



BUTTE COUNTY BOARD OF SUPERVISORS

Regular Meeting Agenda September 28, 2021 9:00 AM

ANDY PICKETT,
CHIEF ADMINISTRATIVE
OFFICER
CLERK OF THE BOARD

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

MEMBERS OF THE BOARD

BILL
CONNELLY,
DISTRICT 1
DEBRA
LUCERO,
DISTRICT 2
TAMI RITTER,
DISTRICT 3
TOD
KIMMELSHUE,
DISTRICT 4
DOUG TEETER,
DISTRICT 5

BRUCE
ALPERT,
COUNTY
COUNSEL

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1.A **CALL TO ORDER**

Pledge of Allegiance

Moment of Silence

1.B **CORRECTIONS AND/OR CHANGES TO THE AGENDA**

Item 4.04: The 7th line should read "the term of this agreement remains July 1, 2020 to June 30, 2023."

Item 3.13: requested to be pulled and placed on the regular agenda for discussion by a member of the public.

Item 5.05: request of the appellant the hearing will be open today and continued to November 9th Board meeting at 1:30 p.m.

1.C Rules of Decorum**1.D COVID-19 Update by the Public Health Director****Public Comment Packet**

Danette York, Director of Public Health, Bob Wentz, Director of Oroville Hospital and Dr. Shannon, Steve Stark, CEO of Orchard Hospital and Dr. Levin, Chief Medical Officer and Michael Wiltermood ,CEO Enloe Hospital presented this item to the Board.

The following member(s) of the public submitted public comment on this item: Michelle Gibble-Avery (electronic), Marian Walker (electronic), Jenna Duckhorn (electronic), Antoinette Pepler (electronic), John Scott (electronic), Terry Glazewski (electronic), Faun Witten (electronic), Rachel Robinson (electronic), John Lake (electronic), Julie Threet (electronic & in-person), Diana Dreiss (electronic & in-person), Cynthia J. (electronic & in-person), Pat Jones, John Miller-George, Steve Jackson, Chris Nielson, Sandra Husband, William Monroe, Julia Keener, Reed Johnson, Catherine Posey, Tasha Levinson, Cheryl, Reit Spears, Jena, Allen Harris, Claudia, Gayleen Kinsle.

2. Board of Supervisors Public Comment**Public Comment Packet**

The following member(s) of the public submitted public comment for this item: Julie Castaneda (electronic), Diana Dreiss (electronic), Dallas Thomas (electronic), Julie Threet (electronic & in-person), Cynthia J. (electronic & in-person), John Miller-George, Steve Jackson, .

3. CONSENT AGENDA**Consent Agenda Public Comment Packet**

A. Supervisor Comments on Consent Agenda Items

B. Adopt Consent Agenda

3.01 Memorandum of Understanding (MOU) between the Department of Behavioral Health, Pacific West Communities, Inc., Butte County Affordable Housing Development Corporation, and John Stewart Company Outlining Responsibilities for No Place Like Home (NPLH) Program

The Department of Behavioral Health recommends approval of a non-financial MOU between the Department, Pacific West Communities, Inc., Butte County Affordable Housing Development Corporation, and John Stewart Company. The MOU will allow the agencies to develop and finance the new affordable housing development, Prospect View Apartments, located in Oroville, where the NPLH program will be administered. The MOU will outline the roles and responsibilities of all parties and help them coordinate resources and efforts to provide permanent affordable housing to the NPLH Housing Program target population utilizing the supportive housing model. The term of the agreement is effective upon final execution through the conclusion of the NPLH permanent loan, which is approximately 55 years. (Behavioral Health)

ACTION REQUESTED - APPROVE MOU AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.02 Contract Amendment with AECOM Technical Services Inc. (AECOM) for Groundwater Monitoring Services

Nitrate contamination in Chico Urban Area groundwater has been an ongoing concern for over 40 years. The Board of Supervisors adopted the Nitrate Compliance Plan on September 25, 2001, which includes an oversight and monitoring program for properties within the Chico Urban Area that have not connected to public sewer. The oversight and monitoring program provides for the continued monitoring of Chico groundwater to document the effectiveness of nitrate reduction efforts. Monitoring data from the oversight and monitoring program is reported to the Regional Water Quality Control Board (RWQCB). The County entered into a contract with AECOM in 2016 for groundwater monitoring services for the Chico Urban Area Nitrate Compliance Program (Program). The contract was amended in July 2021 to extend the term to September 9, 2021 and add a task for review and recommendations for the future of the groundwater monitoring for the Program given the recent completion of sewer infrastructure construction for the Program. County Administration recommends extending the contract through December 31, 2021 so the review and recommendation for the groundwater monitoring can be completed and discussed with the RWQCB. Staff will solicit for a contractor to implement the program once there is agreement with the RWQCB. The amendment extends the term of the contract from September 9, 2021 to December 31, 2021. All other terms remain the same. County activities for Nitrate Compliance Plan

implementation are funded by County Service Area 114. (County Administration)

ACTION REQUESTED - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.03 Contract with MGT of America, LLC (MGT) for Senate Bill 90 (SB 90) Claiming Services

The Tax Relief Act of 1972 or SB 90 is the implementing legislation that allows local governments and agencies to submit claims for reimbursement to the State for costs related to new programs or service level increases that the State mandates local governments and agencies provide. Since FY 2000-01, the County has utilized the services of different consultants to fill out and submit SB 90 claims on its behalf. In order to ensure the County and its residents receive the maximum value from the relationship with the consultant providing SB 90 claiming services, the County periodically issues a Request for Proposals (RFP) to consultants interested in providing this service. On June 25, 2021, County Administration published a Request for Proposals (RFP) for SB 90 claiming services. The only response to the RFP was from MGT. MGT has been providing SB 90 claiming services for the County since October 2010. The term of the contract is September 28, 2021 through June 30, 2026, not-to-exceed \$63,500. (County Administration)

ACTION REQUESTED - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.04 Resolution to Approve and Join Golden State Connect Authority (GSCA) Joint Exercise of Powers Agreement (JPA) for the Purpose of Expanding Broadband Access and Quality in Rural Counties

On August 18, 2021, the Board of Directors of Rural County Representatives of California (RCRC) voted unanimously to approve the formation of a JPA, Golden State Connect Authority, for the purpose of expanding broadband access and quality in rural counties. Following approval by the RCRC Board, the next step in establishment of this entity is to provide the GSCA JPA to each RCRC member county for review and approval by the Member County Boards of Supervisors, with the option to join the Golden State Connect Authority as a Member county. Activities within Golden State Connect Authority will focus exclusively on

broadband. All RCRC member counties are welcome and encouraged to join. There is no financial impact associated with joining the JPA, and no obligation for individual member counties to provide funds to the Authority, absent a separate agreement to participate in one (or more) of the specific programs. As with RCRC, the proposed new entity will be governed by delegate Supervisors from each member county, and day-to-day operations will be administered by RCRC staff. The primary goals for the project structure are to ensure that elected County Supervisors retain control of the program, with day-to-day administration provided by RCRC staff; to allow for partnership agreements between like-governmental entities for the operation and advancement of the program of work; and to attract public and private investment in the program, as necessary and appropriate. Initial areas of focus for broadband work on behalf of member counties will include: (1) Foundational Readiness: Ensure all member counties have broadband strategic plans through the Broadband Playbook initiative currently underway, for which the Butte County Board of Supervisors has signed a Memorandum of Understanding to participate; (2) Capacity Building: Equip rural counties with information and resources about innovative models and approaches to broadband deployment; and (3) Demonstration Projects: Implement open-access municipal broadband projects. (County Administration)

ACTION REQUESTED - 1) APPROVE JOINT EXERCISE OF POWERS AGREEMENT; AND 2) ADOPT RESOLUTION AND AUTHORIZE CHAIR TO SIGN THE GOLDEN STATE CONNECT AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT

Staff Report

Resolution 21-143

3.05 Resolution and Cooperative Agreement with California Department of Forestry and Fire Protection (CAL FIRE) for Fire Protection Services

