



BUTTE COUNTY BOARD OF SUPERVISORS

REGULAR MEETING AGENDA

OCTOBER 24, 2023

9:00 AM

MEMBERS OF THE BOARD

BILL CONNELLY, DISTRICT 1

PETER DURFEE, DISTRICT 2

TAMI RITTER, DISTRICT 3

TOD KIMMELSHUE, DISTRICT 4

DOUG TEETER, DISTRICT 5

ANDY PICKETT
CHIEF ADMINISTRATIVE OFFICER &
CLERK OF THE BOARD

MEETING LOCATION
BOARD OF SUPERVISORS CHAMBERS
25 COUNTY CENTER DRIVE, SUITE 205
OROVILLE, CALIFORNIA 95965-3380

BRAD STEPHENS, COUNTY COUNSEL

1. CALL TO ORDER

Pledge of Allegiance

Observation of a Moment of Silence

Rules of Decorum

The Board of Supervisors welcomes the public to its meetings and encourages and appreciates public engagement. The Board of Supervisors expects members of the public to act in a courteous, civil, and respectful manner. Individuals who address the Board shall not make personal, impertinent, slanderous, or profane remarks to any member of the Board, staff, or the general public. The Board of Supervisors will not tolerate loud, threatening, personal, or abusive language, or disorderly conduct, which disrupts, disturbs, or otherwise impedes the orderly conduct of Board meetings. Violation of these rules of decorum will result in the meeting being recessed.

2A. CORRECTIONS AND/OR CHANGES TO THE AGENDA

2B. ANNOUNCEMENT(S) OF RECUSAL

3. CONSENT AGENDA

A. Supervisor Comments on Consent Agenda Items

B. Adopt Consent Agenda

3.01 Approval of Board of Supervisors Regular Meeting Minutes - Submitted for approval are the October 10, 2023 Board of Supervisors Regular Meeting Minutes – action requested – APPROVE THE OCTOBER 10, 2023 BOARD OF SUPERVISORS REGULAR MEETING MINUTES AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)

3.02 Amendment to Services Agreement with Butte Local Agency Formation Commission (LAFCo) - On March 26, 2013 the Board of Supervisors approved a services agreement with LAFCo. The services agreement outlines statutory, cooperative, and compensated support services provided to LAFCo by the County. Compensated services in which LAFCo pays the County for services provided include Information Systems, Communications, Accounting, Treasury, General Services and Human Resources. As outlined by the current services agreement, staff served LAFCo with a 180-day notice to amend the agreement on January 11, 2022 to update costs and eliminate the payroll function. In order to facilitate LAFCo's transition to a new payroll provider the notice was

rescinded and/or extended on August 8, 2022, December 28, 2022, June 17, 2023, and August 30, 2023. During the months of June through August, LAFCo began a transition plan for payroll services and is currently transitioning payroll services to a private payroll company. Staff recommend the Board approve an amendment to the services agreement. The amendment adjusts rates for services listed for Communications, Treasury, and Human Resources; removes payroll services; and adds language to specify the mechanism and entity for initiation of amendment or termination. All other terms remain the same – action requested – APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)

- 3.03 Memorandum of Understanding (MOU) with the Butte County Law Library (BCLL) for Small Claims Advisory Services - The County and BCLL have a longstanding MOU that governs the provision of small claims administration within the County. California Code of Civil Procedure Sections 116.260 and 116.940 require the County to provide small claims advisory services to small claims litigants without charge. The County satisfies its statutory obligations through the use of a recorded telephonic message that provides general information regarding small claims, as well as informational booklets. The message also advises litigants of the resources available at the BCLL. The County entered into an MOU with BCLL to compensate for the increased use of its facility and services which expired on June 30, 2023. County Administration recommends approval of an MOU with BCLL to maintain the existing arrangement with BCLL for small claims advisory services. The term of the contract is upon execution through June 30, 2026, not-to-exceed \$15,000 (\$5,000 per year) - action requested – APPROVE MOU AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)
- 3.04 Letter of Support for Town of Paradise's Chico to Paradise Skyway Bikeway Project Application - In June of 2011, the Butte County Board of Supervisors adopted the Countywide Bikeway Master Plan (Master Plan). The Master Plan, prepared by Butte County Public Works, sets forth a vision for making bicycling an integral part of the transportation system within the County's unincorporated limits. The Master Plan includes emphasis on regional connectivity between the local cities of Biggs, Chico, Gridley, Oroville, and the Town of Paradise. The Town of Paradise is proposing a Chico to Paradise Skyway Bikeway Project (Project) which builds off of the County's existing Class 1 Bike Path shown in the Master Plan, and is consistent with the planned facilities shown in the Master Plan specific to Skyway from Honey Run Road to Paradise Town limits. Additionally, bike access is a critical element of the Town's 2022 Transportation Master Plan, which identified multimodal transportation network improvements to enhance walking, biking, daily circulation, and evacuation needs. On September 14, 2023, a letter supporting an application to the Reconnecting Communities: Highways to Boulevards Grant Program for the Project was signed by the CAO in advance of the application deadline. Staff recommends the Board ratify the letter – action requested – RATIFY LETTER OF SUPPORT. (County Administration)
- 3.05 Indigent Defense Contracts - The County is required by State and federal law to provide an attorney for persons charged with a crime or in other special circumstances if they cannot afford an attorney. Butte County contracts this service with a consortium of local attorneys who provide full service public defender work. The consortium has been an effective component of the criminal justice system, and has the support of the Superior Court Bench, District Attorney, Chief Probation Officer, and Sheriff. The consortium has also been a cost effective model for the county, providing a high level of service for substantially less than similar counties pay. The County contracts with 18 full-time attorneys and one half-time attorney in the consortium. The County contract with Ronald Reed, who served as a full-time attorney, ends October 31, 2023. The consortium selected Janae Sorenson to fill the role held by Mr. Reed and selected Robert Towne to serve as a full-time attorney to fill the role held by Ms. Sorenson. Mr. Towne currently serves as a part-time attorney. The consortium selected Camille Pendery to serve as a part-time attorney in the role previously held by Mr. Towne. County Administration recommends amending the contract with Mr. Towne to a full-time attorney starting November 1, 2023 through June 30, 2024; not-to-exceed \$154,323,

