BUTTE COUNTY
BOARD OF SUPERVISORS

Regular Meeting Agenda

September 26, 2023
9:00 AM

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

ANDY PICKETT,
CHIEF ADMINISTRATIVE OFFICER
CLERK OF THE BOARD

MEMBERS OF THE BOARD

BILL CONNELLY, DISTRICT 1
PETER DURFEE, DISTRICT 2
TAMI RITTER, DISTRICT 3
TOD KIMMELSHUE, DISTRICT 4
DOUG TEETER, DISTRICT 5

BRAD STEPHENS, COUNTY COUNSEL

PDF of Agenda

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1. CALL TO ORDER

Pledge of Allegiance

Observation of a Moment of Silence

2B. ANNOUNCEMENT(S) OF RECUSAL

3. CONSENT AGENDA

A. Supervisors Comments on Consent Agenda Items

B. Adopt Consent Agenda

Action: Approve the Consent Agenda with correction of typo on item 3.02 Attachment A should read 847.

Motion: Supervisor Teetr
Seconded: Supervisor Durfee

Motion passed unanimously

3.01 Letter of Support for Golden State Connect Authority (GSCA) Broadband Application for Butte County

On September 28, 2021, the Butte County Board of Supervisors unanimously voted to join GSCA, a new joint powers authority created by Rural County Representatives of California (RCRC) for the purpose of expanding broadband access and quality in rural counties. On November 9, 2021, the Board approved the 2022-2024 Regional Economic Development Strategy supporting broadband infrastructure investment and deployment, specifically by partnering with GSCA. On August 24, 2022, Butte County staff submitted an application to the California Public Utilities Commission (CPUC) for $500,000 in Local Agency Technical Assistance (LATA) funds for planning work that will facilitate high-speed broadband infrastructure projects. On October 18, 2022, the CPUC notified Butte County that it had been awarded $500,000 in LATA funds. On November 8, 2022, the Board approved acceptance and implementation of the LATA grant, and entered into an MOU with the GSCA to administer and manage the program. On August 25, 2023, a letter supporting an application to the CPUC Federal Funding Account (FFA) submitted by GSCA on behalf of Butte County to expand broadband investment in the unincorporated area was signed by the CAO in advance of the application deadline. The application identifying project areas of underserved/unserved households was developed through the LATA-funded broadband mapping and planning process administered by GSCA, and will focus on the unincorporated Oroville area. (County Administration)

Action requested - RATIFY LETTER.

Staff Report

The following member of the public submitted public comment on this item: Diana Dreiss (electronically) Diana Dreiss (in person)

3.02 Resolution Adopting a Standard of Aid for General Assistance (GA) and Amendments to the GA Manual

GA is a State-mandated program providing temporary monthly support to indigent adults who are not supported by their own means, other public funds, or assistance programs. Butte County currently has approximately 355 eligible clients in the program. GA is a loan program, and participants are required to pay back support received from the program. All recipients are required, as a condition of eligibility, to sign a repayment agreement to the County for all GA payments received based on their ability to pay. Those applying as disabled and unable to work are required to apply for Supplemental Security Income as a condition of eligibility. Able-bodied clients are provided job search services designed to help them obtain employment and reach self-sufficiency. The Department of Employment and Social Services recommends that the Board of Supervisors adopt a resolution setting the GA rate at $687 per month for a single individual effective October 1, 2023. This is 3.6% increase to the current GA amount of $663 per month, and is based on the cost-ofliving increase provided to CalWORKs households. The Department estimates the overall cost increase to be $76,680 through the remainder of FY 2023-24. The Department has adequate funds available from previous increases in the GA grant to fully cover the increase in the FY 2023-24 budget. This rate increase is in accordance with State laws that link any adjustment made in the CalWORKs program to a corresponding increase in the GA program. (Employment and Social Services)

Action requested - ADOPT THE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

Resolution 23-104

The following member(s) of the public submitted Public Comment on this item: John Stonebraker (electronically)

