



BUTTE COUNTY BOARD OF SUPERVISORS

Regular Meeting Agenda

August 22, 2023

8:00 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 PC Packet](#)

1. CALL TO ORDER

[Pledge of Allegiance](#)

[Observation of a Moment of Silence](#)

2A. CORRECTIONS AND/OR CHANGES TO THE AGENDA

Item 5.02 was pulled from the Regular Agenda and will return at a later date.

2B. ANNOUNCEMENT(S) OF RECUSAL

Supervisor Durfee recused himself from item 5.05

3. CONSENT AGENDA

A. Supervisor Comments on Consent Agenda Items

B. Adopt Consent Agenda

No public comment was submitted for this item

Action: Approve Consent Agenda

Motion: Supervisor Connelly

Seconded: Supervisor Durfee

Motion passed unanimously

- 3.01 Revenue Agreement with the California Department of Food and Agriculture (CDFA) for the 2023-2025 Noxious Weed Grant Program

The Agricultural Commissioner's Office recommends entering into a revenue agreement with CDFA for two fiscal years to continue the Noxious Weed Grant Program. The objectives of the program are to control noxious weed species, which may reduce the fire hazard and fire control costs in the State, specifically in Butte County, and protect the biodiversity of native ecosystems. The term of the revenue agreement is July 1, 2023 through June 30, 2025, not-to-exceed \$42,421. (Agriculture)

Action requested - APPROVE THE REVENUE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

- 3.02 Agency Response to 2022-23 Grand Jury Report

To comply with Penal Code Sections 933 and 933.05, staff has prepared a draft Board of Supervisors response to the findings and recommendations contained in the 2022-23 Grand Jury Report. It is recommended that the Board review, consider, and approve the response for submittal to the Court. Alternatively, the Board can direct staff to make specified changes to the draft response, and a revised response can be submitted to the Court. (County Administration)

Action requested - APPROVE AGENCY RESPONSE TO GRAND JURY REPORT

Staff Report

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

The County enters into a cooperative agreement annually with CAL FIRE to staff the Butte County Fire Department, which provides fire protection services in the unincorporated areas of Butte County. The Cooperative agreement provides efficient, effective emergency services that takes advantage of economies of scale. The County has had a cooperative agreement with CAL FIRE since 1931. The term of the agreement is July 1, 2023 through June 30, 2024 with a maximum payable amount of \$18,790,262 included within the adopted budget. (Fire)

Action requested - 1) ADOPT RESOLUTION AND AUTHORIZE CHAIR TO SIGN; AND 2) APPROVE COOPERATIVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN

Staff Report

- 3.04 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: County Administration, Development Services, Human Resources, and Public Health.

COUNTY ADMINISTRATION: Flexibly staff 1 filled Associate Clerk to the Board / Administrative Assistant - Confidential / Senior Administrative Assistant - Confidential position to include the Administrative Technician - Confidential classification. This change will better suit the operational needs of the department. Adding the Administrative Technician position to this flexibly staffed series will not increase or decrease the range of possible pay rates; therefore, this action will fall within the existing appropriation authority of the FY 2023-24 budget. Total allocations to remain unchanged. DEVELOPMENT SERVICES: Add one flexibly staffed Office Assistant I / Office Assistant II position with a sunset date of 06/30/2025. This position is funded by the 2017 MIT Grant reimbursement process. Grant activity for the MIT grant has begun and this support position is needed to better serve the needs of the department. The position will sunset at the end of the grant term on 6/30/2025. Funding for the position was included in the FY 2023-24 Budget. Total allocation will increase by one. HUMAN RESOURCES: Amend section 28F "Confidential Employees" of Salary Ordinance No. 4224 of the County of Butte to add a new classification titled "Administrative Technician - Confidential" at range 47. The applicable employee group has agreed to the addition of the new classification and range placement. PUBLIC HEALTH: Add two 0.5 FTE Peer Support Specialist positions and delete two 0.5 FTE flexibly staffed Health Services Assistant I / Health Services Assistant II positions. These changes will better suit the needs of the department and assist in meeting the Enhanced Care Management (ECM) program goals. The estimated annual cost is an increase of \$494 and is paid for within the costs of the ECM program and included in the department's budget. Total allocations to remain unchanged. (Human Resources)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

