BUTTE COUNTY
BOARD OF SUPERVISORS

Regular Meeting Agenda

March 8, 2022
9:00 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
DEBRA LUCERO, DISTRICT 2
TAMI RITTER, DISTRICT 3
TOD KIMMELSHUE, DISTRICT 4
DOUG TEETER, DISTRICT 5

BRUCE ALPERT, COUNTY COUNCIL

PDF of the Agenda

How to Submit Public Comment Virtually

1. CALL TO ORDER

Pledge of Allegiance

Observation of a Moment of Silence

2. CORRECTIONS AND/OR CHANGES TO THE AGENDA

Item 3.12: For resolution to amend the salary ordinance the section for Employment and Social Services remove the deletion of vacant Support Services Manager.

Item 4.01 A1: one application added for Butte County Water Commission-Marty Nichols.

3. CONSENT AGENDA

A. Supervisor Comments on Consent Agenda Items

B. Adopt Consent Agenda

3.01 Contract Amendment with Skyway House, Inc. for Substance Use Disorder (SUD) Services

Skyway House, Inc. is a substance abuse disorder facility that provides long-term residential recovery program services to Behavioral Health clients in urgent need of care. As a result of the unexpected increase of SUD services needed in the community, the Department of Behavioral Health has had to place more clients with this provider than originally anticipated. A contract amendment will ensure a continuum of care is provided for clients currently placed with this vendor, as well as ensure services are offered to future clients urgently needing services. The Department recommends amending the contract with Skyway House for the provision of additional SUD services in the current fiscal year. The amendment increases the maximum payable amount by $100,412, not-to-exceed $164,261. All other terms remain the same. (Behavioral Health)

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

Staff Report

Public Comment Packet

The following member(s) of the public submitted public comment for item 3.01: Andrea Smith (electronic)

3.02 Contract with Tyler Technologies for New Recording System

The County Clerk-Recorder recommends approval of a contract with Tyler Technologies as the Recorder/Clerk base module. The software will be utilized by the Department as a unified solution that supports self-service public access (local and Web), provides a secure payment processing system, intelligent redaction and indexing, all clerk functions, electronic recording and government to government capabilities. The software conversion will also include work-flow management tools, financial and cashiering capabilities. This upgrade is necessary to keep up with technology and current business practices. The term of the contract is five years upon execution, not-to-exceed $598,005. (Clerk-

Recorder)

Action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.03 Resolution Recognizing Deputy Court Executive Officer Richard Holst upon his Retirement from the Butte County Superior Court

The Butte County Superior Court and County Administration recommend the Board of Supervisors adopt a resolution recognizing the retirement of Richard Holst on the occasion of his retirement after 33 years of dedicated service to the Butte County Superior Court. (County Administration)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 22-030

Supervisor Kimmelshue read and Sheriff Honea accepted on behalf of Richard Holst's retirement as Deputy Court Executive Officer from the Butte County Superior Court.

3.04 Contract with Explore Butte County to create a Wayfinding Signage Master Plan

On October 12, 2021, the Board of Supervisors committed $200,000 in American Rescue Plan Act funds to create a Wayfinding Signage Master Plan. The Master Plan will be available for implementation county-wide for a continuation and unification of the region's travel brand to ultimately lead to lasting impressions on visitors, and ease in navigation to and from tourism assets. It will be created with participation from all Butte County jurisdictions, public land managers, and key travel and tourism stakeholders. Any funds remaining after the Master Plan is developed may be used to pay for implementation of signage within the unincorporated area of the county. County Administration recommends the Board of Supervisors approve the contract with Explore Butte County to create the Wayfinding Signage Master Plan. (County Administration)

Action requested - APPROVE CONTRACT WITH EXPLORE BUTTE COUNTY TO CREATE THE WAYFINDING SINAGE MASTER PLAN

Staff Report

3.05 Approval of Minutes for Board of Supervisors Meeting

Submitted for approval are the minutes for the August 10, 2021 Board of Supervisors Meeting. (County Administration)

Action requested - APPROVE THE AUGUST 10, 2021 BOARD OF SUPERVISORS REGULAR MEETING MINUTES AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.06 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 Stephana Femino, who served as a full-time attorney, ended on March 4, 2022. The consortium selected Daniel Ledford to serve as a full-time attorney to fill the role held by Ms. Femino. County Administration recommends entering into a contract with Mr. Ledford for indigent defense services. The term of the contract is March 1, 2022 through June 30, 2024; not-to-exceed $373,648, which is $13,345 per month. (County Administration)

Action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.07 Letter Requesting Information from Local Communication Providers Regarding Mitigation Efforts Being Made to Ensure Reliable Emergency Communications Exist

At the request of Supervisor Ritter, staff prepared a letter requesting information on the mitigation measures local Internet and phone service providers are putting into action to address the service gaps being created in the County's rural community by the phase out of standard phone service without sufficient broadband services in place. The Federal Communications Commission (FCC) has been working to ensure critical communications remain operational when disasters strike. While important strides have been made to provide system redundancy and system hardening, the severity and volume of severe disasters has highlighted the vulnerability of our Nation's communication grid and shown that rural communities are often disproportionately affected. The letter requests local phone and Internet providers to describe the planning and mitigation efforts being done to ensure residents of Butte County have access to reliable emergency communications during PSPS events, wildfires, floods and other disasters. (County Administration)

Action requested - APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.08 Contract Amendment with Safe Space Winter Shelter, Inc. for Emergency Shelter and Outreach Services