The County enters into a cooperative agreement annually with CAL FIRE to staff the Butte County Fire Department, which provides fire protection services in the unincorporated areas of Butte County. The cooperative agreement provides efficient, effective emergency services that takes advantage of economies of scale. The County has had a cooperative agreement with CAL FIRE since 1931. The cooperative agreement for FY 2021-22 add an Assistant Fire Chief position and is \$882,000 less than the prior fiscal year due the the State adjusting labor expenses for State staff. The term of the agreement is July 1, 2021 through June 30, 2022 with a maximum payable amount of \$16,002,881, which reflects the amount approved by the Board of Supervisors in the FY 2021-22 budget

for the Department. (Fire)

ACTION REQUESTED - 1) ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE COOPERATIVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 21-144

3.06 Budget Adjustment for Staffing for Adequate Fire and Emergency Response (SAFER) Grant

The Butte County Fire Department was awarded a SAFER Grant in the amount of \$544,800 for the Recruitment and Retention of Volunteer Firefighters. The grant period is November 24, 2020 through November 23, 2024. The grant has no local match required. The grant improves the Department's staffing and deployment capabilities so it can more effectively respond to emergencies. The grant provides for various advertising methods such as billboards, newspaper advertisements, signs, banners, fliers and brochures, radio advertising, public safety television announcements, and direct mailers. This recruitment and retention advertising will be heard and seen by Butte County residents during the Department's recruitment period. The grant also funds equipment to outfit volunteers whose equipment is currently expired. The SAFER grant is on a reimbursement basis meaning the activities are paid by the Department and reimbursed once they are fully expended. In this case, it is unlikely for the reimbursement from the grant to be received in the current fiscal year. The Department recommends the Board adopt a budget adjustment to add \$131,200 in appropriations for grant expenses and approve \$131,200 from the General Fund Appropriation for Contingencies. Reimbursement from the grant will be realized as revenue in future years. (Fire)

ACTION REQUESTED - APPROVE BUDGET ADJUSTMENT INCLUDING THE USE OF GENERAL FUND APPROPRIATION FOR CONTINGENCIES (4/5 VOTE REQUIRED).

Staff Report

The following member(s) of the public submitted public comment on this item: Cynthia J. (electronic).

3.07 Contract with Russell, Gallaway Associates, Inc. for Design Services for the Openshaw Road Fire Training Tower Project

On July 20, 2021, the Board of Supervisors approved the budget adjustment of \$690,000 from the Community Cost share Fund to the Capital Improvement Fund for the design and installation of a Fire Training Tower at the Openshaw Road Training Center. After evaluating available design firms, the Department recommends entering into a contract with Chico based Russell, Gallaway Associates, Inc. for design services for the project. The term of the contract is execution through 200 days after execution, not-to-exceed \$31,000. (General Services)

ACTION REQUESTED - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.08 Contract Amendment with Municipal Resource Group, LLC for Investigative Services

The Human Resources Department recommends amending the contract with Municipal Resource Group, LLC for investigative services related to allegations of employee misconduct and violations of County Personnel Rules and Memoranda of Understanding. The amendment extends the term of the contract by one year through October 31, 2022, increases the maximum payable amount by \$75,001, not-to-exceed \$100,000 and revises the Scope of Work, Duties and Obligations of the County to include the updated not-to-exceed amount. All other terms remain the same. (Human Resources)

ACTION REQUESTED - APPROVE CONTRACT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.09 Resolution to Amend the Salary Ordinance - Department of Human Resources recommends the Board of Supervisors adopt a resolution amending the Salary Ordinance for the following departments:

AUDITOR-CONTROLLER: Add 1 flexibly staffed Administrative Analyst position. This position will provide support to the continued implementation and ongoing maintenance of Workday. Workday is the County's new finance, human resources and payroll system. Workday is a modern cloud based system which will allow significant improvements to County business processes and requires ongoing training and education. Total allocations to increase by 1. This position costs approximately \$115,000 per year. It is anticipated that current year costs

will be covered in salary savings in the Department and in the future it will be included in the Department's budget. LIBRARY: Flexibly staff 1 current Branch Librarian position to include Librarian. This change will better suit the current and future operational needs of the Department and will help the Library to achieve its objective and goals in the Strategic Plan. Total allocations to remain unchanged. Funding available in the Department's budget. PUBLIC HEALTH: Add 1 flexibly staffed Public Health Education Specialist position and 1 Public Health Program Manager position. Delete 1 vacant flexibly staffed Health and Human Services Analyst position. The proposed staffing changes are made by the Butte County Children and Families Commission to meet its staffing needs. Total allocations to increase by 1. The estimated annual increase is \$79,061. These positions provide staffing to Butte County Children and Families Commission and are fully funded by the Commission. (Human Resources)

ACTION REQUESTED - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

Resolution 21-145

3.10 Resolution Recognizing October 2021 as Cybersecurity Awareness Month

Cybersecurity Awareness Month was launched by the National Cyber Security Alliance and the United States Department of Homeland Security in October 2004 and has been observed every October since. Now in its 18th year, Cybersecurity Awareness Month was created as a collaborative effort between government and industry to ensure every American has the resources they need to stay safer and more secure online. Cybersecurity Awareness Month aims to promote cybersecurity awareness, education, and resources that empower individuals and organizations to make their interconnected world safer and more resilient. The Department of Information Systems requests the Board of Supervisors adopt a resolution recognizing October 2021 as Cybersecurity Awareness Month. (Information Systems)

ACTION REQUESTED - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 21-146

3.11 Contract Change Order with Motorola Solutions to Implement the Butte Regional Interoperable Communication System (BRICS)

BRICS entered service on April 7, 2020, and is now host to over 1,000 radios from multiple County departments. It has become an integral part of public safety communications for Butte County, and will soon be host to partner agencies who wish to join BRICS. The BRICS network consists of seven radio sites spread throughout Eastern Butte County. Six radio sites have been completed to date. Occupancy negotiations and construction were set back due to wildfires and the ongoing COVID-19 pandemic. The most recent delay was caused by unsafe conditions resulting from the Dixie Fire - poor air quality prevented the Motorola contractor from completing the necessary construction. The Department of Information Systems recommends amending the Motorola implementation contract to provide the contractor with additional time for installation and testing at the seventh radio site. Installation is expected to be complete by June 30, 2022. Remaining testing of the system will be completed by July 31, 2022 to allow full foliage development thereby assuring accurate signal mapping during the densest of conditions. The current Motorola installation contract is ending on October 31, 2021. The zero-cost contract change order will move the end date to July 31, 2022, affording the contractor sufficient time to complete the installation. (Information Systems)

ACTION REQUESTED - APPROVE CONTRACT CHANGE ORDER AND AUTHORIZE THE CHAIR TO SIGN

Staff Report Part 1

Staff Report Part 2 (1 of 2)

Staff Report Part 2 (2 of 2)

Staff Report Part 3

3.12 Contract with Skyway House, Inc., for Substance Use Disorder Treatment Services for Veterans Treatment Court (VTC) Program Participants

Skyway House, Inc. (Skyway House) provides licensed residential, intensive outpatient, and outpatient substance use disorder treatment services for adults at two facilities in Chico. Services include case management, group and individual counseling, relapse prevention, and transitional planning. The core educational curriculum is evidenced-based and complies with all State licensing requirements. If approved,

Skyway House will address the substance use disorder treatment needs of justice-involved Veterans who are on formal probation in the VTC Program. Participating in substance use disorder treatment would lead to sustained sobriety, reduced treatment needs, and greater employability for VTC participants. The Department estimates 11 justice-involved veterans will benefit from substance use disorder treatment services per year. The Probation Department recommends entering into a contract with Skyway House to provide substance use disorder treatment services to VTC participants funded by the Department of Justice, Bureau of Justice Assistance, Adult Drug Court and Veterans Treatment Courts Grant. The term of the contract is October 1, 2021 through September 30, 2022, not to exceed \$35,373. (Probation)

ACTION REQUESTED - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

- 3.14 Adoption of an Ordinance Amending Chapter 23B, Entitled "Water Wells" to Discontinue Exploratory Wells and Allow Exploration Holes or Borings

