



BUTTE COUNTY BOARD OF SUPERVISORS

Regular Meeting Agenda

September 12, 2023

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

BRAD STEPHENS,
COUNTY COUNSEL

[PDF of Agenda](#)

[eComment Tutorial](#)

[eComment Public Comment Packet](#)

[Email Public Comment Packet](#)

1. CALL TO ORDER

[Pledge of Allegiance](#)

[Observation of a Moment of Silence](#)

2A. CORRECTIONS AND/OR CHANGES TO THE AGENDA

- Item 3.09 has been pulled from the agenda.
- Item 5.2.C a settlement was reached with property owner.
- Item 5.2.E a settlement was reached with property owner.
- Item 6.04 should read California Department of Justice rather than US Department of Justice.

2B. ANNOUNCEMENT(S) OF RECUSAL

Supervisor Connelly recuses himself on item 3.06.

3. CONSENT AGENDA

A. Supervisor Comments on Consent Agenda Items

Supervisor Teeter is absent from the meeting.

B. Adopt Consent Agenda

Action: Approve the Consent Agenda with the exception of item 3.06 that Supervisor Connelly recused himself from and item 3.09 that was pulled from the Consent Agenda.

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion passed 4-0-1

Ayes: Supervisor Connelly, Durfee, Ritter & Chair Kimmelshue

Nays: None

Absent: Supervisor Teeter

Item 3.06

Motion passed 3-0-2

Ayes: Supervisor Durfee, Ritter and Chair Kimmelshue

Nays: None

Recused: Supervisor Connelly

Absent: Supervisor Teeter

3.01 Resolution Setting Tax Rates in the County of Butte for Fiscal Year 2023-2024

In accordance with Government Code section 29100, the Board of Supervisors is required to adopt by resolution the rates of taxes on the secured property tax roll on or before October 3 of each year. State law requires that the tax rate not exceed the 1% limit specified in the Constitution except for the voter-approved indebtedness. For voter-approved indebtedness, the Board is also required to adopt the rates necessary to support the annual debt requirement within each specific school district. The Board has previously approved each bond upon issuance via resolution and has directed the Auditor-Controller to maintain on its tax roll, taxes sufficient to fulfill the requirement of the debt service schedules for those bonds. (Auditor-Controller)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 23-098

3.02 Suicide Prevention Week

The Department of Behavioral Health recommends that the Board of Supervisors proclaim September 10 through September 16 as Suicide Prevention Week. These dates are representative of the National Suicide Prevention week, which is formally acknowledged and proclaimed by countless counties across the United States. (Behavioral Health)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 23-099

Chair Kimmelshue read the resolution, Scott Kennelly, Director of Behavioral Health, spoke and received the resolution.

- 3.03 Memorandum of Understanding (MOU) between Caminar for Support Services at the Avenida Apartments and the Department of Behavioral Health

The Department of Behavioral Health collaborates with Caminar, who operates Avenida Apartments, to provide support services for seriously mentally disabled residents at Avenida Apartments. The Department provides services including mental health services, case management and programs for substance use recovery. Caminar provides Personal Vocational Social Adjustment (PVSA) services. PVSA services assist clients to develop or re-establish skills and functional capacities to achieve and maintain positive employment outcomes. Caminar also provides employment preparation and job placement training. The Department recommends that the Board of Supervisors approve a non-financial MOU between the Department and Caminar for the provision of services for seriously mentally disabled residents at Avenida Apartments. The term of the agreement is date of execution through June 30, 2043 which coincides with the agreement for placement of seriously mentally disabled residents at Avenida Apartments. The MOU includes protective language for continuity of care for those receiving services regarding amending and terminating the agreement. (Behavioral Health)

Action requested - APPROVE THE MOU AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

- 3.04 Ratify Letter of Opposition for AB 505 The Office of Youth and Community Restoration

AB 505 (Ting) proposes significant changes to the 2020 legislation that realigned responsibility for the full juvenile justice continuum to counties. These proposed changes add new requirements not included in the 2020 realignment legislation, including potential for both increased costs and funding delays, changes to the Board of Supervisors' authority to make local expenditure decisions, and removal of the Chief Probation Officer, who is responsible for the care and supervision of youth, as the Chair of the Juvenile Justice Coordination Council. Given the time-sensitive nature of this legislation, which was scheduled to be heard by the Senate Appropriations Committee August 28th, the letter of opposition was sent prior to

the September 12, 2023 Board of Supervisors meeting. Staff recommends the Board ratify the letter. (County Administration)

Action requested - RATIFY LETTER OF OPPOSITION

Staff Report

3.05 California Governor's Office of Emergency Services (CalOES) Victim/Witness Assistant Grant Subaward

The CalOES Victim/Witness (VW) Assistance Program awards funding to provide assistance and advocacy to victims of crime. The District Attorney's Office (DA) has applied for and has received these funds through a Request for Application (RFA) for many years. These funds are used to support the majority of the DA's Victim Assistance Program. Pursuant to new guidelines, CalOES requires the Board of Supervisors to authorize the District Attorney to enter into grant subaward agreements for specific grant performance periods. Due to the DA being in compliance under the prior CalOES guidelines for this item, the District Attorney has already signed the subaward agreement for the performance period of October 1, 2023 through September 30, 2024. The District Attorney recommends that the Board of Supervisors approve the grant subaward agreement and authorizes the District Attorney to sign the subaward applications and any amendments, extensions and other supporting documents for the grant performance periods October 1, 2023 through September 30, 2024; October 1, 2024 through September 30, 2025; and October 1, 2025 through September 30, 2026. (District Attorney)