to the new rate of \$13,345 per month, and entering into a contract with Ms. Pendery to serve as a part-time attorney providing indigent defense services with a term of November 1, 2023 through June 30, 2024; not-to-exceed \$53,378, which is \$6,672 per month - action requested – APPROVE CONTRACT AND CONTRACT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN.
(County Administration)

- 3.06 Fiscal Year 2023-24 Consolidated Budget Adjustments - Each fall, County Administration coordinates a consolidated budget adjustment for multiple departments containing routine budget adjustments that are needed in transitioning to the new fiscal year (FY). Staff have updated revenue estimates, as well as more precise cost estimates for projects, vehicles, and other purchases spanning fiscal years that need to be rebudgeted in FY 2023-24, and have identified a number of recommended budget clean-up actions. The adjustments are a net total \$7,179,677 in additional appropriations, including transfers between funds, and an increase of \$340,301 in General Fund Appropriation for Contingencies. Which has a current balance of \$7,110,126, and will have an updated balance of \$7,450,427 when these adjustments are made. The remaining adjustments are offset by the use of fund balances or increased revenue. All American Rescue Plan Act (ARPA) rebudgets are for previous Board approved programs – action requested – 1) APPROVE BUDGET ADJUSTMENTS (4/5 VOTE REQUIRED); AND 2) AUTHORIZE CAPITAL ASSET AUTHORITY FOR THE PURCHASE OF 5 VEHICLES INCLUDING PARTS AND EQUIPMENT. (County Administration)
- 3.07 Agreement with Tetra Tech, Inc. for an After Action Report (AAR) - California Code of Regulations, Title 19, section 2450 requires that any city or county declaring a local emergency complete and submit an AAR, which provides an analysis of a response to a declared emergency or disaster, to Cal OES after the close of the incident or response. With the close of the COVID-19 emergency response the County is required to complete an AAR. On May 30, 2023 staff released a Request for Proposals and received the following 8 responses: Centurion Solutions of Bryan, Texas; Connect Consulting of Sacramento, California; Constant Associates of Torrance, California; HQE Systems of Temecula, California; Integrated Solutions Consulting of Edwardsville, Illinois; RCSG Inc. of Hillsboro, Oregon; Tetra Tech, Inc. of Maitland, Florida; and Witt O'Brien's of Houston, Texas. Tetra Tech, Inc. was the highest overall scoring response. Staff recommend the Board of Supervisors approve an agreement with Tetra Tech, Inc. for completion of an AAR. The term of the agreement is date of execution through April 30, 2024, not-to-exceed \$89,200 and will be funded with dedicated grant funds - action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)
- 3.08 Amendment No. 7 to Contract with Liebert Cassidy Whitmore - On October 25, 2011, the Board of Supervisors approved a contract with Liebert Cassidy Whitmore, a Professional Corporation, for legal services pertaining to employment relations matters, including representation in negotiations and in administrative and Court hearings with billing and payment by hourly rates. Since that time, the Board approved six contract amendments increasing the hourly rates. The agreement does not expire but either party possesses the option to terminate with a thirty day written notice. County Counsel recommends amending the contract with Liebert Cassidy Whitmore for legal services. The amendment will increase hourly rates between \$10-\$40, effective November 1, 2023. All other terms to remain the same – action requested – APPROVE CONTRACT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (County Counsel)
- 3.09 Resolution Amending the Butte County Conflict of Interest Code - The Political Reform Act (Government Code section 81000 et seq.) requires the County to review its Code biennially to determine if the Code is accurate, or alternatively, if the Code needs to be amended. Each of the individuals holding positions designated in the Code must file an annual Statement of Economic Interests - Form 700, as described in the resolution and attachments. The Code was most recently amended by Resolution No. 22-068 on May 10, 2022. This revision adds Appendix B - Part 3

Committees and Commissions, which includes the Butte County Groundwater Sustainability Agency, In-Home Supportive Services Public Authority, and Butte County Public Facilities Financing Corporation. All committees are composed solely of members of the Board of Supervisors who are required to file under California Government section 87200, and the committees are staffed by employees who are required to file under Butte County's code. The County Counsel's Office recommends the Board adopt a resolution reflecting these changes – action requested – ADOPT RESOLUTION AND AUTHORIZE CHAIR TO SIGN. (County Counsel)