The use of exploratory wells began in the early 2000's to allow developers and potential purchasers of land to verify the presence of an adequate supply of groundwater prior to making significant investments in their projects or purchases. Problems arose with some property owners using exploratory wells to provide water for unpermitted activities, some of which are damaging to the environment. In 2018, the Board of Supervisors directed the Department of Public Health to work with other County departments to determine if property owners, in violation of Butte County Code section 23B, could be brought into compliance by following the County's existing code enforcement process. A workgroup comprised of several County departments performed a thorough analysis and presented the findings at the March 9, 2021 Board of Supervisors meeting. The Board requested additional information, and the information was presented at the May 25, 2021 Board meeting. At the meeting, the Board directed staff to prepare an ordinance eliminating the exploratory well program and allow the construction of exploratory holes or borings. The Department worked in coordination with County Counsel to amend Butte County Code Chapter 23B, sections 23B-2(l), 23B-5(d), 23B-5(e), 23B-5(f), and 23B-10(b) to reflect Board direction. On September 14, 2021, the Board voted to waive the first reading. It is now recommended that the Board of Supervisors adopt the ordinance. (Public Health)

ACTION REQUESTED - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Ordinance 4208

3.15 Contract with Northern Valley Catholic Social Service (NVCSS) for Home Visiting Program

The Department of Public Health has received grant funding from the California Department of Public Health (CDPH) to have a home visiting program. The purpose of the home visiting program is to improve pregnancy outcomes, prevent child abuse, and enhance parent-child bonding by providing one-on-one assistance to mothers to strengthen their parenting skills. The Department has received this funding for multiple years and has contracted with NVCSS since 2012 to meet the scope of work requirements outlined in the grant. The program serves pregnant and postpartum women (with infants up to 3 months of age) residing in Butte County who give birth at any Butte County hospital. Families are encouraged to remain enrolled if they need the support services until the child begins school. NVCSS is the only Butte County agency accredited to provide these services through a Health Families America Model, as required by the State as part of the CDPH grant that funds the program. The Department recommends entering into a contract with NVCSS for a home visiting program. The term of the contract is October 1, 2021 through June 30, 2022, not-to-exceed \$312,657. (Public Health)

ACTION REQUESTED - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.16 Capital Asset Purchase - Telescopic Forklift

The 22 year old telescopic forklift used to move old mattresses and other recyclable items at the Neal Road Recycling and Waste Facility recently sustained transmission damage totaling approximately \$55,000. Due to new air quality regulations, the cost to repair and retrofit the engine with the current California Air Resources Board required upgrades exceeds the value of the telescopic forklift. The Department of Public Works recommends the Board of Supervisors approve a capital asset purchase for a replacement telescopic forklift in the amount of \$180,000. (Public Works)

ACTION REQUESTED - APPROVE CAPITAL ASSET PURCHASE

Staff Report

3.17 Notice of Completion for North Lightning Complex Metal Beam Guard Rail (MBGR) Replacement Project

As a result of the North Complex Fire, Bald Rock Road and Lumpkin Road sustained extensive guard rail damage. On June 22, 2021, the Board of Supervisors awarded the North Lightning Complex MBGR Replacement Project to Coral Construction of Wilsonville, Oregon. The project provided for off-system road guard rail repairs at Bald Rock Road and Lumpkin Road. The contract award amount was \$137,850. This project is eligible for FEMA reimbursement under a Federal Disaster Declaration. All contract work has been completed. (Public Works)

ACTION REQUESTED - ACCEPT THE CONTRACT WORK AS COMPLETE AND AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION

Staff Report

3.18 Capital Asset Surplus - Vehicles for Auction

The Board of Supervisors declares vehicles surplus that are no longer serviceable or no longer needed by the County prior to auctioning the items. The Department of Public Works recommends the Board declare eight vehicles as surplus to the needs of the County, remove the vehicles from the capital asset ledger, and authorize the County Purchasing Agent to auction the items. (Public Works)

ACTION REQUESTED - DECLARE CAPITAL ASSETS (8) SURPLUS TO THE NEEDS OF THE COUNTY

Staff Report

3.19 Accept Equipment Donation from the Center to Combat Human Trafficking

The Center to Combat Human Trafficking has donated four pieces of equipment to the Sheriff's Office for use in its efforts to combat illegal marijuana cultivation. Equipment includes the following: 1 John Deere 331G Track Loader valued at \$80,900; 1 John Deere 331G Track Loader valued at \$75,000; 1 John Deere MH60 Mulcher attachment valued at

\$33,100; and 1 John Deere RX84 Cutter attachment valued at \$11,750. The Sheriff's Office recommends accepting the donated equipment. (Sheriff-Coroner)

ACTION REQUESTED - ACCEPT DONATION

Staff Report

3.20 Capital Asset Purchase and Budget Adjustment for GrayKey Software License

The Sheriff's Office participates in and receives funds from the California Region III Sexual Assault Felony Enforcement (SAFE) program. SAFE funds are used to pay for equipment, software, and staff time in an effort to reduce violent sexual assault offenses through proactive surveillance and arrest of habitual sexual offenders. Historically, the Sheriff's Office has used a portion of allocated SAFE funds to pay for GrayKey Software, which is used pursuant to legal authority to conduct forensic extraction and examination of digital evidence necessary for the investigation and successful prosecution of sexual assault offenses. On September 14, 2021, an additional \$42,300 in SAFE program funds were allocated to Butte County to enable the purchase of an expanded version of the GrayKey Software. The expanded software functionality will enable successful extraction of crucial evidence from a wider variety of devices used to communicate, transmit, and store data. The Sheriff's Office recommends capital asset authority to purchase the GrayKey Software and a budget adjustment in the amount of \$42,300. (Sheriff-Coroner)

ACTION REQUESTED - 1) APPROVE CAPITAL ASSET PURCHASE; AND 2) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED)

Staff Report

3.21 Contract Amendment with Securus Technologies for Provision of Jail Management System

In May 2013, the Sheriff's Office (SO) entered into a contract with Securus Technologies for the provision of a Jail Management System (JMS). In 2016, the SO was granted a 15-year standardization for the JMS, which allows the SO to extend the term of the agreement up to 2031 without a solicitation. The contract has been amended six times since 2013. Amendment 1, completed in April 2014, added a banking interface to allow electronic verification of checks through Positive Pay and increased the cost of the contract \$10,200. Amendment 2, completed in March 2015, added installation and maintenance of two

monetary kiosks and added use of electronic deposit and release payments utilizing debit cards at no cost. Amendment 3, completed in June 2015, documented the change of the subcontractor being used to provide inmate debit release cards and documented related changes at no cost. Amendment 4, completed in June 2016, extended the term of the contract by five years from May 5, 2016 to May 6, 2021 and increased the total contract price by \$276,000 to pay for the additional years. Amendment 5, completed in April 2019, eliminated a portion of the service being provided and reduced the cost of the contract by \$43,800. Amendment 6, completed in November 2020, removed language limiting the amount of money that can be placed on inmate debit release card at no cost. The Sheriff's Office recommends amending the contract with Securus Technologies. The proposed amendment extends the term of the contract by three years from May 5, 2021 through May 6, 2024, and increases the maximum amount payable by \$103,950, not to exceed \$955,498. (Sheriff-Coroner)

ACTION REQUESTED - APPROVE CONTRACT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.22 Contracts with Oro Dam Auto Center, LLC, Oroville Ford, Inc., and Wittmeier Auto Center for Preventative Vehicle Maintenance

The Sheriff's Office (SO) utilizes a fleet of over 200 vehicles to provide law enforcement and public safety services. The fleet is made up of vehicles of various makes and models; all of which require routine preventative maintenance service to ensure optimal operation and reliability. In April 2021, the SO performed a solicitation for Preventative Vehicle Maintenance services to ensure it was receiving services in the most efficient and cost effective way possible. The SO received four responses and determined that contracting with multiple vendors, located in both north and south county, is the most efficient and cost effective method available to maintain the fleet. The Sheriff's Office recommends entering into three contracts for Preventative Vehicle Maintenance Services including a contract with Oro Dam Auto Center, LLC with a term beginning on the date of execution and ending after three years, not-to-exceed \$75,000; a contract with Oroville Ford, Inc. with a term beginning on the date of execution and ending after three years, not-to-exceed \$75,000; and a contract with Wittmeier Auto Center with a term beginning on the date of execution and ending after one year, not-to-exceed \$50,000. (Sheriff-Coroner)

ACTION REQUESTED - APPROVE THREE (3) CONTRACTS AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Motion: Approve consent agenda with the corrections to pull item 3.13 for review.

