

Butte County Federal/State Land Use Coordinating Committee

October 10, 2022 1:30 PM – 2:00 PM This agenda is also posted online at <http://www.buttecounty.net/dds/Meetings/Public-Access-Lands/> at least 3 days prior to the meeting.

Location: Butte County Public Works, 7 County Center Drive, Oroville, and virtually via Zoom

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Coordinating Committee Meeting Agenda

Self-Introductions: Josh Pack or designee Susie Akins, Paula Daneluk, Kamie Loeser, Peggy Moak (committee members)

- 1) Resolution 2022-6 dated September 12, 2022 remains in effect, providing for remote teleconference meeting for the period of September 12, 2022 through October 11, 2022. On September 16, 2021, Governor Newsom signed AB 361 to amend the Brown Act to allow legislative bodies to meet via teleconference during a proclaimed state of emergency in accordance with procedures established by AB 361 rather than under the Brown Act's more narrow standard rules.
- 2) Discussion to finalize the governing document being developed through the BCFSC, BCRCD and Rebekah Casey of CSUC, utilizing sub-committee feedback and templates for other Collaborative MOU's shared by Sierra Institute (Draft Document attached). The North State Planning and Development Collective was contracted by the Butte County Fire Safe Council ("BCFSC") to provide support for the establishment of a forest health collaborative in Butte County. The draft document was approved and accepted by the Collaborators present at the meeting held on Monday, October 3, 2022, and also needs to be referred to County Counsel and placed on the Board of Supervisors' agenda by October 25 for consideration at their next scheduled meeting. Historically, Public Works is the submitting department for Coordinating Committee agenda items.

ACTION REQUESTED: Designate a responsible person to prepare a request for County Counsel review, submission to County Counsel, and agenda item preparation.

- 3) PUBLIC COMMENT: (THE COMMITTEE IS PROHIBITED BY STATE LAW FROM TAKING ACTION ON ANY ITEM PRESENTED IF IT IS NOT LISTED ON THE AGENDA.)



**BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING
COMMITTEE**

**7 COUNTY CENTER DRIVE
OROVILLE, CA 95965**

Resolution No. CC2022-6

**RESOLUTION OF THE BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE AUTHORIZING REMOTE
TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE BUTTE COUNTY FEDERAL/STATE LAND USE
COORDINATING COMMITTEE FOR THE PERIOD OF SEPTEMBER 12, 2022 THROUGH October 11, 2022, PURSUANT TO
THE RALPH M. BROWN ACT**

WHEREAS, all meetings of the **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov't Code section 54950 et seq.), so that any member of the public may attend, participate and view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, Government Code section 54953(e) requirements include but are not limited to (1) the existence of a state of emergency declared by the Governor pursuant to Government Code section 8625 and (2) State or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and as of the date of this Resolution, the proclaimed state of emergency remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 *et seq.*) to allow local legislative bodies to hold public meetings via teleconference; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provisions of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as "AB 361"); and

WHEREAS, to preserve public health and safety, the State Public Health Officer has issued various orders and guidance regarding COVID-19 prevention measures, which include references and a statement of support for social distancing recommendations (see Guidance for Use of Face Coverings (updated July 28, 2021) and COVID-19 Public Health Recommendations for Fully Vaccinated People (dated August 24, 2021)); and

WHEREAS, the California Department of Industrial Relations has issued COVID-19 Prevention regulations in Title 8 of the California Code of Regulations (Section 3205 et seq.) which requires employers to (1) have a written COVID-19 prevention program including employee training that promotes physical distancing as an infection prevention measure and (2) consider implementing physical distancing where feasible as a response to COVID-19 outbreaks; and

WHEREAS, based on the foregoing, the **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** finds that (1) the Governor's Proclaimed State of Emergency as a result of the COVID-19 pandemic is currently in effect

and has not been terminated and (2) State officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** has considered the circumstances of the state of emergency, including all information related to this matter, the associated staff report and other information relating to COVID-19 provided at prior public meetings of the **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** ; and

WHEREAS, in light of the foregoing, **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** desires to continue to have the flexibility to meet via tele/video conference and the **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** finds that it and its legislative bodies shall be permitted to conduct their meetings by teleconferencing without compliance with Government Code section 54953(b)(3) pursuant to section 54953(e), and such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by section 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** as follows:

1. The facts set forth in the above recitals are true and correct and incorporated into this resolution by reference;
2. As a result of the continuing COVID-19 state of emergency declared by Governor Newsom, State officials continue to impose or recommend measures to promote social distancing based on the State Public Health Officer's guidance and recommendations supporting social distancing and the Department of Industrial Relations' issuance of COVID-19 Prevention regulations through Title 8 of the California Code of Regulations, section 3205 et seq. promoting social distancing in the workplace.
3. Under the present circumstances, the **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** and any of its legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) **October 11, 2022** or (ii) such time the **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

PASSED AND ADOPTED by the **BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE** this 12th day of September, 2022, by the following vote:

AYES:	4
NOES:	0
ABSENT:	0
ABSTAIN:	0

By: 

Peggy Moak, Member (CAO Designee)

BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE

ATTEST:

By: 

Joshua Pack, Member and Director of Butte County Public Works

BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE

Butte County Collaborative Group Memorandum of Understanding

1. Mission and Vision.

The mission of the Butte County Collaborative Group (BCCG) is to form strategic partnerships for effective collaboration among partners engaged in forest health, ecological restoration, and wildfire safety. The vision of the BCCG is to create landscapes which can be resilient and carry functional capacity in perpetuity.

2. Goals.

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.

The BCCG will integrate projects with industrial private timber owners and public land managers for overall forest health.

3. Purpose of the Collaborative.

The purpose of the Butte County Collaborative Group 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 WUI Pre- and Post-Fire Action Plan (2021), the Butte Forested Watersheds Plan (2022), the Community Wildfire Protection Plan, and the Butte County General and Local Hazard Mitigation Plan.

Through a collaborative and consensus-seeking decision-making structure, the members will:

- Develop, maintain and contribute their organization's project, maintenance and monitoring data to build a robust spatial database.
- Use available data to identify gaps in capacity, data and landscape needs.
- Plan and implement landscape-level projects best pursued as a collaborative and not as individual groups.
- Examine landscape-level funding opportunities and identify areas of greatest suitability.
- Anchor collaborative activities in awareness of best-available science, policy, and regulatory framework, and region-wide and statewide initiatives and goals.

4. Recognizing Tribal Status.

The BCCG recognizes the respects the sovereignty of Tribal governments and their unique place and relationship with respect to the land, the federal government, and other State and local government entities. The BCCG seeks the involvement of Tribes and integration of their Traditional Ecological Knowledge.

5. Governance Structure

The BCCG is a consensus-seeking group where decisions are made at meetings of the full BCCG membership. Standing work groups include the **Administrative, Wildfire, Habitat Restoration and Economic Development**. Ad-hoc working groups can be established by a full group decision-making process. Work groups, except the Administrative Work Group, are open to participation by any interested party.

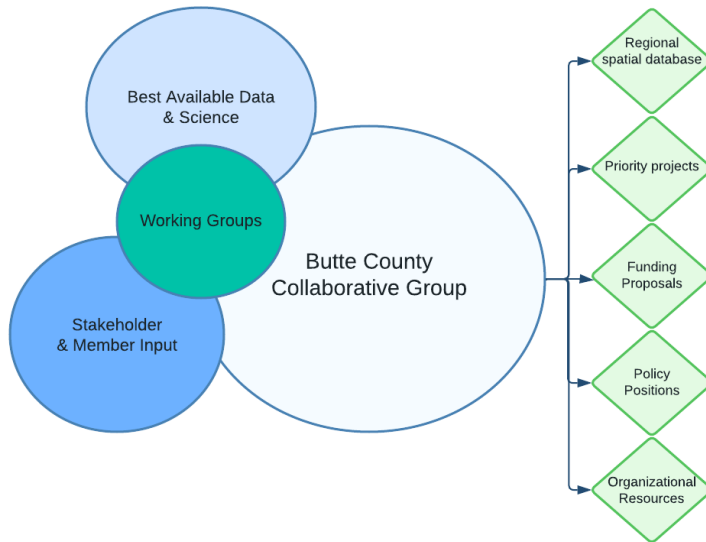
Decision-space: The full group approves membership requests and fundamental changes to the Charter, such as goal, purpose, basic operating rules, and administrative processes. Other decisional items may include approval pertaining to input on major projects, the pursuit of grants, and positions on substantive policy matters. Agenda items requiring formal decision will be labeled on the agenda sent prior to the meeting and adequate supporting resources will be provided.

Frequency: Meetings are held quarterly, and agenda packets are distributed no later than 3 business days prior to the meeting. Meeting agendas and notes will be made publicly available. Unless meeting out in the field or other circumstances impede, electronic meeting participation options will be provided.