Action requested - ADOPT RESOLUTION AND AUTHORIZE CHAIR TO SIGN

Staff Report

Resolution 23-100

3.06 Contract Amendment with Bamford Inc. for Abatement Services

In July 2021, the Department of Development Services released a request for qualifications for vendors to provide abatement services related to the implementation of Chapter 38A of Butte County Code (Fire Prevention and Protection). Two vendors were selected as the most responsive and qualified. On September 17, 2021, the County entered into a contract with Bamford, Inc., the term of the contract was through September 16, 2022, not-to-exceed \$50,000. On August 25, 2022, the contract was amended to extend the term to September 16, 2023. On September 21, 2022 the contract was amended again to increase the maximum amount payable by \$100,000, not-to-exceed \$150,000. The estimates for abatement of the properties which have received judgments, exceed the current contracted amount and the term of service. Abatement costs for the implementation of Chapter 38A are difficult to project and vary greatly case by case. The expense for the contract is included in the Departments budget for FY 2022-23. The Department recommends amending the contract with Bamford Inc., increasing the maximum amount payable by \$100,000, not-to-exceed \$250,000, and extending the term of the contract to September 15, 2026. All other terms remain the same.

(Development Services)

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

Staff Report

Supervisor Connelly recused himself of this item.

Motion passed 3-0-2

Ayes: Supervisor Durfee, Ritter and Chair Kimmelshue

Nays: None

Recused: Supervisor Connelly

Absent: Supervisor Teeter

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

- 3.07 Contract Amendment With Greentek LLC. dba Arborworks Debris Removal for Abatement Services

In July 2021, the Department of Development Services released a request for qualifications for vendors to provide abatement services related to the implementation of Chapter 38A of Butte County Code (Fire Prevention and Protection). Two vendors were selected as the most responsive and qualified. On September 16, 2021, the County entered into a contract with Greentek LLC. dba Arborworks Debris Removal. The term of the agreement was through September 15, 2022, not-to-exceed \$50,000. On August 25, 2022, the contract was amended to extend the term to September 15, 2023. On September 21, 2022 the contract was amended again to increase the maximum amount payable by \$100,000. The estimates for abatements which have received judgments, exceed the current contracted amount and term of the service. Abatement costs for the implementation of Chapter 38A are difficult to project and vary greatly case by case. The expense for the contract is included in the Departments budget for FY 2023-24. The Department recommends amending the contract with Greentek LLC. dba Arborworks Debris Removal, increasing the maximum amount payable by \$100,000, not-to-exceed \$250,000, and extending the term of the contract to September 15, 2026. All other terms remain the same. (Development Services)

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

Staff Report

- 3.08 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 and Sheriff-Coroner.

EMPLOYMENT AND SOCIAL SERVICES: Add 1 flexibly staffed Administrative Assistant / Senior Administrative Assistant position. The new position will provide direct administrative support to the Director and better suit the current and future operational needs of the department. The Department will run an internal recruitment for the new position and return to the Board with an action to delete the resulting vacancy. The Department anticipates the position to be an overall annual decrease once the new position is filled and the existing one deleted. Total allocations to increase temporarily by 1. SHERIFF-CORONER: Add 1 Senior Sheriff's Clerk position. The new position will better suit the needs of the Sheriff's Office. An internal recruitment for the new position will be held and the Sheriff's Office will return to the Board with an action to delete the resulting vacancy. The Sheriff's Office anticipates the position to be an annual increase of less than \$5,000 once the new position is filled and the existing one deleted; which will be absorbed in existing appropriations. Total allocations to increase temporarily by 1. (Human Resources)

Action Requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 23-101

3.09 Contract with Workday, Inc. for Workday Success Plans

In January 2022 the County went live with Workday, an Enterprise Resource Planning (ERP) software that includes financial, human resources, timekeeping, payroll, benefits, grants, projects and the related security and integrations. County staff continue to work to support the implementation and continuous improvement of the software. To support this effort, staff recommend a contract with Workday for software support. Workday Success Plans provides comprehensive expertise, support, and guidance to drive engagement thus increasing the value of the software. Approval of this contract is strongly recommended by both the Workday Program Board as well as the Support Services Department Head Committee. The term of the contract is December 14, 2023 through January 25, 2030. The cost is \$63,878 per fiscal year with a final payment of \$7,385 to align the end date of Workday Success Plans with the end date of the Workday software contract. The total for the 6 year term is \$390,653. Funding for this contract in this and future years will be housed in the Information Systems operating budget, which as a central service department is cost-allocated across the County. The Department recommends approval of the contract and authorize the Chair to sign. (Information Systems)

Action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Item pulled from the agenda.

