



BUTTE COUNTY BOARD OF SUPERVISORS

Regular Meeting Agenda

January 9, 2024

9:00 AM

ANDY PICKETT,
CHIEF ADMINISTRATIVE
OFFICER
CLERK OF THE BOARD

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

MEMBERS OF THE BOARD

BILL CONNELLY,
DISTRICT 1

PETER DURFEE,
DISTRICT 2

TAMI RITTER,
DISTRICT 3

TOD KIMMELSHUE,
DISTRICT 4

DOUG TEETER,
DISTRICT 5

BRAD STEPHENS,
COUNTY COUNSEL

[Meeting Agenda](#)

[eComment Tutorial](#)

[Public Comment Packet](#)

1. CALL TO ORDER

Pledge of Allegiance

[Observation of a Moment of Silence](#)

A. [Board of Supervisors Composition for 2024](#)

[Election of Board Chair](#)

[Election of Board Vice Chair](#)

The Board elected Supervisor Kimmelshue as Chair and Supervisor Teeter as Vice-Chair for 2024.

Motion: Supervisor Durfee

Seconded: Supervisor Ritter

Motion passed

Ayes: Supervisor Durfee, Ritter and Kimmelshue

Nays: None

Absent: Supervisor Connelly and Teeter

2A. CORRECTIONS AND/OR CHANGES TO THE AGENDA

Supervisor Connelly and Teeter are absent from this meeting.

Item 3.03, 3.10 and 4.04 have been pulled due to a 4/5 vote requirement.

Item 3.15 has been pulled from the Consent Agenda and will return at a later date.

Item 5.01 has been pulled from the agenda and will return at a later date.

Item 5.02 will be continued to the next meeting, 01.23.2024.

Item 6.03 2a has been pulled from the Closed Session Agenda to return at a later date.

2B. ANNOUNCEMENT(S) OF RECUSAL

None

3A. SUPERVISOR COMMENTS ON CONSENT AGENDA ITEMS

3B. ADOPT CONSENT AGENDA

Action: Approve Consent agenda with the exclusion of item 3.03, 3.10 and 3.15.

Motion: Supervisor Durfee

Seconded: Supervisor Ritter

Motion passed

Ayes: Supervisor Durfee, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Connelly and Teeter

3.01 Approval of Board of Supervisors Regular Meeting Minutes

Submitted for approval are the December 12, 2023 Board of Supervisors Regular Meeting Minutes. (County Administration)

Action Requested - APPROVE THE DECEMBER 12, 2023 BOARD OF SUPERVISORS REGULAR MEETING MINUTES

Minutes

3.02 Butte County Consolidated Development Impact Fee Report for Fiscal Year 2022-23

Pursuant to California Government Code section 66006(b), the Butte County Consolidated Development Impact Fee Report for Fiscal Year 2022-23 (Report) has been available for Board of Supervisors and public review in the Office of the Clerk of the Board since December 26, 2023. The Report includes both County and Special District Development Impact Fee funds information and the required five-year findings. (County Administration)

Action Requested - 1) ACCEPT FOR INFORMATION; AND 2) MAKE FINDINGS AS DETAILED IN THE REPORT FOR EACH OF THE REQUIRED FUNDS AS SET FORTH IN GOVERNMENT CODE 66001(d)

Staff Report

3.03 Budget Adjustment for the Implementation of the Accela Land Management Software for the 2023-24 Fiscal Year and Approval to Process Change Orders

On December 12, 2023, the Board of Supervisors committed \$1,111,827 (25% PG&E Settlement Funds and 75% General Fund Appropriation for Contingencies) for change orders and staff costs for the implementation of the Accela land management software. The Departments of Development Services, Public Health (Environmental Health), Public Works, Fire, Agriculture, County Administration, and Information Systems recommend that the Board approve a budget adjustment for expenses for the current fiscal year and authorize the Director of General Services to sign and execute necessary change orders. The budget adjustment includes \$87,011 for a term Information Systems Analyst position, \$39,480 for extension of a term Information Technology Manager position, and \$700,000 for change orders for the implementation of Accela land management software. Total appropriations to increase by \$826,491 (\$87,011 PG&E Settlement Funds and \$739,480 General Fund Appropriation for Contingencies). (County Administration)

Action Requested - 1) APPROVE BUDGET ADJUSTMENTS FROM GENERAL FUND APPROPRIATION FOR CONTINGENCIES (4/5 VOTE REQUIRED); AND 2) AUTHORIZE THE DIRECTOR OF GENERAL SERVICES TO SIGN AND EXECUTE CHANGE ORDERS

Staff Report

This item has been pulled due to a 4/5 vote requirement.