Work Groups: The **Administrative Work Group** provides guidance for the day-to-day management of the BCCG, including oversight of any BCCG administrator or coordinator/facilitator, developing agendas, scheduling and coordinating BCCG meetings, maintaining and updating the shared map/data, internal and external communication, media relations, recordkeeping, member education and training, maintaining a contact list of active members and stakeholders, and evaluating and recommending policy and budget options.

The **Wildfire, Habitat Restoration, and Economic Development Work Groups** consider information, data, policies, projects, and implementation strategies on their respective topics. The Work Groups discuss and make recommendations to BCCG as is warranted. They may propose projects or draft position papers for the BCCG, or plan to engage in joint fact-finding (e.g., research and analysis), as needed. These groups may review funding proposals and promote recommendations to BCCG to: maximize the benefits to the region, increase the region's overall potential and capacity to implement projects, avoid duplication of effort and reduce competition.

Figure 1. Inputs and Outputs, BCCG.



6. Membership.

While BCCG meetings and discussions shall be open to all interested parties, voting is reserved for members. Foundational members for the BCCG include the following agencies/organizations:

1. Berry Creek Rancheria
2. Bureau of Land Management
3. Butte County Agricultural Commissioner
4. Butte County Department of Development Services
5. Butte County Administration Economic Development
6. Butte County Fire Safe Council
7. Butte County Office of Emergency Management
8. Butte County Public Works
9. Butte County Resource Conservation District
10. Butte County Department of Water and Resource Conservation
11. Butte County Fire
12. CalFIRE
13. California State University, Chico, Ecological Reserves
14. California Department Water Resources
15. Enterprise Rancheria
16. Konkow Valley Band of Maidu Indians
17. Lassen National Forest
18. Mechoopda Indian Tribe of Chico Rancheria
19. Mooretown Rancheria
20. Northern California Regional Land Trust
21. Pacific Gas & Electric

22. Paradise Recreation and Park District
23. Plumas National Forest
24. Sierra Pacific Industries
25. Town of Paradise
26. City of Chico
27. City of Oroville

Membership is limited to agencies/organizations who can contribute to achieving the goals, purpose, and objectives of the group and who agree to the framework by being signatory to the BCCG Memorandum of Understanding (MOU). The group intends to sustain diverse representation of interest groups who work and live within the region through public awareness as well as focused recruitment by the Administrative Work Group. Adding Members: Parties interested in membership may be added by sending in a membership request to the Administrative Work Group and having their request considered through the full group decision process outlined in the Charter. The membership request needs to include a statement of intentions and contact information for the individual or lead representative of the member organization/agency. Member organizations may only cast one vote for the purposes of group decision-making.

Removing Members: Participation in the group is voluntary, and members may withdraw at any time by submitting a letter explaining their withdrawal from the MOU to the Administrative Work Group. Members who attend less than 50% of group meetings in a calendar year may be removed.

Responsibility of Members: Members agree to contribute substantially to the Collaborative's work. Responsibilities include, but are not limited to, the following:

- Maintaining regular attendance in group meetings and arriving on time.
- Providing quarterly updates on active project(s) status, maintenance needs, updates of non-confidential geospatial data, and other pertinent information.
- Responding in a timely manner to written requests for comments and input on decisions.
- Assisting in and advocating for the achievement of the group's goals and objectives and serving as an ambassador for the group by educating others on BCCG and its activities.
- Ground Rules for participation in group deliberations and decisions include:
 - Contributing to a safe environment for discussion and process through adherence to ground rules and by engaging in respectful discourse at all times.
 - Working toward collaborative solutions and resolution of issues.

7. Decision-making.

Agenda items requiring a formal decision will be labeled on the agenda sent prior to the meeting. Adequate time will be allocated for questions, answers, and necessary dialogue. If a conflict, controversy, or decisional element arises during an informational item, it may be labeled as a decision item to be handled at the next meeting.

Quorum: There are no limitations for establishing a quorum- the group will use its discretion based upon members present at the meeting.

Voting: Voting only occurs at meetings duly noticed with an agenda sent to MOU signatories and interested participants. Participants are defined as individuals who are not signatories but who regularly participate in meeting deliberations. They are encouraged to participate and advise but are not included in decision-making or voting. All members, or representatives of entities that are signatories of the MOU, will receive one vote.