- 3.10 Community Planning Month Resolution - The American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient and long-lasting recovery. The celebration of Community Planning Month gives the opportunity to publicly recognize the participation and dedication of the members of the planning commission and other citizen planners who have contributed their time and expertise to the improvement of the County of Butte. Community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community. The Butte County Department of Development Services recommends the Board of Supervisors adopt a resolution recognizing October, 2023, as National Community Planning Month – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)
- 3.11 Resolution Amending Salary Ordinance and Budget Adjustment Adding One Sunset Position to the Department of Development Services to Support the Encampment Resolution Funding Program, Round 2 - The State of California, through Business, Consumer Services and Housing Agency, administers the Encampment Resolution Funding Program Round 2 (ERF-2-R) program for people residing in encampments. The Department of Employment and Social Services was awarded ERF-2-R funds to permanently house encampment residents of two identified encampments through rental assistance and outreach support. The revenue agreement with Business, Consumer Services and Housing Agency was previously approved by the Board of Supervisors on August 8, 2023. Business, Consumer Services and Housing Agency awarded a total of \$1,075,300 to be expended by March 31, 2027. A majority of the funds will be used for permanent housing and support as well as personnel costs. The Department is working alongside the Departments of Behavioral Health, Probation, and the Sheriff's Office to support the unhoused individuals residing in these encampments. The Department of Development Services recommends the Board of Supervisors adopt a resolution amending the Salary Ordinance to add one sunset Code Enforcement Officer, term ending March 30, 2025, and approve a budget adjustment – action requested – 1) ADOPT RESOLUTION AMENDING THE SALARY ORDINANCE AND AUTHORIZE CHAIR TO SIGN; AND 2) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED). (Development Services)
- 3.12 Resolution and Budget Adjustment to Butte County Fire Department for CAL FIRE California Climate Investments Fire Prevention Grant - In Fiscal Year 2022-23, the Butte County Fire Department applied for the California Department of Forestry and Fire Protection (CAL FIRE) California Climate Investments Fire Prevention Grant. The Fire Department received notice the grant has been awarded in the amount of \$283,360. The project performance period is from date of execution through December 31, 2025. The grant will provide resources to update and enhance the Butte County Community Wildfire Protection Plan (CWPP) with the focus to develop comprehensive, accessible, collaborative and community-based wildfire prevention planning tools. The CWPP will be updated with current data, assessments, plans, organization, and format. The current CWPP will be transformed into an accessible online "Story Map" which will be further updated with the 2025-2030 CWPP update. Together the CWPP report and Story Map will form a powerful framework in reducing wildfire risks for the county by bringing timely information and collaborative tracking to the County. The grant has no match requirement, and therefore there is no cost to the County – action requested – 1) ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED). (Fire)

- 3.13 Budget Adjustment for Fiscal Year (FY) 2023-24 Phase I of the County Facility Deferred Maintenance and Rehabilitation Projects - On October 10, 2023, the Board of Supervisors approved use of \$50.7 million in PG&E Settlement funds for the County Facility Deferred Maintenance and Rehabilitation Program. The Program identified nine critical deferred maintenance projects as Phase I, six of which are proposed to begin in FY 2023-24. These projects are: Main County Server Room (\$3 million); Juvenile Hall Roof Replacement (\$1.7 million); St. John's Mountain Communications Site Vault (\$2 million); 308 Nelson/3 County Center Drive HVAC Redesign (\$2.2 million); 7 County Center Drive HVAC Redesign (\$1.2 million); Gridley Veterans Memorial Hall Roof Replacement (\$1.3 million.) Of these projects, all but the Juvenile Hall and Gridley Veterans Memorial Hall Roofs are capital projects. The Department of General Services requests approval of a budget adjustment in the total amount of \$11.4 million and capital asset authority on four of the six listed projects - action requested – 1) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED); AND 2) APPROVE CAPITAL ASSET AUTHORITY. (General Services)
- 3.14 Contract with Mustang Consulting Group, Inc. for Job Order Contracting (JOC) Consulting Services for the Department of General Services - Public Contract Code section 20128.5 allows the County to implement a JOC services process to select vendors to complete specific individual projects under a single umbrella contract executed by the Board of Supervisors. The JOC program provides a streamlined process for expediting construction and capital improvement projects, but requires contract administration. The Departments of General Services and Public Works contract with Gordian for JOC services and contract administration. Gordian is no longer providing contract administration. On July 27, 2023, the Departments released a joint Request for Proposal (RFP) for JOC consulting services for contract administration. Funding is included within each project budget, and payment is based only on work completed under the umbrella contracts. No fee is due if no work is completed under an umbrella contract. The JOC program has streamlined maintenance and construction projects, allowing the Departments to complete these projects promptly. One proposal was received from Mustang Consulting Group, Inc., of Sacramento. The proposal was reviewed, and determined that Mustang Consulting Group was qualified to provide the required services. The Department of General Services recommends entering into a contract with Mustang Consulting Group, Inc., for JOC consulting services. The contract term is November 1, 2023, through April 29, 2026, not to exceed \$250,000 – action requested – 1) APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (General Services)
- 3.15 Resolution Honoring Butte County Employees for Dedicated Years of Service - Each year, the Board of Supervisors recognizes employees who have reached service increments of 30, 35, 40, and 45 years of continuous service to Butte County for dedicated years of service. For 2023 the County recognizes Sheriff - Coroner Kory Honea for 30 years of service and District Attorney Michael Ramsey for 45 years of service – action requested – ADOPT RESOLUTIONS (2) AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)
- 3.16 Resolution to Amend the Salary Ordinance - The Department of Human Resources recommends the Board of Supervisors adopt a resolution amending the Salary Ordinance for the following departments:

EMPLOYMENT AND SOCIAL SERVICES: Convert 1 flexibly staffed Administrative Assistant / Senior Administrative Assistant position to 1 flexibly staffed Administrative Assistant / Senior Administrative Assistant / Administrative Technician position. Adding the Administrative Technician level will better suit the needs of the Department. The proposed change is an estimated annual increase of \$9,000 and will be paid for with salary savings in current year and realignment funds for future fiscal years. Total allocations remain unchanged.