3.10 Library Budget Adjustment To Include Grant Funds

The County Library was granted \$120,000 in federal grant funds through the Library Services and Technology Act (LSTA) for the project eBooks for all. The purpose of these funds is to purchase eBooks for the Library. In recent years, the Library has observed a significant increase in the use of eBooks and audio books. This additional funding will allow the Library to expand the FY 2023-24 e-Book collection for residents of Butte County. The Department recommends approval of a budget adjustment for the allocation of those additional funds. (Library)

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

Staff Report

3.11 Library Budget Adjustment to add Grant Funds

The Library Department received \$9,245 in State grant funds for the Zip books program. The Zip books program provides library patrons with quick access to books not available in their local libraries. A patron can request the item, the library buys it from Amazon, and the book is shipped directly to their home. When finished, the patron returns it to the library, and the library adds it to the collection. The library collection becomes more closely matched to the needs of the local community due to Zip books being a user-driven program. Butte County Library participates in this program alongside 96 other library jurisdictions. The California State Library is responsible for administering the funds. The Department recommends approval of a budget adjustment for the allocation of those additional funds. (Library)

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

Staff Report

3.12 Grant Agreement with U.S. Department of Transportation (USDOT) Federal Highway Administration (FHWA) Office of Safety for the Safe Streets and Roads For All (SS4A) program

The Department of Public Health has received grant funding from FHWA for the SS4A program. The funds will be utilized to update or create new bicycle and pedestrian safety plans for Gridley, Oroville and unincorporated Butte County. The safety plans will expand and support general planning for infrastructure improvements, as well as increase safety for Butte County users. The Department will work in coordination with community partners to gather public input, look at future infrastructure needs and outline the latest safety measures in the completed plans to ensure they are functional for at least 10 years. A budget adjustment is not necessary as the revenue and expenses were included in the Departments FY 2023-24 budget. The Department recommends entering into a grant agreement with USDOT FHWA. The term of the grant agreement is upon execution through September 30, 2025, with a maximum amount receivable of \$788,000. (Public Health)

Action requested - APPROVE GRANT AGREEMENT AND AUTHORIZE CHAIR TO SIGN

Staff Report

3.13 Child Health and Disability Prevention (CHDP), CHDP Childhood Lead Poisoning Prevention Program (LPP) and Health Care Program for Children in Foster Care (HCPCFC) Annual Certification for Fiscal Year 2023-24

Per California Department of Health Care Services (DHCS) guidelines and regulations, each year the Department of Public Health is required to sign Certification Statements agreeing to comply with all applicable provisions of the Health and Safety code, Welfare and Institutions Code and the Integrated Systems of Care Plan and Fiscal Guidelines Manual for the CHDP, CHDP LPP and HCPCFC programs. The CHDP program focuses on complete health assessments for the early detection and prevention of disease and disabilities in children and youth. In addition, CHDP focuses on medical provider resource development, informing about CHDP services to eligible families, and health education activities during community outreach events to help link families to Medi-Cal services for their children. As part of the medical provider resource development, the LPP program is for CHDP staff to verify that providers are following the established health care standards for blood testing of children for lead exposure by conducting chart reviews. The HCPCFC program administratively coordinates the health care needs of children in foster care, such as their development, dental, and mental health needs. A Public Health Nurse (PHN) ensures that identified health needs are monitored and support the continuity of health care services while in foster care placements. The PHN consults with physicians and other medical and non-medical professionals regarding the health and well being of children in the HCPCFC program and in coordinating appropriate medical treatment. (Public Health)

Action requested - AUTHORIZE THE CHAIR TO SIGN PROGRAM CERTIFICATION STATEMENTS

Staff Report

3.14 Grant Agreement with California Department of Public Health (CDPH) to implement the California Nursing Home and Long Term Care Infrastructure and Preparedness Project

The Department of Public Health has received grant funding from CDPH to implement the California Nursing Home and Long Term Care Infrastructure and Preparedness project. The primary objectives of the project are to strengthen the preparedness and response capabilities of long-term care facilities in the face of emergencies, ensure the availability and proper utilization of personal protective equipment (PPE) and facilitate the creation and maintenance of comprehensive emergency plans. The Department will conduct on site and virtual meetings to develop and evaluate emergency plans, provide training sessions on proper PPE utilization and storage and facilitate drills to test the preparedness of the long-term care facility staff. The Department recommends entering into a grant agreement with CDPH to implement the California Nursing Home and Long Term Care Infrastructure and Preparedness project. The term of the grant agreement is June 1, 2023 through May 10 2024, with a maximum amount receivable of \$70,000. (Public Health)

Action requested - APPROVE GRANT AGREEMENT AND AUTHORIZE CHAIR TO SIGN

Staff Report

- 3.15 Resolution dissolving a Revolving (Imprest Cash) Fund for Tobacco Education Program Operations