Provision for electronic votes: Signatories or representatives who cannot attend a meeting where decisions are made, are given an opportunity to review relevant materials, provide comments, and state whether they support the decision in advance of the meeting. In time sensitive emergencies, votes may be taken via email. Time sensitive emergencies involving whether a proposal may be submitted on behalf of the group may also be decided by the Administrative Work Group.

Consensus-seeking: The BCCG is a consensus-seeking group. “Consensus” agreement does not have to mean unanimous enthusiastic support- it means a solution has been found that every member actively supports or can at least live with. Members present are not obligated to vote.

For routine items, if there are no objections, meeting items discussed and considered routine or obvious may be stated as an action by the facilitator and noted for the minutes.

After discussion and deliberation of an item, any member may make a motion for a consensus decision. If a motion is considered, the meeting facilitator asks for and facilitates discussion on the motion, which is then approved, disapproved, or referred to a work group.

When canvassed by the facilitator for a decision, a member may approve, abstain, or disapprove of a consensus decision. All members eligible to participate in the decision at a meeting who do not abstain must approve for a consensus approval decision. If a motion is disapproved, the BCCG will determine if extended deliberation is warranted.

Decision-Rule: If the BCCG determines that extended deliberation is not warranted, a voting process ensues where approval of a decision resides in a super-majority vote requiring 75% of group members. If a member cannot be present for a vote, they will be given the opportunity to vote via email – one email will be sent out, and one opportunity will be afforded. If a vote is not cast in person or via email, it will be assumed to be an abstention.

Extended Deliberation: In the event the BCCG decides extended deliberation of the item is warranted, the item will be referred to a work group, including members of the contingent blocking consensus, to develop alternatives. A brief memo of the key issues and alternatives discussed in the full BCCG meeting would serve as a starting point for work group deliberation. The work group then discusses and makes either a single consensus recommendation or a series of alternatives to be voted by decision-rule in the full group.

All decisions, agreements, recommendations, and reservations are documented in the meeting summary notes, including the names of those who support or oppose specific decisions, agreements, or recommendations. It is particularly important that any “minority” or dissenting opinions are reflected in the notes and report about a particular issue, or project.

Once the BCCG makes a decision, someone will be assigned to make status reports at future meetings as warranted or requested.

8. Relationship of Members.

Execution of this MOU does not create a new legal entity with a separate existence from the individual members. This MOU does not create an “advisory committee” as that term is defined in the Federal Advisory Committee Act, as amended (Pub. L. 92-463). Moreover, this MOU does not result in the joint exercise of powers as set forth in California Government Code section 6500 et seq. In addition, this MOU is not intended to create a “Group” as contemplated under Sections 15501, 15611, and 16100 of the California Corporations Code, nor does a joint venture or principal-agent relationship exist between or among the participating organizations. This MOU is not intended to, and does not, impose any legally

binding requirements on the individuals and entities that participate in the Group as members. Participating in the deliberations, decisions and activities of the Group does not create a legal obligation for any of its participants. This MOU neither expands nor is in derogation of those powers and authorities vested in the members, or any of them, by applicable laws, statutes, regulations, or Executive Orders, nor does it modify or supersede any other applicable interagency agreements existing as of the date of this MOU. Members recognize and respect that each participant is first bound to their organization and within their organization's constraints bring what resources they can to the Group's efforts. Signatories to this MOU do not assume liability for any third-party claims for damages that arise out of this instrument. The only Authority binding members to the actions resulting from Group decisions is the force of good faith effort from each of the signatories.

9. Termination of BCCG.

The BCCG may determine to terminate the Group through the decision-making process established above. Should any joint Group funds remain on the date of termination, they will be distributed in accordance with the mission and goals of the Group and in accordance with any restrictions imposed by the donor at the time of the gift or with the donor's expressed intent as of the date of the termination.

10. Authorized Representative.

Signatories to this MOU agree, to the extent practicable, to devote sufficient resources to the Group to ensure their informed representation at scheduled meetings, and at relevant meetings of the working groups, and at other functions of the BCCG as appropriate.

The signatories further agree that, to the extent consistent with law and resource availability, the organizations they represent are committed to achieving the Group's Goals, without neglecting the needs to achieve other goals. The signatory organizations further agree that, in the event they can no longer fulfill the above commitments, they will submit a written notice of withdrawal from the Group.

By signature below, each party certifies that the individual listed in this document are authorized to act on behalf of their organization related to this MOU.

Organization

Authorized Signature

Date

Name of Authorized Signatory

Title of Authorized Representative

Name of Primary Representative

Title of Primary Representative