BUTTE COUNTY
BOARD OF SUPERVISORS

Regular Meeting Agenda

March 28, 2023
8:15 AM

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

ANDY PICKETT,
CHIEF ADMINISTRATIVE OFFICER
CLERK OF THE BOARD

MEMBERS OF THE BOARD

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

BRAD STEPHENS, COUNTY COUNSEL

PDF of Agenda

PDF of Supplemental Agenda

PDF of Second Supplemental Agenda

How to Submit Public Comment Virtually

eComment Tutorial

Public Comment - Email Report

Public Comment - Ecomment Report

Public Comment - Hand Delivered/Mailed to Administration

1. CALL TO ORDER

Observation of a Moment of Silence

Pledge of Allegiance

2A. CORRECTIONS AND/OR CHANGES TO THE AGENDA

Item 3.09 there is no resolution to approve.

2B. ANNOUNCEMENT(S) OF RECUSAL

None

3. CONSENT AGENDA

A. Supervisor Comments on Consent Agenda Items

B. Adopt Consent Agenda

Action: Approve the Consent agenda with the exceptions of items 3.01, 3.05, 3.10, and 3.13, which were pulled from the Consent Agenda and placed on the Regular Agenda for further Board consideration and discussion.

Motion: Supervisor Ritter
Seconded: Supervisor Connelly

Motion passed unanimously

3.01 Revenue Agreement with the California Department of Food and Agriculture (CDFA) for Exotic Pest Detection Trapping and Surveillance

The County and CDFA have participated in a long standing revenue agreement for placing and servicing traps for the detection and surveillance of exotic pests considered detrimental to agriculture, horticultural landscape, and to the economy of California. Insects include the Mediterranean Fruit Fly, Oriental Fruit Fly, Melon Fly, Gypsy Moth, Japanese Beetle, Khapra Beetle, European Corn Borer, Plum Pox Virus, European Grapevine Berry Moth, and other exotic pests. The Agricultural Commissioner recommends entering into a revenue agreement with CDFA for exotic pest detection, trapping and surveillance. The term of the agreement is July 1, 2022 through June 30, 2023, not-to-exceed $164,533. (Agriculture)

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

Staff Report

This item was removed from the Consent Agena and placed on the Regular Agenda for further consideration.

3.02 Cooperative Service Agreement with the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service-Wildlife Services (APHIS-WS) for Fiscal Year 2023-24 Wildlife Services Cooperative Services

The County participates in an Integrated Wildlife Damage Management program through an annual cooperative service agreement with the USDA APHIS-WS for non-domestic animal control services such as trapping birds, skunks, and raccoons. The program addresses the loss of livestock, wildlife rabies, and prevention of property damage associated with predatory animals. Under a cooperative service agreement, APHIS-WS provides staff, supervision, administration, and equipment needed to carry out the program. The Agricultural Commissioner recommends that the Board of Supervisors approve the cooperative service agreement with the USDA APHIS-WS. The term of the agreement is July 1, 2023 through June 30, 2024, not-to-exceed $90,671. An Environmental Impact Report (EIR) was completed in 2021 and did not find any significant project impacts or cumulative impacts in the County. The EIR included subsequent years in the scope. (Agriculture)

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

Staff Report

3.03 Indigent Defense Contracts

The County is required by State and federal law to provide an attorney for persons charged with a crime or in other special circumstances if they cannot afford an attorney. Butte County contracts this service with a consortium of local attorneys who provide full service public defender work. The consortium has been an effective component of the criminal justice system, and has the support of the Superior Court Bench, District Attorney, Chief Probation Officer, and Sheriff. The consortium has also been a cost effective model for the county, providing a high level of service for substantially less than similar counties pay. The County contracts with 18 full-time attorneys and 2 half-time attorneys in the consortium. The County contract with Daniel Ledford, who served as a full-time attorney, ended March 26, 2023. The consortium selected Janae Sorenson to serve as a full-time attorney to fill the role held by Mr. Ledford. Ms. Sorenson currently serves as a part-time attorney. The consortium selected Robert Towne to serve as a part-time attorney to fill the role held by Ms. Sorenson. County Administration recommends amending the contract with Ms. Sorensen to a full-time attorney starting March 28, 2023 through June 30, 2024; not-to-exceed $295,302, which is $13,345 per month, and entering into a contract with Mr. Towne to serve as a part-time attorney providing indigent defense services with a term of March 28, 2023 through June 30, 2024; not-to-exceed $100,945, which is $6,672 per month. (County Administration)

Action requested - APPROVE CONTRACTS (x2) AND AUTHORIZE THE CHAIR TO SIGN.

Staff Report

3.04 Letter in Support of AB 998 (Connolly) Biomass Energy Facilities: State Energy Resources Conservation and Development Commission: Report

Assembly Bill 998 requires the State Energy Resources Conservation and Development Commission (California Energy Commission) to prepare a report on utility-scale biomass combustion facilities, including the capacity of those facilities to process forest biomass, the role they play in achieving the state's forest health and wildfire risk reduction objectives, and ways to maximize the environmental benefits of those facilities. The report must recommend strategies on how to upgrade those facilities, associated costs, and financing opportunities, and how any loss in capacity would be addressed by the future closing of any of those facilities.

