



BUTTE COUNTY BOARD OF SUPERVISORS

Regular Meeting Agenda

August 8, 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](#)

1. CALL TO ORDER

[Pledge of Allegiance](#)

[Observation of a Moment of Silence](#)

2A. CORRECTIONS AND/OR CHANGES TO THE AGENDA

Item 3.07 was removed from the agenda to come at a later date.

Item 4.05 was removed from the agenda to come at a later date.

2B. ANNOUNCEMENT(S) OF RECUSAL

None

3. CONSENT AGENDA

A. Supervisor Comments on Consent Agenda Items

Item 3.08 was pulled from the Consent Agenda and placed on the Regular Agenda for further Board consideration and discussion.

B. Adopt Consent Agenda

Action: Approve the Consent Agenda with the exception of item 3.07, which was pulled for a later date, and 3.08, which was pulled from the Consent Agenda and placed on the Regular Agenda for further consideration.

Motion: Supervisor Teeter

Seconded: Supervisor Connelly

Motion passed unanimously

3.01 Resolution Recognizing 2023 as the 30th Anniversary of Habitat for Humanity of Butte County (Habitat).

Habitat began its affordable homeownership housing efforts in 1993, and has, with its programs, prospective home owners, donors, and volunteers, built 48 energy efficient homes, 13 of those since the Camp Fire. Habitat has served 63 adults who raised 94 children in homes they can afford and thrive in, many of whom pledged their labor and commitment to building and maintaining those homes. Additionally, Habitat's ReStore has generated over \$1 million in net proceeds to support the mission of building affordable homes for home ownership in Butte County. On July 19, 2023, Assemblyman James Gallagher announced he secured \$1M in the state budget to support Habitat, specifically two affordable housing projects in Chico and Paradise to help rebuild and revitalize our communities. Butte County Administration recommends Habitat be recognized and appreciated for 30 years of service to our community who, along with the ReStore and thousands of business and community members, continues to make invaluable contributions to improve the quality and character of our county. (County Administration)

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

Staff Report

Resolution 23-084

Supervisor Teeter read the resolution and Terri DuBose, District Representative of Congressman Doug LaMalfa, spoke on the item. Representatives from the Habitat for Humanity Butte County accepted the resolution and spoke.

3.02 Contract with Russell Gallaway Associates, Inc. (RGA) for Feasibility Studies for the Community Development Block Grant-Disaster Recovery (CDBG-DR) Infrastructure Program (INF)

The Department of Housing and Urban Development allocated \$1 billion in CDBG-DR funding related to two 2018 Federal Emergency Management Agency Major Disaster Declarations. The California Department of Housing and Community Development (HCD) is the grantee for the CDBG-DR funds. HCD allocated Butte County \$72,722,679 for DR-Infrastructure projects. The Master Standard

Agreement (MSA), 18-DRINFRA 180001, was signed on June 21, 2023. On October 25, 2022, the Board of Supervisors approved Resolution No. 22-155 authorizing staff to execute and deliver all project applications under the MSA. These projects may include roads, facilities, and sewage treatment facility improvements. In preparation to submit the applications under the MSA, feasibility studies are needed for the facilities projects. A Request for Proposals for Feasibility Studies was issued on April 26, 2023, and the County received proposals from The Doré Group of San Diego and RGA of Chico. The selection committee comprised of representatives from the Department of General Services, Behavioral Health and County Administration selected RGA as the most qualified respondent. County Administration recommends entering into a contract with RGA for feasibility studies. The term of the contract is August 8, 2023 through February 8, 2025, not-to-exceed \$63,840. (County Administration/General Services)

Action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.03 Resolution Proclaiming August 2023 as Child Support Awareness Month

Children who are supported by their parents are more likely to perform better in school, have improved emotional development, and a stable home life. Governor Newsom has shown his support for this important cause by issuing a letter celebrating August 2023 as Child Support Awareness Month. To help celebrate, the Butte County Department of Child Support Services is recommending that the Board of Supervisors adopt a resolution proclaiming August 2023 as Child Support Awareness Month in Butte County. This resolution encourages parents to come into the Department and work with staff to explore options for modification of orders if needed, repayments plans, license releases, employment resources, or to determine if they qualify for a compromise of an overdue balance. (Child Support Services)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 23-085

Supervisor Ritter read the resolution and Sean Ferrell, Director of Child Support Services, spoke and accepted the resolution.

