



**BUTTE COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING AGENDA
JULY 25, 2023
9:00 AM**

MEMBERS OF THE BOARD

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

**ANDY PICKETT
CHIEF ADMINISTRATIVE OFFICER &
CLERK OF THE BOARD**

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

BRAD STEPHENS, COUNTY COUNSEL

1. CALL TO ORDER

Pledge of Allegiance
Observation of a Moment of Silence

Rules of Decorum

The Board of Supervisors welcomes the public to its meetings and encourages and appreciates public engagement. The Board of Supervisors expects members of the public to act in a courteous, civil, and respectful manner. Individuals who address the Board shall not make personal, impertinent, slanderous, or profane remarks to any member of the Board, staff, or the general public. The Board of Supervisors will not tolerate loud, threatening, personal, or abusive language, or disorderly conduct, which disrupts, disturbs, or otherwise impedes the orderly conduct of Board meetings. Violation of these rules of decorum will result in the meeting being recessed.

2A. CORRECTIONS AND/OR CHANGES TO THE AGENDA

2B. ANNOUNCEMENT(S) OF RECUSAL

3. CONSENT AGENDA

A. Supervisor Comments on Consent Agenda Items

B. Adopt Consent Agenda

- 3.01 Resolution Adopting Appropriations for Adopted Budget for Fiscal Year 2023-24 - On June 27, 2023 the Board of Supervisors held a public hearing on the Recommended Budget for FY 2023-24. During the public hearing the Board considered and approved the Recommended Budget in addition to adjustments to the Recommended Budget contained in the documents titled "Schedule A" and "Schedule B". After final fund balances are known, no later than October 31, 2023, various adjustments to account appropriations and estimates will be necessary in order to maintain a balanced budget in each fund. The Auditor Controller's Office recommends the Board authorize the Auditor-Controller to make the necessary adjustments, subject to review and approval by the Chief Administrative Officer. A full report of these adjustments will return to the Board by October 31, 2023 – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Auditor-Controller)

- 3.02 Contract Amendment with Granicus, LLC (Granicus) for Public Meeting Management Software -
 Since 2011, the County has contracted with Granicus for a variety of public meeting management services which have included agenda management tools, minute management, as well as live and archived web-streaming video of the County's Board of Supervisors meetings. In 2018, the Planning Commission and the Water Commission began utilizing Granicus for broadcasting meetings, in addition to posting agendas and meeting minutes online. Having an Agenda Management System has increased government transparency and accessibility to the public by allowing the public to access agendas, supporting documents, meeting minutes, and the ability to view live or prior meetings online, as well as promote civic engagement by allowing the public to submit public comment online prior to a meeting. The Clerk of the Board office began a Request for Proposal (RFP) process in February of 2023, which has not yet concluded. Therefore, staff recommends extending its current contract with Granicus an additional six months, through December 2023, to allow for completion of the RFP process. The amount payable increases by \$30,857, not-to-exceed \$79,995. All other terms remain the same – action requested – APPROVE CONTRACT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)
- 3.03 Ratify Letter of Opposition of Human Services Budget Trailer Bills, Assembly Bill (AB) 120 and Senate Bill (SB) 120 In-Home Supportive Services (IHSS) Fiscal Penalty - Human Services budget trailer bills, AB 120 and SB 120 include provisions that would impose a ten percent ongoing penalty to the County in the event of an impasse of a negotiated IHSS collective bargaining agreement. The proposed fiscal penalty represents an unfunded State mandate requiring counties to fund at least a \$1.00 wage increase above current wage and, if enacted, would negatively impact funding for other health and human services programs. The penalty provision is opposed by the California State Association of Counties (CSAC), California Association of Public Authorities (CAPA), County Welfare Directors Association of California (CWDA), Urban Counties of California (UCC), and Rural County Representatives of California (RCRC) who have proposed an alternative penalty amendment that would make the ten percent ongoing penalty apply only after a county has received the existing seven percent one-time penalty. On July 3, 2023 a letter of opposition was submitted by the Chief Administrative Officer. Due to an accelerated hearing schedule, there was no time to wait until the July 25, 2023 Board of Supervisors. Staff recommends the Board ratify the letter – action requested – RATIFY LETTER OF OPPOSITION. (County Administration)