Under the Coronavirus Aid, Relief, and Economic Stimulus Act, federal funds were made available to prevent, prepare for, and respond to COVID-19 among individuals and families who are experiencing homelessness or receiving homeless assistance, and support additional homeless assistance and homeless prevention activities to mitigate the impacts created by COVID-19. The funds are awarded to Continuum of Care (CoC) service areas and contracted to the designated administrative entity. The Department of Employment and Social Services, as the administrative entity for the Butte Countywide CoC, has awarded Emergency Solutions Grant Coronavirus round 2 funds to Safe Space Winter Shelter, Inc., as one of seven contractors, to prevent, prepare for and respond to COVID-19 among individuals and families who are experiencing homelessness through emergency shelter and street outreach services. The Board of Supervisors ratified this on June 22, 2021. The Department recommends amending the contract with Safe Space Winter Shelter, Inc. for emergency shelter and outreach services. The amendment will allow the remaining balance of $9,273 to be used to cover essential costs within the Winter Shelter 21-22 program in Project 1: Emergency Shelter of the existing contract. Safe Space will provide additional services within the scope of their street outreach operations including laundry, meals, and vaccine incentives. The maximum not-to-exceed price remains $123,667. All other terms remain the same.

(Employment and Social Services)

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

Staff Report

3.09 Resolution Recognizing March 2022 as Social Worker Appreciation Month

The Department of Employment and Social Services recommends that the Board of Supervisors adopt a resolution recognizing March 2022 as Social Worker Appreciation Month in Butte County. (Employment and Social Services)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 22-031

Supervisor Ritter read and Shelby Boston, Director of Employment & Social Services accepted resolution.

3.10 Budget Adjustment for the Butte County Jail HVAC and Roof Project

The project budget to replace the Heating, Ventilation and Air Conditioning (HVAC) system and portions of the roof of the main jail located at 5 Gillick Way, Oroville is $4.6 million. Including construction and other project contracts and services such as design, inspections, abatement and permitting, at the end of January 2022, the total of all contracts and change orders leaves approximately $50,000 in project contingencies at this time. Although this may be sufficient, the project continues to encounter unforeseen conditions that cumulatively may exceed the remaining contingency. The full extent of costs will not be known until the end of the project as the roof is being replaced in sections to maintain weatherproofing as materials have been delayed. The project is funded as two separate projects; the HVAC replacement is a capital project and the roof replacement is major maintenance. To ensure the project can continue to move forward to completion without delays, the Department of General Services recommends supplementing the project budget in two ways: fund additional potential unforeseen conditions related to the HVAC replacement by approval of a budget adjustment of $250,000 from the Countywide HVAC project funded by

ARPA to the Jail HVAC Replacement project; and to fund additional unforeseen conditions related to the roof replacement, transfer operational savings of $100,000 in the General Services budget to the Jail Roof Replacement project. The Department of General Services will return to the Board of Supervisions upon completion of the project for consideration of all change orders and a Notice of Completion. (General Services)

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

Staff Report

3.11 Contract with Kitchell CEM for Consulting Services on the Countywide HVAC Replacement Project

The Department of General Services operates, repairs and maintains over 250 moderately sized commercial Heating, Ventilation and Air Conditioning (HVAC) units and over 35 large HVAC installations that utilize complex combinations of chillers, boilers and air handling units. These units span over 135 facilities throughout the County connected to an Energy Management System (EMS), which optimizes equipment performance, and allows for remote monitoring and control. A large portion of the HVAC units are not able to provide outside airflow or filtration that can be offered in contemporary HVAC equipment, and the current EMS cannot provide adequate climate/fresh airflow controls. On August 10, 2021, the Board of Supervisors approved establishing a project for the first phase of replacing HVAC equipment for a cost of $2,980,000, to be funded with American Rescue Plan Act (ARPA) funding. The Board also approved an additional two phases of the project over future years for a total cost of $5,740,000. The first phase includes retaining a consulting firm who will assist with developing mechanical specifications for new HVAC equipment to ensure new equipment and products meet the baseline operational needs; assist with developing criteria for a new EMS and guidance through its procurement and implementation; and provide general assistance and guidance in implementing equipment replacement throughout all facilities to economize work and potential disruption. While solicitation is not required for professional services, the Department considered potential service providers and determined Kitchell CEM is best suited to meet the needs of the County. The Department of General Services recommends that the Board approve a contract with Kitchell CEM for consulting services on the Countywide HVAC Replacement Project. The term of the contract is 36 months from notice to proceed, for a cost not to exceed $119,500. (General Services)

Action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.12 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:

CHILD SUPPORT SERVICES: Add 1 Child Support Specialist Supervisor position. The proposed change will better support the operational and supervisory needs of the Department. The Department expects to promote internally and will return for future deletion of a position. Total allocations to increase by 1. The proposed change will result in an increase of $14,490 for the current fiscal year and will be offset with salary savings once the position is filled and vacating position is deleted. The cost increase will be paid for by State and federal funding. CLERK-RECORDER: Flexibly staff 1 Administrative Analyst, Associate position up to Administrative Analyst. The proposed change will better meet the needs of the Department. Total allocations to remain unchanged. The annual cost increase of $6,948 will be funded 50% ($3,474) from the Elections Budget and 50% ($3,474) by the revenues collected in the Recorder Budget. DISTRICT ATTORNEY: Add 1 Investigative Assistant position (term to end June 30, 2023) and 1 District Attorney Victim Counselor position. The proposed changes will better meet the operational needs of the District Attorney's Office Victim Witness Bureau and address backlog related to the pandemic. Total allocations to increase by 2. The fiscal year cost increase of $16,000 for the term position will be covered by salary savings and projected annual cost of $60,000 will be grant funded. EMPLOYMENT AND SOCIAL SERVICES: Add 1 Housing Navigator position (sunset to end June 30, 2025), 1 Support Services Supervisor position and delete 1 vacant Support Services Manager position. The proposed changes will address the need for increased support for those experiencing or at-risk for homelessness and to address supervisory needs of the Department. Total allocations to increase by 1. The cost increase for the sunset position will be funded by Community Corrections Partnership (CCP) and the City of Oroville. PUBLIC HEALTH: Add 1 flexibly staffed Public Health Education Specialist position, 1 flexibly staffed Information Systems Technician position, 1 Public Health Laboratory Aide position (term to end June 30, 2023) and 1 Administrative Analyst Supervisor position (term to end June 30, 2023). The proposed changes better suit current and future needs of the Department. Total allocations to increase by 4. The annual cost increase of $304,262 will be funded by Workforce Development CDPH grant funds and Public Health Realignment funds. PUBLIC WORKS: Change .75 FTE Permit Assistant position to 1.0 FTE. The proposed change will increase support to the Engineering Division and better meet the needs of the Department. Total allocations to increase by .25. The Road Fund will fund the annual cost increase of $12,769. SHERIFF'S OFFICE: Add 1 Sheriff's Sergeant position and delete 1 vacant Sheriff's Lieutenant position (term to end June 30, 2022). The proposed change will address the operational and supervisory needs of the Sheriff's Office. Total allocations to remain unchanged. Funding for the requested change is included in the FY2021-22 Budget.

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

Staff Report

Resolution 22-032

3.13 Resolution to Recognize, Endorse, and Accept the Technical and Financial Support of the Northern California Coalition to Safeguard Communities

The illegal cultivation, distribution, and sale of cannabis by international Drug Trafficking Organizations (DTO) is a pervasive problem throughout Butte County and other regions of Northern California. DTO-controlled operations present a serious threat to public safety, which includes environmental damage and human trafficking. Unfortunately, local law enforcement agencies in Northern California do not have the resources to independently address the breadth and depth of criminal activity that surround the illegal operations. Sheriff Honea and law enforcement officials in the counties of Humboldt, Lake, Mendocino and Trinity have joined together in a collaborative effort that will promote the sharing of information, resources and equipment in order to better address the criminal activity associated with DTO-controlled cannabis operations. This collaborative effort is being supported by the Northern California Coalition to Safeguard Communities (NCCSC), which will provide financial and technical support to all five counties to better enable them to curtail illegal DTO operations. The Sheriff's Office recommends adopting a resolution to recognize, endorse, and accept the technical and financial support of the Northern California Coalition to Safeguard Communities. (Sheriff)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 22-033

3.14 Contract Amendment with Paygov.US LLC (Paygov) for Electronic Payment Processing Services

The Treasurer-Tax Collector's Office has had the current contract for electronic payment processing services in place with Paygov since September 12, 2017, after the Board of Supervisors approved an Electronic Payment Policy in 2016. The Department recommends amending the contract with Paygov for electronic payment processing services. The amendment extends the term of the contract by two years through June 30, 2024, and increases the maximum payable amount by $300,000, not-to-exceed $475,000. All other terms remain the same. (Treasurer-Tax Collector)

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

Staff Report

3.15 Resolution Recognizing March 2022 as American Red Cross Month

In times of crisis, people in Butte County come together to care for one another. This humanitarian spirit is part of the foundation of our community and is exemplified by American Red Cross volunteers and donors. In 1881, Clara Barton founded the American Red Cross, turning her steadfast dedication for helping others into a bold mission of preventing and alleviating people's suffering. Today, more than 140 years later, we honor the kindness and generosity of American Red Cross volunteers here in Butte County who continue to carry out Clara's lifesaving legacy. They join the millions of people across the United States who volunteer, give blood, donate financially or learn vital life-preserving skills through the American Red Cross. In Butte County, the contributions of local American Red Cross volunteers give hope to the most vulnerable in their darkest hours - whether it's providing emergency shelter, food and comfort for families devastated by local disasters like home fires and large devastations like the Camp, North Complex, and Dixie Fires; supporting service members and veterans, along with their families and caregivers, through the unique challenges of military life; helping to save the lives of others with first aid, CPR and other skills; or delivering international humanitarian aid. (Other - American Red Cross)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 22-034

Supervisor Kimmelshue read and representative Brian from Red Cross accepted the resolution.

Motion: Move to approve the consent agenda with the changes in 3.12 and 4.01A1.

Motion moved by Supervisor Lucero; Seconded by Supervisor Ritter.

Motion passed unanimously.