Motion moved by Supervisor Ritter; Seconded by Supervisor Lucero.

Motion passed unanimously with the exception of item 3.14 in which Supervisor Teeter and Chair Connelly voted against.

4. REGULAR AGENDA

4.01 Boards, Commissions, and Committees (List available at <http://www.buttecounty.net/clerkoftheboard/AppointmentsList.aspx>)

A. Appointments to Listed Vacancies

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)

Chair Connelly: Wanted to get permission to write a letter to FERC for the String Town Road repairs that DWR was suppose to do but instead blocked off the road with boulders.

All other Supervisors passed on comments at this time.

4.02 Update of Budget, Legislative, and Other Current Issues by the Chief Administrative Officer

4.02. A. North Complex Fire Recovery Update

Andy Pickett, Chief Administrative Officer, presented this item to the Board.

4.02. B. CAO Comment

Public Comment Packet

Andy Pickett, Chief Administrative Officer presented this item to the Board.

The following member(s) of the public submitted public comment on this item: Cynthia J. (electronic).

4.03 CalPERS Post Retirement Employment Exemption for Dawn Rollins

The California Public Employees' Pension Reform Act (PEPRA) of 2013 requires newly retired persons to "sit out" for a period of 180 days before returning to work for an employer in the same retirement system which they receive a retirement. An exemption to this rule is permitted by Government Code section 7522.56(f)(1), if approved by the governing body in a public meeting on the regular agenda. The Department of Behavioral Health recommends approval of a resolution to allow the extra-help hiring of Dawn Rollins as a Program Manager, Clinical Services. She retired as a regular-help employee on June 18, 2021, after working 30 years for the the County. Dawn Rollins was Program Manager, Clinical Services for two clinics for the Department (Paradise and Chico) where she was responsible for adult and youth clinical services. She led and had oversight over specific youth services implementation of State-mandated changes and assisted in the roll out of corrective action plans required by the State for both adult and youth programs. In the last several months, the Department has been in the process of transitioning these duties to other employees until a replacement can be hired and trained. With long-term experience and knowledge, Dawn Rollins will be able to train and support the employees who can eventually take on these duties, particularly those related to clinical and administrative oversight of new State requirements, help to train for ultimate replacement, and function as a resource to the Department. The Department is actively recruiting for this position, but has experienced challenges in filling it. The Director of Human Resources has reviewed the facts and concurs that the request is consistent with the Government Code section 7522.56(f)(1). (Behavioral Health)

ACTION REQUESTED - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 21-147

Scott Kennelly, Director of Behavioral Health presented this item to the Board.

Motion: Adopt resolution and authorize the Chair to sign.

Motion moved by Supervisor Lucero; Seconded by Supervisor Kimmelshue.

Motion passed unanimously.

- 4.04 Agreement Amendment with the State Department of Health Care Services (DHCS) for Drug Medi-Cal (DMC) Substance Use Disorder (SUD) Services and Resolution Authorizing Agreement Amendment

On February 23, 2021, the Board approved an agreement with DHCS for DMC SUD services. This agreement provides State and federal funding for a majority of the Department of Behavioral Health's SUD treatment services available to Medi-Cal beneficiaries in Butte County. The Department recommends amending the agreement for SUD services. The term of the agreement remains from July 1, 2020 to June 30, 2021. The amendment reflects a funding increase in the amount of \$12,226,054, for a maximum payable of \$28,372,800. All other terms and conditions remain the same. (Behavioral Health)

ACTION REQUESTED - 1) APPROVE AGREEMENT AMENDMENT AND AUTHORIZE DIRECTOR OF BEHAVIORAL HEALTH TO SIGN; AND 2) ADOPT RESOLUTION AND AUTHORIZE CHAIR TO SIGN

Staff Report

Resolution 21-148

Scott Kennelly, Director of Behavioral Health, presented this item to the Board

Motion: 1) Approve agreement amendment and authorize Director of Behavioral Health to sign; and 2) Adopt resolution and authorize Chair to sign.

Motion moved by Supervisor Lucero; Seconded by Supervisor Kimmelshue.

Motion passed unanimously.

- 4.05 Employment Contract for Director

Water and Resource Conservation - County Administration recommends entering into an employment contract with Kamie Loeser as the Director - Water and Resource Conservation . The term of the contract is October 11, 2021 through October 10, 2024. The contract includes a proposed salary of \$145,000. (County Administration)

ACTION REQUESTED - APPROVE EMPLOYMENT CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Andy Pickett, Chief Administrative Officer, presented this item to the Board.

Motion: Approve employment contract and authorize the Chair to sign.

Motion moved by Supervisor Teeter; Seconded by Supervisor Kimmelshue.

Motion passed unanimously.

4.06 COVID-19 Response Expense Contract Amendments for Project Roomkey

In response to the COVID-19 pandemic, Butte County, through Project Roomkey, has been providing non-congregate sheltering in hotel rooms, meal delivery, and other essentials to vulnerable individuals experiencing homelessness since March of 2020. Contracts were initially agreed to with 7 hoteliers which defined the daily hotel rates, along with 3 contracts with organizations to provide meal, security and cleaning services. The Departments of General Services, Employment and Social Services, and County Administration recommend approval of the contract amendments for the delivery of services related to Project Roomkey as detailed in the staff report. The funding for these contract expenses is included in the budget and includes several sources of grant funds and anticipated FEMA funding. (General Services/County Administration/Employment and Social Services)

ACTION REQUESTED - APPROVE CONTRACT AMENDMENTS (10) AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Public Comment Packet

Shelby Boston, Director of Employment and Social Services, presented this item to the Board.

The following member(s) of the public submitted public comment on this item: Faun Witten (electronic), John Lake (electronic) and John Miller-George.

Motion: Approve contract amendments (10) and authorize the Chair to sign.

Motion moved by Supervisor Teeter; Seconded by Supervisor Kimmelshue.

Motion passed 4-0-1.

**Ayes: Supervisors Lucero, Teeter, Kimmelshue and Chair Connelly
Absent: Supervisor Ritter**

4.07 Change Order #33 of Contract X24080 with DH Slater & Son, Inc. for construction of evidence storage areas as part of the Evidence Storage Building and Morgue (ESM) Project

The County is in the process of constructing an Evidence Storage Building & Morgue (Project). The Project consists of a new 10,840 square foot building which is currently being constructed east of the East Jail Facility on Gillick Way and has a project budget of \$13.5 million. The Project originally included an additional 8,000 square foot metal building for long term storage of confiscated automobiles, trucks, recreational vehicles, etc., and an additional 7,000 square feet of secure fenced yard for short term storage for the same types of vehicles. The County is required to maintain automobiles and equipment used during the commission of a crime and confiscated by the Sheriff's Office, but the storage for these items was eliminated from the initial design and construction contracts due to concerns about the Project budget. After awarding all design, construction and inspection contracts, and paying for all permits and fees for the project, there is an estimated \$2.2 million available in the project budget to cover the \$1.8 million cost of construction for the additional storage areas. There will also be additional permit and utility connection fees estimated at \$30,000. Although Slater & Son still plans to complete the construction of the ESM building by the end of November, this change order will extend the contract completion date to June 30, 2022 to allow for completion of the metal building and secured storage yard. The Sheriff's Office and the Department of General Services recommend moving forward with

providing a change order to contract X24080 with DH Slater & Son for construction of the additional storage areas for a fixed fee price of \$1,817,725. A summary of the key previous change orders to this contract include: Equipping the third (future) autopsy suite and modifying the main autopsy room for an upgraded Lodox x-ray machine for \$533,500; added 14 additional secure carports on the east side of the site for \$160,000; revised PG&E connections to allow for future facility construction to the north of the building for \$61,000; and upgraded floor finish in the evidence rooms from sealed concrete to resinous epoxy for \$48,000. A list of all previous change orders is attached and all change orders will be brought before the Board once the project is complete. (Sheriff-Coroner/General Services)

ACTION REQUESTED - APPROVE CHANGE ORDER #33 AND AUTHORIZE THE GENERAL SERVICES DIRECTOR TO SIGN

Staff Report

Kory Honea, Sheriff, presented this item to the Board.