3.04 Agreement with Compassion Pathway Behavioral Health LLC - Anderson Creek SRF for Adult Residential Services

Compassion Pathway Behavioral Health, LLC operates a 24-hour residential care facility for adults with severe and persistent mental health conditions. The residential facility provides a structured program offering professional services for adults in need of mental health services, including medication support if necessary. The facility assists clients with care and treatment needed for improved stability and potential future transition to an independent living environment. Due to high level and emergent need the Department of Behavioral Health contracts with facilities who can perform services required to meet the level of mental health services available to the County. The Department recommends entering into an agreement with Compassion Pathway Behavioral Health, LLC for 24-hour residential care and mental health services. The term of the agreement is date of execution through June 30, 2024, not-to-exceed \$120,000. The agreement is not measured in terms of number of clients served, as the length of stay varies based on each client's specific needs. (Behavioral Health)

Action Requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

- 3.05 Agreement Amendments (2) with Healthy Rural California (HRC) for the Department of Health Care Access and Information (HCAI) Workforce Education and Training (WET) Psychiatric Education Capacity Expansion (PECE) Psychiatry Residency Program

On November 16, 2020, HCAI awarded a grant to the Department of Behavioral Health for the WET PECE Residency Program. The WET PECE Residency Program aims to increase the educational capacity of psychiatry and psychiatric mental health nurse practitioners trained in the Public Mental Health System Workforce. On October 25, 2022, the Board of Supervisors approved two agreements with HRC to implement the WET PECE Program, one for specific consulting services and another for final stage consulting, development, and implementation. The term of each agreement is July 1, 2022 through June 30, 2023, and both agreements were amended on June 30, 2023 to extend each term one year, through June 30, 2024. The not-to-exceed for specific consulting services is \$114,965 and the not-to-exceed for final stage consulting, development, and implementation agreement is \$195,541. The Department recommends amending both agreements with HRC to add \$902,976 in HCAI approved grant funds. The amendment for specific consulting, increases the maximum payable by \$33,627, not-to-exceed \$148,592. The amendment for final stage consulting, development, and implementation agreement increases the maximum payable by \$869,349, not-to-exceed \$1,064,890. All other terms remain the same. (Behavioral Health)

Action Requested - APPROVE AGREEMENT AMENDMENTS (2) AND AUTHORIZE CHAIR TO SIGN

Staff Report

- 3.06 Amendment to Agreement with Kullar Psychiatry, Inc. for On-site Psychiatric Services

On June 13, 2023, the Board of Supervisor approved a contract with Kullar Psychiatry, Inc. to provide on-site psychiatric services to clients at the Chico Stepping Stones clinic for 20 hours per week. The contract term is July 1, 2023 through June 20, 2024, not-to-exceed \$263,000. The Department of Behavioral Health has faced significant challenges hiring psychiatrists to provide on-site or in-person services to clients to meet the required level of mental health services. The Department recommends amending the agreement with Kullar Psychiatry, Inc. to facilitate increased working hours from 20 to 24 hours per week and up to 10 weekend on-call hours in our Chico Stepping Stones clinic. The amendment increases the maximum payable amount by \$30,000, not-to-exceed \$293,000. All other terms remain the same. (Behavioral Health)

Action Requested - APPROVE AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.07 Certification of Statement of Votes Cast for the December 5, 2023 Tuscan Water District Formation Election

On December 5, 2023, a special mail ballot election was held in Butte County to determine if the Tuscan Water District shall be formed and to elect the initial board of directors of the district. Keaton Denlay, County Clerk-Recorder/Registrar of Voters, submits the certification of the Statement of Votes Cast for the Tuscan Water District Formation Election held in Butte County amongst landowners within the proposed district on December 5, 2023. (Clerk-Recorder/ Registrar of Voters)