- 3.04 Secure Rural Schools Act - Reauthorization Letter and Ratification - The Secure Rural Schools program provides funding for schools, roads, and other municipal services to more than 700 counties across the U.S. and Puerto Rico, and was reauthorized by the 2021 Infrastructure Bill. Payments are divided into three distinct categories, or Titles: Title I for roads and schools, Title II for projects on Federal lands, and Title III for county projects. In years when the Secure Rural Schools Act is reauthorized by Congress, Title I and Title III payments are made from the Forest Service to states. States then distribute the payment to all eligible counties. A participating county receiving more than \$350,000 must allocate 15 percent to 20 percent of its share to Title II, Title III, or a combination of both, except that the allocation for Title III projects may not exceed 7 percent. The estimated federal fiscal year 2023 allocation for Butte County is \$453,000. 2023 will be the second year since 2013 that counties have had the option to change their election percentages. In 2022, the County allocated 80 percent to Title I, 13 percent to Title II, and 7 percent for Title III. County Administration recommends the Board of Supervisors authorize the same election percentages previously used for the County's share of the funding: 80 percent to Title I, 13 percent to Title II, and 7 percent for Title III; and ratify this direction to meet the submission deadline of July 20, 2023 – action requested – APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)
- 3.05 Land Conservation (Williamson) Act Contract with Ronald S. Ginochio & Sally N. Ginochio, Trustees of the Ron and Sally Ginochio Living Trust - The Williamson Act Advisory Committee recommends entering into a contract to enroll approximately 63 acres owned by Ronald S. Ginochio & Sally N. Ginochio, Trustees of the Ron and Sally Ginochio Living Trust, in the Williamson Act. The enrollment consists of one parcel (APN: 047-080-023) located at 6403 Cana Highway, at the junction of Cana Pine Creek Road and Cana Highway, 0.82 miles west of Red Cloud Drive, 5.8 miles northwest of Chico city limits. The parcel will be enrolled in the Williamson Act under a contract for orchard production. The application meets all requirements of the Williamson Act program. The Williamson Act Advisory Committee reviewed the application (LCA22-0015) on June 5, 2023, and recommended enrollment of the parcel subject to the applicant's payment of any outstanding fees. The creation of Williamson Act contracts is exempt from review under the California Environmental Quality Act per Categorical Exemption 15317 Open Space Contracts or Easements – action requested – APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)
- 3.06 Land Conservation (Williamson) Act Contract with Ronald S. Ginochio & Sally N. Ginochio, and John R. Ginochio, III and Shannon W. Ginochio - The Williamson Act Advisory Committee recommends entering into a contract to enroll approximately 80 acres owned by Ronald S. Ginochio & Sally N. Ginochio, Trustees of the Ron and Sally Ginochio Living Trust, and John R. Ginochio, III and Shannon W. Ginochio, Trustees of the John R. Ginochio III and Shannon W. Ginochio Trust U/A/D 06/01-06, in the Williamson Act. The enrollment consists of one parcel (APN: 047-130-008) located at 14310 Hamilton-Nord-Cana Highway, approximately 1,950 feet north of Bennett Road, 3.6 miles northwest of Chico city limits. The parcel will be enrolled in the Williamson Act under a contract for orchard production. The application meets all requirements of the Williamson Act program. The Williamson Act Advisory Committee reviewed the application (LCA23-0002) on June 5, 2023, and recommended enrollment of the parcel subject to the applicant's payment of any outstanding fees. The creation of Williamson Act contracts is exempt from review under the California Environmental Quality Act per Categorical Exemption 15317 Open Space Contracts or Easements – action requested – APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

- 3.07 Resolution to Approve a Non-exclusive Easement Deed to the Pacific Gas and Electric Company (PG&E) for Installation of Underground Utilities Affecting 540 Cohasset Road in Chico for the Chico Housing Action Team - The County of Butte owns real property identified as APN 006-240-052, with a portion using the physical address 540 Cohasset Road in Chico (Property). On October 27, 2020, the Board of Supervisors approved a license agreement for the Chico Housing Action Team to occupy this portion of the Property for the purpose of delivering site improvements and emergency shelter services known as Everhart Village (Project). On April 27, 2021, the Board approved an agreement detailing the delivery and ongoing operations of the Project, and an amendment to the license agreement extending the term to 2036. In order to provide underground utility services to the Project site, PG&E requires that the County grant a non-exclusive easement across a portion of the Property for the construction, installation, use and continued maintenance of a new utility line. Once construction of the new utility line is complete, the Easement Deed will constitute a covenant and will run with the land for the benefit of PG&E. The Department of General Services recommends the Board adopt a resolution approving the conveyance of non-exclusive easement rights to PG&E, and appoint the Director of General Services to execute the Easement Deed and any other documents necessary to complete the conveyance – action requested - 1) ADOPT THE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 2) AUTHORIZE THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE CONVEYANCE. (General Services)

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

BEHAVIORAL HEALTH: Add 4 flexibly staffed Behavioral Health I / Behavioral Health II positions and 3 Peer Support Specialist positions in order to expand 24/7 response for crisis assessments. Conversion of the following: 1 Program Manager position to a Program Manager of Behavioral Health – Clinical Services position, 1 Administrative Analyst Supervisor position to a flexibly staffed Administrative Analyst I / Administrative Analyst II / Administrative Analyst III position, 1 Behavioral Health Clinician Supervisor position to an Administrative Technician position, 1 flexibly staffed Behavioral Health Worker I / Behavioral Health Worker II / Behavioral Health Counselor I / Behavioral Health Counselor II position to a flexibly staffed Substance Use Disorder Counselor I / Substance Use Disorder Counselor II position. These conversions are necessary to better meet the needs of the Departments. Delete 1 flexibly staffed Behavioral Health Counselor I / Behavioral Health Counselor II Sunset position (ends on 6/30/2025) due to the elimination of Employment and Social Services Memorandum of Understanding. Total allocations to increase by 6.