3.04 Agreement and Certification with United States Department of Justice (DOJ) for Federal Equitable Sharing Program

The District Attorney's Office participates in the Federal Equitable Sharing Program. The DOJ Asset Forfeiture Program 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. An Equitable Sharing Agreement and Certification is required annually to be filed with the DOJ. The report for Fiscal Year 2022-23 has been

prepared and summarizes program expenditures and revenues. In FY 2022-23 the Department received \$3,404 and \$92,264 was expended to maintain computer software for the Department's case management system. The Department recommends that the Board of Supervisors approve the Equitable Sharing Agreement and certification, authorize the Chair to sign and authorize electronic submission. (District Attorney)

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

Staff Report

3.05 Real Estate Fraud Annual Report for FY 2022-23

Pursuant to Government Code section 27388, and Board of Supervisors Resolution 08-156, a fee is paid at the time of recording certain real estate documents for the purpose of providing funds for the District Attorney to deter, investigate, and prosecute real estate fraud through the Real Estate Fraud Investigation and Prosecution Program. In accordance with annual reporting requirements, the District Attorney's Office submits its annual report to the Board regarding the effectiveness of the Real Estate Fraud Investigation and Prosecution Program. (District Attorney)

Action requested - ACCEPT FOR INFORMATION

Staff Report

3.06 Budget Adjustment and Revenue Agreement with Business, Consumer Services and Housing Agency (BCSH) for Encampment Resolution Funding Program Round 2, Rolling Disbursement (ERF-2-R)

The State of California, through BCSH, administers the ERF-2-R program for people residing in encampments. The Department of Employment and Social Services was awarded ERF-2-R funds to permanently house encampment residents of two identified encampments through rental assistance and outreach support. BCSH awarded a total of \$1,075,300 to be expended by March 31, 2027. A majority of funds will be used for permanent housing and supports as well as personnel costs. The Department is working alongside the Departments of Behavioral Health, Development Services, Probation, and the Sheriff's Office to support the unsheltered homeless residing in these encampments. The Department recommends the Board of Supervisors approve a revenue agreement with BCSH for ERF-2-R funds and authorize the Director of Employment and Social Services to sign all related documents. The term for the agreement is upon BCSH approval through March 31, 2027 and the maximum amount receivable of \$707,950. Additionally, the Department recommends the Board adopt a resolution amending the Salary Ordinance to add one sunset Housing Navigator, term ending August 31, 2025, and approve a budget adjustment. (Employment and Social Services)

Action requested - 1) APPROVE REVENUE AGREEMENT AND AUTHORIZE THE

DIRECTOR OF EMPLOYMENT AND SOCIAL SERVICES TO SIGN ALL RELATED DOCUMENTS; 2) ADOPT RESOLUTION AMENDING THE SALARY ORDINANCE AND AUTHORIZE CHAIR TO SIGN; AND 3) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED)

Staff Report

Resolution 23-086

3.07 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 \$19,050,811 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

This item was removed from the agenda to come at a later date.

3.08 Change Order Ratifications and Notice of Completion for the Butte County Evidence Storage and Morgue Project

On October 27, 2020, the Board of Supervisors awarded a contract to D.H. Slater & Son, Inc. in the amount of \$7,298,000 for the construction of a 10,480 square foot Evidence Storage and Morgue (ESM) facility. The overall project budget of \$14 million is made up of \$12 million in debt financing from IBank and \$2 million in cash injection. The County's loan repayment sources include Criminal Justice Facilities Construction Fund, Sheriff Facilities Development Impact Fees and the Sheriff's Office Operating Budget. On September 28, 2021, the Board reviewed the project budget, the construction change orders #1-32 and approved change order #33 for \$1,817,725. Change order #33 allowed for the constructions of a secondary evidence storage area including an 8,000 square foot building and 5,000 square feet of secure exterior storage as part of the ESM Project. Through the remainder of construction, the Department of General Services has executed change orders #1 through #32 and #34 through #88 totaling \$908,566 to complete the project. The work has been inspected and approved by the Departments of General Services and Development Services. The Department of General Services recommends that the Board of Supervisors ratify change orders #1 through #32 and change orders #34 through #88 that were previously executed by General Services, accept the work as complete and execute the Notice of Completion. (General Services/Sheriff)

Action requested - 1) RATIFY CHANGE ORDERS #1 THROUGH #32 AND #34

THROUGH #88; 2) ACCEPT THE CONTRACT WORK AS COMPLETE; AND 3) AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION

Staff Report

This item was removed from the Consent Agenda and placed on the Regular Agenda for further consideration at the request of Supervisor Ritter.

