



BUTTE COUNTY BOARD OF SUPERVISORS

REGULAR MEETING AGENDA

JANUARY 24, 2023

9:00 AM

MEMBERS OF THE BOARD

BILL CONNELLY, DISTRICT 1

PETER DURFEE, DISTRICT 2

TAMI RITTER, DISTRICT 3

TOD KIMMELSHUE, DISTRICT 4

DOUG TEETER, DISTRICT 5

ANDY PICKETT

CHIEF ADMINISTRATIVE OFFICER &
CLERK OF THE BOARD

MEETING LOCATION

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

BRAD STEPHENS, COUNTY COUNSEL

1. CALL TO ORDER

Pledge of Allegiance

Observation of a Moment of Silence

Rules of Decorum

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

2. CORRECTIONS AND/OR CHANGES TO THE AGENDA

3. CONSENT AGENDA

A. Supervisor Comments on Consent Agenda Items

B. Adopt Consent Agenda

3.01 Agreement with Butte County Fair Association (Association) - On December 12, 2017, the County entered into a five-year agreement with the Butte County Fair Association for management and operations of the Butte County Fairgrounds and the County Fair. The agreement was amended on December 10, 2022 and is set to expire on February 28, 2023. Staff recommend the Board approve a new agreement with the Association with a the term of January 24, 2023 through December 31, 2027 – action requested – APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)

3.02 Butte County Fair Association (Association) Revised Bylaws - The Butte County Fair has been in existence since 1937 and has been managed by the Butte County Fair Association since the 1940's. The Association recommends that the Board of Supervisors approve proposed revisions to Article(s) III, IV and V of the Association bylaws – action requested – APPROVE REVISED BYLAWS AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)

- 3.03 2023 State and Federal Legislative Platforms - On January 10, 2023 the Board of Supervisors discussed the draft State and federal legislative platforms and directed staff to make specific changes to the documents. These documents provide a basis for advocacy throughout the year. The 2023 platforms were prepared in consultation with department heads, input from Board members, and assistance from the County's State and federal consultants. The platforms continue to address issues such as public safety, health and human services, water, public infrastructure, local government finances, and general government. In addition, the documents contain legislative matters directly related to recovering from the numerous disasters that the County has faced. Staff recommends the Board approve the State and federal legislative platforms with the inclusion of the requested changes – action requested - APPROVE THE STATE AND FEDERAL LEGISLATIVE PLATFORMS. (County Administration)
- 3.04 Letter in Support of Butte County Fire Safe Council's (BCFSC) Rural Business Development Grant Application to the United States Department of Agriculture (USDA) to Establish a Biomass Development Opportunity Zone (BDO Zone) in Butte County - On January 4, 2023, the BCFSC Board of Directors voted to submit an application for a Rural Business Development Grant to the USDA. The USDA grant request, if awarded, will fund the process of designating Butte County as a BDO Zone. The BDO Zone Initiative is a certification and regional risk rating program that identifies and scores prime areas for biobased project development; accelerating the clean energy transition and creating jobs. It is an economic development tool that de-risks project finance and helps establish clean energy projects built in areas where they are most likely to succeed. Given the historic wildfires that have occurred within Butte County over the last five years, the BCFSC is evaluating the volume of woody feedstock resulting from wildfire clean-up, forest health projects, and drought impacts within the County to provide metrics to support the BDO Zone designation. This feedstock is required by new manufacturing facilities to produce ground/aviation biofuel, renewable chemicals, and biogas economic development. The designation will communicate readiness to interact with biobased investors and developers from around the world due to, among other assets, the feedstock available in and around Butte County. Biomass utilization plays a key role in forest health, wildfire recovery and risk reduction efforts, and mitigating drought impacts, all of which are vital to the economic health and safety of Butte County. For these reasons, staff recommends the Butte County Board of Supervisors support the BCFSC's USDA grant application to establish a BDO Zone in Butte County – action requested - APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)
- 3.05 Fiscal Year 2021-22 Year End Budget Adjustments - Each year, as part of the year-end process, an analysis is completed to identify budget adjustments to address deficit budget balances from the previous year. The recommended budget adjustments include net increased appropriations of \$350,791 in various funds, offset by intra-fund transfers and the use of fund balances – action requested - APPROVE FY 2021-22 YEAR END BUDGET ADJUSTMENTS (4/5 VOTE REQUIRED). (County Administration)