COUNTY ADMINISTRATION: Add 1 flexibly staffed Administrative Analyst I / Administrative Analyst II / Administrative Analyst III Sunset position to end on 6/30/2026 funded by CDBG disaster recovery revenue. Total allocations to increase by 1.

DEVELOPMENT SERVICES: Extend 1 Information Technology Manager Term position from 9/13/2023 to 3/13/2024. Total allocations to remain unchanged.

EMPLOYMENT AND SOCIAL SERVICES: Add 1 flexibly staffed Health and Human Services Program Analyst I / Health and Human Services Program Analyst II / Health and Human Services Program Analyst III / Senior Health and Human Services Program Analyst Sunset position set to end on 6/30/2026 and 1 Housing Navigator Sunset position set to end on 6/30/2026. Total allocations

to increase by 2.

LIBRARY: Add 2 flexibly staffed Library Assistant I / Library Assistant II positions as a result of Board approval on June 27, 2023 of additional funding allocation to the Department. Total allocations to increase by 2.

PROBATION: Add 1 Program Manager – Probation position in order to meet requirements related to DOJ realignment. Total allocations to increase by 1.

PUBLIC HEALTH: Convert 1 Program Supervisor Term 6/30/2024 position to a Regular Help position. Total allocations to remain unchanged.

Action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

- 3.09 Contract with Nurse Family Partnership to Implement an Evidence Based Home Visiting Program
The California Department of Public Health (CDPH) received additional State General Funds to expand the California Home Visiting Program (CHVP). The funding is to increase the number of families participating in the three evidence-based home visiting models supported by CDPH/CHVP: Healthy Families America, Nurse Family Partnership (NFP) and Parents as Teachers. Local Health Jurisdictions are to use the funding for expansion, planning and/or special support activities. The Department of Public Health submitted an application for funding to expand the current home visiting program with NFP. The Departments request was approved. The NFP model serves low income, first-time mothers and their children through nurse case management. The program is intended to help first time mothers develop behaviors that enable them to have healthier pregnancies, have emotionally and physically healthier children, and attain greater economic self-sufficiency. The Department recommends entering into a contract with NFP for the implementation of an additional evidence based home visiting program in the County. The contract term is July 25, 2023 through May 31, 2026, with a maximum amount payable of \$164,327 – action requested – APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
- 3.10 Contract With Russell Gallaway Associates, Inc. for Architectural and Engineering Design Services at 9 County Center Drive - The Department of Public Works issued a Request for Qualifications on November 17, 2022, seeking proposals for professional architectural and engineering services to renovate existing road maintenance offices at 9 County Center Drive in Oroville, California. The Department received seven proposals on December 15, 2022. The proposals were evaluated and ranked based on experience, capacity, and overall professional qualifications. The Department invited the top three consultants to participate in a final selection interview. Upon conclusion of the interview process, Russell Gallaway Associates, Inc. of Chico, California, was determined to be the most qualified bidder. The Department recommends that the Board of Supervisors enter into a contract with Russell Gallaway Associates, Inc., for architectural and engineering design services to renovate existing road maintenance offices at 9 County Center Drive in Oroville. The contract term is July 25, 2023, through July 25, 2026, not-to-exceed \$61,000 – action requested – APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

- 3.11 Notice of Completion for Cohasset Metal Beam Guardrail (MBGR) Upgrade Project - On August 23, 2022, the Board of Supervisors awarded the Cohasset MBGR Upgrade Project to Apex Fence Co. Inc. of Anderson, California. The project provided for removing existing guardrails and delineators and installing a new Midwest Guardrail System. The contract award amount was \$439,100. One contract change order (CCO) was executed, resulting in an increase to the contract of \$23,455. The total cost of work is \$462,555. All work has been completed per the project plans and specifications. The Department of Public Works recommends that the Board take action to accept the work as complete and authorize the Chair to sign the Notice of Completion – action requested - ACCEPT THE CONTRACT WORK AS COMPLETE AND AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION. (Public Works)
- 3.12 Award Contract to Chrisp Company for the Highway Safety Improvement Program (HSIP) Cycle 10 Valley Road Edgeline Project and Approve the Project Specifications - 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 IMP included the construction of the HSIP Cycle 10 Valley Road Edgeline Project, which consists of installing high-visibility thermoplastic striping on various roads within the County, which should help improve road safety. One bid was received on June 6, 2023. The lowest responsive and responsible bidder was Chrisp Company, of Fremont, California, with a bid amount of \$251,312. This is a 28% increase over the engineer's estimate of \$196,304 for the project. Striping projects have seen increased bidding volatility in this construction market, making it difficult for staff to develop accurate engineer estimates. The Department recommends that the Board award the contract to Chrisp Company, approve the project specifications, 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 – action requested - 1) AWARD CONTRACT TO CHRISP COMPANY; 2) APPROVE THE PROJECT SPECIFICATIONS; AND 3) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE CONTRACT AND ORDER CHANGES OR ADDITIONS IN THE WORK BEING PERFORMED. (Public Works)
- 3.13 Contract with MT Hall and Associates for Materials Testing Services - During the construction of various projects, the Department of Public Works regularly performs quality control testing on materials provided by and work done by contractors. These testing services are separate from the contractor's quality assurance process to avoid potential conflicts of interest. Services follow specific testing protocols and utilize specialized testing devices. On May 11, 2023, the Department released a Request for Proposals for on-call materials testing services to provide construction materials testing on planned capital improvement projects. On June 6, 2023, the Department received five proposals and evaluated and ranked those proposals based on experience, capacity, qualifications, and cost. The Department has determined M.T. Hall and Associates, of Chico, California, to be the most qualified bidder. The Department recommends the Board of Supervisors enter into a contract with M.T. Hall and Associates, with a term of August 2, 2023, through August 2, 2027, not-to-exceed \$225,000 – action requested – APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (Public Works)