PUBLIC HEALTH: Add 1 Environmental Health Technician Term 06/30/2024 position. Delete 1 flexibly staffed Environmental Health Specialist I / Environmental Health Specialist II /

Environmental Health Specialist III / Senior Environmental Health Specialist Term 06/30/2024 position. The proposed staffing change better suits the current needs of the Department and results in an estimated annual savings of \$12,197. Total allocations remain unchanged.

Action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

- 3.17 Library Budget Adjustment for California State Library Grant Funding – The Library Department receives grant funding from the California State Library for the Adult Literacy Program and the Family Literacy Program. The state grant award for current fiscal year for both programs is higher than anticipated. The Department will receive an additional award of \$15,777 for the Adult Literacy Program and \$15,195 for the Family Literacy Program. Additionally, the Department was awarded one-time funding from California State Library for English as a second language services of \$6,304. The Department recommends the Board of Supervisors approve a budget adjustment of \$37,276 for the increased grant awards and services – action requested – APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED) (Library)
- 3.18 Blanket Purchase Agreement (BPA) with United Rentals for Equipment Rentals – The Department of Public Works regularly rents specialized equipment to supplement equipment used for the maintenance and operations in the Department's Road Division and at the Neal Road Recycling and Waste Facility. Historically, the Department has utilized the "all-inclusive" exemption to solicit equipment rentals from local rental yards. The County currently holds BPAs with I-5 Rentals, Inc., located in Redding (expires April 29, 2026); United Rentals, located in Chico (expires October 27, 2023); Rental Guys, located in Chico (expires May 10, 2025); and Holt Equipment, located in Yuba City (expires September 12, 2026). Funds for equipment rental are included in the FY 2023-24 Road Fund and Enterprise Fund budgets. The Department recommends entering into a BPA with United Rentals for equipment rental. The term of the BPA is three years from the date of execution, not to exceed \$250,000 – action requested – APPROVE BLANKET PURCHASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
- 3.19 Contract with Dokken Engineering for Professional Engineering Consultant Services for Oro-Quincy Hwy Road Failure Repair at Mile Marker 12.2 - In January 2023, the County was struck by an atmospheric river, which resulted in road and wall failure on Oro-Quincy Highway at mile marker 12.2. On July 6, 2023, the Department of Public Works released a Request for Qualifications (RFQ) to procure a professional engineering consultant to provide engineering, surveying, environmental, and right-of-way services detailing the construction documents to repair the Oro-Quincy Highway Road failure at mile marker 12.2. On August 4, 2023, the Department received two Statements of Qualifications evaluated and ranked based on experience, capacity, qualifications, and overarching professional credentials. The Department determined Dokken Engineering of Redding to be the most qualified firm due to its aptitude for delivering engineering consulting services that align with the project's specific demands. The Department recommends the Board of Supervisors enter into a contract with Dokken Engineering for professional engineering consultant services relating to the Oro-Quincy Highway Road Failure Repair at mile marker 12.2. The term of the contract is from the date of execution through October 24, 2026, not to exceed \$531,184 – APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)
- 3.20 Contract with Mustang Consulting Group, Inc. for Job Order Contracting (JOC) Consulting Services for the Department of Public Works - Public Contract Code section 20128.5 allows the County to implement a JOC services process to select vendors to complete specific individual projects under a single umbrella contract executed by the Board of Supervisors. The JOC program provides a streamlined process for expediting construction and capital improvement projects, but requires contract administration. The Departments of General Services and Public Works contract with Gordian for JOC services and contract administration. Gordian is no longer providing contract

administration. On July 27, 2023, the Departments released a joint Request for Proposals (RFP) for JOC consulting services to assist the Department in soliciting the best price for umbrella contracts and to confirm work released under any umbrella contract is completed within the established price. Funding is included within each project budget, and payment is based only on work completed under the umbrella contracts. No fee is due if no work is completed under an umbrella contract. The JOC program has streamlined maintenance and construction projects, allowing the Departments to complete these projects promptly. One proposal was received from Mustang Consulting Group, Inc., of Sacramento. The proposal was reviewed, and determined that Mustang Consulting Group, Inc., was qualified to provide the required services. The Department of Public Works recommends the Board enter into a contract with Mustang Consulting Group, Inc., for JOC consulting services. The contract term is November 1, 2023, through April 29, 2026, not to exceed \$250,000 – action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