The Department of Public Health requests approval from the Board of Supervisors to dissolve a revolving (imprest cash) fund for the Department in the amount of \$250.00 for the purpose of Tobacco Education Program operations. In accordance with Government Code Section 29320 et.seq., the Department had established the Tobacco Education Revolving Fund under resolution #21-063 on May 11, 2021. The fund was established for the decoy operations under the Stop Tobacco Access to Kids Enforcement (STAKE) grant. The Stake grant ended on June 30, 2023 and the fund is no longer needed. The Department recommends the Board adopt a new resolution dissolving the Tobacco Education Revolving Fund. (Public Health)

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

Staff Report

Resolution 23-102

- 3.16 Blanket Purchase Agreement (BPA) with Holt of California for Equipment Rentals

The Department of Public Works regularly rents specialized equipment to supplement equipment used for the maintenance and operations in the Department's Road Division and at the Neal Road Recycling and Waste Facility. Historically, the Department has utilized the "all-inclusive" exemption to solicit equipment rentals from local rental yards. The County currently holds BPAs with I-5 Rentals, Inc., located in Redding (expires April 29, 2026); United Rentals, located in Chico (expires October 27, 2023); Rental Guys, located in Chico (expires May 10, 2025); and Holt Equipment, located in Yuba City (expires September 15, 2023). Funds for equipment rental are included in the FY 2023/24 Road Fund and Enterprise Fund budgets. The Department recommends entering into a BPA with Holt of California, of Yuba City, for equipment rental. The term of the BPA is three years from the date of execution, not-to-exceed \$250,000. (Public Works)

Action requested - APPROVE BLANKET PURCHASE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

- 3.17 Approve Final Contract Change Order (CCO) and Notice of Completion for the Lower Wyandotte Road Rehabilitation Project

On May 9, 2023, the Board of Supervisors awarded the Lower Wyandotte Road Rehabilitation Project to Knife River Construction of Chico, CA, for \$441,901. The

project replaced existing asphalt concrete with new asphalt concrete on Lower Wyandotte Road from District Center Drive to Foothill Boulevard. All contract work has been completed per the project plans and specifications. One final contract change order (CCO) needs approval before the project can be deemed complete. CCO No. 1 provides for changes in contract quantities to match actual quantities at the contract unit prices for the various line items, and approves miscellaneous extra work items. CCO No. 1 increased the contract by \$60,102.50 due to underestimated shoulder backing quantities in the engineer's estimate. The resulting total cost of work is \$502,003.50. The Department of Public Works recommends that the Board take concurrent action to approve the contract change order, accept the contract work as complete, and authorize the Chair to sign the Notice of Completion. (Public Works)

Action requested - 1) APPROVE CCO NO. 1; 2) ACCEPT THE CONTRACT WORK AS COMPLETE; AND 3) AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION

Staff Report

3.18 Approve Final Contract Change Order (CCO) and Notice of Completion for the Miners Ranch Road Rehabilitation Project

On May 9, 2023, the Board of Supervisors awarded the Miners Ranch Road Rehabilitation Project to Knife River Construction of Chico, CA, for \$1,564,142. The project replaced existing asphalt concrete with new asphalt concrete on Miners Ranch Road from Highway 162 to Oro Bangor Highway. All contract work has been completed per the project plans and specifications. One final contract change order (CCO) needs approval before completing the project. CCO No. 1 provides for changes in contract quantities to match actual quantities at the contract unit prices for the various line items, and approves miscellaneous extra work items. CCO No. 1 increased the contract by \$101,169.29 due to underestimated shoulder backing quantities in the engineer's estimate. The resulting total cost of work is \$1,665,311.24. The Department of Public Works recommends that the Board take concurrent action to approve the contract change order, accept the contract work as complete, and authorize the Chair to sign the Notice of Completion. (Public Works)

Action requested - 1) APPROVE CCO NO. 1; 2) ACCEPT THE CONTRACT WORK AS COMPLETE; AND 3) AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION

Staff Report

3.19 Authorization to Approve Project Plans and Specifications and Advertise and Solicit Bids for Module 4 Landfill Gas Collection and Control System Expansion Project at the Neal Road Recycling and Waste Facility

The Module 4 Landfill Gas Collection and Control System (GCCS) was developed to capture, collect, and convey landfill gas (methane). Recently, ambient and below-ground methane readings have exceeded the permitted limits. The NRRWF must expand the GCCS and capture the exceeded landfill gas to comply with permit requirements. The project will drill and install nine additional landfill gas wells,

vertical landfill gas wellheads, gas conveyance pipes, and various pipe fittings and fixtures. The work will allow NRRWF to comply with existing Federal and State air emissions requirements. The engineer's estimate for installation is \$349,397. The Department did not anticipate installing new gas wells, so the project costs were not included in the 2023-24 fiscal year budget. The Department intends to request a budget amendment when the contract award is submitted to the Board of Supervisors for approval to reflect the actual project costs accurately. The Department of Public Works recommends that the Board of Supervisors authorize the Director of Public Works to approve plans and specifications, advertise, and solicit bids for Module 4 Landfill Gas Collection System Expansion - Phase 3. (Public Works)