- 3.05 Library Budget Adjustment for North Valley Community Foundation (NVCF) Grant Funds

The Library Department has been awarded a \$22,754 grant from NVCF. This grant is administered by the Library Advisory Board. The grant funding will support the library's outreach efforts to reach communities across the County through various channels. The goals of the outreach initiatives include linking individuals to library membership, creating education materials (webinars and videos) to target awareness of online resources, and improved website and social media content to build awareness of library programs and events. The grant funding provides for

approximately 1205 hours for extra help staffing to meet the outreach initiatives. The Department recommends the Board of Supervisors approve a budget adjustment for the allocation of these additional funds. (Library)

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

Staff Report

- 3.06 Resolution Authorizing a Funding Proposal from the Department of Water Resources and Designate the Director of Public Works to Execute the Agreements and Associated Amendments for the Named Area 3 Flood Maintenance Assistance Program

As the Local Maintaining Agency (LMA), the Department of Public Works maintains the Mud and Sycamore Creek levees, part of the Chico area's flood control system (Named Area 3). The County-maintained levee system is an integral part of the State's Flood Plan of Flood Control (SPFC) system, which is eligible for specific programs and funding opportunities through the California Department of Water Resources (DWR). The Flood Maintenance Assistance Program (FMAP) is one program that provides grant funding to eligible Local LMAs to ensure proper maintenance of SPFC facilities, including levees. The primary objective of FMAP is to ensure SPFC facilities meet the requirements outlined in Title 33, section 208.10, of the Code of Federal Regulations, as well as the applicable Operation and Maintenance Manual requirements. FMAP funding will support the maintenance and development of the Mud and Sycamore Creek levees, including essential documents like the US Army Corp of Engineers' Letter of Intent and the Systemwide Improvement Framework Plan. The Department recommends the Board of Supervisors adopt a resolution authorizing the Director of Public Works to execute the funding agreement with DWR and any amendments and take necessary actions to obtain funding for the Named Area 3- Butte County FMAP Project. (Public Works)

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

Staff Report

- 3.07 Capital Asset Surplus

The Board of Supervisors declares vehicles surplus that are no longer serviceable or no longer needed by the County before auctioning the items. The Department of Public Works recommends the Board declare sixteen vehicles and one electronic distance meter as surplus to the needs of the County, as the assets are either outdated, have high mileage, or the repairs exceed the asset's value. (Public Works)

Action requested - DECLARE CAPITAL ASSETS (17) SURPLUS TO THE NEEDS OF THE COUNTY

Staff Report

- 3.08 Contract with Virtra, Inc. for Training Simulator Equipment and Software

Virtra, Inc. is a patented virtual reality training simulator equipment and software that offers unique, safe, and interactive training that is specialized to law enforcement needs. The Sheriff's Office recommends entering into a contract with Virtra, Inc. for training simulator equipment and software. The term of the contract begins upon execution and ends after 42 months, not-to-exceed \$213,250. (Sheriff)

Action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.09 Contract Amendment with Johnson House of Sobriety for Sober Living Housing

The Sheriff's Office Alternative Custody Supervision (ACS) program utilizes sober living environments (SLE) to house ACS participants. In December 2021, the Sheriff's Office entered into a contract with Johnson House of Sobriety to provide SLE housing. Johnson House has provided housing to an average of 7 residents per month over the last year. Due to increased costs to provide housing the contract needs to be amended to increase the daily rate from \$32 to \$35 per resident. The department recommends amending the contract with Johnson House of Sobriety for Sober Living Housing. The amendment increases the maximum payable amount by \$44,000, not-to-exceed \$194,000. All other terms remain the same. (Sheriff)