3.09 Contract with Northern Valley Catholic Social Service (NVCSS) for Weekly Life Skills Interactive Groups at Juvenile Detention Facility

NVCSS provides after school programs and activities to at-risk youth and families of the Butte County Juvenile Hall, as well as the community, in an effort to decrease crime and delinquency. Programs offered include weekly life skills interactive groups which focus on a range of topics. These topics include, substance use and abuse; social responsibility; cultural diversity; sex and health education; teen parenting and life skills; and drug and alcohol education. NVCSS was founded in 1986 and provides more than 60 services over six northern California counties; serving up to 100 children, 200 youth and 1,000 families each year. NVCSS has collaborated with the Department and provided services since 2001. The Department recommends the Board of Supervisors approve a contract with NVCSS for continued services. The term of the contract is the date of execution through June 30, 2026, not-to-exceed \$150,000 (\$50,000 per fiscal year). (Probation)

Action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.10 Resolution approving Pine Grove Youth Conservation Camp (PGYCC) Services

PGYCC has operated since 1945, providing rehabilitation and re-entry services to participants through therapy, training and teamwork. The program is designed to help participants transition successfully to the community upon discharge, with mentors and life coaches connecting with participants through treatment programs that address childhood trauma using education, individual mentorship, and group therapy. Services include housing, care and fire-fighting training provided by CAL FIRE. PGYCC serves a maximum of 100 youth. CDCR jointly operates PGYCC and it is the only youth fire-fighting camp. On June 27, 2023 the Board of Supervisors approved an agreement with CDCR, to provide services to eligible participants. The term of the agreement is June 27, 2023 through June 30, 2025, not-to-exceed \$41,180. CDCR requires a Board Resolution to execute the agreement. The Department recommends that the Board adopt a Resolution approving Pine Grove Youth Conservation Camp services and authorize the Chair to sign. (Probation)

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

Staff Report

Resolution 23-088

3.11 Grant Agreement with California Department of Public Health (CDPH) for Supplemental Nutrition Assistance Program-Education (SNAP-Ed) through the CalFresh Healthy Living Program

The Department of Public Health has received grant funding from CDPH to provide SNAP-Ed allowable nutrition education and obesity prevention activities for low-income Butte County residents through the CalFresh Healthy Living Program. The focus of the program is health promotion and community change efforts to help eligible residents establish healthy eating habits and a physically active lifestyle for primary prevention of disease. The Department has participated in providing SNAP-Ed nutrition education and obesity prevention activities since 2012. The Department recommends the Board of Supervisors approve a grant agreement with CDPH to provide services through CalFresh Healthy Living Program. The term of the grant agreement is October 1, 2023 through September 30, 2026, with a maximum amount receivable of \$1,414,012. (Public Health)

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

Staff Report

3.12 Contract with VSS International for the Fiscal Year (FY) 2023-24 Pavement Preservation Project

On February 14, 2023, the Board of Supervisors authorized the Department of Public Works to advertise and solicit bids for the construction of projects included in the 2023 Public Works Infrastructure Master Plan (IMP). The project will consist of various surface treatments on roads throughout Butte County. Several minor changes are noted between the 2023 IMP and the proposed contract. With several roads previously scheduled in 2023 unable to move forward this year, the Department advanced portions of Palermo Road from 2026 into this year's program. Several other roads - including roads in the Richvale community and portions of Durham Dayton Highway at State Route 99 - were originally scheduled for completion in 2022 program but not completed. The project was advertised on June 7, 2023, and the lowest responsive and responsible bidder was VSS International of West Sacramento, California, with a bid amount of \$954,459. The Department recommends that the Board award the contract to VSS International and authorize the Director of Public Works to sign the contract and order changes or additions in work performed per Public Contract Code Section 20142. (Public Works)

Action requested - 1) AWARD THE CONTRACT TO VSS INTERNATIONAL; 2) APPROVE THE SPECIFICATIONS; AND 3) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE CONTRACT AND ORDER CHANGES PER PUBLIC CONTRACT CODE SECTION 20142

Staff Report

3.13 Contract with the Butte Environmental Council for Public Outreach and Education Services for the Neal Road Recycling and Waste Facility

On May 16, 2023, the Department of Public Works released a Request for Proposals seeking public education and outreach services for education on recycling, solid waste, and household hazardous waste management. The Department received one response from a local non-profit organization, Butte Environmental Council (BEC) of Chico, California. Upon conclusion of the review process, it is determined that BEC meets the qualifications and experience to be awarded the project. BEC's work compliments the Department's efforts in education and outreach on a wide range of recycling and waste reduction subjects. Outreach will include in-classroom presentations at local schools and used oil recycling education programs in high school auto shops. The Department recommends the Board of Supervisors approve a contract with BEC for public education and outreach services. The contract term is August 8, 2023, through August 8, 2028, not to exceed \$150,000. (Public Works)