- 3.06 Budget Adjustment to Transfer Loan Proceeds to the Capital Project Fund for Construction of the New Probation Administration Office Building - On December 13, 2022 the Board of Supervisors adopted Resolution 22-176 authorizing a \$24 million interfund loan from the PG&E Settlement Fund for the purpose of financing construction of a new Probation Administration Office Building. As directed in Resolution 22-176, the interfund loan proceeds were transferred from the PG&E Settlement Fund to the General Fund on January 1, 2023. A budget adjustment is needed to allow for the transfer of the loan proceeds from the General Fund to the Capital Project Fund so work can begin on the project – action requested – APPROVE BUDGET ADJUSTMENT (4/5 VOTES REQUIRED). (County Administration)
- 3.07 Budget Adjustment for Clerk-Recorder Department - On March 8, 2022, the Board of Supervisors approved a five year contract with Tyler Technologies, Inc. for a new Recording System not-to-exceed \$598,005. Initial implementation costs of the system is \$327,424 and ongoing support and maintenance costs are \$63,683 annually for five years. The initial costs and first year support and maintenance were included in the Department's FY 2021-22 budget. The total expenses invoiced for FY 2021-22 was \$165,566. The Department included support and maintenance costs in the FY 2022-23 budget, initial costs were not budgeted. The Department recommends that the Board approve a budget adjustment to transfer \$161,858 from the Recorder's System sub-fund to cover the initial costs of installing the new Recording System – action requested - APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED). (Clerk-Recorder)
- 3.08 Land Conservation (Williamson) Act Contract with Farmland Reserve, Inc. - The Williamson Act Advisory Committee recommends entering into a contract to enroll approximately 31 acres owned by Farmland Reserve, Inc., in the Williamson Act. The enrollment consists of one parcel (APN: 047-030-045) located at 14701 White Deer Lane, Chico CA 95973, north and west of Cana Highway, approximately 10 miles northwest of Chico city limits via SR 99 and Cana Highway. The parcel will be enrolled in the Williamson Act under a contract for orchard production. The application meets all requirements of the Williamson Act program. The Williamson Act Advisory Committee reviewed the application (LCA22-0012) on November 7, 2022, and recommended enrollment of the parcel subject to the applicant's payment of any outstanding fees. The creation of Williamson Act contracts is exempt from review under the California Environmental Quality Act per Categorical Exemption 15317 Open Space Contracts or Easements – action requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)
- 3.09 Resolution and Agreement for Conveyance of Real Property Rights at 196 Memorial Way, Chico, to City of Chico for the Esplanade Corridor and Safety Accessibility Project - The County of Butte owns 196 Memorial Way, Chico identified by Assessor Parcel Number 003-180-022 (Property). The City of Chico requires the Southeast portion of the Property, approximately 7,148 square feet at the intersection of Memorial Way and Oleander Avenue, in fee simple title for their Esplanade Corridor Safety and Accessibility Project (Project). The County intends to donate the portion of Property for no consideration. The Department of General Services recommends that the Board of Supervisors adopt the resolution conveying real property rights to the City of Chico, authorize the Chair to execute the Donation Conveyance Agreement, and appoint the Director of General Services to execute the documents necessary to complete the conveyance – action requested - 1) ADOPT THE RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN; 2) APPROVE THE DONATION CONVEYANCE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND 3) AUTHORIZE THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE CONVEYANCE. (General Services)

- 3.10 Budget Amendment for CSA 31 - Biggs (Schohr's) Community Swimming Pool - CSA 31 provides funding for the Biggs (Schohr's) Community Swimming Pool. The County has an expense agreement with Biggs Unified School District (BUSD) to provide the operations, maintenance, repair, and upkeep of the pool. Due to the late receipt of the BUSD invoice for services in the period of January through June 2022 after the close of FY 2021-22, the invoice was paid from the FY 2022-23 budget depleting the appropriations necessary for the current fiscal year. The Department of General Services recommends approval of a budget amendment in the amount of \$31,548 from fund balance to the FY 2022-23 budget – action requested - APPROVE BUDGET AMENDMENT (4/5 VOTE REQUIRED). (General Services)
- 3.11 Adoption of the Salary Ordinance - The Department of Human Resources has prepared an updated Salary Ordinance. The ordinance includes details on allocated positions, and the salary plans for classified positions, elected and appointed officials and members of the Board of Supervisors. A new salary ordinance is typically adopted once per year and is then amended with resolutions during the course of the year. The ordinance being considered incorporates changes the Board of Supervisors has made to the Salary Ordinance through the December 13, 2022 Board of Supervisors meeting, including the implementation of the Classification and Compensation Study and the Mid-year Budget adjustments. The Board waived the first reading of the ordinance at the January 10, 2023 Board Meeting – action requested - ADOPT THE SALARY ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)
- 3.12 Capital Asset Purchase and Budget Adjustment with General Fund Appropriation for Contingencies - Workday/Alight Implementation, Support, Success Planning, Mainsaver, and Training Contract Amendments - 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 of Supervisors approved a contract with Alight Solutions for implementation of the Workday software. The County is currently implementing phase two of Workday, including the employee benefits and time tracking functionality. The Program Board and Support Services Committee have approved critical contract amendments that are required in order to meet end-of-year deadlines. These amendments include ongoing software implementation, long term support, Workday "success plan" integrations, and ongoing training credits. The capital portion of these amendments pertain to the software implementation and total \$171,421. Remaining amendments for support and training total \$109,817. All of these amendments are critical for the core functionality of Workday and all County business processes. The Department of Information Systems recommends the Board approve the capital asset purchase of \$171,421 for the ongoing implementation of the software, and an additional non-capital amount of \$109,817 support for the implementation. The combined budget adjustment totals \$281,238. This will come from the General Fund Appropriation for Contingencies and will be transferred to the Information Systems budget, which will eventually be reimbursed by the cost plan. The \$171,421 capital portion of this amendment will be transferred from the Information Systems budget to the I.S. Equipment Replacement Fund – action requested - 1) APPROVE CAPITAL ASSET PURCHASE OF \$171,421; AND 2) APPROVE BUDGET ADJUSTMENT (4/5 VOTE REQUIRED). (Information Systems)