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

Staff Report

3.10 Agreement with US Department of Justice and Certification for Federal Equitable Sharing Program

The Sheriff's Office and the Butte Interagency Narcotics Task Force (BINTF) participate in the Federal Equitable Sharing Program as part of the Department of Justice Asset Forfeiture Program, which is a nationwide law enforcement initiative that removes the tools of crime from criminal organizations, deprives wrongdoers of the proceeds of the crimes, recovers property that may be used to compensate victims, and deters crime. In order to participate in the program, an annual Equitable Sharing Agreement and Certification must be electronically filed with the U.S. Department of Justice by the County on behalf of the Sheriff's Office and BINTF. The agreement and certification for FY 2022-23 have been prepared and summarize program expenditures and revenues. In FY 2022-23, BINTF and the Sheriff's Office received \$172,773 and expended \$25,882. The department recommends approving the Equitable Sharing Agreement and Certification for FY2022-23 and authorizing electronic submission by staff. (Sheriff)

Action requested - 1) APPROVE AGREEMENT AND CERTIFICATION AND AUTHORIZE THE CHAIR TO SIGN; AND 2) AUTHORIZE ELECTRONIC SUBMISSION

Staff Report

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 Library Advisory Board

The Library Advisory Board (LAB) was created for the following purposes: to update and annually maintain a strategic plan for the Butte County Library; develop and maintain a long range library financial plan; provide an annual statement/report on the state of the Library for the past year; develop fundraising plans for the Board of Supervisors approval; provide oversight of the funds deposited with the North Valley Community Foundation on behalf of the Butte County Libraries, as authorized on May 15, 2002 by the Board of Directors of the Butte County Library Foundation and prior to the closure of the Foundation; oversee the development of relationships with community partners, such as schools and business; assist with the relationships with the cities and towns in the County; advise the Board of Supervisors on issues and trends impacting the Library; monitor technology that will affect the operation of the Library and provide guidance to the Board of Supervisors; develop and oversee public relations campaigns in support of the Library; and encourage in every possible way the development and advancement of the public library system. The LAB is comprised of 10 voting members, with two members residing in each supervisorial district, appointed by the Board of Supervisors. Additionally, the County Librarian shall serve as a non-voting member on the LAB. Supervisor Durfee requests that the Board of Supervisors appoint Jean Ping to a District 2 Seat with a term ending January 2, 2027. (Other - Library Advisory Board)

Action requested - APPOINT JEAN PING TO A DISTRICT 2 SEAT WITH A TERM ENDING JANUARY 2, 2027

Staff Report

Shaina Paulsen, Associate Clerk of the Board, presented this item to the Board.

No public comment was submitted for this item.

Action: APPOINT JEAN PING TO A DISTRICT 2 SEAT WITH A TERM ENDING JANUARY 2, 2027

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

Motion passed unanimously

- 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 – attended a Town Hall meeting in Durham that Congressman LaMalfa hosted, honored 3 individuals for their service at the Silver Dollar Fair, and met with constituents.

Supervisor Teeter – attended the Paradise High School ribbon cutting for the new school and received a tour, attended a monthly zoom meeting with Rural Counties Rural County Representative of California (RCRC) and California State Associate of Counties (CSAC) regarding PG&E issues, toured Pick and Pull, met with Upper Ridge Community Council members, attended RCRC Executive Meeting, attended the Butte County Mobile Library unveiling and attend the Forest Ranch Volunteer 2024 fundraiser.

Supervisor Connelly – attended the Sutter Butte Flood Control meeting, attended the Vet Memorial meeting, and has been walking District 1 finding number one issue is homelessness, partly due to lack of insurance that is available and affordable.

Supervisor Ritter – attended the Passages Advisory Board, the Diversability Action Network Collation, First 5 and Commission meetings, echo number one issue across the board is availability of shelter and housing, Butte County Behavioral Health Board has shared repeatedly the same information.

Chair Kimmelshue – attended many of the same meetings as colleagues.