Action requested - 1) APPROVE THE PROJECT PLANS AND SPECIFICATIONS; AND 2) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ADVERTISE AND SOLICIT BIDS FOR CONSTRUCTION OF THE PROJECT

Staff Report

3.20 Approve Notice of Completion for the New Skyway Rehabilitation Project

On August 23, 2022, the Board of Supervisors awarded the New Skyway Rehabilitation Project to Knife River Construction of Chico, CA, for \$603,740. The project removed and replaced 3 inches of asphalt concrete on New Skyway from the Paradise town limits to Coutolenc Road. All contract work has been completed per the project plans and specifications. One contract change order (CCO) was executed during the contract that provided changes in contract quantities to match actual quantities at the contract unit prices for the various line items and approved miscellaneous extra work items. CCO No. 1 resulted in a decrease to the contract of \$9,725, resulting in a total cost of work of \$594,015. The Department of Public Works recommends that the Board accept the work as complete and authorize the Chair to sign the Notice of Completion. (Public Works)

Action requested - ACCEPT THE CONTRACT WORK AS COMPLETE AND AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION

Staff Report

3. CONSENT AGENDA

4. REGULAR AGENDA

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

A. Appointments to Listed Vacancies

4.01. A1. Appointment to the Butte County Children and Families Commission (First 5)

First 5 is part of a Statewide effort to create a seamless system of integrated and comprehensive programs and services by establishing community-based programs to provide parental education and family support services relevant to effective childhood development; encouraging pregnant women and parents of young children to quit smoking; and educating the public on the importance and the benefits of nurturing, health care, family support, and child care. First 5 is a nine-member commission comprised of a member of the Board of Supervisors, the Directors of the Department of Public Health, the Department of Behavioral Health, and the Department of Employment and Social Services, and five members of the public appointed by the Board of Supervisors. Additionally, the Board of Supervisors also appoints two alternates to First 5. First 5 recommends the Board of Supervisors appoint the following: Mr. Paul Arnold as an alternate Commissioner, with a term ending June 30, 2024. Mr. Arnold is a retired educator, and fulfills the role of representatives of local school district. (Butte County Children and Families Commission - First 5)

Action requested - APPOINT MR. PAUL ARNOLD TO THE BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION AS AN ALTERNATE COMMISSIONER WITH TERM ENDING JUNE 30, 2024

Staff Report

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

Action: APPOINT MR. PAUL ARNOLD TO THE BUTTE COUNTY CHILDREN AND FAMILIES COMMISSION AS AN ALTERNATE COMMISSIONER WITH TERM ENDING JUNE 30, 2024

**Motion: Supervisor Ritter
Seconded: Supervisor Connelly**

Motion passed 4-0-1

**Ayes: Supervisor Durfee, Connelly, Ritter and Chair Kimmelshue
Nays: None
Absent: Supervisor Teeter**

4.01. A2. Appointment to Drainage District 200 in Lieu of an Election

In Drainage District 200, the number of qualified candidates filing for the Board of Director seat did not exceed the number of positions to be filled and no petition calling for election was submitted. Pursuant to California Elections Code section 10515, the Butte County Board of Supervisors shall appoint nominees to the Board of Directors seat in lieu of election. Drainage District 200 requests that the Board of Supervisors appoint Joe Manes to a two year term, and Sherry

LaMalfa-Smith to a four year term, in lieu of an election pursuant to Elections Code section 10515. (Drainage District 200)

Action requested - APPOINT JOE MANES TO A TWO YEAR TERM, AND SHERRY LAMALFA-SMITH TO A FOUR YEAR TERM TO SERVE AS DIRECTORS ON THE DRAINAGE DISTRICT 200 IN LIEU OF AN ELECTION PURSUANT TO ELECTIONS CODE SECTION 10515

Staff Report

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

Action: APPOINT JOE MANES TO A TWO YEAR TERM, AND SHERRY LAMALFA-SMITH TO A FOUR YEAR TERM TO SERVE AS DIRECTORS ON THE DRAINAGE DISTRICT 200 IN LIEU OF AN ELECTION PURSUANT TO ELECTIONS CODE SECTION 10515

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion passed 4-0-1

Ayes: Supervisor Durfee, Connelly, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Teeter

4.01. A3. Appointment to the Lake Madrone Water District in Lieu of an Election

In the Lake Madrone Water District, the number of qualified candidates filing for the Board of Director seat did not exceed the number of positions to be filled and no petition calling for election was submitted. Pursuant to California Elections Code section 10515, the Butte County Board of Supervisors shall appoint nominees to the Board of Directors seat in lieu of election. The Lake Madrone Water District requests that the Board of Supervisors appoint Holly Mason to a two year term, and Roger D. Williams, Timothy Jay Beers, and Jess C. Vickery, each to a four year term on the Board of Directors of the Lake Madrone Water District in lieu of an election pursuant to Elections Code section 10515. (Lake Madrone Water District)