3.03 Resolution Acknowledging Operation Green Light for Veterans

America's counties have a long and proud history of serving our nation's veterans, a legacy that continues to this day as we work with our federal, State and local partners to ensure that the former service members in our communities have access to the resources they need to thrive. The National Association of Counties (NACo) and the National Association of County Veteran Service Officers (NACVSO) invited the nation's 3,069 counties, parishes, and boroughs to join Operation Green Light to show support for veterans by lighting our buildings green during the week of November 6, 2023 through November 12, 2023. This demonstration aims to promote support for our resident veterans, letting them know they are seen, appreciated, and supported. The Department of Employment and Social Services recommends the Board of Supervisors adopt a resolution recognizing the week of November 6, 2023 through November 12, 2023 as Operation Green Light Week. (Employment and Social Services)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

Resolution 23-105

Supervisor Connelly read resolution, Matt McCoy, Veteran's Service Office, received the resolution and spoke.

3.04 Lease Agreement with Logic Properties LLC for 3221 Cohasset Road Suites 130 and 140, Chico, and Budget Adjustment for Tenant Infill for Department of Behavioral Health

The Department of Behavioral Health administrative division currently occupies nine leased suites in the La Dolce Piazza business park in Chico. To accommodate current operational needs, the Department requires additional space and desires to lease two additional, contiguous suites that have recently become vacant within the business park. The lease terms for Suite 130, at 780 square feet, and Suite 140, at 1,155 square feet, include an initial term commencing on October 1, 2023 and terminating September 30, 2031 and an option to extend either or both suites for an additional ten years at rates to be agreed upon at the time. The rent rate is inclusive of all common area maintenance costs and is $1.80 per square foot for the first two years with an annual increase of 3% beginning in year three. The cumulative cost of the lease over the initial term is $362,070. The new suites will require tenant improvements to meet the needs of the department with a total estimated project cost of $61,300. The Departments of General Services and Behavioral Health recommend entering into a new lease agreement with Logic Properties LLC for 3221 Cohasset Road Suites 130 and 140, Chico, and approve a budget adjustment of $61,300 from the Behavioral Health budget to allow General Services to proceed with the tenant improvement project. (General Services)

Action requested - 1) APPROVE LEASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE BUDGET ADJUSTMENT. (4/5 VOTE REQUIRED)

Staff Report

3.05 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: Add 1 Paralegal position to better suit the current and future operational needs of the department. This estimated annual cost for the new position is $90,000 and will be paid for with 2011 realignment funding. No budget adjustment is needed as salary savings from vacancies for FY 2023-24 will be used. Total allocations to increase by 1. PUBLIC HEALTH: Convert 1 Program Coordinator (Term 06/30/2026) position to Regular Help. The proposed change will better suit the current and future needs of the Department and is funded by Prop 56 State funding. Converting the position from term to regular help will allow the Department to fill the position using promotional internal recruitment and return at a later date to delete a vacant position. Total allocations to remain unchanged. (Human Resources)

Action Requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

Resolution 23-106

3.06 Resolution acknowledging the month of October 2023 as Cybersecurity Awareness Month Services

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 20th 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 Butte County Department of Information Systems recommends the Board of Supervisors adopt a resolution recognizing October 2023 as Cybersecurity Awareness Month in Butte County. (Information Systems)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

Resolution 23-107

Supervisor Durfee read resolution. Mike Wright, County information Security Officer, received the resolution and spoke.

3.07 Amendment with eClinicalWorks to add a second database for Enhanced Care Management Services

The Department of Public Health currently contracts with eClinicalWorks to provide service and support for the electronic health record and practice management software system. On June 23, 2009 the Board of Supervisors approved an agreement for eClinicalWorks electronic health record (EHR) software, the term of the agreement is date of execution until terminated by either party. The Public Health Clinic has been utilizing this EHR since 2009 to manage the medical practice from initial contact by a patient through billing for services. Since 2009, there have been 20 no cost/low-cost amendments executed by General Services that have occurred for varying reasons, such as, adding service components and adding/removing providers. The Department recommends the Board approve an amendment to add a second database to the existing practice management software system to be utilized with the Enhanced Care Management (ECM) program. ECM is a new Medi-Cal benefit to provide system navigation and resource referrals to specific populations identified by the Department of Health Care Services. The Department will provide ECM services to high-risk clients in the California Children's Services program and children and youth involved with Child Welfare Services. The additional database will provide staff access to a population health case management module to manage the ECM services from initial contact with the client through billing for services. The recommended amendment increases the annual maximum amount payable by $11,832 for a total of $26,820. All other terms remain the same. (Public Health)