- 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 and Julie Threet (electronically) Diana Dreiss, Julie Three and Dr Cathrine Posey (in person)

- 4.03 Letter of Opposition for AB 399 amending Section 11 of the County Water Authority Act

At the request of Supervisor Connelly, staff prepared a letter in opposition of Assembly Bill 399, which contradicts standard agency detachment under LAFCO law. AB 399 is urgency legislation that would require an affirmative vote of the entire

San Diego County Water Authority electorate, as a condition of any member agency receiving approval to detach. Current law requires a vote of only the electorate of the agencies seeking detachment. Approval of AB 399 would set a troubling precedent, one in which any public agency unhappy with the LAFCO processing of a proposal may seek special legislation to undermine LAFCO's authority and thereby change statutory requirements after an application is filed. (County Administration)

Action requested - APPROVE LETTER OF OPPOSITION AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

Meegan Jessee, Assistant Chief Administrative Officer, and Supervisor Connelly, presented this item to the Board.

No public comment was submitted for this item.

Action: APPROVE LETTER OF OPPOSITION AND AUTHORIZE THE CHAIR TO SIGN.

Motion: Supervisor Connelly

Seconded: Supervisor Durfee

Motion passed unanimously

4.04 Agreement with Department of Health Care Services (DHCS) for Drug Medi-Cal (DMC) Treatment Program Substance Use Disorder (SUD) Services and Resolution Authorizing the Director of Behavioral Health to Sign the Agreement

The DHCS standard agreement for DMC Treatment Program SUD Services provides State and federal funding for a majority of the Department of Behavioral Health's SUD programs. The agreement allows the Department to provide substance use treatment services available to Medi-Cal beneficiaries in Butte County. The Department recommends the Board of Supervisors approve a revenue agreement with DHCS. The term of this agreement is July 1, 2023 through June 30, 2027, not-to-exceed \$37,830,400. The revenue is specified across four fiscal years as follows: \$9,457,600 for FY 2023-24 through FY 2026-27. DHCS requires the Board to adopt a resolution authorizing the Director of Behavioral Health to sign the agreement and any future amendments. (Behavioral Health)

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

Staff Report

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

No public comment was submitted for this item.

Action: 1) APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND 2) ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Motion: Supervisor Ritter
Seconded: Supervisor Teeter

Motion passed unanimously

4.05 Contract with Armed Guard Private Security, Inc. to Provide Armed and Unarmed Security Guard Services

Armed Guard provides security guard services necessary for a safe environment to protect the public and staff at all locations of the Department of Employment and Social Services. Security guard presence in public areas within Department locations assists with keeping staff and clients safe. Security guards allow the Department to serve the public efficiently and without interruption. The Department published a formal invitation for bids for the service on May 2, 2023 and the request for bids closed on May 25, 2023. A total of five bids were received, with one bidder found to be non-responsive. A panel performed the evaluation process and Armed Guard Private Security, Inc. was the lowest responsive and responsible bidder. The Department recommends the Board approve a contract with Armed Guard Private Security, Inc., to provide security guard services to all Department locations. The term of the contract is September 1, 2023 through June 30, 2026, not-to-exceed \$1,771,870. (Employment and Social Services)

Action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

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

No public comment was submitted for this item.

Action: APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Motion: Supervisor Connelly
Seconded: Supervisor Ritter

Motion passed unanimously

4.06 Job Order Contracts (JOC) with Knife River Construction, RCI General Engineering, North Star Construction and Engineering, Inc., and Franklin Construction

JOC is an alternative project delivery process allowing contractors to complete many projects with a single bid. Public Contract Code section 20128.5 allows the County to implement a JOC services process to select vendors to complete specific individual projects for repairs, maintenance, and other repetitive work according to fixed unit prices under a single umbrella contract executed by the Board of Supervisors. On June 27, 2023, the Board of Supervisors authorized the Department of Public Works to advertise bids for JOC. Up to four JOC contracts may be awarded through this solicitation. While there is no minimum guarantee, each contractor will have an opportunity to perform job orders totaling at least \$50,000 each during the