- 3.21 Memorandum of Understanding (MOU) with City of Chico for 2023 Local Solicitation Justice Assistance Grant (JAG) Program Funds and Budget Adjustment - Each year the City of Chico and the Sheriff's Office receive an allocation of federal funds disbursed by the US Department of Justice (DOJ) referred to as JAG Program. The City of Chico receives funds from the DOJ and passes them to the Sheriff's Office through the use of this MOU. The Sheriff's Office portion of the allocation for the 2023 JAG funds is \$26,182 and will be used to pay for the purchase of equipment. The Department recommends entering into the MOU with the City of Chico for Local Solicitation JAG program funds and adjusting the budget in the amount of \$26,182. The term of the MOU begins October 1, 2022 and ends September 30, 2026, not to exceed \$26,182 – action requested – 1) APPROVE MOU AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED). (Sheriff)
- 3.22 High Intensity Drug Trafficking Areas (HIDTA) Program Revenue Budget Adjustment and Capital Asset Purchase - In July 2022, the White House Office of National Drug Control Policy (ONDCP) announced the addition of Butte County to the ONDCP funded HIDTA program as part of the Central Valley California HIDTA region (CVC HIDTA). HIDTA is a federally funded program whose purpose is to disrupt and dismantle drug trafficking operations (DTOs) that threaten public health and safety. ONDCP provides HIDTA funding to CVC HIDTA, which in turn provides funding to participating agencies within the region based on law enforcement case load statistics. Due to the extraordinary work performed by the Special Enforcement Unit of the Sheriff's Office and the Butte Interagency Narcotics Task Force (BINTF), which includes representatives from Chico Police Department, Gridley Police Department, California Highway Patrol, Oroville Police Department, the Probation Department, the District Attorney's Office, and the Sheriff's Office, CVC HIDTA has provided an annual allocation of \$150,000 to BINTF participating agencies in Butte County. In coordination with all participating BINTF agencies, the Sheriff's Office will receive \$93,500 in HIDTA funds to spend this calendar year. The Sheriff's Office recommends accepting CVC HIDTA funds and appropriating \$93,500 in the FY 23-24 budget to allow for the purchase of several items, including: two (2) dump trailers, two (2) portable chemical hoods, uniforms, and miscellaneous small tools and equipment. The estimated cost of the dump trailers (approximately \$17,500 each) and the portable chemical hoods (approximately \$15,000 each) require capital asset purchase authority – action requested – 1) APPROVE BUDGET ADJUSTMENT (4/5TH VOTE); AND 2) APPROVE CAPITAL ASSET PURCHASES (4). (Sheriff)
- 3.23 Fiscal Year 2022-23 Annual Inmate Welfare Fund Expenditure Report - Per Penal Code section 4025(e) the Sheriff shall report annually on Inmate Welfare Fund expenditures. In FY 2022-23, \$450,000 was expended to benefit the inmates of the Butte County Jail. A detailed list of expenditures is included in the agenda report – action requested – ACCEPT FOR INFORMATION (Sheriff)

- 3.24 Contract amendment with Linebarger Goggan Blair & Sampson, LLP (Linebarger) for the collection of delinquent court and property tax accounts - The Treasurer-Tax Collector's Office has contracted with Linebarger since July 1, 2019 for collection services with delinquent accounts for the Central Collections and Property Tax Divisions. This has been done in accordance with State Master Agreement MA-2018-18. The selected accounts are established by the County and not fully paid for 30 or more days from the date of their assessment or imposition. The original agreement was approved by General Services due to their contract authority extending up to \$100,000 aggregate per fiscal year. This amendment will be the first time the contract has gone before the Board. The Department recommends amending the contract with Linebarger for the collection of delinquent court and property tax accounts. The amendment extends the term of the contract by five years through December 31, 2028, and increases the maximum payable amount by \$100,000, not-to-exceed \$200,000. All other terms remain the same – action requested - APPROVE CONTRACT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Treasurer-Tax Collector)

4. REGULAR AGENDA

4.01 Boards, Commissions, and Committees

(List available at www.buttecounty.net/clerkoftheboard/appointmentslist)

A. Appointments to Listed Vacancies

None

B. Board Member / Committee Reports and Board Member Comments

(Pursuant to California State law, the Board is prohibited from taking action on any item not listed on the agenda)

- 4.02 Board of Supervisors Public Comment - Comments to the Board on issues and items not listed on the agenda. Pursuant to California State law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda. Please note that Public Comment is in two separate sections. One, as the first regular item on the agenda, which will last a maximum of 15 minutes, with another to follow as the last item on the regular agenda with no time limits.

- 4.03 Budget adjustment from General Fund Contingencies for North Valley Animal Disaster Group (NVADG) - The County partners with various groups for services during a disaster. These partnerships are governed by MOU's which are required by FEMA for reimbursement and provide clarity about decision making and authority to ensure effective EOC operations. NVADG provides skilled and valuable animal sheltering, transportation and feeding during disasters and has an MOU which governs the relationship. Unfortunately, during the Camp Fire NVADG operated outside of this agreement and incurred costs outside of the MOU and in conflict with federal policy. Specifically, the MOU requires NVADG to make resource requests through the County and in accordance with purchasing policy. Due to this lapse by NVADG, the County's claim to FEMA did not include NVADG's costs. Had NVADG used the process outlined in the MOU the costs would have been borne by the County and submitted to FEMA for reimbursement. FEMA Policy within the Public Assistance Program and Policy Guide states, "The applicant must include required provisions in all contracts awarded and maintain oversight to ensure contractors perform according to conditions and specifications of the contract and any purchase orders." Expenses outside of the MOU and in conflict with purchasing policy can't meet this requirement. NVADG has requested to be reimbursed for \$199,046 in costs incurred. Since these are costs that were incurred outside of the MOU, FEMA would have denied them. The only way for NVADG to be reimbursed is for the County to use General Fund Appropriation for Contingency. Staff recommendations take into consideration that NVADG is a financially healthy organization who was supported by generous donations during and after the Camp Fire and that the County's General Fund resources are scarce, to the point that staff had to recommend closing fire stations and reducing library services to balance the budget. With this in mind, staff do not recommend

reimbursing NVADG. - action requested – CONSIDER REIMBURSEMENT OF \$199,046 TO NVDAG AND ASSOCIATED BUDGET ADJUSTMENT FROM GENERAL FUND APPROPRIATION FOR CONTINGENCIES (4/5 VOTE REQUIRED) (County Administration)

