



BUTTE COUNTY FOREST ADVISORY COMMITTEE

September 26, 2022 — 5:00 P.M. Meeting via Zoom

This agenda is also posted online at <http://www.buttecounty.net/dds/Meetings/Public-Access-Lands/FAC> at least 3 days prior to the meeting.

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ITEM NO.

1.00	Call to order – Zoom
2.00	Pledge of Allegiance to the Flag of the United States of America
2.01	Roll Call – Members: Nick Repanich, Thad Walker, Teri Faulkner, Trish Puterbaugh, Dan Taverner, Peggy Moak Alternates: Vance Severin, Bob Gage, Frank Stewart, Holly Jorgensen (Tourism/Economic Development Alternate-vacant) Invited Guests: Wolfy Rougle (BCRCD Watershed Coordinator); Laurel Harkness (Regional Economic Recovery Coordinator – North State Governor’s Office of Business and Economic Development); Katie Simmons (Butte County Deputy Administrative Officer); Deb Bumpus (Forest Supervisor, Lassen National Forest); Russell Nickerson (District Ranger, Almanor Ranger District, Lassen National Forest); David Brillenz (District Ranger, Feather River Ranger District (FRRD), Plumas National Forest); Clay Davis (NEPA Planner, FRRD); Laura Page (Congressman LaMalfa’s Representative); Josh Pack (Director of Public Works); Paula Daneluk (Director, Development Services); Kamie Loeser (Director, Water and Resource Conservation); Abigail Whittaker (Northern California Regional Land Trust); Jim Houtman and Calli-Jane West (Butte County Fire Safe Council)
2.02	Self-introduction of Forest Advisory Committee Members, Alternates, Guests, and Public – 5 Min.
3.00	<u>Consent Agenda</u>
3.01	Review and Approve Minutes of 8-22-22 – 5 Min.
4.00	<u>Agenda</u>
4.01	Resolution providing for remote teleconference meeting for the period of September 26 through October 25, 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. If the BUTTE COUNTY FOREST ADVISORY COMMITTEE desires to continue to have the ability to meet remotely via teleconference without meeting the more narrow standard Brown Act rules, the BUTTE COUNTY FOREST ADVISORY COMMITTEE is required to adopt a resolution making the findings required by AB 361. This is required as each 30 day period elapses. (see Staff Report, attached) – 5 Min. ACTION REQUESTED: Approve resolution and authorize the Chair to sign.
4.02	Laurel Harkness - Regional Economic Recovery Coordinator – North State Governor’s Office of Business and Economic Development: Discussion of the economic recovery program and her role in the North State – 10 Min.
4.03	Katie Simmons – Butte County Deputy Administrative Officer, Economic & Community Development; Calli-Jane West, Butte County Fire Safe Council: Discussion of Butte County Biomass Task Force and Biomass Feasibility Study – 15 Min.
4.04	Wolfy Rougle, BCRCD Watershed Coordinator: Upper Butte Creek Forest Health Project – 30 Min.
4.05	Forest Projects Review – Current Quarter: Discussion & required FAC action for USFS projects affecting Butte County

	residents' forest management, recreational, environmental, socio-economic interests(Chair)
LNF	<ul style="list-style-type: none"> • Lassen NF Almanor Ranger District: Report and Q & A on prescribed fire plans, pending, proposed and modified projects, SOPA and Non-SOPA – 15 Min • Project Updates - OSV Final Decision – still pending?
PNF	<ul style="list-style-type: none"> • Plumas NF Feather River Ranger District, David Brillenz, District Ranger or Clay Davis, District Planner: Report and Q & A on pending, proposed and modified projects, SOPA and Non-SOPA and Collaborator's Meeting Update – 15 Min. • Project Updates: October 13 Concow Basin Tour
4.06	<p>New Business–Considerations for upcoming meetings: Next meeting is October 24, 2022 - Zoom, 5:00 PM</p> <ul style="list-style-type: none"> • Fish & Wildlife, Friends of Butte Creek: Butte Creek Spring Run Salmon • Discussion on Chief Moore's decision not to include prescribed burns as a fuels reduction tool •
5.0	Public Comment (THE COMMITTEE IS PROHIBITED BY STATE LAW FROM TAKING ACTION ON ANY ITEM PRESENTED IF IT IS NOT LISTED ON THE AGENDA.)