- 3.13 Support Letter - Department of Public Health Reaccreditation - The Department of Public Health achieved national accreditation through the Public Health Accreditation Board (PHAB) on September 13, 2017. The goal of the national accreditation program is to improve and protect the health of the public by advancing the quality and performance of tribal, state, local and territorial public health departments. Health departments must begin a new accreditation cycle approximately five years after accreditation status has been awarded, departments that do not initiate the re-accreditation process within the required time frames are at risk of losing their accreditation status. Following a significant self-assessment and preparation process, the Department is ready to submit its application to PHAB to become re-accredited. The application is a formal notification to PHAB of the Department's official commitment to initiate the Public Health Department Re-accreditation Process. Upon receipt and approval of the application, the Department will have up to one year to identify and submit documents that demonstrate continued conformity with PHAB's standards and measures. Final re-accreditation status is then determined by a selection committee appointed by PHAB. As a requirement of the application process, a letter of support from the governing entity must be included. The Department recommends the Board approve a letter of support and authorize the chair to sign – action requested - APPROVE LETTER OF SUPPORT FOR PUBLIC HEALTH ACCREDITATION BOARD AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
- 3.14 Contract Amendment with SEP Technology Consulting, LLC (SEPTech) for Support and Enhancement services of the Accela Civic Platform Software - On November 9, 2021 the Board of Supervisors approved a contract with SEPTech for the data implementation/migration of the Department of Public Health's EnvisionConnect software to the next generation Accela Civic Platform Software. The term of the contract was November 9, 2021 through November 8, 2022, not to exceed \$275,296. The contract had two change orders to extend the term for 5 months through March 31, 2023 and increase the amount payable by \$3,200, with a new not-to exceed \$278,496. SEPTech completed the data implementation/migration to the Accela Civic Platform and the Department went live in October 2022. The Department requires implementation support and enhancement services from SEPTech now that the system is live. The additional support and enhancement services include; new designs, scripting, configuration, customization and training. The Department recommends the Board approve a contract amendment to add a new scope of work for additional support and enhancement services, increase the maximum amount payable by \$49,984, with a new not-to-exceed of \$328,480 and extend the term an additional 3 months through June 30, 2023. All other terms remain the same – action requested - APPROVE CONTRACT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Public Health)
- 3.15 Fiscal Year 2021-22 Annual Inmate Welfare Fund Expenditure Report - Per Penal Code section 4025(e) the Sheriff shall report annually on Inmate Welfare Fund expenditures. In FY 2021-22, \$720,000 was expended to benefit the inmates of the Butte County Jail. A detailed list of expenditures is included in the report included with the agenda report – action requested - ACCEPT FOR INFORMATION. (Sheriff-Coroner)

- 3.16 Resolution Authorizing Submission of an Application for a Proposition 1, Round 2 Integrated Regional Water Management (IRWM) Implementation Grant - Butte County is a member of the Northern Sacramento Valley (NSV) IRWM Group. The NSV IRWM began in 2011, and the Board of Supervisors appoints two seats and an alternate to the NSV IRWM Board. The NSV IRWM Board consists of representatives from Butte, Colusa, Glenn, Shasta, Sutter, and Tehama Counties. The Water and Resource Conservation Department coordinated the development of a grant application to the Department of Water Resources (DWR) under Proposition 1 on behalf of the NSV IRWM Group for funding implementation projects in the Mountain Counties Funding Area portion of the NSV region. The application is expected to include two projects: 1) Lake Madrone Replacement of the Potable Water Distribution System to be implemented by Lake Madrone Water District, and; 2) Berry Creek Forest Health and Watershed Protection Project implemented by the Butte County Fire Safe Council. The combined grant request for these projects is approximately \$1.15 million and the projects and potential funding are located within Butte County. On November 7, 2022, the NSV IRWM Board approved and recommended the two projects for funding and directed Butte County staff to submit the application on behalf of NSV IRWM Group. A requirement of the grant is the adoption of a resolution by the applicant's governing body designating an authorized representative to submit the proposal and execute an agreement with the State of California for Proposition 1 Round 2 IRWM Implementation Grant. Additional information on the projects is available online at: <http://www.buttecounty.net/wrcdocs/planning/IRWM/NSVIRWMProjects230109.pdf> - action requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)

REGULAR AGENDA

- 4.01 Boards, Commissions, and Committees
(List available at www.buttecounty.net/clerkoftheboard/appointmentslist)
- A. Appointments to Listed Vacancies
1. Board Member Appointment to the Environmental Services Joint Powers Authority (ESJPA) Board of Directors - In response to an ever increasing number of State and federal mandates regarding solid waste management, the ESJPA was formed in 1993 to assist its rural county members to comply with regulatory requirements and waste diversion goals. A local government agency comprised of 22 rural member counties, the ESJPA provides regulatory advocacy and technical assistance to these rural counties, supports local public education campaigns and administers grants for recycling and hazardous waste management programs. The ESJPA is requesting that the Board of Supervisors appoint a Board member to serve on the ESJPA Board of Directors with a term end date of December 31, 2023 – action requested - APPOINT BOARD MEMBER TO THE ESJPA BOARD OF DIRECTORS WITH A TERM END DATE OF DECEMBER 31, 2023. (Other – ESJPA)