- 3.14 Approve Project Plans and Specifications and Award a Contract to MJ Shelton General Engineering Inc. for the Mud-Sycamore Creek Levee System Pipe Replacement Deferred Maintenance Project
On May 23, 2023, the Board of Supervisors authorized the Department of Public Works to advertise and solicit bids for constructing the Mud-Sycamore Creek Levee System Pipe Replacement Deferred Maintenance Project. Two bids were received on June 21, 2023. The lowest responsive and responsible bidder was MJ Shelton General Engineering Inc., of Chico, with a bid amount of \$704,770. The Department recommends that the Board approve the project plans and specifications, award the contract to MJ Shelton General Engineering, Inc. 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 – action requested - 1) APPROVE PROJECT PLANS AND SPECIFICATIONS; 2) AWARD THE CONTRACT TO MJ SHELTON GENERAL ENGINEERING, INC.; AND 3) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE CONTRACT AND ORDER CHANGES OR ADDITIONS PER PUBLIC CONTRACT CODE SECTION 20142. (Public Works)
- 3.15 Capital Asset Surplus-Vehicles for Auction - The Board of Supervisors declares vehicles surplus that are no longer serviceable or no longer needed by the County before auctioning the items. The Department of Public Works recommends the Board declare eight vehicles as surplus to the needs of the County due to high mileage or the repairs exceed the value of the asset – action requested – DECLARE CAPITAL ASSETS (8) SURPLUS TO THE NEEDS OF THE COUNTY. (Public Works)
- 3.16 Contract with Chico State Enterprises for Student Legal Research Assistants (LRAs) - The Butte County Jail is required to offer inmates LRAs, which assist inmates with legal research via computer searches and library book searches in the Jail Law Library. LRAs staff the Jail Law Library an average of 56 hours per week, and inventory Jail law books and research materials as well as conduct material updates as appropriate. The Sheriff's Office recommends entering into a contract with the Chico State Enterprises for LRAs. The term of the contract is July 1, 2023 through June 30, 2024, not-to-exceed \$65,531 – action requested – APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (Sheriff)
- 3.17 Agreement Amendment with Ontario Systems, LLC dba Finvi for Custom Database and Server Work - The Treasurer-Tax Collector's Office has used Columbia Ultimate Inc. (CUBS) software since the inception of the Central Collections Division in 2001. On August 25, 2015, the Board of Supervisors approved a Software Support agreement with Columbia Ultimate, Inc., now known as Ontario Systems LLC dba Finvi (Finvi). The term of the original contract was through June 30, 2018, not-to-exceed \$68,525. The contract has been amended four times for the ongoing support, maintenance, and necessary updates to the Software. The fourth amendment increased the maximum payable amount by \$42,146, not-to-exceed \$238,845 and extended the term through June 30, 2024. The server that houses the software program is no longer supported. The County's Information Systems Department has built a new server to accommodate the software and Finvi has provided a Statement of Work which details the custom work they will perform to convert the database from a legacy system to a cloud-based system and migrate the data from the current server to the new server. The Treasurer-Tax Collector's Office recommends amending the contract with Finvi for the work described above. The amendment modifies the Scope of Work to support conversion to the legacy system and increases the maximum payable amount by \$31,000, not-to-exceed amount of \$269,845. All other terms remain the same – action requested – APPROVE CONTRACT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Treasurer-Tax Collector)

- 3.18 Resolution in Recognition of Ger Vang - Ger Vang served as director of the Lao Family Empowerment of Stockton for many years, and coordinated with the Hmong communities throughout the United States to raise funds and build the late General Vang Pao's grand statue inside the San Joaquin County Fairgrounds which was unveiled in 2016. Ger Vang earned a Bachelor's Degree and a Master's Degree from California State University, Chico, and served as a Coordinator for the Butte County Community Action Agency where he worked in cooperation with the City of Oroville to address and resolve racial issues between the Hmong and African American communities. Supervisor Bill Connelly extends his sincere condolences and appreciation for Ger Vang's many years of dedicated service – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Other – District 1)