Action requested - APPOINT HOLLY MASON TO A TWO YEAR TERM, AND ROGER D. WILLIAMS, TIMOTHY JAY BEERS, AND JESS C. VICKERY, EACH TO A FOUR YEAR TERM ON THE BOARD OF DIRECTORS OF THE LAKE MADRONE WATER DISTRICT IN LIEU OF AN ELECTION PURSUANT TO ELECTIONS CODE SECTION 10515

Staff Report

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

Action: APPOINT HOLLY MASON TO A TWO YEAR TERM, AND ROGER D. WILLIAMS, TIMOTHY JAY BEERS, AND JESS C. VICKERY, EACH TO A FOUR YEAR TERM ON THE BOARD OF DIRECTORS OF THE LAKE MADRONE WATER DISTRICT IN LIEU OF AN ELECTION PURSUANT TO ELECTIONS CODE SECTION 10515

**Motion: Supervisor Connelly
Seconded: Supervisor Durfee**

Motion passed 4-0-1

Ayes: Supervisor Durfee, Connelly, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Teeter

4.01. A4. Appointment to Richvale Irrigation District in Lieu of an Election

In the Richvale Irrigation District, the number of qualified candidates filing for the Board of Director seat did not exceed the number of positions to be filled and no petition calling for election was submitted. Pursuant to California Elections Code section 10515, the Butte County Board of Supervisors shall appoint nominees to the Board of Directors seat in lieu of election. The Richvale Irrigation District requests that the Board of Supervisors appoint Kelby Sheppard and Lyle D. Job, each to four year terms on the Richvale Irrigation District Board of Directors in lieu of an election pursuant to Elections Code section 10515. (Richvale Irrigation District)

Action requested - APPOINT KELBY SHEPPARD AND LYLE D. JOB, EACH TO FOUR YEAR TERMS ON THE RICHVALE IRRIGATION DISTRICT BOARD OF DIRECTORS IN LIEU OF AN ELECTION PURSUANT TO ELECTIONS CODE SECTION 10515

Staff Report

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

Action: APPOINT KELBY SHEPPARD AND LYLE D. JOB, EACH TO FOUR YEAR TERMS ON THE RICHVALE IRRIGATION DISTRICT BOARD OF DIRECTORS IN LIEU OF AN ELECTION PURSUANT TO ELECTIONS CODE SECTION 10515

**Motion: Supervisor Durfee
Seconded: Supervisor Connelly**

Motion passed 4-0-1

Ayes: Supervisor Durfee, Connelly, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Teeter

4.01. A5. Appointment to the Western Canal Water District in Lieu of an Election

In the Western Canal Water District, the number of qualified candidates filing for the Board of Director seat did not exceed the number of positions to be filled and no petition calling for election was submitted. Pursuant to California Elections Code section 10515, the Butte County Board of Supervisors shall appoint nominees to the Board of Directors seat in lieu of election. The Western Canal Water District requests that the Board of Supervisors appoint Eric Larabee, Bryce Lundberg, and Coreen Davis, each to a four year term on the Board of Directors of the Western Canal Water District in lieu of an election pursuant to Elections Code section 10515. (Western Canal Water District)

Action requested - APPOINT ERIC LARABEE, BRYCE LUNDBERG, AND COREEN DAVIS, EACH TO A FOUR YEAR TERM ON THE BOARD OF DIRECTORS OF THE WESTERN CANAL WATER DISTRICT IN LIEU OF AN ELECTION PURSUANT TO ELECTIONS CODE SECTION 10515

Staff Report

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

Action: APPOINT ERIC LARABEE, BRYCE LUNDBERG, AND COREEN DAVIS, EACH TO A FOUR YEAR TERM ON THE BOARD OF DIRECTORS OF THE WESTERN CANAL WATER DISTRICT IN LIEU OF AN ELECTION PURSUANT TO ELECTIONS CODE SECTION 10515

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion passed 4-0-1

Ayes: Supervisor Durfee, Connelly, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Teeter

- 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 Durfee – Met with a lot of constituents, office attended Clean California Safety Beautification Project in Oroville, attended the UC

Cooperative Extension Rice and Field Day, an event hosted by Sierra North Valley Realtors, and the 9-11 Memorial at Fire Station 5 in Chico hosted by Chico Fire to help us never forget.

Supervisor Connelly – Attended the Lake Madrone Citizens meeting, toured the area of Lake Madrone and observed lots of hazardous trees, attended the Highway Rehabilitation Beautification project, spoke with a reporter back East about issuance of annual nation-wide licenses, attended Sierra Sacramento Emergency Medical Service meeting, Berry Creek School dedication, Feather Falls Remembrance of the Bear Fire, was the Master of Ceremonies at Palermo Field Days parade, and attended Cal Local Agency Formation Commission (LAFCO) meeting.

Supervisor Ritter – Attended the Long Range Master Plan on Aging meeting, Butte County Association of Governments (BCAG) and Air Quality meetings, discussed Emergency Shelter Grant, spoke with residents regarding mobile homes and other agencies to preserve housing, participated in Request for Proposal (RFP) interviews with County Administration, attended the annual Labor Day Picnic at Elks Lodge, and the Local Government Reception with Sierra Valley Realtors; there are two October 5th - Sac Valley Basin Wide Air Pollution Group Council meeting and 20th - in Redding, Senior Event about services within the region and how to better collaborate with each other.