Action Requested - ACCEPT CERTIFICATION OF THE STATEMENT OF VOTES CAST FOR THE DECEMBER 5, 2023 TUSCAN WATER DISTRICT FORMATION ELECTION

Staff Report

3.08 Contract Amendment with OCCU-MED, Ltd. for Pre-Employment Occupational Medical Testing Services

On November 7, 2023, the Board approved a contract with OCCU-MED, Ltd. for Pre-Employment Occupational Medical Testing Services. The term was for five years, beginning on November 7, 2023 and ending on November 7, 2028, not-to-exceed \$100,000. The Human Resources Department requests approval of Amendment 1 to this contract which includes an increase of the 5-year contract maximum from \$100,000 to \$500,000. There was a clerical error in the original contract where the Annual Price should have been listed as \$100,000, instead the not-to-exceed price was listed as \$100,000. Additionally, revisions have been made to Exhibit 5: Butte County Pricing to include Enloe Health and Work Health Solutions as two new vendors that will work with these services. A number of smaller additions are being recommended; including adding the total contract not-to exceed price to Attachment III: Scope of Work, Duties and Obligations of the County and adding the pricing of the new vendors in Exhibit 5, Butte County Pricing. The Department recommends amending the contract with OCCU-MED, Ltd. for pre-employment occupational medical testing services. The amendment increases the maximum payable amount from \$100,000 to \$500,000, and adds two new vendors and pricing to expand the flexibility of the program. All other terms remain the same. (Human Resources)

Action Requested - APPROVE AMENDMENT 1 TO THE CONTRACT WITH OCCU-MED, LTD., INCREASING THE CONTRACT MAXIMUM FROM \$100,000 TO \$500,000 AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.09 Contract with Butte County Office of Education (BCOE) for Implementation of a Cannabis Prevention and Awareness Program

The Department of Public Health received grant funding from the California Department of Public Health (CDPH) to implement a Local Cannabis Education and Youth Prevention program. The two (2) main objectives of the funding are: 1) Educate county youth on the dangers of cannabis use and risks associated with cannabis exposure; and 2) Protect county youth from access and exposure to cannabis and the promotion of cannabis products. In order to meet these objectives, the Department will collaborate with BCOE to implement cannabis prevention and awareness education curriculum and establish a School-Based Alternatives to Suspension referral system and intervention for Butte County middle and high school students, according to the guidelines of the CDPH's Substance and Addiction Prevention Branch Youth Cannabis Prevention Initiative. The Department recommends entering into a contract with BCOE for the implementation of a Cannabis Prevention and Awareness Program for Butte County middle and high school students. The term of the contract is January 1, 2024, through June 30, 2026, not-to-exceed \$264,824. (Public Health)

Action Requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

3.10 Capital Asset Purchase and Budget Adjustment - Four (4) Network Servers

The Department of Public Health requests the purchase of four (4) network servers to replace servers that are out of warranty and no longer supported by the manufacturers. The estimated cost of each server is \$85,000 and will be built to the specifications that are industry standards. The new network servers will provide longevity for several years with manufacturer support and available replacement hardware if necessary. Two of the servers will be paid for with grant funds and the other two will be paid for with Public Health Realignment. The Department recommends the Board of Supervisors approve the capital asset purchase and budget adjustment for four (4) network servers for a total cost of \$340,000. (Public Health)

Action Requested - 1) APPROVE CAPITAL ASSET PURCHASE; AND 2) APPROVE BUDGET ADJUSTMENT. (4/5 VOTE REQUIRED)

Staff Report

This item has been pulled due to a 4/5 vote requirement.

3.11 Resolution Recognizing the Department of Public Health for the National Reaccreditation Achievement

The National Public Health Accreditation Board (PHAB) established 90 required measures for health departments to meet in order to achieve accreditation. The Department of Public Health initially achieved national accreditation in September 2017 and achieved reaccreditation for another five-year period on November 2, 2023. (Public Health)

Action Requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 24-001

3.12 Resolution Recognizing January as Cervical Cancer Awareness Month

The National Cervical Cancer Coalition seeks to increase public awareness of the impacts cervical cancer has, particularly on communities lacking appropriate access to care, and to ensure

public knowledge that vaccines and screenings are available to help prevent this disease. Butte County recognizes that prevention efforts and health education are vital to reducing the impact of cervical cancer. The Department of Public Health recommends the Board of Supervisors adopt a resolution recognizing January 2024 as Cervical Cancer Awareness Month in Butte County. (Public Health)