4. REGULAR AGENDA

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

A. Appointments to Listed Vacancies

1. Reappointments to the Butte County Assessment Appeals Board - The Assessment Appeals Board conducts hearings on property assessment disputes. It is the duty of the Assessment Appeals Board to make a fair, impartial decision on all property assessment disputes between taxpayers and the Assessor. The Board shall consist of three (3) members appointed by the Board of Supervisors. Members must have five (5) years of experience as a lawyer, Certified Public Accountant, licensed real estate broker, property appraiser, or is a person who the nominating member of the board of supervisors has reason to believe is possessed of competent knowledge of property appraisal and taxation. Randall Stone, and Dave Johnson request reappointment on the Assessment Appeals Board, both with terms ending July 25, 2026 – action requested – REAPPOINT RANDALL STONE AND DAVE JOHNSON TO THE ASSESSMENT APPEALS BOARD WITH A TERM ENDING JULY 25, 2026. (Other – Assessment Appeals Board)
2. Appointments to the Butte Water District (BWD) - BWD is a California Water District located in the Sacramento Valley south of Thermalito Afterbay, west of the Feather River, and northeast of the Sutter Buttes. The cities of Biggs and Gridley lie within the district. BWD is responsible for providing irrigation to agricultural water users within its service area. A variety of crops, such as rice, peaches, prunes, walnuts, and almonds have been grown within the district's service area prior to, and subsequent to the BWD formation. Attorney Andrew McClure requests that pursuant to California Elections Code Section 10515 the Board of Supervisors appoint in lieu of election Darin Pantaleoni and Peter Righero to the Board of Directors on the BWD with terms ending July 25, 2027 – action requested - APPOINT DARIN PANTALEONI AND PETER RIGHERO TO THE BOARD OF DIRECTORS ON THE BWD WITH TERMS ENDING JULY 25, 2027 IN LIEU OF ELECTION PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10515. (Other – Butte Water District)

3. Appointments to the Butte County Forest Advisory Committee (FAC) - The Board of Supervisors established the FAC to facilitate public involvement and assist the County in its quest to meet the guiding principles of the Butte General Plan as it pertains to utilization and management of public lands. The FAC is comprised of 5 public members and 5 alternates representing the following areas of interest: Agriculture/Timber Management; Recreation – Motorized; Recreation – Non-Motorized; Environmental & Watershed Management; Economic/Tourism. The FAC gathers and reviews information to present pertinent recommendations to the Board through the Butte County Federal/State Land Use Coordinating Committee (Coordinating Committee). One member of the Coordinating Committee appointed by the Board serves as a non-voting ex officio member of the FAC. The current ex-officio member is retiring and the Coordinating Committee recommends that the Board appoint the Director of Development Services as the new ex-officio member. Additionally, a recruitment was conducted for two vacant alternate positions for Economic/Tourism and Recreation-Motorized members of the FAC. The FAC and the Board have received a completed application for each of the vacancies, and they are on file with the Assistant Clerk of the Board. David Casagrande has applied for the position of Alternate, Motorized Recreation, and Nichole Farley has applied for the position of Alternate, Economic/Tourism. Each applicant has been attending FAC meetings and are endorsed by the current members. The term for each position is subject to the remainder of an existing four-year term. Upon appointment, both remaining terms will end on December 31, 2026 – action requested - 1) APPOINT THE DIRECTOR OF DEVELOPMENT SERVICES AS THE EX OFFICIO MEMBER OF THE FAC; AND 2) APPOINT DAVID CASAGRANDE AND NICHOLE FARLEY TO EACH SERVE THE REMAINDER OF FOUR-YEAR TERMS (EXPIRING DECEMBER 31, 2026) ON THE FAC AS ALTERNATES REPRESENTING RECREATION - MOTORIZED AND ECONOMIC/TOURISM, RESPECTIVELY. (Other – Forest Advisory Committee)

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)

- 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.