2. Board Member Appointment to the Northern Rural Training and Employment Consortium (NoRTEC) - NoRTEC is a consortium of eleven Northern California Counties established to address the needs of job seekers and businesses in the region and believes that a healthy business community creates economic vitality. NoRTEC is dedicated to strengthening and supporting area businesses in order to create jobs and encourage economic prosperity. NoRTEC was created to provide oversight, guidance and direction for the federal Workforce Investment and Opportunity Act (WIOA) in an 11-county region known as a Workforce Development Area (WDA). These eleven counties include Butte, Del Norte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties. There are 46 Workforce Development Areas in California, each with its own business-led Local Workforce Development Board. NoRTEC is requesting the Board of Supervisors appoint a Board Member to serve on NoRTEC – action requested – APPOINT BOARD MEMBER TO NORTEC. (Other – NoRTEC)

3. Appointments to the Solid Waste Enforcement and Appeal Independent Hearing Panel - The Board of Supervisors established the Solid Waste Enforcement and Appeal Independent Hearing Panel (Solid Waste Hearing Panel) through Chapter 31A of County code, hereinafter referenced as Hearing Panel. Although historically there have been very few solid waste appeals, it is necessary to maintain a viable hearing panel in order to meet legal requirements upon receipt of an appeal. Department of Public Health, Environmental Health Division is the responsible agency. Pursuant to the provisions of Public Resources Code Sections 44308(a)(2), 44308(b) and Section 18060, Title 14, California Code of Regulations, the hearing panel consists of three members appointed by the Board: a Butte County Supervisor, a subject matter expert in solid waste, and a representative of the public. The Board may appoint alternate members to provide for a full hearing panel in the event a primary member declares a conflict of interest or is otherwise unavailable. Supervisor Kimmelshue is currently serving as alternate. There is one vacancy for Butte County Supervisor, the previous member was Debra Lucero. The Hearing Panel recommends the Board appoint a Board Supervisor to the Solid Waste Enforcement and Appeal Independent Hearing Panel as a Primary member, with term ending January 25, 2025 – action requested - APPOINT A BOARD MEMBER TO THE SOLID WASTE ENFORCEMENT AND APPEAL INDEPENDENT HEARING PANEL AS A PRIMARY MEMBER, WITH TERM ENDING JANUARY 25, 2025. (Other – Solid Waste Enforcement and Appeal Independent Hearing Panel)

4. Appointments to the Housing Authority Board of the County of Butte (HACB) - The HACB assists low and moderate income residents of Butte County to secure and maintain high quality affordable housing. Subsidized housing is provided to families, seniors and disabled individuals whose income is between 50% and 80% of median area income. Funding for the various programs is provided by the U.S. Department of Housing and Urban Development and the U.S. Department of Agriculture Rural Development. The HACB is governed by a seven-member Board of Commissioners appointed by the Board of Supervisors and is comprised of five commissioners, one recommended by each Board of Supervisor, and two Tenant Commissioners, with one Tenant Commissioner being over the age of 62-years-old. The terms of Commissioners appointed by the Board of Supervisors shall coincide with the term of the recommending Supervisor. Tenant Commissioners shall serve two-year terms. The HACB is requesting that the Board of Supervisors appoint a member to the

District 2 seat – action requested - 1) APPOINT QUALIFIED CANDIDATE TO THE HACB DISTRICT 2 SEAT (Other – HACB)

5. Appointments to the Butte County Forest Advisory Committee - The Board of Supervisors established the Forest Advisory Committee (FAC) to facilitate public involvement and assist the County in meeting the guiding principles of the Butte General Plan 2030 as it pertains to utilization and management of public lands. The activities of the FAC are overseen by the Federal/State Land Use Coordinating Committee, with one non-voting ex-officio representative serving on the FAC to facilitate agendas, minutes and communication. The FAC is comprised of five public members and five alternates representing the following areas of interest: 1) Agriculture/Timber Management; 2) Recreation – Motorized; 3) Recreation – Non-Motorized; 4) Environmental and Watershed Management; 5) Economic/Tourism. A recruitment was conducted for the FAC positions, and to date, the Board has appointed five members, and three appointed alternates are also currently serving. The FAC has received three requests for renewal of appointments and recommends the Board reappoint Patricia Puterbaugh for Environmental and Watershed Management, Teri Faulkner for Recreation - Non-Motorized, and Dan Taverner for Agriculture/Timber Management. Upon re-appointment, all terms are for four years, ending December 31, 2026. There are two vacancies for Alternate positions for Economic/Tourism and Recreation-Motorized, which have been posted by the Clerk of the Board – action requested - RE-APPOINT PATRICIA PUTERBAUGH TO ENVIRONMENTAL AND WATERSHED MANAGEMENT, TERI FAULKNER TO RECREATION- NON MOTORIZED, AND DAN TAVERNER TO AGRICULTURE/TIMBER MANAGEMENT, EACH TO SERVE A FOUR-YEAR TERM (EXPIRING DECEMBER 31, 2026) ON THE FOREST ADVISORY COMMITTEE. (Other – Forest Advisory Committee)