AB 998 also requires the California Energy Commission to evaluate the feasibility of upgrading shuttered biomass facilities to determine whether they can help the state increase its capacity to manage forest and excess biomass waste. Evaluating opportunities to upgrade and repower these shuttered facilities could help revitalize many local rural economies, increase baseload renewable energy generation, and significantly increase capacity to deal with wood waste coming from forest health improvement and wildfire risk reduction projects. Support for AB 998 aligns with the County's 2023 State Legislative Strategy to support efforts that assist with more effective forest management, including but not limited to logging, biomass or biochar and reforestation. AB 998 has been set for hearing in the Assembly Natural Resources Committee on March 27th, therefore, the Chief Administrative Officer has signed the letter for submission by March 20, 2023, to be listed in the committee analysis. (County Administration)

Action requested - RATIFY LETTER OF SUPPORT

Staff Report

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

3.05 Letter in Support for HR 1586: Forest Protection and Wildland Firefighter Safety Act of 2003

Congressman LaMalfa requested a letter of support for HR 1586, Forest Protection and Wildland Firefighter Safety Act of 2023. The bill provides a Clean Water Act exemption so that federal, state, local, and tribal firefighting agencies can continue to use fire retardant. The bill is important to effectively fight wildfires this upcoming fire season. The United State Forest Service (USFS) has been sued under the Clean Water Act to require a National Pollutant Discharge Elimination System permit to use fire retardant and the plaintiffs requested an injunction on the use of fire retardant until the USFS receives this permit, which could take years. On February 28, 2023, the Board of Supervisors voted unanimously to join a diverse coalition to intervene in the lawsuit that has been brought against the USFS. Congressman LaMalfa requested letters of support for HR 1586 by March 22, 2023 and there was not time to agendize the letter of support. The letter of support was signed by Chair Kimmelshue based on the Board's support of the issue and County Administration recommends the Board ratify the letter. (County Administration)

Action requested - RATIFY LETTER OF SUPPORT

Staff Report

This item was removed from the Consent Agena and placed on the Regular Agenda for further consideration.

3.06 Approval of the Board of Supervisors Regular Meeting Minutes

Submitted for approval are the September 20, 2022 Board of Supervisors Regular Meeting Minutes. (County Administration)

Action requested - APPROVE THE SEPTEMBER 20, 2022 BOARD OF SUPERVISORS REGULAR MEETING MINUTES AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.07 Agreement Amendment with Porter Scott for Attorney Services

On December 7, 1993, the Board of Supervisors approved an agreement with Porter Scott for legal services pertaining to litigation and claims against the County with billing and payment by hourly rates. Since that time, the Board approved three amendments increasing the hourly rates. There is no expiration. County Counsel recommends amending the agreement with Porter Scott for legal services. The amendment will increase the hourly rates as of March 28, 2023 as follows: Partner - $205/hr. to $225/hr.; Associate - $190/hr. to $215/hr.; Paralegal and Law Clerks - $100/hr. to $125/hr. All other terms to remain the same. (County Counsel)

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

Staff Report

3.08 Resolution to Approve a Non-exclusive Easement Deed to the Pacific Gas and Electric Company (PG&E) for Installation of Underground Utilities Affecting 6550 Skyway, 6626 Skyway and 747 Elliott Road in Paradise

The County of Butte owns the real property identified as Assessors Parcel Number 052-080-094, commonly known as 6550 Skyway, 6626 Skyway and 747 Elliott Road in Paradise (Property). In order to provide underground utility services, 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 new utility lines. Construction of the new lines is complete, therefore, once executed and accepted, 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 of Supervisors 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. (General Services)

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

Staff Report

Resolution 23-029

3.09 Memorandum of Understanding (MOU) between the County and Teamsters Mid Management Unit

In September 2022, Teamsters Local 137 was voted in as the Recognized Employee Organization through the decertification process outlined in the Personnel Rules. The MOU for the previous Recognized Employee Organization, BCMEA, was adopted by the Board on July 26th and included all of the agreed upon changes for the unit at that time. The new MOU between the County and the new Teamsters Mid Management Unit has no changes to previous Board direction adopted in the previous MOU. The only changes to the new MOU are identifying Teamsters Mid Management as the new Recognized Employee Organization throughout the MOU and minimal clerical cleanup. All other previously adopted provisions remain the same. The new MOU was ratified by Teamsters Mid Management on March 10, 2023. (Human Resources)

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

Staff Report

In the Action item 2 remove "ADOPT RESOLUTION TO". Action should read "2) AMEND THE SALARY ORDINANCE AND AUTHORIZED THE CHAIR TO SIGN."