contract term. All job orders over \$500,000 will be returned to the Board for additional approval. JOC was advertised on June 28, 2023, and four bids were received on July 25, 2023. Knife River Construction of Chico, RCI General Engineering of Oroville, North Star Construction and Engineering, Inc. of Yuba City and Franklin Construction, Inc. of Chico were the four responsive and responsible bidders. Under Public Contract Code section 20128.5 and the current California Consumer Price Index, each contract lasts one year with a maximum contract value of \$5,797,275. The Department recommends that the Board award JOC contracts to Knife River Construction, RCI General Engineering, North Star Construction and Engineering, Inc., and Franklin Construction, Inc., and authorize the Director of Public Works to sign the contracts. (Public Works)

Action requested - 1) AWARD CONTRACTS (4); AND 2) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE CONTRACTS

Staff Report

Ashley Snyder, Administrative Coordinator Public Works, presented this item to the Board.

No public comment was submitted for this item.

Action: 1) AWARD CONTRACTS (4); AND 2) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE CONTRACTS

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion passed unanimously

4.07 Update on Water Activities

The Department of Water and Resource Conservation will provide the Board of Supervisors with an update on the following water resource activities: 1. Sustainable Groundwater Management Act (SGMA) Implementation Status: a) DWR Approved Determinations for Groundwater Sustainability Plans in Butte County, b) Sustainable Groundwater Management Grant Program Application draft grant awards for the Vina and Wyandotte Creek subbasins totaling \$11 million, b) approved fees for the Vina Groundwater Sustainability Agency (GSA) and Wyandotte Creek GSA, and d) submittal of Annual Reports.; 2. Table A Allocation of 100 percent for 2023; 3. Integrated Regional Water Management (IRWM): a) Northern Sacramento Valley (NSV) IRWM Round 1 grant funded projects and upcoming Round 2 projects; the next meeting of the IRWM TAC is October 18, 2023 and the IRWM Board is November 6, 2023, and b) Upper Feather River IRWM; 4. Clean Drinking Water and Infrastructure Projects: overview and update of a) Feather Ridge Estates Water System Improvement Project, b) Berry Creek School Water System Improvement Project, c) Palermo Clean Water Consolidation Project, and e) Palermo Drainage Study; and 5. Outreach and Education: Brown Bag Seminars and ongoing Department activities engaging the public and stakeholders. Upcoming webinar is scheduled for August 23, 2023, 12:00-1:30 pm on recharge. (Water and Resource Conservation)

Action requested - ACCEPT FOR INFORMATION

Staff Report

Kami Loser, Director of Water and Resource Conservation, presented this item to the Board.

No public comment was submitted for this item.

Action: ACCEPT FOR INFORMATION

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

4.09 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.

None

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

None

5. PUBLIC HEARINGS AND TIMED ITEMS

5.01 9:10 AM - Timed Item - Federal Legislative Update

Kristi More from the Ferguson Group, the County's Federal Legislative Consultant, will provide an update on Federal legislation and the County's advocacy. (County Administration)

Action requested - ACCEPT FOR INFORMATION

Staff Report

Kristi More, Ferguson Group, and Meegan Jessee, Assistant Chief Administrative Officer, presented this item to the Board.

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

Action: ACCEPT FOR INFORMATION

5.02 9:30AM - 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

This item was pulled from the agenda and will return at a later date.

5.03 10:30AM - 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.

5.03. A.Code Enforcement Case Number CE22-00328; 48 Shane Court, Berry Creek APN No. 062-710-016

On July 28, 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 CE22-00328 at 48 Shane Court, Berry Creek (Assessor's Parcel Number 062-710-016) in the amount of \$57,421.19 (\$50,500.00 for penalties and \$6,921.19 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$50,500.00 AND A SPECIAL ASSESSMENT OF \$6,921.19

Staff Report

PowerPoint

Chris Jellison, Code Enforcement Division Manager, and Ben Sandoval, Code Enforcement Supervisor, presented this item to the Board.

No public comment was submitted for this item.