Chair Kimmelshue – Attended many of the same meetings and events as the other Board members and attended California State Associate of Counties (CSAC).

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

The following member(s) of the public submitted Public Comment on this item: Diana Dreiss, Julie Threet, Tara Pash and Rebecca North (in person) Diana Dreiss (electronically)

- 4.03 Agreements with California Department of Health Care Services (DHCS) for Providing Access and Transferring Health (PATH) Capacity Building Grant Funds

On January 26, 2023, the DHCS received approval under its California Advancing and Innovating Medi-Cal (CalAIM) 1115 Demonstration for PATH capacity building funds to support the Justice-Involved Reentry Initiative. Under the CalAIM 1115 Demonstration, DHCS received approval to disseminate up to \$410 million in capacity building funds to support the planning and implementation of pre-release and reentry services in the 90 days prior to an individual's release from incarceration into the community. PATH grant funds have been released over three rounds in the last several months. The Sheriff's Office has been awarded a total of

\$5,500,000 in PATH grant funds in Round 2 and Round 3 to be used for software, planning, and implementation of 90-day pre-release and reentry services at the Butte County Jail as mandated by DHCS through CalAIM. The funds do not need to be spent by a certain date, however, the County will have 180 days to come up with a plan on how to spend the money. The Sheriff's Office recommends entering into two (2) grant agreements with DHCS, the first agreement is for receipt of Round 2 funding in the amount of \$500,000 and the second agreement is for receipt of Round 3 funding in the amount of \$5,000,000, and authorizing staff to electronically submit both agreements. (Sheriff)

Action requested - 1) APPROVE TWO GRANT AGREEMENTS (ONE FOR ROUND 2 AND ONE FOR ROUND 3) AND AUTHORIZE THE CHAIR TO SIGN; AND 2) AUTHORIZE ELECTRONIC SUBMISSION OF THE AGREEMENTS BY STAFF

Staff Report

Sheriff Kory Honea presented this item to the Board.

Action: 1) APPROVE TWO GRANT AGREEMENTS (ONE FOR ROUND 2 AND ONE FOR ROUND 3) AND AUTHORIZE THE CHAIR TO SIGN; AND 2) AUTHORIZE ELECTRONIC SUBMISSION OF THE AGREEMENTS BY STAFF

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion passed 4-0-1

Ayes: Supervisor Durfee, Connelly, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Teeter

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

4.05 Board of Supervisors Public Comment (Continuation as Needed) - Comments to the Board on issues and items not listed on the agenda. Please note that pursuant to California State law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda.

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

5. PUBLIC HEARINGS AND TIMED ITEMS

5.01 9:15 AM - Timed Item - Resolution for Closeout of Community Development Block Grant 20-CDBG-CV2-3-00003

In 2021, Butte County received a Community Development Block Grant from the State Department of Housing and Community Development (HCD) in the amount of

\$337,297 to continue mobile food bank distribution to low-to-moderate income, food-insecure households in unincorporated Butte County. To provide these services, the County contracted with the Community Action Agency of Butte County, Inc., to distribute food to 12,343 individuals. Grant recipients are required to collect and report information on activities, as well as hold a public hearing before the Board of Supervisors and the public to discuss the accomplishments of the grant. Staff recommends the Board of Supervisors hear public comment regarding the grant accomplishments, adopt the resolution, and authorize the Chair to sign. (County Administration)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 23-103

William Firth, Management Analyst II, and Katie Simmons, Deputy Administrative Office - Community Action Agency, presented this item to the Board. Timothy Hawking, CEO Community Action Agency of Butte County was available to answer questions.

Action: ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

The following member(s) of the public submitted Public Comment on this item: Julie Threet (in person)

**Motion: Supervisor Teeter
Seconded: Supervisor Durfee**

Motion passed 4-0-1

**Ayes: Supervisor Durfee, Connelly, Ritter and Chair Kimmelshue
Nays: None
Absent: Supervisor Teeter**

5.02 9:45 AM - Timed Item - Itemized Costs and Penalties Related to Nuisance Abatement to Record a Lien and Impose a Special Assessment

Paula Daneluk, Director of Development Services, introduced this item to the Board.

5.02. A. Code Enforcement Case Number CE22-00930; 0 Craig Access Road, Feather Falls APN No. 071-150-006

On September 14, 2022 a Hearing Officer declared a public nuisance existed on the property listed. This hearing has been scheduled to authorize the Board of Supervisors to record a lien to recover the County's costs for Code Enforcement Case Number CE22-00930 at 0 Craig Access Road, Feather Falls (Assessor's Parcel Number 071-150-006) in the amount of \$93,406.44 (\$87,000.00 for penalties and \$6,406.44 for cost recovery). (Development

Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$87,000.00 AND A SPECIAL ASSESSMENT OF \$6,406.44

Staff Report

PowerPoint

Chris Jellison, Code Enforcement Division Manager and Debbie Lanugenor, Senior Legal Office Assistant presented this item to the Board.