Motion: Approve change order #33 and authorize the General Services Director to sign.

Motion moved by Supervisor Lucero; Seconded by Supervisor Kimmelshue.

Motion passed 4-0-1.

Ayes: Supervisors Lucero, Teeter, Kimmelshue and Chair Connelly

Absent: Supervisor Ritter

4.08 Budget Adjustment and Contract with Luhdorff and Scalmanini Consulting Engineers (LSCE) for Grant Application Development for the Palermo Clean Water Consolidation Project

The majority of residents within Palermo have individual groundwater wells for potable water supply and on-site septic systems for wastewater treatment and disposal. Flooding, high groundwater levels and continuous septic system failures have resulted in cross contamination of the existing wells and possibly contamination of the groundwater aquifer. If left unresolved, individual wells will continue to experience cross contamination issues and pose a risk to the groundwater aquifer due to seasonal flooding, high groundwater levels, and continued septic system failures. The County received technical assistance funds in the Northern Sacramento Valley Integrated Regional Water Management Plan Mountain County Funding Area to help understand the needs in

Palermo. A technical memorandum was developed documenting a draft scope for the Palermo Clean Water Consolidation Project (Project) and identifying funding sources. The Project would connect 380 parcels in the Palermo community to the South Feather Water and Power Agency (SFWPA) water system within the boundaries of Messina Avenue on the north, Upper Palermo Road on the east, South Villa Avenue on the south, and Railroad Avenue on the west. The SFWPA is the logical choice for the Palermo community given the existing distribution system in the area, which already serves 110 parcels. The estimated cost for the project is \$12.4 million. Multiple sources of funding may be necessary to fully fund the Project. The Drinking Water State Revolving Fund (DWSRF) is a likely source of funding for the Project. The County issued a request for proposals on August 16, 2021 for DWSRF application development and received one response. The Department recommends entering into a contract with LSCE to develop all elements of a DWSRF application for the Project as well as up to three additional grant applications to assist with funding the Project. The term of the contract is September 28, 2021 through June 30, 2022; not to exceed \$364,862. The Department recommends the Board of Supervisors approve \$364,862 from the General Fund Appropriation for Contingencies for contract expenses. The Department will bring forward a request for American Rescue Plan Act (ARPA) Funds for the Project on October 12, 2021, and if approved, ARPA funds will replace the use of the General Fund Appropriation for Contingencies for the contract. (Water and Resource Conservation)

ACTION REQUESTED - 1) APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE BUDGET ADJUSTMENT INCLUDING THE USE OF GENERAL FUND APPROPRIATION FOR CONTINGENCIES (4/5 VOTE REQUIRED)

Staff Report

PowerPoint Presentation

Dr. Christina Buck, Assistant Director of Water and Resource Conservation presented this item to the Board.

The following member(s) of the public submitted public comment on this item: John Miller George and Tasha Levinson.

Motion: Approve contract and authorize the Chair to sign; and 2) approve budget adjustment including the use of general fund appropriation for contingencies (4/5 vote required).

Motion moved by Supervisor Kimmelshue; Seconded by Supervisor

Lucero.

Motion passed 4-0-1.

Ayes: Supervisors Lucero, Teeter, Kimmelshue and Chair Connelly

Absent: Supervisor Ritter

4.09 Memorandum of Understanding (MOU) with South Feather Water and Power Agency (SFWPA) for the Palermo Clean Water Consolidation Project for the Drinking Water State Revolving Fund (DWSRF) Application

The majority of residents within Palermo have individual groundwater wells for potable water supply and on-site septic systems for wastewater treatment and disposal. Flooding, high groundwater levels and continuous septic system failures have resulted in cross contamination of the existing wells and possibly contamination of the groundwater aquifer. If left unresolved, individual wells will continue to experience cross contamination issues and pose a risk to the groundwater aquifer due to seasonal flooding, high groundwater levels and continued septic system failures. The County received technical assistance funds in the Northern Sacramento Valley Integrated Regional Water Management Plan Mountain County Funding Area to help understand the needs in Palermo. A technical memorandum was developed documenting a draft scope for the Palermo Clean Water Consolidation Project (Project) and identifying funding sources. The Project would connect 380 parcels in the Palermo community to the South Feather Water and Power Agency's (SFWPA) water system within the boundaries of Messina Avenue on the north, Upper Palermo Road on the east, South Villa Avenue on the south, and Railroad Avenue on the west. The SFWPA is the logical choice for the Palermo community given the existing distribution system in the area, which already serves 110 parcels. The estimated cost for the project is \$12.4 million. Multiple sources of funding may be necessary to fully fund the Project. The Drinking Water State Revolving Fund (DWSRF) is a likely source of funding for the Project. An MOU between the County and SFWPA is needed to submit an application to the DWSRF. The proposed MOU outlines the roles and responsibilities for the County and SFWPA from grant application to project implementation. The County would be the grant applicant and administrator as well as fully participate in all outreach for the Project. SFWPA would oversee the project implementation including construction. The Water and Resource Conservation Department recommends entering into an MOU with SFWPA outlining each agency's role in acquiring funding and implementing the Project. (Water and Resource Conservation)

ACTION REQUESTED - APPROVE MOU AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Motion: Approve MOU and authorize Chair to sign.

Motion moved by Supervisor Lucero; Seconded by Supervisor Kimmelshue.

Motion passed 4-0-1.

Ayes: Supervisors Lucero, Teeter, Kimmelshue and Chair Connelly

Absent: Supervisor Ritter

4.10 Technical Assistance (TA) Grant for a Wastewater Consolidation Program for the Community of Palermo

The California Regional Water Quality Control Board (CRWQCB) approached Butte County in early 2021 about applying for a TA grant for a Wastewater Consolidation Program for the Community of Palermo under Senate Bill 1215 (FY 2017-2018). The grant is available to address drinking and wastewater needs for small disadvantaged communities with goals focused on the reduction of nitrate impacts to drinking water and expansion of sewer service connections. The Community of Palermo meets two of the criteria as a Small Disadvantaged Community with inadequate on site sewage treatment systems. A Sanitary Survey conducted in 2007 demonstrated issues such as elevated nitrate levels, a shallow water table, and soil drainage issues in the Community of Palermo. The County completed a Preliminary Engineering Report and Environmental Analysis on the project in 2010 that studied two alternatives: (1) construction of a new waste water treatment plant; and (2) a connection to the Lake Oroville Area Public Utility District (LOAPUD). Due to the age of the 2010 study, the CRWQCB recommends an update study through a TA grant. On September 14, 2021, CRWQCB presented the grant opportunity to the LOAPUD Board. LOAPUD is beginning the application process as the utility district serving the Community of Palermo and returning to the LOAPUD Board for final approval before submission. Following the Technical Assistance phase, if granted, LOAPUD may be eligible for additional grants for planning, design and construction, with potentially up to 100% funding for this project. The LOAPUD Board may request community outreach assistance from the County for the community engagement requirements of the grant. To cover costs related to staff time spent on outreach, project elements would be included in the project scope for funding. (County Administration)

ACTION REQUESTED - ACCEPT FOR INFORMATION

Staff Report

Katie Simmons, Deputy Administrative Officer and Keith Nib, Consulting District Engineer for LOAPUD with Sours Engineering, presented this item to the Board.

The following member(s) of the public submitted public comment on this item: John Miller-George.

Motion: To approve grant application.

Motion moved by Chair Connelly; Seconded by Supervisor Kimmelshue.

Motion passed 4-0-1.