Action Requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 24-002

3.13 Contract with Arbor Pros for Tree Removal and Pruning Services along Midway between Hegan Lane and Durham Dayton Road

The Department of Public Works released a Request for Proposals (RFP) on September 29, 2023, for tree removal and pruning services along Midway between Hegan Lane and the Durham Dayton Road intersection. The scope of services includes the pruning of trees along the Midway to maintain visibility of highway signs and safety devices, pruning to provide a minimum of 18 to 20 feet of clearance over the travel way and shoulder, and removing 11 identified hazardous trees along the Midway. On October 20, 2023, the Department received two responsive proposals that were evaluated based on experience, capability, and overall qualifications. The Department has determined that Arbor Pros of Reno, Nevada, is the most responsive and responsible bidder. The Department recommends the Board enter into a contract with Arbor Pros for tree removal and pruning services with a four-month term, not-to- exceed \$136,561. (Public Works)

Action Requested - APPROVE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Chair Kimmelshue read the resolution. Dannette York, Director of Public Health, spoke and accepted the resolution.

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

3.14 Contract Amendment with Consor North America, Inc. for Professional Services Related to the Ord Ferry Bridge Replacement

As included in the Department of Public Works Infrastructure Master Plan, the Department has planned to replace an existing narrow and load-restricted bridge on Ord Ferry Road at the crossing of Little Chico Creek. The Ord Ferry Road Bridge is located 3.6 miles west of the community of Dayton and southwest of the City of Chico. On August 9, 2016, the County entered into a contract with Consor North America, Inc. (previously Quincy Engineering of Sacramento) to develop contract plans, specifications, and estimates to construct the Ord Ferry Road Bridge. Contract amendments have been approved by the Board of Supervisors on several occasions to deliver the project. The Department recommends amending the contract to include work necessary to secure additional permitting required by the US Army Corp of Engineers, provide additional coordination with Caltrans, and perform biological exclusionary measures to maintain the site in a "shovel-ready" state. The amendment extends the contract term by 13 months through December 31, 2026, due to the delayed start of one season and increases the maximum payable amount by \$139,800, not-to-exceed \$1,207,839. All other terms remain the same. (Public Works)

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

Staff Report

Supervisor Ritter read the resolution. Amy Louis, President Soroptimist International of Chico, spoke and accepted the resolution.

3.15 Approve Final Contract Change Order (CCO) and Notice of Completion for Forbestown Road Rehabilitation

On August 8, 2023, the Board of Supervisors awarded the Forbestown Road Rehabilitation Project to Knife River Construction of Chico, CA. The project provided for cold planing the existing asphalt pavement, placing new hot mix asphalt concrete, shoulder backing, thermoplastic striping and markings, and retro-reflective pavement markers. The contract award amount was \$1,762,762. All contract work has been completed per the project plans and specifications. One CCO needs approval before the project is completed. CCO No. 1 provides for changes in contract quantities to match actual quantities at the contract unit prices for the various line items and approves miscellaneous extra work items. CCO No. 1 increased the contract by \$127,030 due to underestimated quantities for shoulder backing and hot mix asphalt in the engineer's estimate. The resulting total cost of work is \$1,889,792. The Department of Public Works recommends that the Board take concurrent action to approve the contract change order, accept the work as complete, and authorize the Chair to sign the Notice of Completion. (Public Works)

Action Requested - 1) APPROVE CCO NO. 1; 2) ACCEPT THE CONTRACT WORK AS COMPLETE; AND 3) AUTHORIZE THE CHAIR TO SIGN THE NOTICE OF COMPLETION AND CCO NO. 1

Staff Report

This item has been pulled from the agenda and will return at a later date.