- 4.03 Mental Health Services Act (MHSA) Three Year Program and Expenditure Plan for Fiscal Years 2023-2026 - In November of 2004, California voters passed Proposition 63 creating the MHSA. The act created an additional income tax on California residents making more than \$1 million per year. Most of the MHSA revenue is distributed to the counties. The Department of Behavioral Health annually facilitates a community input process through meetings, focus groups, surveys and work groups to identify community mental health treatment needs and to develop program and service plans for the County. The County is required to create and update MHSA program and expenditure plans every year. The proposed MHSA Program and Expenditure Three Year Plan for fiscal years 2023-2026 is the result of the collaboration between the Department, the Behavioral Health Advisory Board, the local MHSA Steering Committee, and input from community members and stakeholders in mental health services. The Department recommends that the Board of Supervisors approve the MHSA Program and Expenditure Three Year Plan and authorize the Director of Behavioral Health and the Auditor-Controller to sign accountability certification – action requested - 1) APPROVE THE MHSA PROGRAM AND EXPENDITURE THREE YEAR PLAN; AND 2) AUTHORIZE BEHAVIORAL HEALTH DIRECTOR AND AUDITOR-CONTROLLER TO SIGN ACCOUNTABILITY CERTIFICATION. (Behavioral Health)
- 4.04 Call for an Election for the Tuscan Water District Formation - The Butte Local Agency Formation Commission sent a letter dated June 12, 2023 requesting that the Board of Supervisors call for an election regarding the formation of the Tuscan Water District. The proposed resolution sets the date of the election for December 5, 2023 and establishes the procedures for landowners within the territory of the proposed district to vote to determine if the district should be formed. Also included is an indemnification agreement with the chief proponents for the Tuscan Water District formation – action requested - 1) ADOPT THE RESOLUTION, AND AUTHORIZE THE CHAIR TO SIGN; AND 2) APPROVE THE INDEMNIFICATION AGREEMENT, AND AUTHORIZE THE CHAIR TO SIGN. (Clerk-Recorder)
- 4.05 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 eligible costs from General Fund Contingencies for costs incurred during the Camp Fire animal rescue operation – action requested – APPROVE REIMBURSEMENT OF NVADG CAMP FIRE COSTS IN THE AMOUNT OF \$199,046.01 FROM THE GENERAL FUND CONTINGENCIES. (County Administration)

- 4.06 Update of Budget, Legislative, and Other Current Issues by the Chief Administrative Officer
- 4.07 Board of Supervisors Public Comment (Continuation as Needed) - Comments to the Board on issues and items not listed on the agenda. Please note that pursuant to California State law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda.
- 4.08 Items Removed from the Consent Agenda for Board Consideration and Action

5. PUBLIC HEARINGS AND TIMED ITEMS

- 5.01 9:30AM – Timed Item - Appeal of the Planning Commission's Denial of Tentative Subdivision Map (TSM21-0001) - An appeal was filed on the Planning Commission's denial of a Tentative Subdivision Map (TSM21-0001) to subdivide a parcel totaling 22.07 acres, situated in the MDR (Medium Density Residential, 6,000 sq. ft. minimum) zone, to create one hundred and eight (108) single-family residential lots, ranging in size from 6,000 to 12,366 square feet. New lots would be accessed directly from two new road connections off Biggs Avenue, east of 18th Street. A public water and wastewater system (Thermalito Water & Sewer District) would serve each lot. The project parcel is currently undeveloped. The project site is located east of 18th Street, between Oro Dam Boulevard and Biggs Avenue, directly adjacent to the City of Oroville, in the unincorporated area of Butte County. The Planning Commission considered this item at a public hearing held on June 22, 2023 and based on inconsistency with the Butte County Airport Land Use Compatibility Plan by the Butte County Airport Land Use Commission (BCALUC), denied the Tentative Subdivision Map on a 4-0 vote. The appellant is appealing the denial by the Planning Commission and has submitted findings for an overrule request on the inconsistency determination made by the BCALUC. The proposed project's density (5.3 dwelling units per acre) is inconsistent with the B2 Compatibility Zone density (0.2 dwelling units per acre), creating a safety issue, and the project site does not meet the infill criteria of the Butte County Airport Land Use Compatibility Plan. If an overrule is supported, a 2/3 vote (4/5 vote by the Board of Supervisors) is required pursuant to Public Utilities Code sections 21676.5 and 21670 – action requested - 1) DENY THE OVERRULE REQUEST ON THE PROJECT'S INCONSISTENCY DETERMINATION BY THE BUTTE COUNTY AIRPORT LAND USE COMMISSION; AND 2) DENY THE APPEAL OF TENTATIVE SUBDIVISION MAP TSM21-0001, AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)
- 5.02 9:45AM – Public Hearing - Resolution Amending the Master Fee Schedule for Services Provided by the Department of Public Health - The Butte County Master Fee Schedule is a schedule of fees for services provided by County Departments. Departments review their fees throughout the year and may recommend changes as needed. The Department of Public Health has reviewed their fees for accuracy and identified changes in their fee schedule. The Department recommends adding six (6) new fees, removing two (2) fees, and general modifications by renumbering and adding clarifying language for 23 fees in their fee schedule – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)

