQUEST HIGHER WAGES AND BENEFITS FOR WORKERS.
4. SHEENA HUME ADDRESSED THE BOARD TO REQUEST THE STUDY BE PLACED ON THE NEXT BOARD AGENDA.
5. LARRY TROSEN ADDRESSED THE BOARD TO REQUEST THE STUDY BE PLACED ON THE NEXT BOARD AGENDA.
6. W.R. SAM ADDRESSED THE BOARD TO REQUEST THE STUDY BE PLACED ON THE NEXT AGENDA.

CLOSED SESSION

0516-012 RECESS:

THE BOARD RECESSED AT 11:48 A.M. TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; A CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE; A CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): REASONABLE EXPANSION V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 133646); AND A CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6: AGENCY REPRESENTATIVE: JEANNE GRAVETTE. EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFFS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); PROFESSIONAL EMPLOYEES UNIT; SOCIAL SERVICES WORKERS UNIT; AND PROBATION PEACE OFFICERS' ASSOCIATION.

ITEM 7.03(2), DEORLE V. RUTHERFORD (UNITED STATES DISTRICT COURT CASE CIV-S-97-0434 LKK/PAN), WAS REMOVED FROM THE AGENDA WITHOUT DISCUSSION.

0516-012 **RECONVENE :** THE BOARD RECONVENED AT 2:08 P.M. FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): ONE POTENTIAL CASE; A CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE; A CONFERENCE WITH LEGAL COUNSEL REGARDING ACTUAL LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): REASONABLE EXPANSION V. COUNTY OF BUTTE (BUTTE COUNTY SUPERIOR COURT CASE NO. 133646); AND A CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6: AGENCY REPRESENTATIVE: JEANNE GRAVETTE. EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFFS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); PROFESSIONAL EMPLOYEES UNIT; SOCIAL SERVICES WORKERS UNIT; AND PROBATION PEACE OFFICERS' ASSOCIATION. (NO ANNOUNCEMENTS)

ADJOURNMENT : THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 2:08 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, SEPTEMBER 27, 2005, AT 9:00 A.M.

KIM K. YAMAGUCHI, CHAIR

Attest:

Paul McIntosh, Chief Administrative
Office and Clerk of the Board

By: _____