B. Board Member / Committee Reports and Board Member Comments

(Pursuant to California State law, the Board is prohibited from taking action on any item not listed on the agenda)

- 4.02 Board of Supervisors Public Comment - Comments to the Board on issues and items not listed on the agenda. Pursuant to California State law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda. Please note that Public Comment is in two separate sections. One, as the first regular item on the agenda, which will last a maximum of 15 minutes, with another to follow as the last item on the regular agenda with no time limits.
- 4.03 Employment Agreement Amendment with Mark Lundberg, M.D. for Addiction Treatment Services - Mark Lundberg, M.D. is a licensed physician who provides services specializing in substance abuse addiction. On June 28, 2022, the Board of Supervisors approved an employment contract with Dr. Mark Lundberg. The term of the contract is July 1, 2022 through June 30, 2024, not-to-exceed \$133,358.42 per year. On September 20, 2022 the Board approved an amendment to the contract in alignment with the changes resulting from the classification and compensation study. The amount of Administrative Leave calculated in the original agreement is incorrect. The amendment will correct the prorated rate of Administrative Leave at 60% employment from 1.292 hours biweekly to 1.85 hours biweekly. The Department recommends amending the contract with Dr. Mark Lundberg, M.D., for FY 2022-2023. All other terms remain the same – action requested – APPROVE EMPLOYMENT AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Behavioral Health)

- 4.04 Employment Contract for Director - Behavioral Health - Approval is requested for the employment contract with Director of Behavioral Health, Scott Kennelly. The term of the contract is from February 11, 2023 through February 10, 2026. The proposed annual salary is \$165,038.96, which represents a 3% increase from current salary – action requested – APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)
- 4.05 PG&E Settlement Fund Policy Discussion - Butte County received a \$252 million settlement from PG&E to compensate the County for the impacts of the Camp Fire, which was caused by PG&E's criminal negligence. The County's net settlement after attorney fees is \$206.5 million dollars. 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. These funds can be used on matters throughout the County, with priority given to projects in the Camp Fire burn area. The Board has committed funds to 25 projects for a total of \$89.3 million since adopting the policy. On September 13, 2022, the Board committed \$24 million to finance the construction of a new building for the Probation Department with all funds plus interest revolving back to the PG&E Fund over 30 years. Annual interest is calculated at the average County Treasury Pool rate, which is variable, and estimated to be \$400,000 based on the current rate. The first annual interest payment is due January 1, 2024. During Board deliberation, the Board requested staff agendize a discussion about committing a portion of the PG&E Fund to projects and programs in the Camp Fire burn scar. One way to accomplish the goal of reserving funds for projects and programs that specifically serve the burn scar is to establish a cost center within the PG&E Fund and amend the policy to define how the cost center is funded and used. The proposed PG&E Fund Policy establishes the Camp Fire Burn Area Cost Center within the PG&E Fund. The cost center would be funded with the interest earned each year from the Probation Building project and restricted to fund project and program requests for roadside clearance and maintenance along evacuation routes directly in, or serving, the Camp Fire burn scar. The policy proposes these requests may be made by community-based organizations, homeowner associations, or units of local-government. County Administration recommends the Board provide direction to staff regarding the proposed PG&E Fund policy. The Department also recommends the Board direct staff to develop administrative procedures for the use and distribution of the Camp Fire Burn Area Cost Center if established – action requested – PROVIDE DIRECTION TO STAFF. (County Administration)
- 4.06 Resolution for Grant Agreement for Electric Vehicle (EV) Charging Station from Butte County Air Quality Management District (AQMD) - On October 4, 2022 the AQMD Board approved the application for an EV Charging Station, 4.3kw solar array and 43kWh battery that includes 85% funding from the Butte County AQMD Carl Moyer Air Standards Attainment Grant Program. The approved dual charging station will charge the Department of Development Services electric fleet and is available for use by County electric vehicles and the public. The charging station will be located at the Department of Development Services at 7 County Center Drive, Oroville and will be publicly accessible. The location will be submitted to the national database for publicly accessible EV charging stations. Per the grant agreement the Department will purchase and operate the charging station by December 30, 2023. Butte County AQMD will reimburse the Department 85% of the costs (\$66,148). The Department's 15% share of cost (\$11,673) is included in the Department's FY 2022-23 budget. The Department recommends the Board approve a Resolution authorizing the Director of Development Services to approve, finalize and sign the grant agreement – action requested - ADOPT THE RESOLUTION, AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO APPROVE AND SIGN THE GRANT AGREEMENT. (Development Services)