Action: APPROVE THE PROPOSED LIEN OF \$50,500.00 AND A SPECIAL ASSESSMENT OF \$6,921.19

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion passed unanimously

- 5.03. B. Code Enforcement Case Number CE22-01445; 0 Chinese Wall Road, Oroville APN No. 028-370-013

On November 10, 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 CE22-01445 at 0 Chinese Wall Road, Oroville (Assessor's Parcel Number 028-370-013) in the amount of \$22,142.85 (\$15,500.00 for penalties and \$6,642.85 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$15,500.00 AND A SPECIAL ASSESSMENT OF \$6,642.85

Staff Report

PowerPoint

Chris Jellison, Code Enforcement Division Manager, and Ben Sandoval, Code Enforcement Supervisor, presented this item to the Board.

No public comment was submitted for this item.

Action: APPROVE THE PROPOSED LIEN OF \$15,500.00 AND A SPECIAL ASSESSMENT OF \$6,642.85

Motion: Supervisor Connelly

Seconded: Supervisor Durfee

Motion passed unanimously

- 5.03. C. Code Enforcement Case Number CE22-01487; 1959 Bean Creek Road, Berry Creek APN No. 061-080-013

On December 1, 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 CE22-01487 at 1959 Bean Creek Road, Berry Creek (Assessor's Parcel Number 061-080-013 in the amount of \$66,756.63 (\$61,000.00 for penalties and \$5,759.63 for cost recovery) (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$61,000.00 AND A SPECIAL ASSESSMENT OF \$5,759.63

Staff Report

PowerPoint

Chris Jellison, Code Enforcement Division Manager, and Ben Sandoval, Code Enforcement Supervisor, presented this item to the Board.

No public comment was submitted for this item.

Action: APPROVE THE PROPOSED LIEN OF \$61,000.00 AND A SPECIAL ASSESSMENT OF \$5,759.63

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

Motion passed unanimously

- 5.03. D. Code Enforcement Case Number CE22-00615; 31 Romelt Lane, Oroville
APN No. 072-500-012

On September 19, 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 CE22-00615 at 31 Romelt Lane, Oroville (Assessor's Parcel Number 072-500-012) in the amount of \$10,928.92 (\$5,500.00 for penalties and \$5,428.92 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$5,500.00 AND A SPECIAL ASSESSMENT OF \$5,428.92

Staff Report

PowerPoint

Chris Jellison, Code Enforcement Division Manager, and Ben Sandoval, Code Enforcement Supervisor, presented this item to the Board.

No public comment was submitted for this item.

Action: APPROVE THE PROPOSED LIEN OF \$5,500.00 AND A SPECIAL ASSESSMENT OF \$5,428.92

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

Motion passed unanimously

- 5.04 10:50 AM - Timed Item - Public Hearing to Increase Development Impact Fees for the Feather River Recreation and Park District (FRRPD) and an Ordinance Amending Chapter 16, Article VI of the Butte County Code)

Butte County Code, Chapter 16, sections 16-56 through 16-68 authorize a park impact fee to be assessed and levied upon any owner of real property located in the unincorporated area of the County of Butte within the FRRPD adding one (1) or more dwelling units to such property. The Code is based upon findings from a Development Impact Fee Calculation Report dated May 2003 and revised September 2004 and April 2006. The purpose of the park impact fee is to fund the one-time cost of expanding the District's parks and recreational facilities in order to meet the impact of new residential development. FRRPD's last fee increase occurred in April 2006. FRRPD conducted a Nexus Study dated March 2023 and found that due to the expected population growth set by the 2020 U.S. Census, an increase on existing impact fees is necessary to maintain the existing level of park facilities. FRRPD has submitted the required documentation and requests that the County increase park impact fees as follows: 1) Single-Family Housing- from \$1,106 to \$5,486 per dwelling unit, 2) Multi-Family Housing - from \$870 to \$4,615 per dwelling unit, 3) Mobile Homes - from \$867 to \$4,672 per dwelling unit. The requested increase in park impact fees is based on FRRPD's Nexus Study. FRRPD has also requested the following changes to Chapter 16 of the County Code, via an amended ordinance: 1) references to supporting documents, 2) the levels of park land and facilities for every one-thousand (1,000) new residents, 3) the elimination of "Aquatic Center Facility" and "Public Use (Community Center) Facility" fees. The Special District recommends the Board adopt the park impact fee increases as laid out in Exhibit B of the proposed resolution. If approved, the impact fees would become effective October 23, 2023. (County Administration)