Action Requested - APPROVE CONTRACT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

3.08 Contract with Sentinel Offender Services, LLC. - The Probation Department contracts with Sentinel Offender Services, LLC for the provision of Electronic Monitoring Services (EMS)

This provides offenders with a highly-structured supervision program in the community as an alternative to institutionalization. Services provided include 24 hours a day, 7 days a week, 365 days a year, electronic monitoring and supervision services. This also includes daily activity reports, 24-hour access to web services, immediate tamper and violation notifications, alcohol monitoring, equipment, training and materials, and refresher training as needed. The Department of General Services released a Request for Proposal (SO04262023) in April 2023. Five responses were received and evaluated. Sentinel Offender Services, LLC was highest overall scoring response. The Probation Department recommends entering into a contract with Sentinel Offender Services, LLC. The average number of adult offenders placed on Electronic Monitoring Services is 60 and juvenile offenders is 10 per month. The term contract is September 30, 2023 through September 29, 2028, not-to-exceed $666,665. (Probation)

Action Requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

3.09 Capital Asset Donation - Vehicle for Donation

The Buzztail Community Service District (CSD) is a governmental organization located approximately seven miles east of Chico, whose primary responsibility is to provide road maintenance along five miles of road that provides access to 67 parcels within Butte County. In February 2023, the Buzztail CSD contacted the Department of Public Works to inquire about the possibility of the Department donating an herbicide spray truck to Buzztail CSD for weed abatement. In August 2022, the Department was awarded a new herbicide spray truck through the CalFire Roadside Fuels Reduction grant, and the new spray truck was deployed in May 2023. The new spray truck replaces an older spray truck, which is now decommissioned and ready for surplus. The Department recommends the Board of Supervisors approve the donation of the decommissioned spray truck to the Buzztail CSD for weed abatement. Government Code Section 25365 allows donating any real or personal property to a special district by a 4/5 vote by the Board. All applicable public noticing has been completed per the Government Code Section 25365(c). (Public Works)

Action Requested - APPROVE DONATION. (4/5 VOTE REQUIRED)

Staff Report

3.10 Contract with SWCA Environmental Consultants for Environmental Services related to Community Development Block Grant Disaster Recovery (CDBG-DR) Projects

On May 30, 2023, the Department released a Request for Qualifications (RFQ) to procure an environmental consultant to aid the Department in meeting the US Housing and Urban Development and California Housing and Community Development environmental review requirements for road repair and rehabilitation projects funded through the CDBG-DR program. For CDBG-DR funds to be released, these projects must meet the standards and conditions set by the National

Environmental Policy Act and the California Environmental Quality Act. The RFQ specifically sought comprehensive environmental reviews for the following sites: Concow Road, Lakeridge Circle, Centerville Road, Honey Run Road, four major collector roads in Magalia, and 44 additional residential streets within the same community. These CDBG-DR-funded projects have an estimated completion date of March 2026. On June 27, 2023, the Department received four Statements of Qualifications and evaluated and ranked them based on experience, capacity, qualifications, and overarching professional credentials. The Department determined SWCA of Phoenix, Arizona, to be the most qualified firm due to its aptitude in delivering environmental consulting services that align with the specific guidelines and stipulations required to receive the CDBG-DR funds. The Department recommends the Board of Supervisors enter into a contract with SWCA for environmental consultant services relating to CDBG-DR projects. The term of the contract is from the date of execution through March 31, 2026, not to exceed $217,324. (Public Works)