- 4.07 CAL FIRE Fire Hazard Severity Zone (FHSZ) Map Update - California law requires CAL FIRE to identify areas or “zones” based on the severity of fire hazard that is expected to prevail there. The zones are used for several purposes, including designating areas where California’s defensible space standards and wildland urban interface building codes are required. They can also be a factor in real estate disclosure, and local governments may consider them in their general plan. The FHSZ maps are being updated to more accurately reflect the zones in California that are susceptible to wildfire. The hazard mapping process will incorporate new science in local climate data and improved fire assessment modeling in determining hazard ratings. The State Fire Marshal provided notice to adopt proposed regulations pursuant to Public Resources Code (PRC) Sections 4202-4204, relating to the classifying of lands in the State Responsibility Area (SRA) into FHSZs. As part of the adoption process of the map, CAL FIRE invites public comment on the proposed maps. More information about FHSZs can be found on the program’s website at osfm.fire.ca.gov/FHSZ. The public can also call an automated hotline at (916) 633-7655. Butte County Fire will provide a presentation to the Board of Supervisors about the local FHSZ map and recommends the Board provide direction regarding the County's public comment on the FHSZs – action requested – PROVIDE DIRECTION TO STAFF. (Butte County Fire Department)
- 4.08 Resolution Authorizing Gridley Unified School District to Sell Bonds Directly - On November 8, 2022, voters in the District approved issuance of \$16,300,000 in bonds for various purposes set forth in the ballot to the voters pertaining to educational facilities within the District. The Board of Supervisors has received a certified, adopted copy of a resolution (District Resolution) of the Board of Trustees of the District, authorizing the issuance of the 1st series of bonds pursuant to the Bond Measure in an aggregate principal amount not-to-exceed \$6,000,000 to be designated the Gridley Unified School District General Obligation Bonds Election of 2022 Series A Bonds. The District Board is requesting that the Board of Supervisors 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 District Board additionally requests that specified County Officials be authorized and directed to execute documents necessary to complete the transaction - action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Treasurer-Tax Collector)

- 4.09 Feather River Canyons National Monument - Consideration of Comment Letter Issuance - Friends of Plumas Wilderness, a non-profit organization located in Plumas County, is proposing a National Monument (NM) designation for portions of the Lassen National Forest adjacent to Highway 70 along the North Fork of the Feather River and Plumas National Forest in the Upper Feather River Watershed, which includes the Middle Fork of the Feather River. National Monument Designation provides federal protection to a wide variety of natural and historic resources including sites of geologic, marine, archaeological and cultural importance. In December, the Board of Supervisors requested staff research the proposal and provide analysis for Board consideration. Accordingly, information was disseminated to the Forest Advisory Committee (FAC) stakeholders, discussed at the FAC Public Meeting held on December 19, 2022, and during the Federal State Land Use Coordinating Committee (CC) Meeting of January 3, 2023. Verbal and written comments, and the documentation provided by the Friends of Plumas Wilderness, were reviewed in detail, and are provided in the staff report. Representatives from the FAC and CC attended the workshop held by Friends of Plumas Wilderness to obtain additional insights. The CC prepared a comment letter on behalf of the Board discussing the potential pros and cons of a NM designation for this critical watershed. The letter identifies the additional information needs to be addressed before the NM designation is considered, including: 1) the NM designation would add another layer of management over the current public land management, with uncertain funding; 2) development of a NM management plan will take time and energy that is in addition to the Plumas National Forest and Lassen National Forest Plans, which are currently pending updates; 3) effective, timely implementation of fuels reduction, prescribed fire and maintenance through grazing and other methods are a priority; it is unclear if this will be addressed under an added layer of bureaucratic oversight; 4) there are already numerous and restrictive regulations governing water quality, cultural and historical site preservation, wildlife, aquatic life and plant life analysis and conservation, and participation by Tribal entities and it is unclear how a NM designation furthers or improves upon these requirements; and 5) if adopted, the NM may ultimately result in reduced vehicle and OHV access, and the Board has historically supported ready access for all citizens by road travel as well as non-motorized access – action requested – APPROVE COMMENT LETTER AND AUTHORIZE THE CHAIR TO SIGN. (Water and Resource Conservation)
- 4.10 Butte County Collaborative Group (BCCG) Memorandum of Understanding (MOU) - The purpose of the BCCG is to establish a forum for members and stakeholders to address forest health issues, develop sustainable management strategies and resource opportunities. The BCCG adopts the principles and strategies detailed in the Wildland Urban Interface (WUI) Pre- and Post-Fire Action Plan (2021), the Butte Forested Watersheds Plan (2022), the Community Wildfire Protection Plan, the Butte County General Plan and Local Hazard Mitigation Plan. The goals of the BCCG are to design, communicate, align, and implement projects to promote healthy, ecologically productive, and fire-resilient watersheds and communities, in a manner that improves social, environmental, and economic conditions in Butte County. The BCCG seeks to align regional work, co-create and update a shared project map, benefit from shared expertise and pooled resources and increase organizational capacity and project funding, while addressing broadly impacting issues that cannot be resolved individually. The BCCG supports management actions in the WUI that take a community approach to support non-industrial private landowners in doing their part to create a healthy forest. A presentation on the draft BCCG MOU will be conducted by representatives from the Butte County Fire Safe Council and Butte County Resource Conservation District – action requested – ACCEPT FOR INFORMATION. (Other – Butte Fire Safe Council/Resource Conservation District)