Action requested -1) ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN; AND
2) ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Liam Thompson, Management Analyst, presented this item to the Board. Blair Oz, SCI Consulting Group, and Chris Wagner, General Manager Feather River Recreation and Park District, spoke.

No public comment was submitted for this item.

Action: Send back to Feather River Recreation and Park District to rewrite.

Motion: Supervisor Durfee

Seconded: Supervisor Ritter

5.05 11:10 AM - Timed Item - Public Hearing and Resolution Adopting Service Charges in the County of Butte for Fiscal Year 2023-24

A County Service Area (CSA) and Permanent Road Division (PRD) are a type of dependent special district governed by the Board of Supervisors. Some CSAs and PRDs are funded by service charges to property owners within the district. These service charges are set annually by the Board based on need as anticipated in the adopted CSA and PRD budgets. The process for setting these charges is laid out in Government Code section 25215.5 for CSAs, and Streets and Highway Code section 1178 for PRDs. The Departments of General Services, Public Health, of Public Works

manage the areas funded with service charges and prepare an annual budget for anticipated expenses in that given year. Based on these budgets the recommended parcel charges are calculated. These charges can not exceed the maximum voter approved amount previously established to Proposition 218 (the Right to Vote on Taxes Act). There are no recommended increases to the parcel service charges for fiscal year 2023-2024. County Administration recommends the Board adopt the proposed parcel service charges as laid out in Exhibit A of the resolution. These charges may also be found online at <https://www.buttecounty.net/DocumentCenter/View/8078/Proposes-Parcel-Charges---FY-2324-County-Service-Areas--Permanent-Road-Divisions?bidId>. (County Administration)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Liam Thompson, Management Analyst, presented this item to the Board.

Supervisor Durfee recused himself from this item.

No public comment was submitted for this item.

Action: ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Motion: Supervisor Connelly

Seconded: Supervisor Teeter

Motion passed: 4-1 vote

Ayes: Supervisor Connelly, Teeter, Ritter and Chair Kimmelshue

Nays: None

Recused: Supervisor Durfee

5.06 11:20 AM - Timed Item - Application for Outdoor Festival License for From the Ground Up Farms (MISC23-0029 - Duets Across America) at the Concow Campground

From the Ground Up Farms has submitted an application for an Outdoor Festival License per Chapter 12, Article III. Outdoor Festivals. The festival is proposed for two days, Saturday and Sunday, September 23 & 24, 2023, from 9:00 a.m. to 11:00 p.m. on Saturday, and from 9:00 a.m. to 12:00 p.m. on Sunday. Amplified noise is proposed from 9:00 a.m. to 11:00 p.m. on Saturday. The applicant anticipates 800 -1000 attendees over the two days. The festival site (Lake Concow Campground) is located at 12967 Concow Road, north and east of Oroville (APNs: 058-350-001, -002, -003 & 058-230-010). The festival is proposed as the "Duets Across America" fundraiser for children's brain research, and will involve an outdoor concert and overnight camping activities. The Department of Development Services completed an environmental review of the application, completed a site visit and determined since no permanent structures will be built, the project is categorically exempt from the California Environmental Quality Act (CEQA), per Section 15304 (e) of the CEQA Guidelines - "Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, etc." The Department recommends

that the Board of Supervisors approve the application for an outdoor festival license, subject to the recommended conditions related to: amplified sound, potable water, solid waste management, restroom and hand washing stations, wastewater management, fire control, encroachment permits for applicable signs, traffic control, dust control, insurance requirements, and outreach to California Highway Patrol. (Development Services)

Action requested - FIND THE FESTIVAL TO BE CATEGORICALLY EXEMPT UNDER SECTION 15304(E) OF THE CEQA AND APPROVE THE APPLICATION FOR AN OUTDOOR FESTIVAL LICENSE (MISC23-0029), SUBJECT TO THE RECOMMENDED CONDITIONS

Staff Report

PowerPoint

Paula Daneluk, Director of Development Services, and Austin Forde, Assistant Planner, presented this item to the Board.