Action Requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

3.11 Revenue Contract with IC Solutions for Inmate/Ward Telephone and Messaging Services

The Sheriff's Office and Probation Department must provide jail inmates and juvenile hall wards with local and long distance calling and messaging services. In order to ensure the best service and rates possible, a Request for Proposal for these services was published in March 2023. Four responses were received and IC Solutions was chosen as the best system to meet the County's needs. All services are provided at no cost to the County. Under this contract, wards are not charged for local or long distance calling services. Inmates are charged for calls using a per minute rate based on the type of call/message. The calling rates are regulated by the California Public Utilities Commission. Under this contract, the Sheriff's Office will receive a commission of either 25% or 50% of the per minute rate (depending on the type of call/messaging). Commissions received from IC Solutions by the Sheriff's Office are deposited into the Inmate Welfare Fund and used for the benefit of the inmate population. In addition, IC Solutions will be providing the Sheriff's Office with a technology grant of $50,000 per year for each year of the five-year contract. The Sheriff's Office intends to use the technology grant funds to help offset the ongoing support and maintenance costs of a new jail management system. The Department recommends entering into a revenue contract with IC Solutions for Inmate Telephone and Messaging Services. The term of the contract begins upon execution and ends after five years, with an anticipated revenue of approximately $1,500,000. (Sheriff)

Action Requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

3.12 Contract with Sentinel Offender Services, LLC for Electronic Monitoring Services

The Sheriff's Office Alternative Custody Supervision program utilizes Electronic Monitoring Services (EMS) to provide offenders with a highly structured supervision program in the community as an alternative to institutionalization. In order to ensure the best service and rates possible, a Request for Proposal was published in April 2023. Five responses were received and evaluated and Sentinel Offender Services, LLC was chosen as the firm most able to meet the County's needs. EMS include daily activity reports, 24-hour access to web services, immediate 24/7 tamper notification via live telephone contact with County personnel, alcohol monitoring and GPS tracking equipment during the contract term, and all necessary training and materials. The use of EMS will range from approximately 60 to 90 inmates per month. The Department recommends entering into a contract with Sentinel Offender Services, LLC for Electronic Monitoring Services. The term of the contract is October 1, 2023 through September 30, 2028, not-to-exceed $480,000. (Sheriff)

Action Requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

3.13 Contract Amendment with Ontario Systems, LLC dba Finvi for discount rate and custom work to upgrade database

The Treasurer-Tax Collector's Office has used Columbia Ultimate Inc. (CUBS) software since the inception of the Central Collections Division in 2001. On August 25, 2015, the Board of Supervisors approved a Software Support agreement with Columbia Ultimate, Inc., now known as Ontario Systems LLC dba Finvi (Finvi). Since then, there have been six amendments increasing the maximum payable amount or extending the term that dealt with reflecting the business name change, performing custom work to incorporate new AB177 Facility Codes, converting the database from a legacy system to a cloud-based system, and general data migration or service continuance. Shortly after amendment six was executed, Finvi provided a Statement of Work which reduced the cost of the server migration to $15,500. Prior to beginning the server migration, Finvi realized they had omitted in the Statement of Work for amendment six that the database needed to be upgraded from the current version of RPCS 2012 to RPCS 2019 at an additional cost. The Department recommends amending the contract with Finvi for a discount rate on custom work to convert the CUBS database from a legacy system to a Cloud-based system and migrate the software to a new server. The Department also recommends amending the contract with Finvi to provide custom work to upgrade the database from RPCS 2012 to RPCS 2019. The amendment decreases the maximum payable amount by $7,875, including a revised not-to-exceed amount of $261,970. All other terms remain the same. (Treasurer-Tax Collector)

Action Requested - APPROVE AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

4. REGULAR AGENDA

4.01 Boards, Commissions, and Committees (List available at www.buttecounty.net/clerkoftheboard/appoinmentslist)

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)

Supervisor Ritter: Attended the Executive Committee meeting, the Air Quality Executive Committee meeting, the Divers Ability Action Network meeting, had a tour of the Town of Paradise, attended the Continuum of Care meeting, met with elected officials from the City of Chico, attended the Behavioral Health Advisory Board meeting and celebrated the Jewish Holidays.

Supervisor Connelly: Attended the Sutter Butte Flood Control meeting, a Butte County Association of Governments ribbon cutting, met with a PG&E government relations liaison, met with a staff member of the Lieutenant Govern's and the CAO, met with an organization advocating for more beds for Veterans, attended the Salmon Festival in Oroville, and met with constituents regarding the camping ordinance which Paula Daneluk and Shelby Boston gave some additional supporting information.