Ayes: Supervisors Lucero, Teeter, Kimmelshue and Chair Connelly

Absent: Supervisor Ritter

4.11 Drought Task Force Update and Consideration of Draft Scope of Work for Drought Impacts Analysis Study

In 2004, Butte County adopted the Drought Preparedness and Mitigation Plan by Resolution 04-200. A key element of the Plan was the creation of the Drought Task Force (DTF). The charge of the DTF is to monitor hydrologic conditions throughout the water year and report the findings to the Water Commission and the Board of Supervisors biannually, quarterly, or monthly as needed. The DTF met for the third time this year on September 7, 2021 to receive a drought update from state agencies, discuss current conditions and drought response activities, and provide input on a draft scope of work for a Drought Impacts Analysis Study. On August 24, 2021 meeting, the Board of Supervisors directed staff to draft a scope of work for the Drought Impacts Analysis Study for the Board's consideration. The DTF considered the scope of work at its September 7, 2021 meeting and recommends the Board approve the scope of work as written and direct staff to solicit for the work. (Water and Resource Conservation)

ACTION REQUESTED - PROVIDE DIRECTION TO STAFF ON THE SCOPE OF WORK FOR THE DROUGHT IMPACTS ANALYSIS STUDY

Staff Report

Dr. Christina Buck, Assistant Director Water and Resource Conservation, presented this item to the Board.

The following member(s) of the public submitted public comment on this item: Tasha Levinson.

Provided direction to staff on the scope of work for the drought impacts analysis study.

4.12 Items Removed from the Consent Agenda for Board Consideration and Action

3.13 Contract with David Canton D.O., M.P.H, J.D. to Serve as the Interim Health Officer

David Canton, D.O., M.P.H., J.D. has agreed to serve as the Interim Health Officer for Butte County. Per California Health and Safety Code Section 10100, "Each board of supervisors shall appoint a health officer who is a county officer." Dr. Canton will perform the duties of the Health Officer, such as but not limited to, providing consultation on communicable diseases, reviewing and approving medical protocols utilized in the Department of Public Health, directing the issuance and recordation of birth and death certificates, and acting as a medical and public health consultant to the Board of Supervisors and a variety of other agencies and individuals, such as hospitals, schools, and physicians. The Department recommends appointing David Canton, D.O., M.P.H., J.D. as Interim Health Officer and entering into a contract with Dr. Canton for those services. The term of the agreement is October 1, 2021 through March 31, 2022, not to exceed \$24,999.00. (Public Health)

ACTION REQUESTED - 1) APPOINT DAVID CANTON, D.O., M.P.H., J.D. AS INTERIM HEALTH OFFICER; AND 2) APPROVE CONTRACT AND AUTHORIZE CHAIR TO SIGN

Staff Report

Item 3.13: Speaker(s): Andy Pickett, Director Butte County Administration.

The following member(s) of the public submitted public comment on this item: Julie Threet (electronic), Cynthia J. (electronic), Rachel Robinson (electronic), Diana Dreiss (electronic), Michelle Gibbel (electronic).

Motion: Move to approve the Interim Health Officer David Canton D.O., M.P.H.,J.D.

Motion moved by Supervisor Ritter; Seconded by Supervisor Kimmelshue.

Motion passed unanimously.

5. PUBLIC HEARINGS AND TIMED ITEMS

5.01 9:15AM - Timed Item - Indoor Mask Mandate

Since the beginning of the pandemic, Butte County has followed the State's requirements for mitigation and response for COVID-19 rather than implementing local orders. The State has not re-instituted an indoor face covering requirement during the most recent surge of cases and hospitalizations. As a result, some community members and business owners have requested that Butte County issue a local health order requiring face coverings to be worn when indoors regardless of vaccination status. Several other counties in California have implemented such an order. Several factors should be considered in determining whether an order requiring face coverings should be issued. However, the two primary considerations are: 1) Wearing a face covering offers protection against the COVID-19 virus for individuals and the community. Depending on the type of face covering worn, it can provide protection for the individual wearing it and/or for those around the individual. This is particularly important when a virus, such as COVID-19, can be transmitted unknowingly by someone who is asymptomatic. 2) Enforcement of such an order within Butte County would be difficult, if not impossible. Ultimately, the enforcement would have to be left up to operators, managers, or owners of each indoor location or crowded outdoor location. A mandate could create significant conflict between those who choose to wear face coverings and those who do not. The Department of Public Health seeks Board direction on this issue. It should be noted that the discretion to issue a local health order ultimately lies within the Public Health Officer. (Public Health)

ACTION REQUESTED - PROVIDE DIRECTION TO STAFF

Staff Report

Public Comment Packet

Andy Pickett, Chief Administrative Officer, presented this item to the Board.

Supervisor(s) Lucero, Supervisor Teeter, Supervisor Kimmelshue, Supervisor Ritter and Chair Connelly spoke on this item.

The following member(s) of the public submitted public comment on this item: Naomi Beckman (WebEx), Melody Prepstal (WebEx), David Welch (WebEx), Jessica North (electronic), Tamara Landrum (electronic), Dustin Vargas (electronic), Paula Warren (electronic), Caryl Brown (electronic), Sarah Onofrio (electronic), Bonnie McIntyre (electronic), Kendra Farias (electronic), Susan Kirk (electronic), Jaime Happ (electronic), Brain Milco (electronic), Charles Lynn (electronic), Tamie Beach (electronic), Misty Valencia (electronic), Paula Garcia (electronic), Melissa Ly (electronic), Carrie Vanella (electronic), Susan Carlisle (electronic), Skye Li (electronic), Catherine Posey (electronic), Elizabeth Carter (electronic), Barbara Morris (electronic), Jeff Downey (electronic), Veronica Graves (electronic), Antoinette Peppler (electronic), Jenna Duckhorn (electronic), Julie Castaneda (electronic), Jonas Herzog (electronic), Tarace Lea (electronic), Stephanie Giacovelli (electronic), Christina Feather (electronic), Gina Bax (electronic), Jessica Montgomery (electronic), Jamie Garner (electronic), Rebecca Milco (electronic), Taylor Skinner (electronic), Rebecca Miller (electronic), Cheryl Downey (electronic), Korbe Palmer (electronic), Carrie Krueger (electronic), Sibyl Cardoza (electronic), Cynthia J. (electronic), Aimee Martinez (electronic), Jessica Bender (electronic), Faun Witten (electronic), Cynthia Muskin (electronic), John Lake (electronic), Rachel Robinson (electronic), Loree Monroe (electronic), Diana Dreiss (electronic), Sarah Blakeslee (electronic), A. Alexander (electronic), Alan Mittman (electronic), Ambur Rozok (electronic), Annie Edwards (electronic), Barbara Swier (electronic), Bethany Pinegar (electronic), Bonnie Frazier (electronic), Briana Patterson (electronic), Brook Thorlaksson (electronic), Caitlin Lawson (electronic), Caryl Brown (electronic), Cathy Hudin (electronic), Charles Lynn (electronic), Charlotte Rainwater (electronic), Christina Lynn (electronic), Corinne Miller (electronic), Dana Silva-Briggs (electronic), David Gallo (electronic), David Gaskill (electronic), Emily Gallo (electronic), Forrest Hartman (electronic), George Fredson (electronic), Gina Bax (electronic), Jaime Lopez (electronic), Jeanine Salakar (electronic), Jed Walton (electronic), Jeffrey Cooper (electronic), Jeffrey Obser (electronic), Jennifer Kasza (electronic), Jeremy Miller (electronic), Jill David (electronic), Jill Menditto (electronic), Joyce Bond (electronic), Karen Aronson (electronic), Kathy Powers (electronic), Kellie Lavin (electronic), Kimberlee Candela (electronic), Laurel Yorks (electronic), Lauren Scarborough (electronic), Leasa Torgerson (electronic), Amy Gordon (electronic), Leslie Rasmussen (electronic), Linda Morrison (electronic), Lorraine Smith (electronic), Lynette & Tony Stagnaro

(electronic), Michael O'Connell (electronic), Nancy Evens (electronic), Paula Berg (electronic), Richard Walton (electronic), Robert Siderine (electronic), S. Bianco (electronic), Sally Miller (electronic), Sarah Peterson (electronic), Sascha Anya (electronic), Stevi Mittman (electronic), Sue Good (electronic), Tami Donnelson (electronic), Tony Slocum (electronic), Valerie Meza (electronic), Veronica Wilson (electronic), Mark Chang (electronic).