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

Action: Action requested - FIND THE FESTIVAL TO BE CATEGORICALLY EXEMPT UNDER SECTION 15304(E) OF THE CEQA AND APPROVE THE APPLICATION FOR AN OUTDOOR FESTIVAL LICENSE (MISC23-0029), SUBJECT TO THE RECOMMENDED CONDITIONS

**Motion: Supervisor Teeter
Seconded: Supervisor Ritter**

Motion passed unanimously

5.01 9:10 AM - Timed Item - Federal Legislative Update

THOMPSON FLAT CEMETERY DISTRICT BOARD OF TRUSTEES REGULAR AGENDA AUGUST 22, 2023

1. CALL TO ORDER
2. CORRECTIONS AND/OR CHANGES TO THE AGENDA (NONE)
3. CONSENT AGENDA (NONE)
4. REGULAR AGENDA

4.01 Thompson Flat Cemetery District - Recommended Budget for FY 2023-24

On August 10, 1999, the Butte County Board of Supervisors became the Board of Trustees for the Thompson Flat Cemetery District. Daily cemetery business is conducted by the Director of General Services, and maintenance and cemetery operations are provided by the Gridley-Biggs Cemetery District through an operational agreement with the County. An expenditure budget in the amount of \$5,000 has been prepared for Fiscal Year 2023-24 covering the operation and maintenance of the Cemetery. Routine expenses typically total \$1,000-\$2,000 per year. Staff recommend appropriating additional funds so that unanticipated maintenance can be addressed if necessary. Thompson Flat Cemetery District receives an anticipated \$4,100 in revenue through property taxes. The total recommended budget is \$5,000 with the difference between revenues and expenditures covered with anticipated fund balance. Approval of the Recommended Budget also provides the authority for continuing District expenditures until the Adopted Budget is approved. Budget hearings provide an opportunity for the community to comment on the Recommended Budget and for the Board of Trustees to make adjustments to the budget. The Recommended Budget is prepared by the Department of General Services and may be found at <http://www.buttecounty.net/generalservices> (General Services)

Action requested - 1) APPROVE THE RECOMMENDED BUDGET FOR FISCAL YEAR 2023-24 AS THE AUTHORITY FOR EXPENDITURES DURING PREPARATION OF THE FISCAL YEAR 2023-24 ADOPTED BUDGET; AND 2) DIRECT STAFF TO PREPARE A RESOLUTION ADOPTING THE BUDGET SEPTEMBER 12, 2023

Staff Report

Mike Hodson, Director of General Services, presented this item to the Board.

No public comment was submitted at this time.

Action: 1) APPROVE THE RECOMMENDED BUDGET FOR FISCAL YEAR 2023-24 AS THE AUTHORITY FOR EXPENDITURES DURING PREPARATION OF THE FISCAL YEAR 2023-24 ADOPTED BUDGET; AND 2) DIRECT STAFF TO PREPARE A RESOLUTION ADOPTING THE BUDGET SEPTEMBER 12, 2023

**Motion: Supervisor Durfee
Seconded: Supervisor Ritter**

Motion passed unanimously

5. PUBLIC COMMENT

None

6. THOMPSON FLAT CEMETERY DISTRICT BOARD OF TRUSTEES CLOSED SESSION (NONE)

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

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
- 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; Butte County Management Employees Association; 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; UPEC Local 792 - Skilled Trades Unit; Butte County Deputy District Attorneys Association - Attorney Unit; Confidential Unit; Non-Represented Unit; Board of Supervisors Executive Assistants

6.03 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