Chair Kimmelshue: Attended the Community Opioid Prevention Efforts meeting, met the PG&E public relations liaison, attended the Durham Harvest Festival, Chico State President's reception, Butte Water District meeting, Zoom meeting with the Lt Governor's office, toured the new Public Health building and attended the ribbon cutting for the new Post Office in Richvale.

Supervisor Teeter: Attended Rural County Representative of California (RCRC) annual meeting, attended a large meeting with Chief of Staff of Forest Services along with many senators and representatives, including the California Farm Bureau.

Supervisor Durfee: Met with many constituents, attended the Chico Builder Assocation luncheon and met with Director of Public Works Josh Pack.

4.02 <u>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.</u>

The following members of the public submitted Public Comment on this item: David Hurtado, Diana Dreiss, Jennifer Phillips, Roxanne House, Rebekah North and Brittany Flanagin (electronically) David Hurtado, Diana Dreiss, Jennifer Phillips, Roxanne House, Rebecca North, Brittany Flanagin, Julie Threet, and Kenneth Pugh. (in person)

4.03 Budget Adjustment for the Palermo Clean Water Consolidation Project Using Previously Allocated American Rescue Plan Act Funds

On October 12, 2021, the Board of Supervisors committed $3 million of one-time American Rescue Plan Act (ARPA) funding to the Palermo Clean Water Consolidation Project to initiate connecting 380 parcels in the Palermo community to the South Feather Water and Power Agency's (SFWPA) existing water system. The project also included connecting Fire Station 72 in Palermo to the SFWPA water system. In addition to the ARPA funds, the County has secured $2.5 million in federal Environmental Protection Agency State and Tribal Assistance Grants (STAG) and $525,000 IRWM Proposition 1 Implementation Program funds. In addition, the Department of Water and Resource Conservation has applied to the State Water Resources Control Board's Drinking Water State Revolving Fund (DWSRF) for $11.4 million; this application is currently being reviewed and processed. To date, approximately $364,908 of the initial $3 million ARPA funding has been used to complete 100% design plans and finalize the annexation process with the Local Agency Formation Commission (LAFCo). Preliminary construction cost estimates for the Project are $12,440,290. The Project will take multiple years and phases to implement and will need multiple sources of funding to complete. Given the time it takes to finalize the EPA-STAG and other grant awards and agreements as well as processing of the DWSRF application for approval, the Board of Supervisors, at their August 22, 2023 meeting, gave direction to staff to move forward with utilizing the ARPA funds to initiate construction and associated activities to complete Phase 1 of the Project. The Department requests a budget adjustment for the remaining $2,635,091 of ARPA funds for Phase 1 of the Palermo Clean Water Consolidation Project. (Department of Water and Resource Conservation)

Action requested - APPROVE BUDGET ADJUSTMENT. (4/5 VOTE REQUIRED)

Staff Report

Kamie Loeser, Director of Water & Resource Conservation, presented this item to the Board.

No public comment as submitted for this item.

Action: APPROVE BUDGET ADJUSTMENT. (4/5 VOTE REQUIRED)

Motioned: Supervisor Connelly
Seconded: Supervisor Teeter

Motion passed unanimously

4.04 Contract with Walker Creek Transportation LLC for Septage Transfer Station Operations, Hauling and Disposal Services for the Neal Road Recycling and Waste Facility (NRRWF)

In 2017, the Board of Supervisors entered into a five-year contract for septage transfer operation, hauling, and disposal. The Board amended the contract to extend the contract term by six months this past April while the County solicited for these services. On March 28, 2023, the Department of Public Works released a Request for Proposal for septage transfer station operations and septage waste export services at the NRRWF. One proposal was received from Walker Creek Transportation, LLC of Willows, California. The Department recommends the Board enter into a contract with Walker Creek Transportation, LLC, for septage transfer station operations and septage waste export services at the NRRWF for a maximum not-to-exceed price of $2.5 million. (Public Works)

Action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

Joshua Pack, Director of Public Works, and Ashlee Stanley, Principal Civil Engineer, presented this item to the Board.

No public comment as submitted for this item.

Action: APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN.