- 4.11 Update from the Alliance for Workforce Development on Operations in Butte County - As part of the Northern Rural Training and Employment Consortium, the Alliance for Workforce Development delivers the federal Workforce Investment Act programs for Adults, Youth, Dislocated Workers, and Businesses throughout Butte County. The Director of Business Services, Wendy Sweeney, will provide the Board of Supervisors with an update on services provided in Butte County during the 2021-2022 program year – action requested – ACCEPT FOR INFORMATION. (Other – Alliance for Workforce Development)
- 4.12 Update of Budget, Legislative, and Other Current Issues by the Chief Administrative Officer
- 4.13 Board of Supervisors Public Comment (Continuation as Needed) - Comments to the Board on issues and items not listed on the agenda. Please note that pursuant to California State law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda.
- 4.14 Items Removed from the Consent Agenda for Board Consideration and Action

5. PUBLIC HEARINGS AND TIMED ITEMS

- 5.01. 10:30AM - Timed Item - Zoning Code Amendment (CA21-0001) to Butte County Code, Chapter 24 Article II, Article IV, Division 1, Section 24-159, Article VII, Division 1 (Large Family Daycare Homes)
This is a County-initiated amendment to the Butte County Zoning Ordinance Article II (Zoning Districts, Land Uses, and Development Standards - throughout); Article IV (Supplemental Use Regulations), Division 1 (Supplemental Use Regulations), Section 24-159 (Child care facilities); and Article VII (Definitions), Division 1 (Glossary), Section 24-304 (Definitions) to become compliant with State Senate Bill 234 (Skinner). At a public hearing held on December 8, 2022, the Butte County Planning Commission unanimously recommended adoption of the Zoning Code Amendment to the Board of Supervisors. The following specific amendments are proposed: 1) Amend Chapter 24, Article II Zoning Districts, Land Uses, and Development Standards of the Butte County Zoning Ordinance to permit by right, without additional application, fee or entitlement, the new “Family Daycare Home, Large” land use wherever residential uses are permitted, and remove footnote (3) under Table 24-13-1 under the existing “Child Day Care, Small” Land Use Category. 2) Amend section 24-159 Child care facilities, regarding applicability and standards, and section 24-304 Definitions. An exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3) “Common Sense” exemption is proposed. The proposal poses no significant impact on the environment and there is no potential for negative impacts to the environment – action requested - 1) FIND THE ZONING ORDINANCE AMENDMENT IS EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15061 (B) (3) - COMMON SENSE EXEMPTION; AND 2) ADOPT A RESOLUTION APPROVING THE ORDINANCE AMENDING CHAPTER 24, (ZONING ORDINANCE), AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

- 5.02. 10:45AM – Timed Item – Zoning Code Amendment to the Butte County Code, Chapter 24 Zoning Ordinance Article VII, Division 1, Section 24-304 (Multiple Family Dwellings) - This is an amendment (ZCA22-0002/Hill) to the Butte County Zoning Ordinance Chapter 24, Zoning Ordinance Article VII, Division 1, Section 24-304 for "Multiple Family Dwellings" that will include the allowance of separate, detached units. Currently under the definition detached units are not permitted. The proposed amendment will permit detached unit housing styles such as: multiple separate units, cottage courts, plex housing (two or more units in combination similar in scale to a residence), and garden apartments. At a public hearing held on December 8, 2022 the Butte County Planning Commission unanimously recommended adoption of the Zoning Code Amendment and CEQA exemption to the Board of Supervisors, and passed Resolution PC22-26. This amendment has been determined to be exempt from California Environmental Quality Act (CEQA) under section 15061 (b) (3) Common Sense Exemption, of the CEQA Guidelines, since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment – action requested - 1) FIND THE ZONING ORDINANCE AMENDMENT IS EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15061 (B) (3) COMMON SENSE EXEMPTION; AND 2) ADOPT A RESOLUTION APPROVING THE ORDINANCE AMENDING CHAPTER 24, ZONING ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)
- 5.03. 11:30AM - Timed Item - Zoning Code Amendment (ZCA22-0003) to Butte County Code, Chapter 24 Zoning Ordinance Article IV, Division 2 (Telecommunication Facilities) - This is a County initiated Amendment (ZCA22-0003) to Butte County Code, Chapter 24 Zoning Ordinance Article IV, Division 2, Telecommunication Facilities. The amendment to Butte County Code Chapter 24, Zoning Ordinance, Article IV, Division 2, Telecommunication Facilities, will include bringing the ordinance into conformance with federal and State law. This includes requirements regarding reasonable time periods for processing applications, and defining which modifications to existing telecommunication facilities constitute a substantial change. Further amendments specify additional application submittal information, updates to existing sections, removing particular requirements that are not required by federal or State law, and including Small Wireless Facilities and Ground Mount Antenna uses under the ordinance. After a public hearing held on December 8, 2022, the Butte County Planning Commission passed Resolution PC22-24 recommending adoption of the Zoning Ordinance Amendments to the Board of Supervisors, and found that the amendments are not a project under the California Environmental Quality Act (CEQA) – action requested - 1) FIND THE ZONING ORDINANCE AMENDMENT IS NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND 2) ADOPT THE ORDINANCE AMENDING BUTTE COUNTY CODE, CHAPTER 24, (ZONING ORDINANCE) BY MAKING TEXT AMENDMENTS TO ARTICLE IV, DIVISION 2. (Development Services)