- 4.04 Job Order, Plans, and Notice to Proceed with Mesa Energy Systems Inc. dba Emcor Services Mesa Energy (Emcor) for HVAC Replacement - The heating, ventilation and air conditioning (HVAC) system serving the Sheriff's Office at 3 Gillick Way is comprised of a centralized boiler and cooling tower, twelve heat pumps and four residential split systems, all of which are past their serviceable life, are partially or entirely failed, do not meet modern requirements for air filtration, and utilize coolant that is no longer available in California. Additionally, the cobbling of these various systems over the years does not reflect the current configuration and use of the facility, making it inefficient and ineffective. The proposed replacement includes a high efficiency variable refrigerant flow system and extensive ducting replacement throughout the facility. Redesign of the HVAC system and replacement of the components is included in the County-wide HVAC Replacement project funded by the American Rescue Plan Act. On January 10, 2023, the Board of Supervisors approved a Job Order Contract (JOC) with Emcor. The contract allows for individual job orders to be issued utilizing a catalog of materials and equipment. JOC policy requires that any individual job order over \$250,000 return to the Board for approval. The Department of General Services recommends that the Board approve the plans, and Notice to Proceed for Emcor to replace the HVAC system serving 3 Gillick Way and appoint the Director of General Services as the officer of the project. Plans are available for review at the General Services office located at 2081 2nd Street in Oroville. The term of the job order is 120 days from execution of the Notice to Proceed for a fixed cost of \$1,200,101 – action requested – 1) APPROVE THE PLANS AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE THE NOTICE TO PROCEED AND AUTHORIZE THE CHAIR TO SIGN; AND 3) APPOINT THE DIRECTOR OF GENERAL SERVICES AS OFFICER OF THE PROJECT. (General Services)
- 4.05 Introduction of an Ordinance Regarding Partnership HealthPlan of California Commission (PHC) On September 14, 2021, the Board of Supervisors adopted Ordinance No. 4207 authorizing Butte County to join the PHC to negotiate an exclusive contract with California Department of Health Care Services (DHCS) to provide Medi-Cal managed health care services in Butte County. The PHC successfully negotiated an exclusive contract with DHCS authorizing the expansion into Butte County. On September 1, 2023, DHCS announced PHC has met the criteria for operational readiness and the 2024 Medi-Cal contract requirements. The Departments of Public Health, Behavioral Health and Employment and Social Services recommend the Board repeal Ordinance No. 4207 and replace it with a new Ordinance. The new ordinance authorizes the County to join the existing PHC and implement a county organized health system (COHS) in order to provide the delivery of publicly assisted medical care for Medi-Cal recipients in the county. Under the ordinance, the Board is required to appoint three commissioners. Upon adoption of the ordinance, the Departments and the Chief Administrative Officer will provide a recommendation of commissioners to the Board for consideration - action requested – WAIVE THE FIRST READING OF THE ORDINANCE. (Public Health, Behavioral Health, and Employment and Social Services)
- 4.06 Update of Budget, Legislative, and Other Current Issues by the Chief Administrative Officer
- 4.07 Board of Supervisors Public Comment (Continuation as Needed) - Comments to the Board on issues and items not listed on the agenda. 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.
- 4.08 Items Removed from the Consent Agenda for Board Consideration and Action

5. PUBLIC HEARINGS AND TIMED ITEMS

- 5.01 9:30 AM – Timed Item - Itemized Costs and Penalties Related to Nuisance Abatement to Record a Lien and Impose a Special Assessment - On September 14, 2022 a Hearing Officer declared a public nuisance existed on the property listed. This matter was presented before the Board of Supervisors for a lien and special assessment on September 12, 2023. During this hearing, the Board of Supervisors granted the property owner a 30-day window to negotiate a settlement with Development Services. Subsequent to the lien hearing, the Director of Development Services extended an offer to the property owner, proposing a reduced down payment as part of the settlement. The owner indicated that he has been unable to obtain the necessary funds to commence the settlement process. This hearing has been scheduled to authorize the Board of Supervisors to record a lien to recover the County's costs for Code Enforcement Case Number CE22-01185 at 0 Cochise Drive, Feather Falls (Assessor's Parcel Number 071-280-038) in the amount of \$108,715.04 (\$102,000 for penalties and \$6,715.04 for cost recovery) – action requested – APPROVE THE PROPOSED LIEN OF \$102,000 AND A SPECIAL ASSESSMENT OF \$6,715.04. (Development Services)
- 5.02 10:00 AM – Timed Item - Amendments to Butte County Zoning Ordinance Chapter 24, Article IV, Division 1, Special Events Facilities - A County-initiated Zoning Code Amendment (ZCA23-0001) to create a distinction between “small” and “large” special event facilities, instituting a separate entitlement process for each and implementing new standards for the development of special event facilities within the County's Agriculture Zones. Agriculture-specific amendments include an increased 50 foot setback standard for all event facilities, a prohibition on building code occupancy changes for agricultural buildings finalized within 5 years of the date of application, a 2-year moratorium on special event facility entitlement for operating venues without a permit, and the allowance for the conversion of existing structures to special event facilities under certain circumstances. There is an additional recommended amendment restricting signage placement to within the County Right of Way with an encroachment permit entitlement. The zoning code amendment is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3), which exempts activities covered by the rule that CEQA applies only to projects with the potential to cause a significant effect on the environment. On May 25, 2023, the Planning Commission passed Resolution PC23-10 on a vote of 5-0 finding the proposed Zoning Code Amendment exempt under section 15061(b)(3) of the California Environmental Quality Act and recommending adoption of Zoning Code Amendment ZCA23-0001 – action requested - 1) FIND THE PROJECT IS EXEMPT FROM CEQA; AND 2) ADOPT THE ORDINANCE AMENDING CHAPTER 24, ARTICLE IV, DIVISION 1, SPECIAL EVENTS FACILITIES, AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)
- 5.03 10:30 AM – Timed Item - General Plan Amendment (GPA23-0001), Rezone (REZ23-0001), Tentative Parcel Map (TPM23-0002), and Minor Use Permit (MUP23-0001) for the Butte County Farm Bureau - Proposal to construct and operate a 5,000 square foot private meeting hall and offices on a 1.64-acre portion of a 4.92-acre parcel. The proposal requires four entitlements, which will be processed concurrently: A General Plan Amendment (GPA23-0001) and Zone Map Amendment (REZ23-0001) to change the land use designation and zone district from the Very Low Density Residential (VLDR) to Agricultural Services (AS); Approval of a Minor Use Permit (MUP23-0001) to operate a Private Meeting Hall in the AS zone; and, a Tentative Parcel Map (TPM23-0002) to subdivide the 4.92 acres into four parcels, with the proposed development to occur on resultant Parcel 1, and the other three AS-zoned parcels to remain undeveloped. The project site is located at 9412 Jones Avenue, on the northeast corner of Jones Avenue and Durham-Dayton Highway, 1,500 feet east of Midway, in the unincorporated community of Durham (Assessor Parcel Number: 040-180-041). An Initial Study and Mitigated Negative Declaration were prepared for the Project in accordance with CEQA. The Mitigated Negative Declaration supports that the Project will not cause a significant adverse effect on the environment because recommended