3.10 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:

DEVELOPMENT SERVICES: Add 1 flexibly staffed Office Assistant II term position with an end date of 6/30/2025 and delete 1 vacant flexibly staffed Administrative Analyst III term position with an end date of 6/30/2024. The proposed changes will better meet the operational needs of the Department and will result in an estimated annual decrease of $41,080. The estimated salary savings will offset costs of the proposed 1-year term extension from 6/30/2024 to 6/30/2025. The position is grant funded. Total allocations to remain the same. EMPLOYMENT AND SOCIAL SERVICES: Add 108 flexibly staffed Social Worker IV/Social Worker III/Social Worker II/Social Worker I positions and delete 108 flexibly staffed Social Worker IV/Social Worker III/Social Worker II positions. These changes will provide flexibility in hiring to serve the needs of the department and will likely result in cost savings as the Department will be able to hire staff at level I. Total allocations to remain the same. HUMAN RESOURCES: Amend Section 28D "Social Services Workers' Unit" of Salary Ordinance No. 4224 of the County of Butte to add a new classification titled Social Worker I/II. Social Worker I, a new level in the Social Worker series, at salary range 38 and Social Worker II maintaining current salary range placement of 48. The associated bargaining group has agreed to the new classification and range placement. Amend Section 28J "Probation Peace Officers' Association Unit" of Salary Ordinance No. 4224 of the County of Butte to add a new classification titled Senior Juvenile Detention Officer placed at salary range 56, and effective July 8, 2023 at salary range 59. The associated bargaining group has agreed to the new classification and range placements. PROBATION: Add 6 flexibly staffed Senior Juvenile Detention Officer positions and delete 6 flexibly staffed Juvenile Detention Officer II positions. These changes will provide needed support to Juvenile Detention Officer Supervisors in the oversight of the daily operations of the Juvenile Hall. The Senior Juvenile Detention Officer position will assist in the training of new staff, as well as ongoing mentoring of existing staff, and will handle the more complex cases and situations that occur in the facility. This newly added classification will also help prepare staff for formal leadership positions in the Department, which in turn, will improve retention efforts. The estimated increase for Fiscal Year 2022-23 is $8,450 that is offset by General Fund savings from salary and benefits of current vacant positions. The Juvenile Justice Realignment Block Grant will cover the estimated increase of $33,197 for Fiscal Year 2023-24. Total allocations to remain the same. PUBLIC HEALTH: Add flexibly staffed classifications of Disease Intervention Specialist II/Disease Intervention I to 5 regular and 1 term (06/30/2023) flexibly staffed Health Education Specialist II/Health Education Specialist I positions. This change will better suit the current and future needs of the department. There is no fiscal impact related to this change as the Disease Intervention Specialist I and Disease Intervention Specialist II classifications are at the same salary range as the Health Education Specialist series. Total allocations to remain the same. (Human Resources)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 23-030

This item was removed from the Consent Agena and placed on the Regular Agenda for further consideration.

3.11 Budget Adjustment for Capital Asset Purchase

The Department of Information Systems performs routine maintenance and repairs to radio towers and vault sites in remote and difficult to access locations. The Department is in need of a vehicle that can access these sites, especially when responding to emergency maintenance situations. The FY 2022-23 Adopted Budget includes capital asset authority to purchase a $65,000 off road vehicle. When the Department was ready to purchase the vehicle, it was discovered that only a portion of the cost of the vehicle ($15,000) was included in the budget. After reviewing the available fund balance in the Information Systems Equipment Replacement Fund, it has been determined that there is available fund balance to make up the $50,000. The Department recommends the Board of Supervisors approve a budget adjustment using fund balance to increase appropriations by $50,000 in the Information Systems Equipment Replacement Fund. (Information Systems)

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

Staff Report

3.12 Capital Asset Authority and Budget Adjustment for Workday and Alight Contracts

On January 26, 2021, the Board of Supervisors approved an agreement with Workday, Inc. for an enterprise resource planning (ERP) system. The Workday ERP system includes financial, human resources, timekeeping, payroll, grants, projects and the related security and integrations. On February 23, 2021, the Board approved a contract with Alight Solutions for implementation of the Workday software. The year three costs for Workday totaling $700,068 were budgeted in the Department of Information Systems' FY 2022-23 budget, but should have been capitalized and budgeted in the IS Equipment Replacement Fund. The year three costs for Alight implementation totaling $542,529 should have been carried forward in the consolidated budget adjustment in the fall. The Department recommends the Board approve capital asset authority and a budget adjustment of $1,242,597 in the IS Equipment Replacement Fund for payment of year three costs associated with the Workday and Alight contracts. (Information Systems)

Action requested - 1) APPROVE CAPITAL ASSET AUTHORITY FOR WORKDAY; AND 2) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED)

Staff Report

3.13 Resolution Recognizing April 3-9, 2023 as Public Health Week

A presidential proclamation in 1995 designated the first full week of April as National Public Health Week to highlight efforts in communities across the nation and to heighten awareness of important public health issues. The American Public Health Association has declared April 3-9, 2023, as National Public Health Week. The theme for the 2023 National Public Health Week is "Centering and Celebrating Cultures in Health". The Department of Public Health will join other counties in California and across the nation to raise awareness that healthy communities start with healthy individuals. The Public Health mission is to promote individual, community and environmental health through prevention, education, protection and intervention. During National Public Health Week, the department will provide educational information that highlights efforts to promote health equity and celebrate the unique ways that different cultures focus on health. All public health professionals and advocates provide an important role in protecting and furthering the health and welfare of our residents, and their dedicated efforts are appreciated and worthy of commendation. (Public Health)

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

Staff Report

Resolution 23-031

This item was removed from the Consent Agena and placed on the Regular Agenda for further consideration.