3.16 Adoption of an Ordinance Prohibiting the Use of County Highways by Commercial Vehicles Exceeding a Total Vehicle Length of Sixty Feet on Keefer Road from Hicks Lane to Cohasset Road

Keefer Road is a two-lane county road connecting State Highway 99 to Cohasset Road in the unincorporated area of North Chico. Keefer Road is made up of two distinct road sections: the major urban collector from State Highway 99 to Hicks Lane, which is approximately 2.2 miles long and 32 feet wide, and the minor rural collector from Hicks Lane to Cohasset Road, which is also approximately 2.2 miles long and reduces to 20 feet wide at its narrowest section. Due to the narrow road widths and the rural nature of the roadway, the proposed ordinance entitled "Commercial Vehicle Length Limit-Keefer Road" will limit commercial vehicles over sixty feet in length on Keefer Road for 2.2 miles between Hicks Lane and Cohasset Road, as allowed per the California Vehicle Code Section 35401. Signs will be posted to prohibit commercial trucks over sixty feet in length from using this section of roadway. Alternate routes are identified as State Highway 99 and Cohasset Road. On December 12, 2023, the Board considered the proposed ordinance and waived the first reading. The Department of Public Works recommends the Board of Supervisors adopt the ordinance. (Public Works)

Action Requested - ADOPT THE ORDINANCE AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Ordinance 4235

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

3.17 Capital Asset Surplus Vehicles for Auction

The Board of Supervisors declares vehicles as surplus that are no longer serviceable or no longer needed by the County prior to auctioning the items. The Department of Public Works recommends the Board declare 19 vehicles as surplus to the needs of the County, as the assets either have high mileage or the repairs exceed the value of the asset, remove the vehicles and asset from the capital asset ledger, and authorize the County Purchasing Agent to auction the items. (Public Works)

Action Requested - DECLARE CAPITAL ASSETS (19) SURPLUS TO THE NEEDS OF THE COUNTY

Staff Report

3.18 Coalition Letter to Governor Newsom Regarding the Bay-Delta Plan

At the request of Supervisor Kimmelshue, seconded by Supervisor Teeter, the Board of Supervisors is asked to join a coalition of Sacramento Valley Counties recommending the Newsom administration support "Agreements to Support

Healthy Rivers and Landscapes" as the State Water Board's best pathway for updating the Sacramento/Delta portions of the Bay-Delta Plan. The State Water Resources Control Board (SWRCB) has a process underway for the Bay-Delta that proposes, through an unimpaired flow approach, to redirect 1,000,000 acre-feet of water away from the Sacramento Valley. This approach will have devastating impacts to the region's agricultural economy and surface water supplies, which may result in increased groundwater pumping to augment water needs. The counties in the Sacramento Valley region have common interests in having the SWRCB follow an alternative approach. The Northern California Water Association in conjunction with agencies throughout the Sacramento Valley has developed an alternative, "Agreement to Support our Healthy Rivers and Landscapes" (Voluntary Agreements). If approved by the Butte County Board of Supervisors, the Butte County Board of Supervisors' seal and signature of the Chair of the Board will be affixed to the letter along with other Sacramento Valley Counties. (Supervisor Kimmelshue, District 4)

Action Requested - APPROVE LETTER AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Letter

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

4. REGULAR AGENDA

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

A. Appointments to Listed Vacancies

1) 2024 Board Member Committee Assignments

Each year at its first meeting, the Board of Supervisors appoints Board Members to various standing committees. In addition to assigning Board Members to those terms which have expired, the Board may amend committee assignments and/or disband any committee that is no longer necessary. (Other-Various Committees)

Action Requested - 1) APPOINT BOARD MEMBERS TO COMMITTEES AS DETAILED IN THE STAFF REPORT; 2) AMEND BOARD MEMBER COMMITTEE ASSIGNMENTS, IF DESIRED; AND 3) DISBAND ANY COMMITTEE THAT IS NO LONGER NECESSARY

Staff Report

Behavioral Health Board (BHB) Approved reappointment of Supervisor Ritter to a term ending December 31, 2024 by a 3-0-2 vote (Ayes:

Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Butte County Audit Committee Approved reappointment of Supervisor Durfee to a term ending January 14, 2025 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Butte County Disaster Council Approved reappointment of Supervisor Kimmelshue and Supervisor Teeter to a term ending December 31, 2024 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Citizens Dam Advisory Commission for the Oroville Dam Approved reappointment of Supervisor Connelly and Kimmelshue to a term ending June 11, 2024 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Environmental Services Joint Powers Authority (ESJPA) Board of Directors Approved reappointment of Supervisor Teeter to a term ending December 31, 2024 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