mitigation measures will address potentially significant impacts identified during the review. The Planning Commission considered this item at a public hearing held on September 28, 2023 and recommended adoption of the Mitigated Negative Declaration and approval of the General Plan Amendment, Rezone, Tentative Parcel Map, and Minor Use Permit to the Board of Supervisors on a 4-0 vote – action requested - 1) ADOPT THE RESOLUTION APPROVING THE MITIGATED NEGATIVE DECLARATION, AMENDING THE GENERAL PLAN LAND USE MAP, APPROVING THE TENTATIVE PARCEL MAP, AND APPROVING THE MINOR USE PERMIT, AND AUTHORIZE THE CHAIR TO SIGN; 2) ADOPT THE ORDINANCE AMENDING THE ZONING MAP AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

- 5.04 11:00 AM – Timed Item - Resolutions Amending the Master Fee Schedule to Remove, Add, Modify, and Increase Fee Rates for Services Provided by County Departments - The Master Fee Schedule is comprised of fees for services provided by the County that benefit individuals. On June 13, 2017, the Board of Supervisors adopted changes to the Master Fee Schedule based on a comprehensive user fee study. At that time, the Board recommended that user fees be amended annually to accurately reflect actual costs by applying the change in the Employment Cost Index (ECI), pursuant to County Code section 3-331. The annual ECI recommendation is brought before the Board of Supervisors in the fall, and the fees become effective at the beginning of the calendar year. The most recent ECI increase occurred at the October 25, 2022, Board of Supervisors meeting. Since then, the ECI has increased 4.91% from the second quarter of 2022 to the second quarter of 2023. The departments of County Administration, Agricultural Commissioner, Clerk- Recorder's Office, Development Services, Fire, Information Systems, Library, Public Health, Public Works, Sheriff's Office, and Treasurer-Tax Collector's Office recommend that the 4.91% ECI increase be applied to eligible user fees. In addition to the ECI increase, the departments of Agricultural Commissioner, Clerk-Recorder's Office, Development Services, Public Health, and Sheriff's Office recommend removing fees that are no longer applicable and modifying fee names to provide clarity. The Department of Public Health also recommends adding one (1) laboratory testing fee to the Master Fee Schedule. Staff recommends the Board of Supervisors adopt two (2) resolutions amending the Master Fee Schedule for land use and non-land use fees, to become effective on January 1, 2024 – action requested - 1) ADOPT RESOLUTION AMENDING LAND USE FEES IN THE MASTER FEE SCHEDULE; AND 2) ADOPT RESOLUTION AMENDING NON-LAND USE FEES IN THE MASTER FEE SCHEDULE. (County Administration)

6. BOARD OF SUPERVISORS CLOSED SESSION

- 6.01 Public Employee Employment, Appointment, Recruitment, Performance Evaluations, Including Goals, Pursuant to Government Code Section 54957:
- A. Agricultural Commissioner
 - B. Behavioral Health Director
 - C. Chief Administrative Officer
 - D. Chief Probation Officer
 - E. Child Support Services Director
 - F. County Counsel
 - G. Development Services Director
 - H. Employment and Social Services Director
 - I. General Services Director
 - J. Human Resources Director
 - K. Information Systems Director
 - L. Library Director
 - M. Public Health Director
 - N. Public Works Director
 - O. Water & Resources Conservation Director

6.02 Conference with Labor Negotiator Pursuant to Government Code Section 54957.6:

Negotiators:	Jack Hughes, Sheri Waters, and Andy Pickett
Employee Organizations:	Teamsters - General Unit; Teamsters - Social Services Workers Unit; Teamsters - Mid Management Unit; Butte County Probation Peace Officers Association; Butte County Probation Peace Officers Association - Management Unit; Butte County Professional Employees' Association; Butte County Deputy Sheriff's Association - General Unit; Butte County Deputy Sheriff's Association - Management/Supervisory Unit; Butte County Correctional Officers Association - General Unit; Butte County Correctional Officers Association - Supervisory Unit; Skilled Trades Unit; Butte County Deputy District Attorneys Association - Attorney Unit; Confidential Employee Unit; Non-Represented Employee Unit; Board of Supervisors Executive Assistants