3.14 Agreements with State Department of Health Care Services for Participation in Medi-Cal Inmate Program

When an inmate requires medical care outside the jail facility, the Sheriff's Office, in conjunction with the contracted medical services provider, Wellpath/California Forensics Medical Group (Wellpath), pay for the inmate's hospital stay. The State of California Department of Health Care Services (DHCS) administers a Medi-Cal

Inmate Program (MCIP) for eligible inmates housed in county jail facilities. MCIP allows hospitals to directly invoice the state for medical services provided to inmates who are admitted to the hospital and MCIP pays the hospital directly at Medi-Cal rates. MCIP then invoices the County for the required match funds, which varies based on the type of treatment. DHCS requires two agreements for participation in MCIP, a Participation Agreement and an Administrative Services Agreement, under which participating counties are required to pay an administrative charge to DHCS regardless of MCIP payments made to medical service providers. The Sheriff's Office recommends entering into the Participation Agreement and the Administrative Services Agreement with DHCS for participation in the Medi-Cal Inmate Program. The term of both agreements is July 1, 2023 through June 30, 2026. The Administrative Services agreement is not-to-exceed $11,875. The amount of required match funds for the Participation Agreement is estimated to be $60,000 per year, which is based on payments made to the program since October of 2021, but does not include a maximum since cost is dictated by actual usage of medical services by inmates. (Sheriff)

Action requested - APPROVE AGREEMENTS (2) AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.15 Letter of Support for the Construction of an Additional Spillway at the New Bullards Bar Dam

The Yuba Water Agency has requested the Board of Supervisors sign a letter of support for the construction of an additional spillway at the New Bullards Bar Dam for more effective flood control. (Other - Yuba Water Agency)

Action requested - APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.16 Letter in Support for AB 556 (Gallagher) and AB 1500 (Irwin)

Passed by voters in 1978, Proposition 13 restricted the rate of increase on reassessments to a maximum of 2% per year and limited property tax to 1% of assessed value. Under Proposition 13, a property can be reassessed at full market value when it changes ownership or if new construction occurs. To ensure that disaster survivors would not fall under the definition of new construction by rebuilding or purchasing a replacement property, voters subsequently passed several new construction exclusions. This includes Proposition 50 (1986), which allows the transfer of base year value of real property substantially damaged or destroyed by a disaster. The legislature implemented these provisions in Revenue and Taxation Code (RTC) §69, which allows the base year value of property that is substantially damaged or destroyed by a disaster, as declared by the Governor, to be transferred to comparable property in the same county, which is acquired or newly constructed within five years of the disaster. Additionally, RTC §70.5 authorizes the owner of property substantially damaged or destroyed by a disaster, as declared by the Governor, to apply the base year value of that property to replacement property reconstructed on the same site of the damaged or destroyed property within 5 years after the disaster if the reconstructed property is comparable. Assemblyman James Gallagher (3rd District) introduced AB 556 to give Camp Fire survivors an additional three years to purchase or construct a replacement property under RTC §69. Similarly, AB 1500 gives Woosley Fire and Camp Fire survivors an additional three years to rebuild a property under RTC §70.5. Both bills ensure 2018 Camp Fire survivors whose homes were damaged or destroyed have additional time to purchase or construct a new residence. (County Administration)

Action requested - APPROVE LETTERS (2) OF SUPPORT

Staff Report

4. REGULAR AGENDA

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

A. Appointments to Listed Vacancies

4.01. A1 Appointment to the Butte County Fair Association

The Fair Association advises the Board of Supervisors on matters concerning the conduct and management of the Fairgrounds and the Butte County Fair. The Board of Directors consists of eight members appointed by the following: one resident within the District 1 Supervisorial boundaries, appointed by the District 1 Supervisor; one resident within the District 2 Supervisorial boundaries, appointed by the District 2 Supervisor; one resident within the District 3 Supervisorial boundaries, appointed by the District 3 Supervisor; one resident within the District 5 Supervisorial boundaries, appointed by the District 5 Supervisor; and four residents within the District 4 Supervisorial boundaries, appointed by the District 4 Supervisor. Should a Supervisor be unable to appoint within their district, due to lack of desire or interest on behalf of community members from that district, then that Supervisor can appoint outside of their district but within the boundaries of Butte County. The term of office of each director shall coincide with the elected term of the County Supervisor who nominates them for appointment, except that two of the District four appointees shall serve a term which coincides with the elected terms of the District 2 and District 3 Supervisors. Supervisor Ritter requests the Board appoint Megan Brown to the District 3 Fair Association Seat with a term ending January 2, 2027. (Other - Butte County Fair Association)

Action requested - APPOINT MEGAN BROWN TO THE DISTRICT 3 SEAT ON THE BUTTE COUNTY FAIR ASSOCIATION WITH A TERM ENDING JANUARY 2, 2027.