Motioned: Supervisor Ritter
Seconded: Supervisor Connelly

Motion passed unanimously

4.05 Approve Plans and Specifications and Award Contract to Steelhead Constructors JV for the Ord Ferry Road across Little Chico Creek Bridge Replacement Project

On August 18, 2014, the County entered into an agreement with Caltrans to complete the Ord Ferry Road across the Little Chico Creek Bridge Replacement Project, Federal Project BRLS-5912(103). This work will generally replace a relatively narrow existing bridge structure with a new bridge along the section of Ord Ferry Road that crosses Little Chico Creek. The site is located approximately 3.5 miles west of the town of Dayton. The proposed new bridge will follow the existing alignment and be 640 feet long by 43 feet wide. Traffic shall be maintained by staging construction on the existing alignment, thus requiring alternating lane closures of a portion of Ord Ferry Road for two construction seasons. Signalized traffic controls will maintain a single traffic lane through the project site. On February 14, 2023, the Board of Supervisors authorized the Department of Public Works to advertise and solicit bids for the construction of projects included in the Public Works Infrastructure Master Plan (IMP). This project was advertised on August 7, 2023, and six bids were received on August 29, 2023. The lowest responsive and responsible bidder was Steelhead Constructors JV of Palo Cedro, California, with a bid amount of $15,158,891. The Department recommends the Board approve the plans and specifications, award the contract to Steelhead Constructors JV, and authorize the Director of Public Works to sign the contract and order changes or additions in work performed per Public Contract Code Section 20142. (Public Works)

Action requested - 1) APPROVE PROJECT PLANS AND SPECIFICATIONS; AND 2) APPROVE CONTRACT AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN.

Staff Report

Joshua Pack, Director of Public Works, and Ashlee Stanley, Principal Civil Engineer, presented this item to the Board.

No public comment as submitted for this item.

Action: 1) APPROVE PROJECT PLANS AND SPECIFICATIONS; AND 2) APPROVE CONTRACT AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN

Motioned: Supervisor Kimmelshue
Seconded: Supervisor Teeter

Motion was passed unanimously

4.06 Contract with Foster Morrison Consulting LTD for Local Hazard Mitigation Plan (LHMP) Update and PG&E Settlement Fund Request

HMPs form the foundation of a community's long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction and repetitive damage. Under 44 Code of Federal Regulations (CFR) 200, local governments must prepare and adopt a LHMP to receive project grant funds under the Hazard Mitigation Grant Program (HMGP) along with other state and federal grant sources. The LHMP must be reviewed, updated, and approved by the California Office of Emergency Services (Cal OES) and FEMA Region IX every five years. The current Butte County LHMP was approved in November of 2019 and will expire in November of 2024. Butte County Administration released a Request for Proposals (RFP) for a firm to complete an updated, comprehensive LHMP taking into account lessons learned from recent disasters. The Department received six proposals and the RFP panel selected Foster Morrison Consulting LTD of Arvada, Colorado to complete the update of Butte County's LHMP. The contract is not to exceed $249,988 and expires December 31, 2024. Under 44 CFR 200 all public authorities, school districts, special districts, cities, and towns that are part of the LHMP stakeholder group are eligible for HMGP funding. The proposed update will include the original 15 stakeholders plus an additional five, to maximize the community's ability to leverage multiple funding sources. The County is working with BCOE and incorporated jurisdictions to reimburse the County for a portion ($42,650) of the total project costs, and will contribute $8,000 in emergency management grant funds. To fund the remaining $199,338, staff is requesting PG&E Settlement Funds. Butte County received a $252 million settlement from PG&E for the impacts of the Camp Fire. The County's net settlement is $206.5 million. On July 21, 2020, the Board of Supervisors directed the PG&E Settlement Fund (PG&E Fund) be established and committed to County stability, hazard mitigation, and disaster recovery with priority given to projects in the Camp Fire burn area, projects that leverage other funding, and projects with an urgent timeline. The Board has committed funds to 24 projects for a total of $89.3 million since adopting the policy. (County Administration)

Action requested - 1) APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN;

AND 2) APPROVE THE PG&E FUND REQUEST; AND 3) APPROVE THE BUDGET ADJUSTMENT. (4/5 VOTE REQUIRED)

Staff Report

Katie Simmons, Depute Administrative Officer-Economic & Community Development, and Shannon Revie Pflum, Managment Analyst, presented this item to the Board.