Action: APPROVE THE PROPOSED LIEN OF \$87,000.00 AND A SPECIAL ASSESSMENT OF \$6,406.44

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion passed 4-0-1

Ayes: Supervisor Durfee, Connelly, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Teeter

5.02. B. Code Enforcement Case Number CE22-01530; 1021 Encina Grande Road, Berry Creek APN No. 061-590-001

On November 25, 2022 a Hearing Officer declared a public nuisance existed on the property listed. This hearing has been scheduled to authorize the Board of Supervisors to record a lien to recover the County's costs for Code Enforcement Case Number CE22-01530 at 1021 Encina Grande Road, Berry Creek (Assessor's Parcel Number 061-590-001) in the amount of \$50,851.34 (\$45,000.00 for penalties and \$5,851.34 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$45,000.00 AND A SPECIAL ASSESSMENT OF \$5,851.34

Staff Report

PowerPoint

Chris Jellison, Code Enforcement Division Manager and Debbie Lanugenor, Senior Legal Office Assistant presented this item to the Board.

Action: APPROVE THE PROPOSED LIEN OF \$45,000.00 AND A SPECIAL ASSESSMENT OF \$5,851.34

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion passed 4-0-1

Ayes: Supervisor Durfee, Connelly, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Teeter

- 5.02. C. Code Enforcement Case Number CE22-00819; 382 Encina Grande Road, Berry Creek APN No. 061-480-011

On September 8, 2022 a Hearing Officer declared a public nuisance existed on the property listed. This hearing has been scheduled to authorize the Board of Supervisors to record a lien to recover the County's costs for Code Enforcement Case Number CE22-00819 at 382 Encina Grande Road, Berry Creek (Assessor's Parcel Number 061-480-011) in the amount of \$52,687.21 (\$46,500.00 for penalties and \$6,187.21 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$46,500.00 AND A SPECIAL ASSESSMENT OF \$6,187.21

Staff Report

PowerPoint

Settlement was reached with the property owner prior to the meeting.

- 5.02. D. Code Enforcement Case Number CE22-01185; 0 Cochise Drive, Feather Falls APN No. 071-280-038

On September 14, 2022 a Hearing Officer declared a public nuisance existed on the property listed. This hearing has been scheduled to authorize the Board of Supervisors to record a lien to recover the County's costs for Code Enforcement Case Number CE22-01185 at 0 Cochise Drive, Feather Falls (Assessor's Parcel Number 071-280-038) in the amount of \$108,715.04 (\$102,000.00 for penalties and \$6,715.04 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$102,000.00 AND A SPECIAL ASSESSMENT OF \$6,715.04

Staff Report

PowerPoint

Chris Jellison, Code Enforcement Division Manager and Debbie Lanugenor, Senior Legal Office Assistant presented this item to the Board.

Action: APPROVE THE PROPOSED LIEN OF \$102,000.00 AND A SPECIAL ASSESSMENT OF \$6,715.04

The following member(s) of the public submitted Public Comment on this item: Wayne Meyers (in person)

Action: APPROVE THE PROPOSED LIEN OF \$102,000.00 AND A SPECIAL ASSESSMENT OF \$6,715.04

No action taken - direction given to staff to work out a settlement with the property owner and if unsuccessful the item will be revisited.

- 5.02. E. Code Enforcement Case Number CE21-01818; 268 Old Mount Ida Road, Oroville APN No. 079-280-010

On December 12, 2021 a Hearing Officer declared a public nuisance existed on the property located at 268 Old Mount Ida Road, Oroville (Assessor's Parcel Number 079-280-010). The parcel owner and the county reached a settlement agreement on February 24, 2022 in the amount of \$11,874.02. An initial down payment of \$6,000 was made with the remaining balance of \$5,874.02 to be paid in twelve consecutive monthly payments of \$489.50 starting on March 24, 2022. The agreement included a clause that specified if any payment is more than thirty days past due, the agreement would be null and void and the County can initiate cost recovery via a property lien. After the down payment was made on February 24, 2022, the parcel owner made one monthly payment of \$500 and has failed and refused to make any further payments. The account is now over 30 days past due rendering the agreement null and void. This hearing has been scheduled to authorize the Board of Supervisors to record a lien to recover the County's costs and penalties for Code Enforcement Case Number CE21-01818 for the property located at 268 Old Mount Ida Road, Oroville (Assessor's Parcel Number 079-280-010) in the amount of \$11,734.02 (\$12,000 for penalties and \$6,234.02 for cost recovery totaling \$18,234.02, less payment previously received of \$6,500). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$11,734.02

Staff Report

PowerPoint

Settlement was reached with the property owner prior to the meeting.

6. BOARD OF SUPERVISORS CLOSED SESSION

Staff Report

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

California Open Lands v. County of Butte, United States District Court, Eastern District Case No: 2:20-cv-00123 KJM - DMC

6.04 Significant exposure to litigation pursuant to Gov. Code Sec. 54956.9(d)(2) - one potential case:

See August 1, 2023 letter from U.S. Department of Justice.

6.05 **Closed Session Public Comment**

**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