Staff Report

Kayla Reaster, Assistant Clerk of the Board, presented this item to the Board.

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

Action: APPOINT MEGAN BROWN TO THE DISTRICT 3 FAIR ASSOCATION SEAT WITH A TERM ENDING JANUARY 2, 2027

Motion: Supervisor Ritter
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 Durfee – attended the Chico Fire Committee Stake Holder meeting, attended the Butte County Association of Government (BCAG) and Air Quality meeting, attended the State of the City Address for Chico, met with Chico Chamber of Commerce CEO Mike Egbert, and attended the Strategic Planning Session Chico State Student Affairs

Supervisor Teeter – met with constituents, attended the Wildfire Mitigation Committee meeting, Golden State Natural Resource (GSNR) Board of Directors meeting, and Butte County Association of Government (BCAG) and air quality meeting.

Supervisor Connelly – attended the usual meetings and met with several organizations regarding flooding of the Feather River.

Supervisor Ritter – attended the Chico Fire Stake Holder meeting, attended the National Association of Counties (NACo) West Region Zoom, met with members of the Library Advisory Board, met with the Divisibility Action Network Coalition, attend the Ability First Workshop, Vina Shack meeting, and the Long Range Master Plan on Aging.

Chair Kimmelshue – with other walked Bidwell Ave area of Chico looking at issues of erosion and plans to maintain the area.

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

The following member(s) of the public submitted Public Comment on this item: Diana Dreiss (electronically) Julie Threet, Diana Dreiss, and John Stonebraker.

4.03 Resolution Opting Out of Assembly Bill (AB) 1416 - Pertaining to Ballot Labels

AB 1416 requires counties to duplicate information regarding proponents and opponents of State measures from the State voter information guide onto the ballots. This requirement is optional for local measures. The duplication of information causes significant ballot space issues concerning its design and printing costs and could have potential postage and ballot processing impacts should a second ballot card be necessary. While the State voter information guide is mailed separately from the ballots, the local voter information guide is mailed within the voter packet that contains the ballot. The Clerk-Recorder/Registrar of Voters recommends the Board of Supervisors opt out of AB 1416 for the duplication of information for local measures in the interest of efficiency under California Elections Code section 9170(d). (Clerk-Recorder)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 23-032

Keaton Denlay, County Clerk-Recorder, presented this item to the Board.

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

Action: ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Motion: Supervisor Teeter
Seconded: Supervisor Durfee

Motion passed unanimously

4.04 Budget Adjustment, Resolution, and Loan Agreement with Honey Run Covered Bridge Association (HRCBA) for Reconstruction of the Honey Run Covered Bridge Using PG&E Settlement Funds

Butte County received a $252 million settlement from PG&E for the impacts of the Camp Fire. The County's net settlement is $206.5 million. On July 21, 2020, the Board of Supervisors directed the PG&E Settlement Fund (PG&E Fund) be established and committed to County stability, hazard mitigation, and disaster recovery with priority given to projects in the Camp Fire burn area, projects that leverage other funding, and projects with an urgent timeline. The Board has committed funds to 25 projects for a total of $89.3 million since adopting the policy. The HRCBA, a 501(c)3 non-profit, owns the land associated with the Honey Run Covered Bridge (Bridge). The land was deeded at HRCBA's request to allow them to rebuild the bridge with private funds. As an exchange, the HRCBA recommended that the County apply to the Federal Emergency Management Agency (FEMA) to approve an alternate project with any FEMA funds received. Additionally, the HRCBA filed a claim with the PG&E Fire Victim Trust (FVT) for $3,546,074 to rebuild the Bridge. To date, the HRCBA has not received a determination letter for their claim. The HRCBA raised private funds and completed phase I of the Bridge rebuild in November 2020. On February 14, 2023 the HRCBA requested the County provide an unsecured loan from the PG&E Fund to complete the remaining phases. The Board directed staff to prepare a forgivable, interest-free loan agreement with the HRCBA. The loan agreement between the HRCBA and County dictates that up to $2.5 million will be made available solely for Bridge construction. The loan will be paid in two installments and the agreement will expire ten years from issuance. The HRCBA is responsible for submitting progress reports and a final report upon completion. The HRCBA will submit any unused funds from the loan payments to County within thirty days of Bridge completion. Any FVT funds received by the HRCBA shall be redirected to County within thirty days of receipt. Loan forgiveness for the outstanding balance will be issued after the HRCBA exhausts all appeals with the FVT if their claim is not paid in full. In the event that the Bridge is not complete within five years of execution, the HRCBA shall be liable for repayment of $2.5 million with interest to County. (County Administration)

Action requested - 1) APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; 2) ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 3) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED)

Staff Report

PowerPoint

Shannon Revie-Pflum, Management Analyst, presented this item to the Board. Graciela Gutierrez, Auditor-Controller, spoke to this item.