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 and Reappointment to the Butte County Water Commission

The Water Commission performs the following functions: provides advice to the Board of Supervisors (Board) on water matters to assist in the development of water policies; monitors State and federal legislation and water policy to inform the Board by way of summary reports; reviews concerns raised by the water industry and by water users in Butte County; defines problems relating to water issues and recommend solutions to the Board of Supervisors; creates and maintains a library of water documents which shall be available to the public; acts as a liaison between local water agencies and the Board of Supervisors, and performs other tasks as delegated. The Commission consists of nine members comprised of the following: Five members shall each represent a supervisorial district and be nominated by the duly elected Supervisor of that district; two landowners served by district water, appointed by the Board of Supervisors (At-Large); and two landowners served by private wells, appointed by the Board of Supervisors (At-Large). Terms for Commissioners appointed to represent a supervisorial district shall coincide with the term the district supervisor. Terms for At-Large Commissioners shall be four years, and expire on March 1st of the fourth year. The Commission requests that the Board appoint an applicant (of which there are 5) to the Landowner - Private Well seat with a term ending March 1, 2026; and Supervisor Teeter requests that the Board reappoint Mauny Roethler to the District 5 Representative Seat with a term ending January 6, 2025. (Other - Butte County Water Commission)

Action requested - APPOINT AN APPLICANT TO THE LANDOWNER- PRIVATE WELL SEAT WITH A TERM ENDING MARCH 1, 2026; REAPPOINT MAUNY ROETHLER TO THE DISTRICT 5 REPRESENTATIVE SEAT WITH A TERM ENDING JANUARY 6, 2025

Staff Report

Presenter(s): Kayla Reaster, Assistant Clerk of the Board.

The following member(s) of the public submitted public comment for item 4.01 A: Davin Arvonen, Mike Reams, Max Del Real and Marty Nichols (candidates for Butte County Water Commission).

Motion: Reappoint Mauny Roethler to the District 5 representative seat with a term ending March 1, 2026.

Motion moved by Supervisor Teeter; Seconded by Supervisor Kimmelshue.

Motion passed unanimously.

Motion: Appoint David Arvonen to the landowner-private well seat with a term ending January 6, 2025.
Motion moved by Supervisor Kimmelshue; Seconded by Supervisor Teeter.

Motion passed 3-2.

Ayes: Supervisors Teeter, Kimmelshue and Chair Connelly
Nays: Supervisors Lucero and Ritter

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 Teeter: Kimshew Cemetery District has a vacancy and would like to request that this come back at the next meeting to review two interested candidates. All the appointed members are up for reappointment at the same time (July 2022). Requested that staff look into what it would take to adopt staggered term lengths with some being 2 years, and others being 3 years.

Supervisor Lucero: Addressed the confusion about the new boundary lines for the districts. Stated it's causing confusion to the public. Noting the example of Supervisor Kimmelshue's report about him accepting an award at Chico State at the last meeting, when he is not the Supervisor for that part of Chico. CAO Pickett let her know this was being addressed on item 5.03 of the Agenda. Listened in on the Chico Water Commission where there was extensive discussion on Chapter 33, and it's legal aspects. Stated that she knows it is voter initiated concept, so she doesn't think it can be changed but wondered if there's anything the Board can do. Bruce Alpert, County Counsel responded that they are preparing a presentation for the Board but no date has been selected yet. Bruce noted that there is a section in Chapter 33 that states somethings can be amended by the Board of Supervisors, which is unusual for voter passed initiatives. With the stipulation that the amendment doesn't change the intent. A more in-depth look will be brought back in May.

Supervisor Ritter: Noted that she too is confused about the district boundaries, and unintentionally attended and reported on an event in Cohasset, not knowing that it was located in a place that is no longer in her district. Also attended BCAG, Air Quality meetings, Behavioral Health Advisory Committee, Continuum of Care LGBTQ POC meeting, Master Plan on Aging and a DAN Coalition meeting.

Supervisor Kimmelshue: Monthly Mayor lunch and met Congress LaMalfa's new Butte County representative Teri Dubose. Attended Chief John Messina's farewell lunch because of his promotion to Assistant Chief to Northern California. Congratulates, Garrett Sjolund on his promotion as the new Butte County Fire Chief. Attended North Valley Community

Foundation discussion and workshop for new leadership program. Supervisor Lucero and Chair Connelly attended the Black History Month Event put on by African American Cultural Center in Oroville. Announced that day is not only Women's Day, but also the opening of the Midway bridge, the largest Butte County Public Works project ever put together by Butte County. Invites everyone to attend the ribbon cutting April 5th 2022.

Chair Connelly: Had several meetings at CAL LAFCO, they are transitioning to a new director. Enjoyed the African American Cultural Center for Black History Month.

4.02 Mental Health Services Act (MHSA) Innovation Proposal: The Resiliency Empowerment Support Team (REST) at Everhart Village

In November of 2004, California voters passed Proposition 63 creating the MHSA. The act created and imposed an additional wage tax on California residents with income exceeding $1 million per year. The MHSA revenue is allocated and distributed to the counties by size and population to implement processes and programs to achieve an enhanced system of care. There are several program areas of focus within MHSA, including Innovation. The Mental Health Services Oversight Accountability Commission (MHSOAC) maintains the authority to review and approve all Innovation projects for funding consideration. Innovation projects must meet criteria that facilitates a new approach, practice, or process to the Mental Health System, or that accomplishes a change to existing practices in Mental Health; including changes that improve services to a different segment of the targeted population. The Department of Behavioral Health has developed an Innovation project proposal: The REST at Everhart Village. The REST will provide intensive outreach and engagement in the community as well as a menu of services and support, which include an emergency shelter on the Department's campus, known as Everhart Village. The amount requested for the Innovation project is $3,510,520. A 30-Day Public Comment Period was initiated on December 20, 2021 and concluded on January 19, 2022. Public comment was captured via meetings, emails, and electronic survey, in order to incorporate community participation and feedback from the project proposal. On January 19, 2022, the Behavioral Health Advisory Board recommended the current Innovation project proposal, The REST at Everhart Village, be sent to the Board of Supervisors for approval. The Department recommends that the Board of Supervisors approve the Innovation project proposal for submission to the MHSOAC . (Behavioral Health)

Action requested - APPROVE THE INNOVATION PROJECT PROPOSAL FOR SUBMISSION TO THE MHSOAC

Staff Report

Public Comment Packet

Speaker(s): Scott Kennelly, Director of Behavioral Health.