Action requested -APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.14 Capital Asset Purchase for a Forest Bucket Truck

The Department's FY 2023-24 budget included capital asset authority for purchasing a forest bucket truck. The anticipated cost for the truck increased from \$153,100 to \$191,904 since it was initially programmed in the budget. The increased price exceeds the capital asset authority previously granted to the Department for the purchase. The Department plans to remove the purchase of a \$75,000 full size pick-up in FY 2023-24 to offset the increased costs for the forest bucket truck. The Department recommends the Board approve capital asset authority of \$191,904 to purchase the forest bucket truck. (Public Works)

Action requested - APPROVE CAPITAL ASSET PURCHASE

Staff Report

3.15 Accept Equipment Donation from Butte County Search and Rescue

Butte County Search and Rescue recently acquired a 2010 Tucker 2000XL Sno-Cat (VIN 2010R394) with a value of \$112,785 and would like to donate it to the Sheriff's Office. Search and Rescue will use the equipment to assist the Sheriff's Office when responding to calls for service. The Sheriff's Office will assume the cost to maintain and insure the equipment. The Sheriff's Office recommends accepting the donation of the Sno-Cat as a capital asset. (Sheriff)

Action requested - ACCEPT DONATION

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 Oroville Cemetery District (District)

The District is an independent special district of the State of California, formed under Health & Safety Code, by approval of the Butte County Board of Supervisors in 1928 to provide a respectful, low-cost place of burial to meet the needs of the diverse, local communities of Oroville, Palermo, Thermalito, and the surrounding areas. The District owns and maintains the Memorial Park Cemetery, the Oroville Cemetery, the Jewish Cemetery, and Wyandotte Cemetery. The District is managed by five trustees appointed by the Board of Supervisors, who serve four-year terms. Supervisor Connelly is requesting the reappointment of Mark Wisterman to the Oroville Cemetery District with a term ending August 8, 2027. (Other - Oroville Cemetery District)

Action requested - REAPPOINT MARK WISTERMAN TO THE OROVILLE CEMETERY DISTRICT WITH A TERM ENDING AUGUST 8, 2027

Staff Report

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

No Public Comment was received for this item.

Action: REAPPOINT MARK WISTERMAN TO THE OROVILLE CEMETERY DISTRICT WITH A TERM ENDING AUGUST 8, 2027

Motion: Supervisor Connelly

Seconded: Supervisor Durfee

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 Ritter – attended the COC meeting, attended the Butte County Air Quality agenda review, attended Sacramento Valley Basin Wide Air Pollution meeting, attended the First 5 Executive Committee meeting, toured a local constituent's property, and attended a Cohasset Bazaar music festival

Supervisor Connelly – attended the Wyandotte GSA meeting, met with Citizens Advisory Group regarding Oroville Dam safety, attended the Local Agency Formation Commission (LAFCO) meeting, attended the State LAFCO meeting, attended two Berry Creek public meetings regarding insurance, attended a meeting with the City of Oroville with much cooperation from the Mayor and City Council and celebrated a birthday.

Supervisor Durfee – attended a presentation on Tuscan Water District, met with constituents regarding filling District 2 position for the Library Board, attended a bunch of National Night Out events in the community, attended the National Rifle Association (NRA) dinner in Chico, met with a constituent regarding their property.

Supervisor Teeter – watched a webinar from the Insurance Commissioner, Rural County Representatives of California (RCRC) formed an insurance ad hoc which Supervisor Teeter is the Chair and met with CA Fair Plan and will meet with more folks on the subject of obtaining home owners insurance, met with a representative of a company that provides contracts for disaster services, spoke at the Upper Ridge Community Council (URCC) meeting in Magalia, attend the Fire Safe Council board meeting, met with the Camp Fire Collaborative, announced the ribbon cutting for Paradise High School 5-8pm August 9, 2023.

Chair Kimmelshue – attended National Night out events in Durham, Biggs and Gridley, attended the Vina Ground Water Agency meeting, and the Wyandotte Ground Water Agency meeting.