The following member(s) of the public submitted Public Comment on this item: Nichole Farely, Amber Lee Dennis, Bill Brouhard, Bruce Aikin, Carey Lowe, Claudia Lang, Jamie Batha, Karin Willhoit, Ken Dickson, Marjorie Shepard, Mike Murphy, Mary Ann Bachus, Mike & Kathie Kohut, Mike & Maureen Adams, Mike Murphy, Rebecca Warren, Rick Fowler, Ron Citchlow, and Shannon Rosan (electronically) Walt Schafer, Steve Rodowick, David Anderson, Lindsay Steinbarg, Valerie Reddemann, John Stonebraker, Julie Threet, and Ken Dickson (in person)

Action: 1) APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; 2) ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; AND 3) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED)

Motion: Supervisor Teeter
Seconded: Supervisor Durfee

Ayes: Supervisor Teeter, Durfee, and Chair Kimmelshue
Nays: Supervisor Connelly and Supervisor Ritter

Motion Failed - Directed Staff to work on developing a policy for the use of PG&E Funds by outside agencies.

4.05 Review of Butte County Code, Chapter 24, Article III, Division 10- Signs (Sign Ordinance)

On January 24, 2023 the Board of Supervisors directed the Department of Development Services to review the Sign Ordinance in response to public comment regarding the suitability of digital billboard signage throughout the unincorporated portions of Butte County. The Department has prepared a presentation that describes the permit process and standards required for sign development under the current Sign Ordinance, including digital signage, information on signs permitted in the last five years, and summary of recent code enforcement action against potential violations of the Sign Ordinance. (Development Services)

Action requested - ACCEPT FOR INFORMATION

Staff Report

PowerPoint

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

The following member(s) of the public submitted Public Comment on this item: Cynthia Gerrie, Julia Keener, and Katie Zukoski, Alma Hayes, Candace & A Duane Menefee, Carol Serrano, Charlie Yarbrough, Chris Brown, David Eaton, Eve Werner, Lanita Fedorchuk, Patricia Puterbaugh, Robin Keehn, Sten Hoiland, and Suellen Rowlison (electronically) Julia Keener and Greg Redeker (in person)

Action: ACCEPT FOR INFORMATION.

4.06 Amend Computer Use and Information Security (CUIS) Policy

The last revision of the CUIS Policy was adopted by the Board of Supervisors on August 22, 2017. The policy plays a key role in effectively managing and protecting information throughout the County. The Department of Information Systems works with multiple departments to insure the policy is reviewed and updated as needed. The County has seen changes in how technology is used and the structure of the organization. The revised policy addresses these changes, and now includes updated position titles as a result of the 2022 Classification and Compensation Study, grammar and terminology updates, the incorporation of multi-factor authentication requirements, and telecommuting/remote access security enhancements. (Information Systems)

Action requested - ADOPT AMENDED COMPUTER USE INFORMATION AND SECURITY POLICY

Staff Report

Paul LaValley, Director of Information Systems, and Mike Wright, County Information Security Officer, presented this item to the Board.

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

Action: ADOPT AMENDED COMPUTER USE INFORMATION AND SECURITY POLICY

Motion: Supervisor Durfee
Seconded: Supervisor Connelly

Motion passed unanimously.

4.07 PG&E Miocene Commitment Update

PG&E will present an overview of the intended path forward on its Miocene Commitment, which includes the potential for a conditional transfer of Miocene-related water rights to Butte County. (Other - PG&E)

Action requested - DIRECT STAFF TO ENGAGE WITH PG&E TO FURTHER UNDERSTAND AND EVALUATE THIS POTENTIAL TRANSFER OF WATER RIGHTS

Staff Report

Joe Wilson, Pacific Gas and Electric (PG&E), presented this item to the Board. Mike Ramsey, District Attorney, spoke to this item.

The following member(s) of the public submitted Public Comment on this item: Bill Johnson (electronically) Ryann Newan, Gail Tozier, and Kurt Albrecht

Action: DIRECT STAFF TO ENGAGE WITH PG&E TO FURTHER UNDERSTAND AND EVALUATE THIS POTENTIAL TRANSFER OF WATER RIGHTS.

Motion: Supervisor Connelly
Seconded: Supervisor Durfee

Motion passed unanimously.

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

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

No public comment was submitted for this item.

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

3.13 **<u>Resolution Recognizing April 3-9, 2023 as Public Health Week</u>**

Supervisor Ritter read the resolution. Danette York, Director of Public Health, spoke to and accepted the resolution.

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

Action: ADOPT RESOLUTOIN AND AUTHORIZE THE CHAIR TO SIGN.

Motion: Supervisor Ritter
Seconded: Supervisor Durfee

Motion passed unanimously.

3.01 **<u>Revenue Agreement with the California Department of Food and Agriculture (CDFA) for Exotic Pest Detection Trapping and Surveillance</u>**

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

Action: APPROVE REVENUE AGEEEMENT AND AUTHORIZE THE CHAIR TO SIGN.