Accepted Information.

5.02 11:00AM - Timed Item - Itemized Costs and Penalties Related to Nuisance Abatement to Record a Lien and Impose a Special Assessment

On August 14, 2020, a Hearing Officer declared a public nuisance existed on the property listed under Butte County Code Chapter 32A - Property Maintenance and Abatement of Nuisances. This hearing has been scheduled to authorize the Board of Supervisors to record a lien and special assessment to recover the County's costs for Code Enforcement Case Numbers CE19-00753 at 14988 Nimsheew Rd, Magalia, California (APN 065-500-030) in the amount of \$16,784.94. (Development Services)

ACTION REQUESTED - APPROVE THE PROPOSED LIEN AND SPECIAL ASSESSMENT IN THE AMOUNT OF \$16,784.94

Staff Report

Chris Jellison, Code Enforcement Division Manager, presented this item to the Board.

The following member(s) of the public submitted public comment on this item: Chris, Unknown gentleman (neighbor) and John Miller George.

Motion: Approve the proposed lien and special assessment in the amount of \$16,784.94.

Motion moved by Supervisor Teeter; Seconded by Supervisor Kimmelshue.

Motion passed unanimously.

5.03 11:15AM - Timed Item - Butte County 2021 Redistricting Update

Redistricting Partners, the consultants hired to manage the 2021 redistricting process in Butte County, will provide an update on the final

census data, released by the State on September 20, 2021. In addition - community input will be taken and additional direction will be given from the Board for draft maps which will be presented on October 12, 2021. (County Administration)

ACTION REQUESTED - PROVIDE DIRECTION TO CONSULTANTS

Staff Report

Brian Ring, Assistant Chief Administrative Officer and Chris Chaffee, Consultant with Redistricting Partners, presented this item to the Board.

The following member(s) of the public submitted public comment on this item: John Stonebreaker.

Direction provided to consultants.

5.04 1:30PM - Timed Item - Appeal of Planning Commission's Approval of Tentative Parcel Map TPM19-0007

The Butte County Farm Bureau (Appellant) filed an appeal of the Planning Commission's July 22, 2021, approval of Tentative Parcel Map TPM19-0007 (Michael and Leslie Mann) and the Agriculture Buffer Unusual Circumstances Review and Exception Request. The application seeks to subdivide 6.9 acres into three (3) new parcels of 3.45 acres (Parcel 1), 2.35 acres (Parcel 2), and 1-acre (Parcel 3). The project site is located at 4114 Keefer Road, one mile east from State Highway 99 and two miles north of the City of Chico. The project site consists of two existing developed parcels of 2.5 and 4.4 acres, which will be reconfigured to create a 1-acre vacant parcel (Parcel 3). The Agriculture Buffer Unusual Circumstances Review and Exception Request proposes to reduce the 300-foot Agricultural Buffer from the northern property line of Parcel 3 to approximately 141 feet, thereby allowing future residential development on the southern 70 feet of Parcel 3. (Development Services)

ACTION REQUESTED - ADOPT A RESOLUTION UPHOLDING THE APPEAL AND DENYING TENTATIVE PARCEL MAP (TPM19-0007), DENYING THE AGRICULTURAL BUFFER UNUSUAL CIRCUMSTANCE EXCEPTION REQUEST AND AUTHORIZE THE CHAIR TO SIGN; OR ADOPT A RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF TENTATIVE PARCEL MAP (TPM19-0007), APPROVING THE AGRICULTURAL BUFFER UNUSUAL CIRCUMSTANCE EXCEPTION REQUEST, AND CERTIFYING THE MITIGATED NEGATIVE DECLARATION, AND AUTHORIZE THE CHAIR TO SIGN

Staff ReportResolution 21-149Public Comment Packet

Paula Daneluk, Director of Development Services, Roland Hickel, Development Services Project Planner, Louie Mendoza, Agricultural Commissioner, presented this item to the Board.

The following member(s) of the public submitted public comment on this item: Mike (electronic), Larry Lowe (electronic), Lauren McSwain (electronic), Appellant - Michael Mann (electronic), Tony S. Guy (electronic) and Richard Harriman.

Motion: Uphold appeal and refund Mr. Man all the funds paid.

Motion moved by Supervisor Kimmelshue; Seconded by Supervisor Lucero.

Motion passed: 3-1-1

Ayes: Supervisors Lucero, Teeter and Kimmelshue

Nays: Chair Connelly

Absent: Supervisor Ritter

5.05 2:00PM - Timed Item - Resolution Denying the Appeal and Denying the Tentative Parcel Map TMP19-0002

George Nicolaus (Appellant) filed an appeal of the Planning Commission's May 20, 2021, denial (2-2 vote) of Tentative Parcel Map TPM19-0002 (Nicolaus). The proposed Tentative Parcel Map was to divide 52.72 acres into four parcels (three at 1.01 acres and one at 1.19 acres) and a 48.5 acre remainder parcel with frontage/access on Magness Court, a county-maintained road and a private road, accessed from Anjou Court. An Initial Study and Mitigated Negative Declaration have been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines. The project parcels are located on the east side of State Highway 99 and west of the Autumn Park Subdivision, approximately 2,000 feet north of Wilson Landing Road, north and west of Chico. Assessor Parcel Numbers: 047-260-199 and 047-260-197. The Board of Supervisors conducted a hearing on July 20, 2021 on the appeal and made a motion of intent for denial of the project. The Department of Development Services and the Department of Public Works present the resolution denying the appeal and denying Tentative Parcel Map

TPM19-0002 following the motion of intent by the Board of Supervisors.
(Development Services)

ACTION REQUESTED - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR
TO SIGN

Staff Report

Public Comment Packet

The following member(s) of the public submitted public comment on this item: Allen Harthorn (electronic), Marilyn Reese, George Nicholas and Hank Wallace.

Left this item (5.05) open until November 9th 2021 at 1:30p.m.

5.06 2:15PM - Timed Item - Comment Letter to LAFCo on an Application to Form the Tuscan Water District

The Butte Local Agency Formation Commission (LAFCo) received an application for the formation of a California Water District (Water Code 34000) which is a landowner voter district, initiated through a landowner petition and to be called the Tuscan Water District (TWD). The complete TWD formation application can be found online at: <https://www.buttelaftco.org/announcements>. Butte LAFCo issued a notice to local agencies and the public seeking comments and recommendations. Staff from Butte County Departments reviewed the application and provided responses to LAFCo comment forms. In addition, Butte LAFCo requested the Water Commission and the Board of Supervisors consider the four questions below and provide a response. 1) What effect, if any, will this proposal have on the operations and functions of your agency? 2) Does your agency believe the formation of the proposed TWD will help or hinder the overall management of surface irrigation water and groundwater resources within Butte County and the region? 3) Should the TWD be approved and formed, would your agency be willing to enter into cooperative agreements or studies with the TWD to examine methods of maintaining or enhancing local groundwater supplies? 4) Would you agree or disagree, that the proposed formation of the TWD would be a threat to the overall agricultural water supply in Butte County? The Butte County Water Commission considered the TWD application at its August 4, 2021 and September 1, 2021 meetings and heard public comment. The Water Commission voted 6-3 to recommend the Board support the formation of TWD with two conditions and respond to the four questions listed above with Option A of the framework considered by the Commission. The Water & Resource Conservation Department recommends

submitting the comment forms completed by County departments as presented with this agenda item. Additionally, the Department recommends LAFCo align the western boundary of the TWD with the Butte-Glenn County boundary consistent with the Vina subbasin boundary. (Water and Resource Conservation)

ACTION REQUESTED - APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN; AND APPROVE SUBMISSION OF DEPARTMENT COMMENT FORMS TO BUTTE LAFCO

Staff Report

Public Comment Packet

Speaker(s): Christina Buck, Assistant Director of Water & Resources Conservation, Tovi Geasintaner, Spokesperson for Tuscan Water District, Supervisor Lucero, Teeter and Chair Connelly.