No public comment as submitted for this item.

Action Requested: 1) APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE THE PG&E FUND REQUEST; AND 3) APPROVE THE BUDGET ADJUSTMENT. (4/5 VOTE REQUIRED)

Motion: Supervisor Ritter
Seconded: Supervisor Teeter

Motion passed unanimously

4.07 Approval of Budget Adjustment and Salary Ordinance Amendment Moving Risk Management from County Administration to Human Resources

County Administration and the Department of Human Resources recommend moving the County Risk Management function from County Administration to Human Resources effective September 30, 2023. Risk Management comprises the General Liability and Worker's Compensation programs for the entire County, and is administered by one Risk Manager and two Administrative Analysts. Given the close coordination required for employee leaves managed by Human Resources and employee leaves managed by Risk Management in many California counties, risk management programs are located in human resources departments. Many operational efficiencies are realized as a result of this arrangement. To realize these benefits, staff recommend that Risk Management function transition to Human Resources. County Administration, Human Resources, and the Auditor-Controller's Office have been actively involved in planning for this transition over the last few months. In order to implement this change staff recommends an amendment to the FY 2023-24 Adopted Budget which relocates the Risk Management budget from County Administration to Human Resources, and a resolution amending the Salary Ordinance which moves the three Risk Management positions from County Administration to Human Resources. (County Administration and Human Resources)

Action requested - 1) ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE BUDGET ADJUSTMENT.

Staff Report

Resolution 23-108

Andy Pickett, Chief Administrative Office, and Sheri Waters, Director of Human Resources, presented this item to the Board.

No public comment as submitted for this item.

Action requested: 1) ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE BUDGET ADJUSTMENT

Motion: Supervisor Ritter
Seconded: Supervisor Connelly

Motion passed unanimously

4.08 Employment Contract - Chief Administrative Officer

The Board of Supervisors is requested to approve the Employment Contract with Chief Administrative Officer, Máximo A. (Andy) Pickett. The salary of the position is $263,503 which is a 3% increase. The term of the contract is October 1, 2023 through September 30, 2026. (Human Resources)

Action Requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

Sheri Waters, Director of Human Resources, presented this item to the Board.

The following member of the public submitted Public Comment for this item: Neil Meyer (electronically)

Action Requested: APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN.

Motion: Supervisor Ritter
Seconded: Supervisor Connelly

Motion passed unanimously

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

4.10 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 talking action on any item not listed on the agenda.

The following member(s) of the public submitted public comment on this item: Julie Threet and Kenneth Pugh.(in person)

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

5. PUBLIC HEARINGS AND TIMED ITEMS

5.01 9:30 AM - Timed Item - Discussion on the Draft Nord (Rock Creek and Keefer Slough) Small Community Flood Risk Reduction Feasibility Study

The Department of Public Works has presented updates to the Board of Supervisors on flood risk reduction items relating to Rock Creek and Keefer Slough on four occasions in 2020 and 2021. Since then, the Department has worked with technical experts and community stakeholders to prepare a draft feasibility study for Nord and the Rock Creek / Keefer Slough watershed community. The Department will present the draft results of the study and solicit feedback and input from the Board before finalizing the study later this year. (Public Works)

Action requested - PROVIDE DIRECTION TO STAFF.

Staff Report

PowerPoint

Joshua Pack, Director of Public Works, and Jessica Hankins presented this item to the Board.

Direction was provided to Staff

5.02 10:30 AM - Timed Item - Public Hearing to Consider: Adopting the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study; Authorizing Execution of the Collection Agreement; and Adopting an Ordinance and Impact Fee Resolution