Motion: Supervisor Teeter
Seconded: Supervisor Durfee

Motion passed unanimously.

3.05 **<u>Letter in Support for HR 1586</u>**

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

Action: RATIFY LETTER OF SUPPORT.

Motion: Supervisor Durfee
Seconded: Supervisor Teeter

Motion passed unanimously.

3.10 **<u>Resolution to Amend the Salary Ordinance</u>**

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

Action: ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Motion: Supervisor Teeter
Seconded: Supervisor Durfee

Motion passed unanimously.

5. PUBLIC HEARINGS AND TIMED ITEMS

5.01 9:15AM - Timed Item - General Plan 2040 - Public Hearing to certify the Final Environmental Impact Report (EIR); Adopt BC GP2040, Findings of Fact Pursuant to CEQA, Findings of Overriding Considerations; Approve the Action Plan; Adopt the Upper Ridge Community Plan

The purpose of this hearing is to consider final actions necessary for the adoption of Butte County General Plan 2040. The actions include certifying the final EIR, adoption of Findings of Fact pursuant to the California Environmental Quality Act (CEQA), Findings of Overriding Considerations, approval of the General Plan 2040 Action Plan, and adoption of the Upper Ridge Community Plan. The General Plan 2040 Update includes Butte County's goals for physical growth, conservation, and community life, as well the policies and actions to guide the County in meeting these goals. General Plan 2040 updates six elements of the General Plan: Health & Safety (including the Noise Element), Housing, Land Use, Circulation, Water Resources, and a new Environmental Justice Element. The Housing Element was previously adopted by the Board of Supervisors on January 24, 2023, and later certified by the State Department of Community Development. Other Elements of the current General Plan are revised to ensure consistency with the updated elements such as Area and Neighborhood Plans; Agriculture; Conservation and Open Space; Economic Development; and Public Facilities and Services. The General Plan 2040 Update also incorporates the Upper Ridge Community Plan, which includes projects and strategies for the Upper Ridge Community Plan Area, including the redesignation of 28 parcels from a Retail and Office designation to a Mixed-Use designation. A Draft EIR was prepared in accordance with CEQA to analyze the potential environmental impacts associated with the Butte County General Plan 2040 Update and Upper Ridge Community Plan. The Draft EIR was made available for a 45-day public review period from January 6, 2023 to February 21, 2023. After receiving public comments during this period, a Final EIR was prepared in accordance with CEQA for certification by the Board of Supervisors. (Development Services)

Action requested - 1) APPROVE RESOLUTIONS AND AUTHORIZE THE CHAIR TO SIGN; 2) CERTIFY THE FINAL EIR; 3) ADOPT BUTTE COUNTY GENERAL PLAN 2040, FINDINGS OF FACT PURSUANT TO CEQA, AND FINDINGS OF OVERRIDING CONSIDERATIONS; 4) APPROVE THE GENERAL PLAN 2040 ACTION PLAN; AND 5) ADOPT THE UPPER RIDGE COMMUNITY PLAN

Staff Report

PowerPoint

Resolution 23-033

Resolution 23-034

Resolution 23-035

Resolution 23-036

Paula Daneluk, Director of Development Services, Dan Breedon, Planning Division Manager, and Tonya Sundberg, Placeworks Lead Consultant, presented this item to the Board.

The following member(s) of the public submitted Public Comment on this item: John Stonebraker, Richard Yale, Chris Rauen, and Linda Horton Lyons (in person)

Action: 1) APPROVE RESOLUTIONS AND AUTHORIZE THE CHAIR TO SIGN; 2) CERTIFY THE FINAL EIR; 3) ADOPT BUTTE COUNTY GENERAL PLAN 2040, FINDINGS OF FACT PURSUANT TO CEQA, AND FINDINGS OF OVERRIDING CONSIDERATIONS; 4) APPROVE THE GENERAL PLAN 2040 ACTION PLAN; AND 5) ADOPT THE UPPER RIDGE COMMUNITY PLAN.

Motion: Supervisor Ritter
Seconded: Supervisor Connelly

Motion passed unanimously

5.02 10:50AM - Timed Item - Board of Supervisors Discussion of Legislative Priorities with Senator Dahle

Senator Nielsen retired in December, and Butte County was redistricted into the 1st Senate District, which does not have an election for state Senate until 2024. To cover these "deferred" areas, the Senate Rules Committee assigns them to the current sitting senators in neighboring districts. Senator Dahle is very proud and honored to represent Butte County over the next two years, and he hopes to serve its residents as he does all other constituents. Senator Dahle would like to introduce himself and discuss Butte County's needs and legislative priorities with the Board of Supervisors. (Other - Senator Dahle)

Action requested - ACCEPT FOR INFORMATION

Staff Report

Senator Dahle spoke to the Board.