- 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: William Monroe, Ben Greenleaf, Diana Dreiss, Twofeathers Reed, and Chris Nickelawson (in person) Diana Dreiss (electronically)

- 4.03 Agreement with Aegis Treatment Centers, LLC (Aegis) for Narcotic Replacement Therapy (NRT)

Aegis operates one of the largest networks of narcotic treatment programs (NTP) in the nation. Aegis' goal is to support the successful recovery of clients and improve the quality of lives through the provision of evidence-based comprehensive treatment. To receive NRT in a licensed NTP, all clients are required to participate in a comprehensive treatment program which includes a medical evaluation and screening for diseases that are over represented in the opiate-addicted population. Clients are evaluated and provided counseling for medical, alcohol, criminal, and psychological problems. Aegis currently has licensed capacity to serve up to 580 clients at any given time. The Department of Behavioral Health recommends the

Board of Supervisors approve an agreement with Aegis to provide NRT services in the current fiscal year. The term of the agreement is July 1, 2023 through June 30, 2024, not-to-exceed \$2,416,047. The agreement includes language to bridge the provision of services from July 1, 2023 until the execution of the contract. The agreement is not specifically measured in terms of number of clients served, as the length of services vary based on each client's specific needs. This is a State-mandated service. (Behavioral Health)

Action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

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

No Public Comment was received for this item.

Action: APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN

Motion: Supervisor Ritter

Seconded: Supervisor Durfee

Motion passed unanimously.

4.04 Opioid Distributor Settlement and Spend Plan Proposal

In 2021, nationwide settlements were reached to resolve opioid litigation brought by states and local political subdivisions against three of the largest pharmaceutical distributors and against manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson. The Distributors will pay up to \$26 billion over 18 years. In 2022, states and local governments were provided the opportunity to "opt in." Currently, Butte County is expected to receive approximately \$1.3 million in year one and \$1.8 million in year two. Payment amounts for years 3-18 will be released annually, and are likely to be less than the first two years. The settlement is structured to create an incentive for all entities that have a claim to participate so that the settling companies can achieve final resolution of all claims. Due to this structure, the payments in year one and year two are based on a 100% participation rate. It is unlikely that 100% will actually be achieved, so future payments for years 3-18 will be reduced to credit the expected initial overpayment. There are restrictions on how the Opioid settlement funds may be spent, including restrictions that require no less than 50% of the funds be used for one or more of the High Impact Abatement Areas developed by the State Department of Health Care Services (DHCS). DHCS is the oversight entity for compliance with funding restrictions, stakeholder engagement, and annual reporting. The Departments of Administration, Behavioral Health, Public Health and the Sheriff's Office have prepared a presentation that will outline High Impact Areas, approved uses and core strategies, and a proposed spend plan for Opioid Settlement funding. The Departments recommend the Board of Supervisors approve the spend plan and authorize the Director of Behavioral Health to submit the plan to DHCS. (County Administration/Behavioral Health/ Sheriff/Public Health)

Action requested - APPROVE THE SPEND PROPOSAL FOR OPIOID SETTLEMENT AND

AUTHORIZE THE DIRECTOR OF BEHAVIORAL HEALTH TO DEVELOP AND SUBMIT A SPEND PLAN TO DHCS

Staff Report

PowerPoint

Danielle Nuzum, Deputy Chief Administrative Officer, and Scott Kennelly, Director of Behavioral Health, presented this item to the Board. Sheriff Kory Honea spoke to this item.

No Public Comment was received for this item.

Action: APPROVE THE SPEND PROPOSAL FOR OPIOID SETTLEMENT AND AUTHORIZE THE DIRECTOR OF BEHAVIORAL HEALTH TO DEVELOP AND SUBMIT A SPEND PLAN TO DHCS

Motion: Supervisor Connelly

Seconded: Supervisor Ritter

Motion passed unanimously.

4.05 Budget Adjustment with General Fund Appropriation for Contingencies - Reimbursement of North Valley Animal Disaster Group Camp Fire Expenses