- 5.04. 1:00PM – Timed Item – Butte County Housing Element Adoption and Update on General Plan -
 County staff and Housing Element consultant PlaceWorks will present the final Draft Housing Element to the Board for adoption. The project has been determined to be exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061 (b) (3) - Common Sense Exemption. The Housing Element is part of the Butte County General Plan and is updated on an eight-year cycle in accordance with State law. Concurrently with the Housing Element update, Butte County is updating the current General Plan. The General Plan update effort is known as General Plan 2040. Public outreach has taken place throughout both the Housing Element and General Plan 2040 update efforts in the form of public workshops; stakeholder group meetings; outreach to communities of concern; open-house sessions in both north and south Butte County; study sessions with the Water Commission and Planning Commission; and informational and interactive booths at the Butte County Fair and other events. The close coordination of the Housing Element update and the General Plan 2040 update strengthens internal consistency and community engagement. The Housing Element consists of two documents: the Housing Needs Assessment, which analyzes the needs of residents of the unincorporated area through the eight-year planning period, and the Housing Policy Document that establishes policies and programs to help Butte County meet the needs identified in the Housing Needs Assessment. The Housing Element also incorporates the Regional Housing Needs Allocation that specifies the number of units, by affordability level, that Butte County must plan to accommodate during its Housing Element planning period. The purpose of the current update effort is to address housing needs of the residents of the Unincorporated Area of Butte County for an effective planning period of June 15, 2022 through June 15, 2030. The public is encouraged to attend the public hearing and provide comment. The Department recommends that the Board find the Housing Element exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061 (b) (3) Common Sense Exemption, and approve the resolution adopting the Housing Element – action requested - 1) FIND THE PROJECT EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15061 (B) (3) COMMON SENSE EXEMPTION; AND 2) APPROVE THE RESOLUTION ADOPTING THE HOUSING ELEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

6. BOARD OF SUPERVISORS CLOSED SESSION

6.01 Public Employee Employment, Appointment, Recruitment, Performance Evaluations, Including Goals, Pursuant to Government Code Section 54957:

- A. Agricultural Commissioner
- B. Behavioral Health Director
- C. Chief Administrative Officer
- D. Chief Probation Officer
- E. Child Support Services Director
- F. County Counsel
- G. Development Services Director
- H. Employment and Social Services Director
- I. General Services
- J. Human Resources Director
- K. Information Systems Director
- L. Library Director
- M. Public Health Director
- N. Public Works Director
- O. Water and Resources Conservation Director

6.02 Conference with Labor Negotiator Pursuant to Government Code Section 54957.6:

Negotiators:	Jack Hughes, Sheri Waters, and 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) - three cases:

- A. California Department of Water Resources v. All Persons Interested in the Matter, Sacramento County Superior Court, Case No.34-2018-00246183.
- B. Beaver, et al, v. County of Butte, et al., U.S. District Court, Eastern District, Case No. 20-cv-00279
- C. California Open Lands v. Butte County Department of Public Works, et al., U.S. District Court, Eastern District, Case No. 20-cv-00123.

6.04 Significant exposure to litigation pursuant to Gov. Code Sec. 54956.9(d)(2) - one potential case.

- A. See January 11, 2023 letter from Jeff Lewis Law, APC.

**Butte County
Department Heads**

Agricultural
Commissioner:
Louie Mendoza

Assessor*:
Alyssa Douglass

Auditor-Controller*:
Graciela Gutierrez

Behavioral Health:
Scott Kennelly

Chief Administrative
Officer:
Andy Pickett

Chief Probation Officer:
Melissa Romero

Child Support Services:
Sean Farrell

Clerk-Recorder /
Registrar of Voters*:
Keaton Denlay

County Counsel:
Brad Stephens

Development Services:
Paula Daneluk

District Attorney*:
Mike Ramsey

Employment & Social
Services:
Shelby Boston

Fire Chief:
Garrett Sjolund

General Services:
Michael Hodson

Human Resources:
Sheri Waters

Information Systems:
Paul LaValley

Library:
Narinder Sufi

Public Health:
Danette York

Public Works:
Joshua Pack

Sheriff-Coroner*:
Kory Honea

Treasurer-Tax Collector*:
Troy Kidd

UC Cooperative
Extension Advisor:
Luis Espino

Water & Resource
Conservation:
Kami Loeser

*Elected Official

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

Meeting Information:

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

Agenda Information:

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

Agenda Format and Meeting Order:

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

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

Public Participation:

It is the policy of the Board of Supervisors, and a requirement of the California Open Meetings Law, to allow members of the public the opportunity to comment on all matters before the Board. Public participation is limited to matters within the subject matter jurisdiction of the Board pursuant to Government Code Section 54954.3. The Board 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 residents. Individuals with special needs should call the Clerk of the Board at 530.552.3300, Monday through Friday, 8:00 a.m. to 5:00 p.m. to request disability-related modifications/accommodations, or to request materials in alternate formats. All requests for special accommodations and/or alternative format documents must be made 48 hours prior to the meeting.

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