National Association of Counties (NACo) Approved appointment of Supervisor Connelly as Regular Member and Supervisor Kimmelshue as Alternate to serve terms ending January 2025 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Policy Council for Butte County Community Health Assessment and Improvement Plan Approved reappointment of Supervisors Kimmelshue and Ritter to a term ending May 14, 2025 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Rural County Representatives of California (RCRC) Approved reappointment of Supervisor Teeter as Regular Member and Supervisor Connelly as Alternate for a term ending December 31, 2024 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Sierra Nevada Conservancy (SNC) Board Approved reappointment of Supervisor Teeter as Regular Member and Supervisor Connelly as Alternate Member to a term ending December 2024 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

No public comment was submitted for this item.

2) 2024 Resident Boards, Committees, and Commissions Assignments

Each year at its first meeting, the Board of Supervisors appoints residents to various standing boards, committees, and commissions throughout the County. (Other - Various Committees)

Action Requested - APPOINT RESIDENTS TO BOARDS, COMMITTEES AND COMMISSIONS AS DETAILED IN THE STAFF REPORT

Staff Report

Oroville Cemetery District Appointed Jill Broderson and Jesse Gilmore to terms ending January 1, 2028 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Paradise Cemetery District Appointed Debrah (Toni) Gavett to a term ending January 31, 2028 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Butte County Mosquito and Vector Control District

-Appointed Steven Ostling to the District 5 seat with a term ending December 31, 2027 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

-Appointed Andrew Haymond to the District 1 seat to serve the remainder of the unexpired term ending December 31, 2025 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Butte County Behavioral Health Board

-Appointed Jarrod Agurkis to serve as a Law Enforcement Representative for a term ending December 31, 2026 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

-Appointed Brian Boyer to serve as Community Member Representative for a term ending January 9, 2027 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

-Appointed Eliza Carr to serve as Youth Representative for a 1-year term ending January 9, 2025 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

Juvenile Justice

-Appointed Linda Mullick-Wahl to serve as Member at Large at the pleasure of the Board by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

In-Home Supportive Services (IHSS) Advisory Committee

-Appointed Sarah May to serve as Advocate Representative for a term ending December 31, 2026 by a 3-0-2 vote (Ayes: Supervisors Durfee, Ritter and Chair Kimmelshue; Nays: None; Absent: Supervisors Connelly and Teeter).

No public comment was submitted for this item.

- B. Board Member / Committee Reports and Board Member Comments
(Pursuant to California State law, the Board is prohibited from taking action on any item not listed on the agenda)

Supervisor Durfee – Wished everyone a happy new year

Supervisor Ritter – Attended the Everhart Village opening, the Continuum of Care meeting, National Association for the Advancement of Colored People (NAACP) meeting, Local Master Plan on Aging meeting, Passages Adult Resource Board meeting, the Behavioral Health Advisory Board meeting, and the Behavioral Health

Executive Committee meeting

Chair Kimmelshue – Wished everyone a happy new year

- 4.02 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, at the beginning of the regular agenda, which will last a maximum of 15 minutes, with another to follow as the last item on the regular agenda with no time limits.

The following member(s) of the public submitted Public Comment on this item: Diana Dreiss (electronically) Diana Dreiss, Julie Threet, Catherine Posey, Margo Cowen and unidentified (in person)

- 4.03 Introduction 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 12, 2023 Board of Supervisors meeting. (Human Resources)

Action Requested - WAIVE THE FIRST READING OF THE ORDINANCE

Staff Report

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

No public comment was submitted for this item.

Action: WAIVE THE FIRST READING OF THE ORDINANCE.

Motion: Supervisor Durfee

Seconded: Supervisor Ritter

Motion passed

Ayes: Supervisor Durfee, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Connelly and Teeter

- 4.04 Adopt Resolution Accepting the Grant Awards and Adjust Budget for United States Department of Agriculture's Community Wildfire Defense Grant