During the Camp Fire response the North Valley Animal Disaster Group (NVADG) provided support to the County's animal sheltering operations. Most work done during animal sheltering operations is eligible for FEMA reimbursement. However, there must be policy in place and documentation of costs must be in accordance with local policy. During the chaos of animal sheltering operations, NVADG operated outside local policy while incurring eligible costs. Because these costs were not tracked by the Emergency Operations Center, they did not get included in the FEMA reimbursement submittal. After the full documentation was submitted by NVADG to the County, a combination of staffing changes, COVID 19, and the North Complex Fire led to loss of the documentation. FEMA submittal deadlines have passed and these costs are no longer eligible for federal reimbursement. The loss of over \$250,000 in expenses by NVADG has put the non-profit in a dire financial situation. Because NVADG is a critical partner and has provided invaluable support during disasters in Butte County, the Office of Emergency Management (OEM) has worked with NVADG to rebuild the documentation package, determining that NVADG incurred \$199,046 in eligible costs that were directly related to their support of animal rescue operations for the Camp Fire. The Camp Fire was an unprecedented event and actions taken were done with the best interest of the public in mind. However, response to one disaster should not create another. OEM has worked with all involved to ensure these actions are not repeated. Changes to policy have been made ensuring clear delineation of responsibility, unequivocally stating expenses incurred outside of policy will not be reimbursed. As the County has a new memorandum of understanding with NVADG outlining these changes and clearly defining future expectations, OEM recommends the Board approve reimbursement of \$199,046 to NVADG in Camp Fire related costs from General Fund Contingencies reducing the estimated General Fund Contingency to \$8,094,544 (County

Administration)

Action requested - APPROVE REIMBURSEMENT OF NVADG CAMP FIRE COSTS IN THE AMOUNT OF \$199,046 FROM THE GENERAL FUND CONTINGENCIES

Staff Report

This item was removed from the agenda to come at a later date.

4.06 CalPERS Health Termination Resolution for the Skilled Trades Unit

The majority of the employees in the Skilled Trades Unit voted to terminate their membership with CalPERS Health and affiliate with Teamsters Health Insurance. With this vote, CalPERS requires a resolution terminating the unit from CalPERS health for the upcoming calendar year. This resolution needs to be adopted by the Board of Supervisors no later than September 19th. Adopting this resolution within CalPERS required timelines will allow these groups to have access to Teamsters health insurance effective January 1, 2024. (Human Resources)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 23-089

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

No Public Comment was received for this item.

Action: ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Motion: Supervisor Ritter

Seconded: Supervisor Durfee

Motion passed unanimously.

4.07 CalPERS Health Termination Resolution for the Teamsters Mid-Management Unit

The majority of the employees in the Teamsters Mid-Management Unit voted to terminate their membership with CalPERS Health and move to Teamsters Health Insurance. With this vote, CalPERS requires a resolution terminating the unit from CalPERS health for the upcoming calendar year. This resolution needs to be adopted by the Board of Supervisors no later than September 19th. Adopting this resolution within CalPERS required timelines will allow these groups to have access to Teamsters health insurance effective January 1, 2024. (Human Resources)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

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

No Public Comment was received for this item.

Action: ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Motion: Supervisor Ritter

Seconded: Supervisor Connelly

Motion passed unanimously.

4.08 Contract with Knife River Construction for the Forbestown Road Rehabilitation Project

On February 14, 2023, the Board of Supervisors authorized the Department of Public Works to advertise and solicit bids for the construction of projects included in the Public Works Infrastructure Master Plan (IMP). The project will consist of removing damaged asphalt and installing new asphalt on Forbestown Road from Old Olive Highway to Hurleton Swedes Flat Road. The project was advertised on June 27, 2023, and of the four bids received, the lowest responsive and responsible bidder was Knife River Construction of Chico, CA, with a bid amount of \$1,762,762. The Department recommends that the Board award the contract to Knife River Construction and authorize the Director of Public Works to sign the contract and order changes or additions in work performed per Public Contract Code Section 20142. (Public Works)

Action requested - 1) AWARD THE CONTRACT TO KNIFE RIVER CONSTRUCTION; AND 2) APPROVE THE PLANS AND SPECIFICATIONS; AND 3) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE CONTRACT AND ORDER CHANGES PER PUBLIC CONTRACT CODE SECTION 20142

Staff Report

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

No Public Comment was received for this item.

Action: 1) AWARD THE CONTRACT TO KNIFE RIVER CONSTRUCTION; AND 2) APPROVE THE PLANS AND SPECIFICATIONS; AND 3) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE CONTRACT AND ORDER CHANGES PER PUBLIC CONTRACT CODE SECTION 20142

Motion: Supervisor Connelly

Seconded: Supervisor Durfee

Motion passed unanimously.

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

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

No Public Comment was received for this item.

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

3.08 **Change Order Ratifications and Notice of Completion for the Butte County Evidence Storage and Morgue Project**

No Public Comment was received for this item.

Action: 1) RATIFY CHANGE ORDERS #1 THROUGH #32 AND #34 THROUGH #88; 2) ACCEPT THE CONTRACT WORK AS COMPLETE; AND 3) AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION

Motion: Supervisor Ritter

Seconded: Supervisor Durfee

Motion passed unanimously.