The following member(s) of the public submitted public comment on this item: Maggie (WebEx), Ann Bykerk-Kauffman (WebEx), Carol Huntsicker (WebEx), David Guy (WebEx), Jeffod (WebEx), Anonymous (WebEx), John Frehse (electronic), Charlotte DeWitt (electronic), Gary Nordstrom (electronic), Theresa Juelch (electronic), Jared Geiser (electronic), Wendy Smith (electronic), Eric Nilsson (electronic), Maggie Scarpa (electronic), Dana Lee (electronic), Jon Hooper (electronic), Davin Arvonon (electronic), Keith Barrett (electronic), Nicolai Larsen (electronic), Carol Marion Larsen Hunziker (electronic), Mike Crump (electronic), Jessica Bender (electronic), Susan Schrader (electronic), Debra Lucero (electronic), Peter Peterson (electronic), Wendy Smith (electronic), Addison Winslow (electronic), Aimee Raymond (electronic), Ann Schulte (electronic), Dr. Al Schademan (electronic), Stephanie & Alan Mittman (electronic), Alicia Springer (electronic), Amber Ruz (electronic), Autum Thomas (electronic), Amy & John Hasle (electronic), Anne Stephens (electronic), Annette Faurote (electronic), 5307812665 (electronic), Anthony Porter (electronic), Ariana Gehrig (electronic), Alan Mittman (electronic), Jerry Schacht (electronic), Barbara Roberts (electronic), Debra Lucero (electronic), Barbara Steinberg (electronic), Lisa O'Donnell (electronic), Beverly Stambaugh (electronic), Blake Ellis (electronic), Bonnie Chiros (electronic), Brooks Thorlaksson (electronic), Butte Environmental Council (electronic), Butte Water Watch (electronic), Carla Resnick (electronic), Caroline Arnold (electronic), Caryl Brown (electronic), Chelsea Barron (electronic), Cheryl Juhl (electronic), Chris Nelson (electronic), Carol Sprague (electronic), Dale Rudesill (electronic), Dana Lee (electronic), Danielle Cresswell (electronic), William Link (electronic), David Fuhs (electronic), David Gaskill (electronic), David

Potter (electronic), Debra-Lou Hoffmann (electronic), Diana Dejesus (electronic), Don Miller (electronic), Lynne Elhardt (electronic), Erin Whitney (electronic), Ernie Washington (electronic), Geoffrey Fricker (electronic), Glen Orcutt (electronic), James McCabe (electronic), Grace Marvin (electronic), Grace Puterbaugh (electronic), Harvey Nelson (electronic), Holly Nielsen (electronic), Jill Lacefield (electronic), Jana Faith (electronic), Jeff & Janet Ford (electronic), Jeanette Alosi (electronic), Jeanne Ertle (electronic), Jeanne Schademan (electronic), Jeffrey Obser (electronic), Jennifer Kasza (electronic), Jeri Heiser (electronic), Jim Brobeck (electronic), Joanne Reid (electronic), Joe Gleason (electronic), John Price (electronic), Jon Luvaas (electronic), Julia Roth (electronic), Julian Zener (electronic), Kathy Brazil (electronic), Kathleen Faith (electronic), Kathy Nissan (electronic), Kyle Willman (electronic), Leslie Howard (electronic), Lisa Holeman (electronic), Luisa Garza (electronic), Maggie Scarpa (electronic), Marcie Ligammari (electronic), Margo Lund (electronic), Mharia Ross-Walcott (electronic), Dr. Maris Thompson (electronic), Mark & Patricia Reinhart (electronic), Marty Dunlap (electronic), Mary Kay Benson (electronic), Grace Marvin & Julian Zener (electronic), Mike Cassetta (electronic), Michael Cobbold (electronic), Michael Magliari (electronic), Mike Marvier (electronic), Nancy Evens (electronic), Nate Daly (electronic), Norma Wilcox & Forest Harlan (electronic), Pam Stoessor (electronic), Patricia Puterbaugh (electronic), Patricia Sagers (electronic), Paul Friedlander (electronic), Peg Howard (electronic), Renee Renaud (electronic), Reta Rickmers & Jami Albertie (electronic), Richard Harriman (electronic), Ronald Dejesus (electronic), Rosemary McKeever (electronic), S. Bianco (electronic), Sandee Renault (electronic), Sarah Salisbury (electronic), Scott Gunderson (electronic), Steve Zlotowski (electronic), Sue Good (electronic), Susan Sarnoff (electronic), Susan Schrader (electronic), Susan Sullivan (electronic), Susan Tchudi (electronic), Suzette Welch (electronic), Tanha Luvaas (electronic), Thelda Eli (electronic), Kathleen Faith (electronic), Trudy Wischemann (electronic), Ty Mendoza (electronic), Valerie Meza (electronic), Vita Segalla (electronic), William Link (electronic), Denise Saxton (electronic), Dan Huffless, Bonita Malone, William Bynam, Mary Kay Benson, Dave Garcia, Amy Raymond, Rich McGowan, Mark Pierce, Andrew Mendonca, Steve Cohan, Katlyn Dobby, Nadine Bailey, James Strong, John Knock, Colleen Sisel, Daren Rice, Ed McGlockland, Toby Gisantanner, Lee Herringer, Randy Molad, Samantha Lewis, Richard Harriman, Mark Curns, Lynn Haskle, Marty Dunlap, Julie Heath, Jim McCabe, Bill Monroe, Tasha Levinsein, John Scott, Les Herringer, Eric Wright, Emily Alma, Paula Busch, Blake Ellis, Pam Stosur, Gerald DeMahoud, Susan Trader, Sala LaDono, Braden Pisani, Joe Gleeson, Jesica Gianola, Grace Marvin, Kathleen Needer, Chris Nelson, Eric Chizler, Francine Stooknathol, Mauricio Shrider, Linda Draper,

Pricilla Hanford, Stevin Stayer, Bruce McGowan, Bryan Murry and Shari Hopper.

Motion: Recommend Tuscan Water District to LAFCO through a letter and include all conditions that Butte County Water Commission recommended and questions brought up by staff.

Motion moved by Supervisor Kimmelshue; Seconded by Supervisor Teeter.

Motion passed 3-1-1.

Ayes: Supervisors Kimmelshue, Teeter and Chair Connelly

Nays: Supervisor Lucero

Absent: Supervisor Ritter

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. Human Resources Director

- J. Information Services Director
- K. Library Director
- L. Public Health Director
- M. Public Works Director
- N. Water and Resources Conservation Director

6.02 Actual Litigation Pursuant to Gov. Code Sec. 54956.9 (d) (1) – 2 cases

- A. Joana Ramirez Regalado et al. v. County of Butte et al.; Butte County Superior Court Case No: 20CV00851
- B. Bobby Stewart v. Butte County; Workers' Compensation Appeals Board Case No. ADJ11514396 (Claim Number: BAUP-550714).

Public Comment Packet

The following member(s) of the public submitted public comment for item 6.02: Diana Dreiss (electronic).

Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to three 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.

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

Meeting Information:

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

Agenda Information:

The agenda for every meeting of the Board is posted in front of the County Administration Building at least 72 hours before each meeting, and is available by mail subscription, e-mail subscription, or at the Clerk of the Board website. A copy of the agenda and supporting materials

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

**Agenda
Format and
Meeting
Order:**

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

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

**Public
Participation:**

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

The Board of Supervisors is also committed to making its proceedings accessible to all citizens. Individuals with special needs should call the Clerk of the Board at 530.552.3300, 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.

For further information contact the:

Clerk of the Board of Supervisors
County Administrative Office
25 County Center Drive, Oroville, CA 95965
530.552.3300
www.buttecounty.net/cob

ATTEST:

Andy Pickett, Chief Administrative Officer and Clerk of
the Board

Deputy

Bill Connelly, Chair
Butte County Board of Supervisors