In Fiscal Year 2022-23, the Fire Department applied for two Community Wildfire Defense Grants (CWDG) through the United States Department of Agriculture (USDA). In December of 2023, the department received notice that both grants

have been awarded. The first grant awarded in the amount of \$4,900,000 over five years to provide a year-round workforce of three Defensible Space Inspectors and one Supervisor under a cooperative agreement with CAL FIRE, and one term Code Enforcement Officer and one term Administrative Assistant with the Development Services Department to administer, implement, and enforce Butte County's Defensible Space and Hazardous Vegetation Management requirements under Butte County Code Chapter 38A Fire Prevention and Protection Ordinance. The second grant award for \$1,500,000 will purchase an approximately 24-ton excavator with a 20+ ft reach, including a masticating head with a 12+ inch shredding diameter, an eight-tire flatbed trailer sized to carry the above excavator, and a 10-tire truck capable of towing the above trailer with excavator. Staff recommends adoption of a resolution accepting grant funds and authorizing the Butte County Fire Chief to sign all related documents and approval of the cooperative agreement with CAL FIRE for personnel to implement the grants and approval of related budget adjustments. (Fire/Development Services)

Action Requested - 1) ADOPT RESOLUTION AND AUTHORIZE CHAIR TO SIGN; 2) APPROVE COOPERATIVE AGREEMENT AND AUTHORIZE CHAIR TO SIGN; AND 3) APPROVE BUDGET ADJUSTMENTS AND CAPITAL ASSET AUTHORITY (4/5 VOTE REQUIRED)

Staff Report

PowerPoint

This item has been pulled due to a 4/5 vote requirement.

4.05 CalPERS Post Retirement Employment Exemption for Deborah Heath

The Public Employees' Pension Reform Act (PEPRA) of 2013 requires newly retired persons to "sit out" of at least 180 days before returning to work for an employer in the same retirement system from which they receive a retirement allowance. An exemption to this rule is permitted by Government Code section 7522.56 and 21224, if approved by the governing body in a public meeting on the regular agenda. The Department of General Services has a Senior Contracts/Procurement Agent position that is responsible for a substantial number of functions that are crucial to department operations. The incumbent retired effective December 30, 2023. Although the position is in the process of being recruited for, there is a critical need to have the retiree available for a short-term, interim period to assist the new hire with essential aspects of the position. Given the unique subject matter expertise and knowledge, the retiree is the only person capable of meeting this critical, short-term need. The Director of Human Resources has reviewed the facts and concurs that the request is consistent with the exemption permitted under Government Code section 7522.56 and 21224.(General Services)

Action Requested - ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN

Staff Report

Resolution 24-003

Michael Hodson, Director of General Services, presented this item to the Board.

No public comment was submitted for this item.

Action: ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN.

Motion: Supervisor Ritter

Seconded: Supervisor Durfee

Motion passed

Ayes: Supervisor Durfee, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Connelly and Teeter

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

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

No public comment was submitted for this item.

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

5. PUBLIC HEARINGS AND TIMED ITEMS

5.01 9:15 AM - Timed Item - Informational Presentation on Proposition 1

The Department of Behavioral Health endeavors to keep the Board of Supervisors and community informed of potential legislative changes that will have significant impact on the Department's service offerings. In March, 2024, Proposition 1 is scheduled to go before voters. This proposition would change the way Mental Health Services Act dollars are allocated. If passed, the Proposition redistributes funding allocations from Community Support Services, Prevention and Early Intervention, and Innovation Program areas to housing for the seriously mentally ill who are experiencing homelessness. The presentation is intended to communicate the details of the proposition, and potential changes for County mental health services. (Behavioral Health)

Action Requested - ACCEPT FOR INFORMATION

Staff Report

PowerPoint

This item has been pulled from the agenda and will return at a later date.

5.02 9:30 AM - Public Hearing - County-Initiated Amendments (ZCA23-0003 & ZCA23-0005) to Butte County Code, Chapter 24 Zoning Ordinance