- 5.03 10:30AM – Timed Item – Itemized Costs and Penalties Related to Nuisance Abatement to Record a Lien and Impose a Special Assessment
- A. Code Enforcement Case Number CE22-01114; 0 Silver Bar Drive, Oroville APN No. 027-110-047 - On September 14, 2022 a Hearing Officer declared a public nuisance existed on the property listed. This hearing has been scheduled to authorize the Board of Supervisors to record a lien to recover the County's costs for Code Enforcement Case Number CE22-01114 at 0 Silver Bar Drive, Oroville (Assessor's Parcel Number 027-110-047) in the amount of \$13,144.96 (\$7,500.00 for penalties and \$5,644.96 for cost recovery) – action requested – APPROVE THE PROPOSED LIEN OF \$7,500.00 AND A SPECIAL ASSESSMENT OF \$5,644.96. (Development Services)
 - B. Code Enforcement Case Number CE21-02131; 0 Mann Avenue, Berry Creek APN No. 061-550-027 - 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 CE21-02131 at 0 Mann Avenue, Berry Creek (Assessor's Parcel Number 061-550-027) in the amount of \$69,534.37 (\$63,000.00 for penalties and \$6,534.37 for cost recovery) – action requested - APPROVE THE PROPOSED LIEN OF \$63,000.00 AND A SPECIAL ASSESSMENT OF \$6,534.37. (Development Services)
 - C. Code Enforcement Case Number CE21-02132; 189 Mann Avenue, Berry Creek APN No. 061-550-028 - On August 15, 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 CE21-02132 at 189 Mann Avenue, Berry Creek (Assessor's Parcel Number 061-550-028) in the amount of \$69,918.92 (\$63,500.00 for penalties and \$6,418.92 for cost recovery) – action requested - APPROVE THE PROPOSED LIEN OF \$63,500.00 AND A SPECIAL ASSESSMENT OF \$6,418.92. (Development Services)
 - D. Code Enforcement Case Number CE 22-01508; 241 Oro Vista Drive, Berry Creek APN No. 071-250-004 - On November 14, 2022 a Hearing Officer declared a public nuisance existed on the property listed. This hearing has been scheduled to authorize the Board of Supervisors to record a lien to recover the County's costs for Code Enforcement Case Number CE22-01508 at 241 Oro Vista Drive, Berry Creek (Assessor's Parcel Number 071-250-004) in the amount of \$56,013.37 (\$50,500.00 for penalties and \$5,513.37 for cost recovery) – action requested - APPROVE THE PROPOSED LIEN OF \$50,500.00 AND A SPECIAL ASSESSMENT OF \$5,513.37. (Development Services)

- 5.04 10:45AM – Timed Item - Veteran Memorial Halls Use, Policy, and Governance Presentation - There are four Veteran Memorial Halls (Halls) in Butte County, irrevocably dedicated to Veteran Associations. Veteran Memorial Hall Committees were established for the overall management of the Halls, which included a Hall rental program to increase revenue to fund facility repairs and maintenance. The Department of General Services assigned a Senior Real Property Agent to administer the coordination of the use of the Halls. In 2020, staff was reassigned to meet County priorities and the critical needs of the Department. Due to the reduction of staff to coordinate the use of the Halls, the Board of Supervisors adopted a resolution to disband the existing Veteran Memorial Hall Committees and terminated the use of the Veteran Memorial Halls by the general public. Since the adoption of the resolution, Veteran organizations have interpreted the resolution in varied ways, including; limiting use to Veteran organizations functions only, allowing use by any group approved by a member of a Veteran group, or allowing use of the Hall in exchange for a suggested donation with no County internal visibility or control. The Department will provide an overview of the current use of the Halls and considerations for policy development – action requested –DIRECT STAFF TO DEVELOP USE POLICY FOR VETERAN MEMORIAL HALLS. (General Services)

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) - two cases:

- A. County of Butte v. DWR, Third District Court of Appeals, Case No: C071785.
- B. Pello v. County of Butte, United States District Court - Eastern District, Case No: 2:23-cv-00130

6.04 Real Property Negotiation Pursuant to Government Code Section 54956.8:

Property APN: 010-141-011-000

Agency Negotiator: Michael Hodson

Negotiating Party: Sterling W & Paquerette Marshall, A Family Trust

Negotiations: Terms and Conditions of Conveyance of Real Property Rights

6.05 Public Comment

Recess as the Butte County Board of Supervisors and reconvene as the Butte County Groundwater Sustainability Agency.

BUTTE COUNTY GROUNDWATER SUSTAINABILITY AGENCY
REGULAR AGENDA
JULY 25, 2023

1. CALL TO ORDER

2. CONSENT AGENDA (NO ITEMS)

3. REGULAR AGENDA

- 3.01 County of Butte Groundwater Sustainability Agency - Recommended Budget for FY2023-24 - On October 13, 2015, the Butte County Board of Supervisors elected to serve as the County of Butte Groundwater Sustainability Agency (CBGSA) for the portions of the County that overlie the Butte Subbasin that were not part of another Groundwater Sustainability Agency. Daily CBGSA business is conducted by the Department of Water and Resource Conservation Director and staff. On November 5, 2019, the County of Butte GSA signed a Cooperation Agreement with the 10 other Groundwater Sustainability Agencies within the Butte Subbasin for the purpose of organizing the various GSAs and cooperating in the development of a single Groundwater Sustainability Plan (GSP). On September 13, 2022, the County of Butte signed the Cooperation Agreement Amendment No. 1 agreeing to share in the costs of implementing the Butte Subbasin GSP and designating the County of Butte GSA as the Fund Administrator. During the Fiscal Year 2022-23, funds were used for two purposes 1) retain a consultant for the preparation of a Sustainable Groundwater Management Grant Program grant application (approximately \$23,764) and 2) pay the Butte Subbasin's proportionate share of the Annual Report (\$38,334) that was submitted by April 1, 2022. The remaining balance to be rolled over to the Fiscal Year 2023-24 is \$25,902.62. The Recommended Budget in the amount of \$25,902.62 has been prepared for Fiscal Year 2023-24 and is balanced. The Department recommends the Board of Supervisors approved the recommended budget for Fiscal Year 2023-24 – Action Requested - APPROVE THE RECOMMENDED BUDGET FOR FISCAL YEAR 2022-23 AS THE AUTHORITY FOR EXPENDITURES. (Water and Resource Conservation)