The following member(s) of the public submitted public comment for item 4.02: Jesica Giannola (electronic), Liz George (electronic), Mary Kay Benson (electronic).

Motion: Approve the innovation project proposal for submission to the MHSOAC.

Motion moved by Supervisor Ritter; Seconded by Supervisor .

Motion passed unanimously.

4.03 Adoption of an Ordinance Amending Chapter 14, Article XI by adding Section 14-41.6 "Parking Prohibited on Paved Portions of Cherokee Road"

Cherokee Road is a rural, remote, and narrow, two-lane county-maintained paved road with dirt shoulders. The area attracts a large number of visitors each year for the scenic and recreational opportunities. Overflow parking results in vehicles that are densely parked on both sides of the paved road, which limits sight distance and affects pedestrian access. Specifically, vehicles parked in a manner that encroach upon the paved portion of the narrow roadway create hazardous conditions for bicycles, pedestrians, and vehicles. The parking congestion and pedestrian traffic further create a safety hazard by inhibiting the free access of emergency vehicles. In response, California Highway Patrol has requested the County place "No Parking On Pavement - Tow-Away Zone" signs on paved portions of the road to help reduce future hazards in this area. Under Vehicle Code sections 22504, 22507, and 22651 (n) a local authority may, by resolution or ordinance, prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways or portions thereof. The proposed ordinance was introduced at the February 22, 2022 Board of Supervisors regular meeting. The Department of Public Works recommends the Board adopt the ordinance implementing the parking prohibition specific to the paved portion of Cherokee Road, beginning 2.9 miles north of the intersection of Oregon Gulch Road, to a point ending 1.28 miles north of the point of beginning, at its intersection with Derrick Road. (Public Works)

Action requested - ADOPT ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Ordinance 4216

Public Comment Packet

Speaker(s): Josh Pack, Director of Public Works.

The following member(s) of the public submitted public comment for item 4.03: Carolyn Denero (electronic).

Motion: Adopt ordinance and authorize the Chair to sign.

Motion moved by Supervisor Kimmelshue; Seconded by Supervisor Ritter.

Motion passed unanimously.

4.04 Public Works Capital Improvement Program (CIP)

In 2018, the Board of Supervisors adopted the Butte County Capital Improvement Program, which primarily focuses on projects and programs managed by the Department of General Services or the Neal Road Recycling and Waste Facility. The Department of Public Works road maintenance and improvement projects and programs were included as an attachment to this document and provided limited information. In addition, significant events over the past five years have fundamentally shifted how the Department programs and delivers projects. The Department has developed a more detailed Public Works Capital Improvement Plan (CIP) for road maintenance and improvement projects. The new Public Works CIP represents a five-year, $117 million investment in the community. It establishes a capital project planning and programming process to better address community needs and improves transparency and accountability. Upon approval by the Board, the Public Works CIP will be utilized for future operating budget implementation efforts and will be available on the County's website. The CIP will return to the Board annually. The Department recommends that the Board approve the Public Works CIP. (Public Works)

Action requested - APPROVE THE PUBLIC WORKS CAPITAL IMPROVEMENT PROGRAM

Staff Report

Speaker(s): Josh Pack, Director of Public Works.

Motion: Approve the Public Works Capital Improvement Program.

Motion moved by Supervisor Kimmelshue; Seconded by Supervisor Teeter.

Motion passed unanimously.

4.05 CalPERS Post Retirement Employment Exemption for Colette Worsham

The California Public Employees' Pension Reform Act (PEPRA) of 2013 requires newly retired persons to "sit out" for a period of 180 days before returning to work for an employer in the same retirement system which they receive a retirement. An exemption to this rule is permitted by Government Code section 7522.56(f)(1), if approved by the governing body in a public meeting on the regular agenda. The Treasurer - Tax Collector's Office recommends approval of a resolution to allow the extra-help hiring of Colette Worsham as a Supervisor, Banking and Cash Management. She retired as a regular-help employee on December 31, 2021, after working 20 years for the County. Colette Worsham was Supervisor, Banking and Cash Management for the Department where she was responsible for daily banking and cash flow needs for the County. She led and had oversight over the Treasury Division ensuring the County was meeting its daily cash flow needs. She also assisted with banking and investment for the Treasurer-Tax Collector's Office. The Department has been recruiting to fill this position and has hired Brian Smith as Manager, Banking and Investments for the Treasury Division. With long-term experience and knowledge, Colette Worsham will be able to train and support her replacement and also serve as a resource to the Department. It is anticipated that Colette would return part time for a period of 3 to 6 months. The Director of Human Resources has reviewed the facts and concurs that the request is consistent with the Government Code section 7522.56(f)(1). (Treasurer-Tax Collector)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 22-035

Speaker(s): Troy Kidd, Treasurer-Tax Collector

Motion: Adopt resolution and authorize the Chair to sign.

Motion moved by Supervisor Lucero; Seconded by Supervisor Ritter.

Motion passed unanimously.