5. PUBLIC HEARINGS AND TIMED ITEMS

5.01 9:00 AM - Timed Item - Amendments to Butte County Zoning Ordinance Chapter 24, Article IV, Division 1, Special Events Facilities

A County-initiated Zoning Code Amendment (ZCA23-0001) to create a distinction between "small" and "large" special event facilities, instituting a separate entitlement process, for each, and implementing new standards for the development of special event facilities within the County's Agriculture Zones. Agriculture-specific amendments include an increased 50 feet setback standard for all event facilities, a prohibition on building code occupancy changes for agricultural buildings finalized within 5 years of the date of application, a 2-year moratorium on special event facility entitlement for operating venues without a permit, and the allowance for the conversion of existing structures to special event facilities under certain circumstances. There is an additional recommended amendment restricting signage placement to within the County Right of Way with an encroachment permit entitlement. The zoning code amendment is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3), which exempts activities covered by the rule that CEQA applies only to projects with the potential to cause a significant effect on the environment. On May 25, 2023, the Planning Commission passed Resolution PC23-10 on a vote of 5-0 finding the proposed Zoning Code

Amendment exempt under section 15061(b)(3) of the California Environmental Quality Act and recommending adoption of Zoning Code Amendment ZCA23-0001. (Development Services)

Action requested - 1) FIND THE PROJECT IS EXEMPT FROM CEQA; AND 2) ADOPT THE ORDINANCE AMENDING CHAPTER 24, ARTICLE IV, DIVISION 1, SPECIAL EVENTS FACILITIES, AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

PowerPoint

No Public Comment was received for this item.

Action: Continue this item to October 24th, 2023, 10:00am Board of Supervisors meeting.

Motion: Supervisor Ritter

Seconded: Supervisor Connelly

Motion passed unanimously.

- 5.02 9:30AM - Timed Item - Resolution Renewing the Temporary Closure of County Portions of Humboldt Road to Vehicular Traffic Between Chico City Limits and State Route 32

On June 23, 2020, at the joint recommendation of the Department of Public Works, the City of Chico, and the Local Government Committee, and under California Vehicle Code section 21101.4, the Board of Supervisors adopted a resolution closing the County-maintained portions of Humboldt Road to vehicle traffic to discourage illegal activity. The road was officially closed to vehicle traffic by the County and City on September 10, 2020. On May 24, 2022, the Board adopted a subsequent resolution to continue the road closure through September 10, 2023. While Humboldt Road has been closed to vehicles, other non-motorized traffic including bicyclists and pedestrians have continued to recreate in the area. Additionally, since the road's closure in 2020, the Department and other emergency first responders have maintained the authority to open the road to vehicle traffic in an emergency. Per California Vehicle Code section 21101.4, local authorities may adopt rules and regulations by ordinance or resolution to temporarily close roads when various conditions are met. Temporary closures may be renewed for 18 months for up to eight consecutive periods. The Department has seen minimal issues or complaints with the closure since 2020. The Chico City Council is scheduled to consider the continuation of their temporary closure of city portions of Humboldt Road to unauthorized vehicles at their September 5, 2023, City Council meeting. To maintain consistency with the City of Chico and to continue to deter illegal activity on Humboldt Road, the Department recommends renewing the temporary road closure from September 10, 2023, through March 10, 2025. Staff completed all necessary public noticing requirements and expanded the noticing process to nearby residents in response to prior direction from the Board of Supervisors. (Public Works)

Action requested - 1) OPEN THE PUBLIC HEARING AND RECEIVE TESTIMONY; AND 2) ADOPT THE RESOLUTION AND AUTHORIZE CHAIR TO SIGN

Staff Report

Resolution 23-091

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

No Public Comment was received for this item.

Action: 1) OPEN THE PUBLIC HEARING AND RECEIVE TESTIMONY; AND 2) ADOPT THE RESOLUTION AND AUTHORIZE CHAIR TO SIGN

Motion: Supervisor Durfee

Seconded: Supervisor Ritter

Motion passed 4-1

Ayes: Supervisor Connelly, Durfee, Ritter and Chair Kimmelshue

Nays: Supervisor Teeter

- 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 CE22-00770; 54 Feather Ridge Way, Berry Creek APN No. 061-610-004

On September 6, 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 CE22-00770 at 54 Feather Ridge Way, Berry Creek (Assessor's Parcel Number 061-610-004) in the amount of \$85,880.38 (\$80,000.00 for penalties and \$5,880.38 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$80,000.00 AND A SPECIAL ASSESSMENT OF \$5,880.38

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 received for this item.