MEMORANDUM

DATE: September 26, 2022
TO: BUTTE COUNTY FOREST ADVISORY COMMITTEE
FROM: Peggy Moak
RE: AB 361 – Authorization to Utilize Alternative Standards for Teleconferencing Public Meetings pursuant to the Ralph M. Brown Act

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. If the BUTTE COUNTY FOREST ADVISORY COMMITTEE desires to continue to have the ability to meet remotely via teleconference without meeting the more narrow standard Brown Act rules, the BUTTE COUNTY FOREST ADVISORY COMMITTEE is required to adopt a resolution making the findings required by AB 361.

The BUTTE COUNTY FOREST ADVISORY COMMITTEE may meet using the alternative rules of AB 361 if there is a current state of emergency declared by the Governor pursuant to California Government Code section 8625 and either (1) state or local officials have imposed or recommended measures to promote social distancing or (2) the BUTTE COUNTY FOREST ADVISORY COMMITTEE has met or is meeting to decide by a majority vote that meeting in person presents imminent risks to the health or safety of attendees. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency, which remains in effect today. Additionally, the State Public Health Officer has issued guidance regarding COVID-19 prevention measures, which includes a statement of support for social distancing recommendations. The California Department of Industrial Relations has issued COVID-19 prevention regulations found at 8 C.C.R. §3205 et seq., which recommends social distancing as a measure to decrease the spread of COVID-19.

Based on the existing state of emergency and state officials' recommendations to socially distance, the BUTTE COUNTY FOREST ADVISORY COMMITTEE has the ability to continue to meet remotely should it so choose. The new law also requires the BUTTE COUNTY FOREST ADVISORY COMMITTEE to reconsider the determination no later than 30 days after the first teleconference meeting held pursuant to AB 361 and every 30 days thereafter. Adoption of the proposed resolution, attached hereto will enable the BUTTE COUNTY FOREST ADVISORY COMMITTEE and Brown Act legislative bodies to meet via teleconference pursuant to AB 361 and to reconsider the determination for subsequent meetings. Subsidiary legislative bodies will also approve their own resolution to meet via teleconference and to reconsider the determination for subsequent meetings. The resolution does not require the BUTTE COUNTY FOREST ADVISORY COMMITTEE to hold meetings via teleconference.



BUTTE COUNTY FOREST ADVISORY COMMITTEE

7 County Center Drive

Oroville, CA 95965

Resolution No. 2022-6FAC

RESOLUTION OF THE AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE BUTTE COUNTY FOREST ADVISORY COMMITTEE FOR THE PERIOD OF September 26 through October 25, 2022, PURSUANT TO THE RALPH M. BROWN ACT

WHEREAS, all meetings of the **BUTTE COUNTY FOREST ADVISORY 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 FOREST ADVISORY 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 FOREST ADVISORY COMMITTEE** has considered the circumstances of the state of emergency, including all information related to this matter, the associated staff report; and

WHEREAS, in light of the foregoing, the **BUTTE COUNTY FOREST ADVISORY COMMITTEE** desires to continue to have the flexibility to meet via tele/video conference and the **BUTTE COUNTY FOREST ADVISORY 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 FOREST ADVISORY 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 FOREST ADVISORY 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 25, 2022** or (ii) such time the **BUTTE COUNTY FOREST ADVISORY 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 FOREST ADVISORY COMMITTEE** this 26th day of September, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Repanich, Chair
BUTTE COUNTY FOREST ADVISORY COMMITTEE

ATTEST:

By: _____
Peggy Moak, Ex-Officio
BUTTE COUNTY FOREST ADVISORY COMMITTEE