4.06 Resolution Authorizing Durham Unified School District (District) to Issue General Obligation Bonds Directly

On November 6, 2018, voters in the District approved issuance of $19,700,000 in bonds for purposes set forth in the ballot to the voters pertaining to educational facilities within the District. On June 13, 2019, Series A was issued for $7,000,000. On January 20, 2021, the District issued its Series B Bonds under and pursuant to the Authorization in the principal amount of $9,000,000, such that $3,700,000 aggregate principal amount of general obligation bonds of the district remain for issuance under this authorization. The Board has received a certified, adopted copy of the Resolution of the Board of Education of the District (The District Resolution), authorizing the issuance of bonds pursuant to the Bond Measure in an aggregate principal amount not to exceed $3,700,000 to be designated the "Durham Unified School District (Butte County, California) General Obligation Bonds Election of 2018, Series C" (Series C Bonds). The District Board is requesting that the Board adopt a resolution allowing the District to issue General Obligation Bonds directly without the involvement of the Board as a conduit issuer under Government Code 15150 (b). Pursuant to the District Resolution, the District is formally requesting the Auditor-Controller of the County to levy ad valorem taxes in an amount sufficient to fulfill the requirements of the debt service schedule for the Series C Bonds, which will be provided by the District following the sale of the Series C. The resolution also authorizes officers of the County to execute any documents necessary to accomplish the transaction. (Treasurer-Tax Collector)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 22-036

Speaker(s): Troy Kidd, Treasurer-Tax Collector

Motion: Adopt resolution and authorize the Chair to sign.

Motion moved by Supervisor Kimmelshue; Seconded by Supervisor Lucero.

Motion passed unanimously.

4.07 Resolution Authorizing Paradise Unified School District (District) to Issue General Obligation Bonds Directly

On November 6, 2018, voters in the District approved issuance of $61,000,000 in bonds for purposes set forth in the ballot to the voters pertaining to educational facilities within the District. On February 4, 2021, the District issued its "Paradise Unified School District (County of Butte, California) General Obligation Bonds, 2018 Election, 2021 Series A" bonds under and pursuant to the Authorization in the principal amount of $10,000,000, such that $51,000,000 aggregate principal amount of general obligation bonds of the District remain for issuance under the Authorization; and the Board of Supervisors (the Board) has received a certified, adopted copy of a resolution (District Resolution) of the Board of Trustees of the District, authorizing the issuance of the 2nd series of bonds pursuant to the Bond Measure in an aggregate principal amount not-to-exceed $10,000,000 to be designated the "Paradise Unified School District General Obligation Bonds Election of 2018, 2022 Series B" Bonds. The District Board is requesting that the Board adopt a new resolution allowing the District to issue General Obligation Bonds directly without the involvement of the Board as a conduit issuer under Government Code 15140 (b). Pursuant to the District Resolution, the District is formally requesting the Auditor-Controller of the County to levy ad valorem taxes in an amount sufficient to fulfill the requirements of the debt service schedule for the Bonds, which will be provided by the District following the sale of the Bonds. The resolution also authorizes officers of the County to execute any documents necessary to accomplish the transaction. (Treasurer-Tax Collector)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Reporrt

Resolution 22-037

Speaker(s): Troy Kidd, Treasurer-Tax Collector

Motion: Adopt resolution and authorize the Chair to sign.

Motion moved by Supervisor Teeter; Seconded by Supervisor Kimmelshue.

Motion passed unanimously.

4.08 Hmong Cultural Center of Butte County Transitional Age Youth Report

At the request of Supervisor Lucero, representatives from the Hmong Cultural Center of Butte County will present a report on their work with Transitional Age Youth. (Other - District 2)

Action requested - ACCEPT FOR INFORMATION

Staff Report

Speaker(s): Passion Chue, representative from Hmong Cultural Center of Butte County.

Accepted Information.

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

5. PUBLIC HEARINGS AND TIMED ITEMS

5.01 10:00AM - Timed Item - Resolution Accepting the Butte County Upper Ridge Community Plan

The Department of Development Services has worked collaboratively with the Upper Ridge community during the last year to develop the Upper Ridge Community Plan to reflect the community's shared vision of the area and identify specific goals, strategies, and recommendations to achieve over the next twenty years. The Upper Ridge Community Plan furthers the objectives of the Butte County General Plan by providing a community-level planning document that will shape multiple aspects of the Upper Ridge, such as future housing; healthy and resilient neighborhoods; protection and management of natural resources; community safety; and social and economic equity. Funding for the development of the Upper Ridge Community Plan is provided by the North Valley Community Foundation. The Upper Ridge Community Plan area is immediately north and adjacent to the Town of Paradise and approximately 15 miles east of Chico, in the foothills of the Sierra

Nevada. The plan area encompasses the unincorporated community of Magalia and the Paradise Pines neighborhood. It is generally bound by Lake De Sabla to the north, Coutolenc Road to the east, Centerville and Nimshew Roads to the west, and the Town of Paradise boundary to the south. The Butte County Planning Commission voted 5-0 recommending the Board of Supervisors accept the Upper Ridge Community Plan and that plan adoption take place upon completion of environmental review pursuant to CEQA for the Upper Ridge Community Plan and the General Plan 2040 Update. The Planning Commission endorsed the public comments by John Stonebraker in Attachment D of the Planning Commission Staff Report, and comments made orally in the hearing chamber by Steve Rodowick. (Development Services)

Action requested - 1) ADOPT A RESOLUTION ACCEPTING THE UPPER RIDGE COMMUNITY PLAN AND AUTHORIZE THE CHAIR TO SIGN; AND 2) DIRECT STAFF TO INCLUDE THE UPPER RIDGE COMMUNITY PLAN IN THE GENERAL PLAN 2040 UPDATE ENVIRONMENTAL IMPACT REPORT (EIR) PRIOR TO FINAL ADOPTION

Staff Report Part 1 (1 of 2)

Staff Report Part 2 (2 of 2)

Resolution 22-038

Public Comment Packet

Speaker(s): Paula Daneluk, Director of Development Services and Bruce Brewbaker, Consultant from Place Works.