The following member(s) of the public submitted Public Comment on this item: John Stonebraker, Julie Threet, and Diana Dreiss (in person)

Action: ACCEPT FOR INFORMATION

5.03 11:30AM - Timed Item - General Plan Amendment and Rezone for Sylvia Thompson (GPA21-0004/REZ21-0002)

The applicant requests a General Plan Amendment (GPA21-0004), from a Public to a Very Low Density Residential General Plan designation, and a Rezone from a Public to a Very Low Density Residential zone on a 1.06-acre parcel (Assessor Parcel Number: 065-260-003) located west of Dogtown Road, 1.6 miles north of the Town of Paradise city limits .There is a proposal for development of a single-family dwelling. The Planning Commission considered this item at a public hearing held on March 9, 2023 and recommended approval of the General Plan Amendment, Rezone, and adoption of the California Environmental Quality Act (CEQA) Guidelines Section 15061 Common Sense Exemption to the Board of Supervisors on a 4-0 vote. The Planning Commission's Agenda Report and supporting documentation is included in the agenda packet. This amendment would be the first General Plan Amendment in the 2023 calendar year and its approval would not exceed the four total amendments allowed under Government Code section 65358 (b). (Development Services)

Action requested - 1) ADOPT THE RESOLUTION APPROVING THE CEQA EXEMPTION AND AMENDING THE GENERAL PLAN LAND USE MAP AND AUTHORIZE THE CHAIR TO SIGN; AND 2) ADOPT THE ORDINANCE AMENDING THE ZONING MAP AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

PowerPoint

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

The following member(s) of the public submitted Public Comment on this item: Dan Efseaff (electronically) John Stonebraker and Owner's agent (in person)

Action: DENY THE RESOLUTION.

Motion: Supervisor Teeter
Seconded: Supervisor Ritter

Motion passed.

Ayes: Supervisor Teeter, Ritter, and Chair Kimmelshue
Nays: Supervisor Durfee and Connelly

IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY BOARD AGENDA MARCH 28, 2023

1. CALL TO ORDER

2. CONSENT AGENDA

2.01 Contract with Liebert, Cassidy, Whitmore for Butte County In-Home Supportive Service (IHSS) Public Authority (PA) Labor Negotiations

Liebert Cassidy Whitmore is a professional law corporation that provides legal services to the IHSS PA for labor negotiations. Legal services include consulting and representation for IHSS PA employment relations matters, including negotiations in administrative and court proceedings. There are 3,091 paid IHSS care providers in Butte County with up to 663 eligible for the PA health insurance plan. There are 373 members of the PA Registry. The Department of Employment and Social Services recommends entering into a contract with Liebert, Cassidy, Whitmore for Butte County IHSS PA labor negotiations. The term of the contract is March 28, 2023 through June 30, 2026, not-to-exceed $60,000. (Employment and Social Services)

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

Staff Report

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

No public comment was submitted for this item.

Motion: Supervisor Durfee
Seconded: Supervisor Teeter

Motion passed unanimously.

3. REGULAR AGENDA (NO ITEMS)

4. PUBLIC COMMENT - Comments to the In-Home Supportive Services Public Authority Board on issues and items not listed on the agenda. Presentations will be limited to three minutes. Please note that pursuant to California State law, the In-Home Supportive Services Public Authority Board is prohibited from taking action on any item not listed on the agenda.

No public comment was submitted for this item.

5. CLOSED SESSION (NO ITEMS)

Recess as the In-Home Supportive Services Public Authority Board and convene as the Thompson Flat Cemetery District Board of Trustees.

THOMPSON FLAT CEMETERY DISTRICT BOARD OF TRUSTEES BOARD AGENDA March 28, 2023

1. CALL TO ORDER

2. CONSENT AGENDA

2.01 Thompson Flat Cemetery District-Required Meeting

The Board of Supervisors became the Thompson Flat Cemetery District Board of Trustees on August 10, 1999. Pursuant to Health and Safety Code section 9029, the Trustees are required to meet at least once every three months. This meeting satisfies compliance with that code. No action is required. (General Services - Thompson Flat Cemetery District)

action requested - None

Staff Report

No public comment was submitted for this item.

Action Requested – ACCEPT FOR INFORMATION

Motion: Supervisor Durfee
Seconded: Supervisor Connelly

Motion passed unanimously.

3. REGULAR ITEMS (NO ITEMS)

4. PUBLIC COMMENT - Comments to the In-Home Supportive Services Public Authority Board on issues and items not listed on the agenda. Presentations will be limited to three minutes. Please note that pursuant to California State law, the In-Home Supportive Services Public Authority Board is prohibited from taking action on any item not listed on the agenda.

No public comment was submitted for this item.

5. CLOSED SESSION (NO ITEMS)

Recess as the Thompson Flat Cemetery District Board of Trustees and reconvene as the Butte County Board of Supervisors.

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 Casey Hatcher 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) - one case:

A. Melissa Little v. Butte County; Workers' Compensation Appeals Board Case No. ADJ13798964 (Claim Number: BAUN-550552)

6.04 Workers’ Compensation Liability Claim Pursuant to Gov. Code Sec. 54956.95 (a) - two claims:

A. Philip Wysocki; Workers’ Compensation Claim, Claim Number: BUAN-551127

B. Anita Kiwovele; Workers’ Compensation Claim, Claim Number: BAUQ-550860

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
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