The Sutter Butte Flood Control Agency (SBFCA) was formed in 2007 to consolidate the efforts of several agencies and communities with flood management responsibilities and implement locally-led flood protection projects. SBFCA's land use agencies are comprised of the Counties of Butte and Sutter, the Cities of Biggs, Gridley, Live Oak, and Yuba City, and Levee Districts 1 and 9. City and County agencies have land use authority and are responsible for making key decisions that impact development. SBFCA, in coordination with the Cities and Counties, is working to implement the Sutter Butte Basin Levee Improvement Program Development Impact Fee (Levee Impact Fee). The purpose of the Levee Impact Fee is to help fund levee improvements to provide a 200-year level of flood protection in the urban Northern portion of the Sutter Butte Basin and a 100-year level of flood protection in the rural Southern portion of the Sutter Butte Basin. The Levee Impact Fee will be levied upon property owners adding one (1) or more residential or nonresidential units to property located in the unincorporated area of Butte County, within the Sutter Butte Basin. In accordance with the Mitigation Fee Act, SBFCA prepared a nexus study that identifies the required findings that must be made for establishing, increasing, or imposing a development impact fee as a condition of approval for a development project. SBFCA proposes to enter into a collection agreement with each of the land use jurisdictions to administer, facilitate, and collect the Levee Impact Fee. Staff has prepared an ordinance to establish the

Levee Impact Fee by adding Article XXVII to Chapter 3 "Fees" of Butte County Code, entitled "Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee" and an impact fee resolution to approve and adopt the Levee Impact Fee. Staff recommend that the Board of Supervisors adopt the nexus study, approve a resolution for the execution of the collection agreement, adopt the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Ordinance and Levee Impact Fee Resolution. (County Administration)

Action requested - 1) ADOPT NEXUS STUDY AND COLLECTION AGREEMENT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 2) ADOPT THE DEVELOPMENT IMPACT FEE ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN; AND 3) ADOPT LEVEE IMPACT FEE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

PowerPoint

Resolution 23-109

Resolution 23-110

Ordinance 4230

Liam Thompson, Management Analyst, and Michael Bassett, Executive Director for Sutter Butte Flood Control, and Seth, their consultant, presented this item to the Board.

Action requested: 1) ADOPT NEXUS STUDY AND COLLECTION AGREEMENT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 2) ADOPT THE DEVELOPMENT IMPACT FEE ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN; AND 3) ADOPT LEVEE IMPACT FEE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Motion: Supervisor Connelly
Seconded: Supervisor Durfee

Motion passed unanimously

5.03 11:30 AM - Timed Item - Contract with Team CivX for Public Opinion Polling and Outreach

During the Fiscal Year 2023-24 budget hearings in June 2023, members of the public urged the Board of Supervisors to consider a revenue measure in order to maintain Library and fire services. On July 7, 2023 County Administration issued a Request for Proposal (RFP) for public opinion polling and outreach services related to a potential revenue measure. Four proposals were received. Three of the respondents were interviewed by a committee consisting of two Board Members, the Chief and Assistant Chief Administrative Officer, and the Chair of the Library Advisory Board. The committee selected Team CivX of Orinda and FM3 of Los Angeles as the partnership that best met the needs of the County. Team CivX will be the Lead Contractor and FM3 will be the sub-contractor. The project will be organized into 2 parts: Phase 1 will focus on polling and opinion research, as well as analysis of demographics and voting patterns. Phase 1 will culminate with a recommendation regarding tax rates, tax structures, optimal dates, and other relevant measure features. Phase 2 will focus on informational messaging, content regarding funding needs, public presentations, and strategies for working with external groups. The term of the contract is September 26, 2023 through November 30, 2024, for a not-to-exceed cost of $167,250. The contract will be funded through General Fund Appropriations for Contingencies, which currently has a balance of $7,277,376. (County Administration)

Action requested - 1) APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED)

Staff Report

Andy Pickett, Chief Administrative Officer, Richard Bernard, FM3, and Joy Kummer, Team CivX, presented this item to the Board.

Action requested: 1) APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED)

Motioned: Supervisor Teeter
Seconded: Supervisor Kimmelshue

Vote: The motion passed with a 4/5 vote
Ayes: Supervisor Durfee, Ritter, Teeter and Chair Kimmelshue
Nays: Supervisor Connelly

The following member of the public submitted Public Comment for this item: Julie Treeth (in person) Neil Meyer (eComment)

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 and 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 1. Actual litigation pursuant to Gov. Code sec. 54956.9(d)(1) - one case:

<u>County of Butte v. Hartman, United States District Court, Eastern District Case No: 20-cv-01492.</u>

<u>Closed session</u>

6.04 Closed Session Public Comment

PowerPoint

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