The following member(s) of the public submitted public comment for item 5.01: John Stonebraker (WebEx), Shannon Burton (electronic), Steven Rodowick (electronic).

Motion: Adopt a resolution accepting the Upper Ridge Community Plan.

Motion moved by Supervisor Teeter; Seconded by Supervisor Lucero.

Motion passed unanimously.

Motion: Direct staff to include the Upper Ridge Community Plan in the General Plan 2040 update Environmental Impact Report (EIR) prior to final adoption.

Motion moved by Supervisor Lucero; Seconded by Supervisor Teeter.

Motion passed unanimously.

5.02 <u>11:00AM - Timed Item - American Rescue Plan Act (ARPA) Funding</u>

On March 11, 2021, the $1.9 trillion American Rescue Plan Act (ARPA) was signed into law. Butte County was allocated $42.5 million in Coronavirus State and Local Fiscal Recovery Funds for State, local, territorial, and tribal governments with the first round of funding being received in May of 2021 and the second half of funding scheduled for May of 2022. On October 12, 2021, the Board of Supervisors committed $27.2 million in ARPA funding for 24 projects. An update on the progress of these projects has been included with the staff report. Included in these projects was the Feather Falls Trail Project. The previously approved scope was for tree removal to facilitate trail reopening. The United States Forest Service has identified other infrastructure funding to fully repair the trail and now requests ARPA funding be reallocated to enhance the trail beyond pre-fire status. County Administration recommends the Board consider whether to grant the scope change or rescind the committed funding for the Feather Falls Trail Project. 24 additional projects have been developed for consideration for the second round of the funding. A list of the projects, estimated funding request, and a description for each project is included with the staff report. ARPA requires substantial administrative work on each project committed by the Board. With 24 committed projects, and potentially over 20 additional projects, the cumulative work requires a significant amount of staff time. Alternatively, ARPA allows counties to demonstrate revenue loss during the pandemic and utilize ARPA funds for that purpose. Butte County's revenue loss based on the Department of Treasury's calculation guidance is greater than the $42.5 million allocation. County Administration recommends the Board consider the use of revenue loss to fund the selected projects as a mechanism to reduce the administrative reporting burden. (County Administration)

Action requested - 1) GRANT THE SCOPE CHANGE FOR THE FEATHER FALLS TRAIL PROJECT OR RESCIND THE COMMITTED FUNDING; 2) SELECT PROJECTS FOR FUNDING CONSIDERATION AND DIRECT STAFF TO PREPARE PROPOSALS; AND 3) COMMIT ARPA OBLIGATIONS TO COUNTY REVENUE LOSS

<u>Staff Report</u>

<u>Public Comment Packet</u>

Speaker(s): Maria Hurtado, Management Analyst Butte County Administration, Andy Pickett, Chief Administrative Officer and Katie

Simmons, Deputy Administrative Officer, Economic and Community Development.

The following member(s) of the public submitted public comment for item 5.02: K Brazil (electronic) and Kent Fowler.

<u>1) Motion:</u> To rescind the committed one million dollar ARPA funding for the Feather Fall Trail because it has received infrastructure funding. To be placed at the bottom of the ARPA projects list for requested funding to widen trail and add signage and other elements.

Motion moved by Supervisor Teeter; Seconded by Supervisor Lucero.

Motion passed unanimously.

<u>2) Motion:</u> To see a proposal for the North County Public Safety Complex of Fire station 44 and the sheriff's department in both cost to repair the existing facility and create a new facility.

Motion moved by Supervisor Lucero; Seconded by Supervisor Teeter.

Motion passed 3-2.

Ayes: Supervisors Lucero, Ritter and Teeter
Nays: Supervisor Kimmelshue and Chair Connelly

<u>3) Motion:</u> Prepare all projects in plan B for ARPA funding consideration and direct staff to prepare proposals.

Motion moved by Supervisor Ritter; Seconded by Supervisor Lucero.

Motion passed unanimously.

<u>4) Motion:</u> Commit ARPA obligations to County revenue loss which will not compromise projects on the ARPA list.

Motion moved by Supervisor Lucero; Seconded by Supervisor Ritter.

Motion passed unanimously.

5.03 <u>1:00PM - Timed Item - Update of Budget, Legislative, and Other Current Issues by the Chief Administrative Officer</u>

5.03. <u>A. District Representation Discussion</u>

Speaker(s): Bruce Alpert, County Counsel and Candace Grubbs, Clerk Recorder.

The following member(s) of the public submitted public comment for item 5.03 A: Shannon Burton and Kent Fowler.

5.03. <u>B. COVID-19 Update by the Public Health Director</u>

Speaker(s): Danette York, Director of Public Health.

The following member(s) of the public submitted public comment for item 5.03 B: Sasha Sarnoff (WebEx), Diana Dreiss (electronic & in-person), Julie Threet (electronic & in-person), and Catherine Posey.