Action: APPROVE THE PROPOSED LIEN OF \$80,000.00 AND A SPECIAL ASSESSMENT OF \$5,880.38

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion was passed unanimously.

- 5.03. B. Code Enforcement Case Number CE21-01082; 0 Hog Ranch Road, Concow APN No. 058-150-003

On October 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 CE21-01082 at 0 Hog Ranch Road, Concow (Assessor's Parcel Number 058-150-003) in the amount of \$78,992.65 (\$69,000.00 for penalties and \$9,992.65 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$69,000.00 AND A SPECIAL ASSESSMENT OF \$9,992.65

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 received for this item.

Action: APPROVE THE PROPOSED LIEN OF \$69,000.00 AND A SPECIAL ASSESSMENT OF \$9,992.65

Motion: Supervisor Durfee

Seconded: Supervisor Connelly

Motion was passed unanimously.

- 5.03. C. Code Enforcement Case Number CE22-00775; 1233 Encina Grande Road, Berry Creek APN No. 061-620-009

On October 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 CE22-00775 at 1233 Encina Grande Road, Berry Creek (Assessor's Parcel Number 061-620-009) in the amount of \$27,935.64 (\$22,000.00 for penalties and \$5,935.64 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$22,000.00 AND A SPECIAL ASSESSMENT OF \$5,935.64

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 received for this item.

Action: APPROVE THE PROPOSED LIEN OF \$22,000.00 AND A SPECIAL ASSESSMENT OF \$5,935.64

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

Motion was passed unanimously.

- 5.03. D. Code Enforcement Case Number CE22-00866; 201 Webster Road, Berry Creek APN No. 062-690-027

On October 5, 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 CE22-00866 at 201 Webster Road, Berry Creek (Assessor's Parcel Number 062-690-027) in the amount of \$100,060.31 (\$93,500.00 for penalties and \$6,560.31 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$93,500.00 AND A SPECIAL ASSESSMENT OF \$6,560.31

Staff Report

PowerPoint

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

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

Action: APPROVE THE PROPOSED LIEN OF \$93,500.00 AND A SPECIAL ASSESSMENT OF \$6,560.31

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

Motion was passed unanimously.

- 5.03. E. Code Enforcement Case Number CE22-00727; 0 Oregon Gulch Road, Oroville APN No. 041-300-049

On December 2, 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 CE22-00727 at 0 Oregon Gulch Road, Oroville (Assessor's Parcel Number 041-300-049) in the amount of \$48,498.68 (\$40,500.00 for penalties and \$7,998.68 for cost recovery). (Development Services)

Action requested - APPROVE THE PROPOSED LIEN OF \$40,500.00 AND A SPECIAL ASSESSMENT OF \$7,998.68

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 received for this item.

Action: APPROVE THE PROPOSED LIEN OF \$40,500.00 AND A SPECIAL ASSESSMENT OF \$7,998.68

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

Motion was passed unanimously.

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 Actual litigation pursuant to Gov. Code sec. 54956.9(d)(1) - four cases:

- A. Lance Loper v. Butte County; Workers' Compensation Appeals Board Case No. ADJ17668160
- B. Lance Loper v. Butte County; Workers' Compensation Appeals Board Case No. ADJ14850324

- C. William Brewton v. Butte County; Workers' Compensation Appeals Board Case No. ADJ10553186
- D. Jason Hail v. Butte County; Workers' Compensation Appeals Board Case No. ADJ16951109

Staff Report

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

- A. William Brewton; Workers' Compensation Claim, Claim Number: 4A1603WHHCS-0001

- 6.05 Significant exposure to litigation pursuant to Gov. Code Sec. 54956.9(d)(2) - one potential case:
 - A. See August 1, 2023 letter from the California Department of Justice

Staff Report

- 6.06 Real Property Negotiation Pursuant to Government Code Section 54956.8:

- A. Property APN: 003-171-014-000 Agency Negotiator: Michael Hodson Negotiating Party: Pat Kemeny Macias and Richard Macias, for Museum of Northern California Art Negotiations: Terms and Conditions of Real Property Rights

Staff Report

- B. Property APN:039-590-019-000 Agency Negotiator: Michael Hodson Negotiating Party: John W. Scott, Jennifer Millward, for Scotty's Landing Negotiations: Terms and Conditions of Real Property Rights

Staff Report

- 6.07 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