The following amendments to Butte County Code Chapter 24, Zoning Ordinance, are proposed to apply to the unincorporated area of Butte County: 1) Providing a definition of "Parcel Frontage" and removing references to minimum parcel width requirements within certain zones, 2) Modifying residential density standards by replacing references to acreage with references to individual parcels, 3) Applying a reference to the "De Novo" review of appealed applications, 4) Clarifying land use regulations for Accessory Dwelling Units within Mixed Use zones, 5) Re-classifying Mixed Use zones from "Commercial" to "Urban", 6) Replacing references to "maximum residential density" for certain zones with references to minimum parcel size, 7) Removing the Minor Use Permit requirement for Large Residential Care Homes in the Medium Density Residential (MDR) and Low Density Residential (LDR) zones, and 8) Modifying the definition of Residential Care Homes to add language elaborating on the specific Board and Care, Sober Living Home, and Sober Living Environment land use types. On November 9, 2023 (ZCA23-0003) the Butte County Planning Commission adopted Resolutions PC23-23, recommending adoption of ZCA23-0003 to the Board of Supervisors. On December 14, 2023 (ZCA23-0005) the Planning Commission recommended the following changes to the proposed Ordinance regarding Large Residential Care Homes which is different from the staff recommended Ordinance: updating the definition of Residential Care Homes, limiting Residential Care Homes to a maximum of 14 residents, keeping the requirement of the Minor Use Permit requirement for Large Residential Care Homes and removing "unlicensed care homes" from the Residential Care Home Definition. (Development Services)

Action Requested - 1) FIND THE ZONING ORDINANCE AMENDMENTS ARE NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THEREFORE EXEMPT; AND 2) ADOPT THE ORDINANCE AMENDING BUTTE COUNTY CODE, CHAPTER 24, (ZONING ORDINANCE)

Staff Report

PowerPoint

The following member(s) of the public submitted Public Comment on this item: Ifeanyi Ezeani (electronically) Margo Cowan (in person)

Public Hearing was opened

Action: ITEM CONTINUE TO THE JANUARY 23, 2024 MEETING AT 9:35 am

Motion: Supervisor Ritter

Seconded: Supervisor Durfee

Motion passed

Ayes: Supervisor Durfee, Ritter and Chair Kimmelshue

Nays: None

Absent: Supervisor Connelly and Teeter

5.03 10:15 AM - Timed Item - 2024 State and Federal Legislative Platform Discussion

Each year, the Board of Supervisors considers and adopts platforms establishing priorities with regard to State and federal legislation and regulation. These platforms provide a basis for advocacy throughout the year. The draft 2024 platforms were prepared in consultation with Department Heads, input from Board Members and assistance from the County's State and federal consultants. The documents continue to address issues such as public safety, health and human services, water, public infrastructure, local government finances, and general government. Paul Yoder of Shaw Yoder Antwih Schmelzer and Lange will discuss the State platform and provide updates regarding current legislative activities at the State level. Kristi More of The Ferguson Group will discuss the federal platform and legislative activities at the federal level. Final State and federal platform documents will be brought back before the Board at the second meeting in January for consideration based on direction provided to staff - action requested. (County Administration)

Action Requested - PROVIDE DIRECTION TO STAFF

Staff Report

Meegan Jessee, Assistant Chief Administrative Officer, and Paul Yoder, State Legislative Advocate, presented this item to the Board.

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

Action: PROVIDE DIRECTION TO STAFF.

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 Director
- J. Human Resources Director
- K. Information Systems Director
- L. Library Director
- M. Public Health Director
- N. Public Works Director
- O. Water & Resource Conservation Director

6.02 Conference with Labor Negotiator Pursuant to Government Code Section 54957.6: Negotiators: Jack Hughes, Sheri Waters, and Andy Pickett Employee Organizations: Teamsters - General Unit; Teamsters - Social Services Workers Unit; Teamsters - Mid Management Unit; 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; Skilled Trades Unit; Butte County Deputy District Attorneys Association - Attorney Unit; Confidential Employee Unit; Non-Represented Employee Unit; Board of Supervisors Executive Assistants

6.03 1. Initiation of Litigation pursuant to Gov. Code sec 54956.9(d)(4) - One potential case.

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

California Open Lands v. Butte County Dept. of Public Works et al; United States District Court; Eastern District of CA 2:20-cv-00123

This item has been pulled from the Agenda to return at a later date.

Vernell Bellus v. Butte County; Workers' Compensation Appeals Board Case No: ADJ289521 (Claim No: CBTE-192709)

Alan Davis v. Butte County; Workers' Compensation Appeals Board Case No: ADJ4397826 (Claim No: CBTE-294919)

3. Workers' compensation liability claim pursuant to Gov. Code sec. 54956.95(a) - one case:

Alan Davis; Workers' Compensation Claim, Claim No: BUAH-549795

6.04 Closed Session Public Comment

No public comment was submitted for this item.

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

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.
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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