5.03. <u>C. Resolution Re-authorizing Continued Teleconference Meetings of the Board of Supervisors pursuant to the Ralph M. Brown Act as amended by AB 361</u>

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Ralph M. Brown Act (the "Brown Act") to allow local legislative bodies to hold public meetings via teleconference without meeting the traditional teleconference standards of the Brown Act as a result of the COVID-19 pandemic. On September 16, 2021, Governor Newsom signed AB 361 to amend the Brown Act to allow legislative bodies to utilize alternative standards for teleconference meetings during a proclaimed state of emergency when (1) state or local officials impose or recommend social/physical distancing or (2) the body meets for the purpose of deciding or has met to decide by majority vote that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. The legislative body is required to reconsider and extend the findings every 30 days to continue to meet via teleconferencing under the alternative standards. The Board previously adopted similar resolutions on October 12, 2021, November 9, 2021, November 18, 2021, December 14, 2021, January 11, 2022 and February 8, 2022. This resolution would re-authorize the ability to meet remotely via teleconference through April 6, 2022 or such time the Board adopts a subsequent resolution to continue this ability. (County Counsel/County Administration)

Action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Resolution 22-039

Speaker(s): Andy Pickett, Chief Administrative Officer

The following member(s) of the public submitted public comment for item 5.03 C: Julie Threet.

Motion: Adopt a resolution and authorize the Chair to sign.

Motion moved by Supervisor Kimmelshue; Seconded by Supervisor Lucero.

Motion passed 4-1.

Ayes: Supervisors Lucero, Ritter, Kimmelshue and Teeter
Nays: Chair Connelly

5.03. D. CAO Comment

Speaker(s): Andy Pickett, Chief Administrative Officer.

5.04 1:15PM - Timed Item - Board of Supervisors Public Comment - 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.

The following member(s) of the public submitted public comment for item 5.04: Julie Threet (electronic & in-person), Diana Dreiss and Catherine Posey.

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 Services 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

Information and Procedures Concerning the Agenda and Conduct of the Board of Supervisors Meetings

Meeting Information: Meetings are generally held the second and fourth Tuesday of each month. Meetings start at 9:00 a.m. and are held in the Board of Supervisors Chambers, County Administration Building, 25 County Center Drive, Oroville. At the end of each year the Board adopts a meeting schedule for the upcoming year. Meeting dates can be changed as a result of holidays or other events so please check the meeting calendar to be certain. Copies of the adopted meeting calendar for the year are available in the County Administrative Office or at the Clerk of the Board website at www.buttecounty.net/cob.

Agenda Information: The agenda for every meeting of the Board is posted in front of the County Administration Building at least 72 hours before each meeting, and is available by mail subscription, e-mail subscription, or at the Clerk of the Board website. A copy of the agenda and supporting materials provided to the Board of Supervisors members to explain each agenda item (excluding documents that are not a public record within the meaning of the Public Records Act) are available for your review at the County Administrative Office, the Chico, Oroville, and Paradise libraries (please do not remove items from these files), and at the Clerk of the Board website. Copies of supporting materials can be made for you at a charge to cover costs. The list of communications included with the agenda packages is not comprehensive. Additional communications to the Board of Supervisors may have been received but not included in the agenda supporting material. Copies of all communications received by the Board of Supervisors (excluding documents that are not a public record within the meaning of the Public Records Act) are available at the Administrative Office upon request. An (*) appearing before an agenda item signifies that material has been provided to the Board of Supervisors members to explain that item.

Agenda Format and Meeting Order: The agenda is usually organized into the following areas and meetings generally proceed in the following order:

1. Consent Agenda: these are items that are considered routine and are handled by one motion and vote of the Board. If you wish to discuss any item on the Consent Agenda you can either fill out a speaker card (located in the back of the board room) and give it to the Clerk of the Board (sitting to the right of the Board) or, when the Chair asks if there is anything anyone would like to remove from the Consent Agenda, stand and approach the podium and request the item be removed. The removed items are discussed at the end of the Regular Agenda.
2. Regular Agenda: this is where presentations to the Board and items that require full discussion are heard. Items removed from the Consent Agenda are discussed under this section.
3. Public Hearing and Timed Items: this is where items that are required by law to be heard as a public hearing are set. This is the section where appeals before the Board are usually discussed. Hearings may start after the time listed, but will never start before the time listed.
4. Public Comment: this is the area of the agenda where members of the audience may address the Board on any matter not listed on the agenda. The Board, by law, cannot take action on any matter not listed on the agenda, but may respond to statements or questions and provide staff direction.
5. Closed Session: the Board is authorized, by law, to meet in a closed session in certain circumstances. This area of the agenda identifies those items that will be discussed during the closed session.

Public Participation: It is the policy of the Board of Supervisors, and a requirement of the California Open Meetings Law, to allow members of the public the opportunity to comment on all matters before the Board. Public participation is limited to matters within the subject matter jurisdiction of the Board pursuant to Government Code Section 54954.3. The Board has adopted policy and procedures to facilitate the meeting process and conduct. A complete listing of these policies and procedures can be found in the printed booklet agenda, obtained at the County Administrative Office, or viewed at the Clerk of the Board website.

The Board of Supervisors is also committed to making its proceedings accessible to all citizens. Individuals with special needs should call the Clerk of the Board at 530.552.3300, Monday through Friday, 8:00 a.m. to 5:00 p.m. to request disability-related modifications/accommodations or to request materials in alternate formats. All requests for special accommodations and/or alternative format documents must be made 48 hours prior to the meeting.

For further information contact the:
Clerk of the Board of Supervisors
County Administrative Office
25 County Center Drive, Oroville, CA 95965
530.552.3300
www.buttecounty.net/cob

ATTEST:
Andy Pickett, Chief Administrative Officer and
Clerk of the Board

Shaina Panter

Deputy

Bill Connelly

Bill Connelly, Chair
Butte County Board of Supervisors