6.03 Workers' compensation liability claim pursuant to Gov. Code Sec. 54956.95 (a) - one claim:

A. Bricen Keeling; Workers' Compensation Claim, Claim Number: Buan-551122

6.04 Actual litigation pursuant to Gov. Code Sec. 54956.9(d)(1) – three cases:

A. Debra Hoffman v. Butte County; Workers' Compensation Appeals Board Case No. Adj13081988 (Claim Number: Bauo-550681)

B. Debra Hoffman v. Butte County; Workers' Compensation Appeals Board Case No. Adj13355441 (Claim Number: Bauq-550971)

C. Laura Purcell v. Butte County; Workers' Compensation Appeals Board Case No. Adj17287603 (Claim Number: Buan-551103)

6.05 Closed Session Public Comment

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

THOMPSON FLAT CEMETERY DISTRICT
BOARD OF TRUSTEES REGULAR AGENDA OCTOBER 24, 2023

1. **CALL TO ORDER**
2. **CORRECTIONS AND/OR CHANGES TO THE AGENDA** (NONE)
3. **CONSENT AGENDA**
 - 3.01 **Resolution Adopting Appropriations for Thompson Flat Cemetery District Recommended Budget for Fiscal Year (FY) 2023-24** – The Board of Supervisors became the Board of Trustees for the Thompson Flat Cemetery District on August 10, 1999. On August 22, 2023, the Board of Trustees held a public hearing on the Recommended Budget for FY 2023-24. During the public hearing the Board approved the Recommended Budget and directed staff to prepare a resolution adopting the budget. Staff recommend the Board approve the resolution adopting the budget for FY 2023-24 – action requested – APPROVE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (General Services)
4. **REGULAR AGENDA** (NONE)
5. **PUBLIC COMMENT**
6. **THOMPSON FLAT CEMETERY DISTRICT BOARD OF TRUSTEES CLOSED SESSION** (NONE)

Adjourn as the Thompson Flat Cemetery District Board of Trustees and Reconvene as the Butte County Board of Supervisors

Butte County
Department Heads

Agricultural
Commissioner:
Louie Mendoza

Assessor*:
Alyssa Douglass

Auditor-Controller*:
Graciela Gutierrez

Behavioral Health:
Scott Kennelly

Chief Administrative
Officer:
Andy Pickett

Chief Probation Officer:
Melissa Romero

Child Support Services:
Sean Farrell

Clerk-Recorder/
Registrar of Voters*:
Keaton Denlay

County Counsel:
Brad Stephens

Development Services:
Paula Daneluk

District Attorney*:
Mike Ramsey

Employment & Social
Services:
Shelby Boston

Fire Chief:
Garrett Sjolund

General Services:
Michael Hodson

Human Resources:
Sheri Waters

Information Systems:
Paul LaValley

Library:

Public Health:
Danette York

Public Works:
Joshua Pack

Sheriff-Coroner*:
Kory Honea

Treasurer-Tax Collector*:
Troy Kidd

UCCooperative
Extension Advisor:
Luis Espino

Water & Resource
Conservation:
Kamie Loeser

*Elected Official

Information and Procedures Concerning the Agenda and 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 on the Clerk of the Board website page.

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 County Administrative Office upon request.

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 items 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. **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. Public Comment is limited to 3 minutes, and may be adjusted at the discretion of the Chair.
3. **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.
4. **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.
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 of Supervisors is also committed to making its proceedings accessible to all residents. Individuals with special needs should call the Clerk of the Board at 530.552.3300, 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.

Disclosure of Campaign Contributions

Pursuant to Government Code section 84308, members of the Board of Supervisors are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the Board member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the County's decision on the agenda item since January 1, 2023. Members of the Board of Supervisors who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a Board member since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount of the campaign contribution and identify the recipient Board member and may be made either in writing to the Clerk of the Board of Supervisors prior to the subject hearing or by verbal disclosure at the time of the hearing.

For further information contact the:
Clerk of the Board of Supervisors
County Administration Office
25 County Center Drive, Suite 200, Oroville, CA 95965
530.552.3300

Board of Supervisors Agenda – Commonly Used Acronyms:

AB – Assembly Bill	EIR – Environmental Impact Report
APN – Assessor’s Parcel Number	EOC – Emergency Operations Center
AQMA – Air Quality Management Act	EPA – Environmental Protection Agency
ARPA – American Rescue Plan Act	FEIR – Final Environmental Impact Report
BCAG – Butte County Association of Governments	FEMA – Federal Emergency Management Agency
BLUF – Bottom Line Up Front	FY – Fiscal Year
BOE – Board of Equalization	GP – General Plan
BCFD – Butte County Fire Department	IMP – Infrastructure Master Plan
BCGP – Butte County General Plan	JPA – Joint Powers Authority
BCOE – Butte County Office of Education	LAFCO – Local Agency Formation Commission
BCSO – Butte County Sheriff’s Office	MOU – Memorandum of Understanding
BINTF – Butte Interagency Narcotics Task Force	MUP – Minor Use Permit
BRCP – Butte Regional Conservation Plan	NOC – Notice of Completion
CAL FIRE – California Department of Forestry and Fire	NOP – Notice of Preparation
Cal OES – California Office of Emergency Services	OEM – Office of Emergency Management
CalTrans – California Department of Transportation	RFP – Request for Proposals
CDBG – Community Development Block Grant	SB – Senate Bill
CEQA – California Environmental Quality Act	SBFCA – Sutter Butte Flood Control Agency
CSA – County Service Area	SGMA – Sustainable Groundwater Management Agency
DEIR – Draft Environmental Impact Report	SHARP – Self-Help Assistance and Referral Program
DID – Durham Irrigation District	TAC – Technical Advisory Committee
DOT – Department of Transportation	YTD – Year-to-date
DWR – Department of Water Resources	