4. PUBLIC COMMENT

Comments to the Butte County Groundwater Sustainability Agency on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California State law, the Butte County Groundwater Sustainability Agency is prohibited from taking action on any item not listed on the agenda.

5. CLOSED SESSION (NO ITEMS)

ADJOURNMENT

Adjourn as the Butte County Groundwater Sustainability Agency and reconvene as the Butte County Board of Supervisors.

**Butte County
Department Heads**

Agricultural
Commissioner:
Louie Mendoza

Assessor*:
Alyssa Douglass

Auditor-Controller*:
Graciela Gutierrez

Behavioral Health:
Scott Kennelly

Chief Administrative
Officer:
Andy Pickett

Chief Probation Officer:
Melissa Romero

Child Support Services:
Sean Farrell

Clerk-Recorder /
Registrar of Voters*:
Keaton Denlay

County Counsel:
Brad Stephens

Development Services:
Paula Daneluk

District Attorney*:
Mike Ramsey

Employment & Social
Services:
Shelby Boston

Fire Chief:
Garrett Sjolund

General Services:
Michael Hodson

Human Resources:
Sheri Waters

Information Systems:
Paul LaValley

Library:
Narinder Sufi

Public Health:
Danette York

Public Works:
Joshua Pack

Sheriff-Coroner*:
Kory Honea

Treasurer-Tax Collector*:
Troy Kidd

UCCooperative
Extension Advisor:
Luis Espino

Water & Resource
Conservation:
Kami Loeser

*Elected Official

Information and Procedures Concerning the Agenda and 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 on the Clerk of the Board website page.

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 County Administrative Office upon request.

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 items 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. **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. Public Comment is limited to 3 minutes, and may be adjusted at the discretion of the Chair.
3. **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.
4. **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.
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 of Supervisors is also committed to making its proceedings accessible to all residents. 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.

Disclosure of Campaign Contributions

Pursuant to Government Code section 84308, members of the Board of Supervisors are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the Board member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the County's decision on the agenda item since January 1, 2023. Members of the Board of Supervisors who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a Board member since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount of the campaign contribution and identify the recipient Board member and may be made either in writing to the Clerk of the Board of Supervisors prior to the subject hearing or by verbal disclosure at the time of the hearing.

For further information contact the:
Clerk of the Board of Supervisors
County Administration Office
25 County Center Drive, Suite 200, Oroville, CA 95965
530.552.3300

Board of Supervisors Agenda – Commonly Used Acronyms:

AB – Assembly Bill	EIR – Environmental Impact Report
APN – Assessor’s Parcel Number	EOC – Emergency Operations Center
AQMA – Air Quality Management Act	EPA – Environmental Protection Agency
ARPA – American Rescue Plan Act	FEIR – Final Environmental Impact Report
BCAG – Butte County Association of Governments	FEMA – Federal Emergency Management Agency
BLUF – Bottom Line Up Front	FY – Fiscal Year
BOE – Board of Equalization	GP – General Plan
BCFD – Butte County Fire Department	IMP – Infrastructure Master Plan
BCGP – Butte County General Plan	JPA – Joint Powers Authority
BCOE – Butte County Office of Education	LAFCO – Local Agency Formation Commission
BCSO – Butte County Sheriff’s Office	MOU – Memorandum of Understanding
BINTF – Butte Interagency Narcotics Task Force	MUP – Minor Use Permit
BRCP – Butte Regional Conservation Plan	NOC – Notice of Completion
CAL FIRE – California Department of Forestry and Fire	NOP – Notice of Preparation
Cal OES – California Office of Emergency Services	OEM – Office of Emergency Management
CalTrans – California Department of Transportation	RFP – Request for Proposals
CDBG – Community Development Block Grant	SB – Senate Bill
CEQA – California Environmental Quality Act	SBFCA – Sutter Butte Flood Control Agency
CSA – County Service Area	SGMA – Sustainable Groundwater Management Agency
DEIR – Draft Environmental Impact Report	SHARP – Self-Help Assistance and Referral Program
DID – Durham Irrigation District	TAC – Technical Advisory Committee
DOT – Department of Transportation	YTD – Year-to-date
DWR – Department of Water Resources	