The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:54 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Stocker presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – All present

III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve Consent Agenda     MOVED: Mary Jane Griego      SECOND: Andy Vasquez
AYES: Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe, Hal Stocker
NOES: None     ABSENT: None     ABSTAIN: None

A. Administrative Services

1. Authorize Budget Transfer in the amount of $23,350 from various accounts to Account No. # 101-0900-417-6200 (Buildings and Grounds Fixed Assets) for the completion of security camera project at the Government Center. (072-12) Authorized.

B. Board of Supervisors

1. Appoint William Ransom to the Community Services Commission as the District One Representative for a term to end December 31, 2014. (073-12) Approved.

C. Clerk of the Board of Supervisors

1. Approve minutes of the meetings of February 7 and 14, 2012. (074-12) Approved as written.

2. Appoint Sardeep Atwal to the Housing Advisory and Appeals Board to serve at the pleasure of the Board. (059-12) Approved.

D. Community Development and Services

1. Approve removal from inventory and destruction of three Public Works fleet vehicles pursuant to Blue Sky Grant eligibility and requirements. (060-12) Approved.
2. Approve funding for 2012 Community Services Block Grant. (061-12) Approved.

3. Adopt resolution approving contract with Department of Community Services and Development for the 2012 Community Services Block Grant program and authorize the Community Services Commission Executive Director to execute all necessary documents. (062-12) Adopted Resolution No. 2012-13, which is on file in Yuba County Resolution Book No. 43 entitled: "RESOLUTION AUTHORIZING THE SUBMISSION OF THE STATE CSBG CONTRACT NO. 12-4453 REGARDING COMMUNITY SERVICES BLOCK GRANT, AMENDMENTS AND REQUIRED REPORTS."

4. Adopt resolution authorizing Executive Director of Community Services Commission to execute contracts with agencies approved to receive Community Services Block Grant funding. (063-12) Adopted Resolution No. 2012-14, which is on file in Yuba County Resolution Book No. 43 entitled: "RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE YUBA COUNTY COMMUNITY SERVICES COMMISSION TO EXECUTE CONTRACTS WITH THE AGENCIES APPROVED TO RECEIVE COMMUNITY SERVICES BLOCK GRANT FUNDING."

5. Award contract to AJ Vasconi Inc., the apparent low bidder for the Smartsville (Chuck Yeager) Road Bridge Replacement at Vineyard Creek Project and authorize the Chair to execute same upon review and approval of County Counsel. (064-12) Approved.

E. County Administrator

1. Approve contract agreement with M.M. Rosenberg and Associates effective January 3, 2012 through December 31, 2012 and authorize the Chair to execute same. (065-12) Approved.

IV. PUBLIC COMMUNICATIONS: No one came forward.

V. COUNTY DEPARTMENTS

A. Administrative Services

1. Authorize Budget Transfer in the amount of $16,110 to return the Administrative Technician position to full time for the period January 1 to June 30, 2012 as it relates to the Yuba-Sutter Enterprise Zone. (Ten minute estimate) (066-12) Pulled at the request of the Department.

B. County Administrator

1. Approve repayment agreement with the City of Marysville regarding traffic fine audit for Fiscal Years 2004/05 through 2008/09 and authorize the Chair to execute same. (Ten minute estimate) (067-12) County Administrator Robert Bendorf recapituated repayment discussions with the city and responded to Board inquiries.

   MOTION: Move to approve  MOVED: John Nicoletti  SECOND: Mary Jane Griego
   AYES: John Nicoletti, Mary Jane Griego, Andy Vasquez, Roger Abe, Hal Stocker
   NOES: None  ABSENT: None  ABSTAIN: None

2. Receive Mid-year Budget Review; authorize Budget Transfers in the total amount of $6,713,392 with $180,576 from General Fund Contingency; approve mid-year personnel request to fund $40,197 for two positions; and approve mid-year fixed assets requests of $511,372. (20 minute estimate) (068-12) County
Administrator Robert Bendorf recapped 2nd Quarter Financial Report advising little change in property and sales tax revenues, slight increase in General Fund Expenditures, shortfalls in Department Revenue and Expenditures and Non-General Fund departments due primarily to grant reimbursements and budget transfers. Mr. Bendorf responded to Board inquiries. Management Analyst Grace Mull provided a recap of budget transfers and responded to Board inquiries.

MOTION: Move to Receive Mid-year Budget Review; authorize Budget Transfers in the total amount of $6,713,392 with $180,576 from General Fund Contingency; approve mid-year personnel request to fund $40,197 for two positions; and approve mid-year fixed assets requests of $511,372.
MOVED: Mary Jane Griego SECOND: John Nicoletti
AYES: Mary Jane Griego, John Nicoletti, Andy Vasquez, Roger Abe, Hal Stocker
NOES: None ABSENT: None ABSTAIN: None

VI. ORDINANCES AND PUBLIC HEARINGS: The Deputy Clerk read the disclaimer.

A. Public Hearing - Hold public hearing and adopt resolution adopting the East Linda Reinvestment Plan as a visioning guide for the redevelopment of the East Linda Community. (30 minute estimate) (069-12) Project Planner Dan Cucchi provided a Power Point presentation covering plan changes including grant and County policy consistency, infrastructure funding and fees and existing businesses.

Chairman Stocker opened the public hearing. The following individual spoke:
Dr. Douglas Houston, Yuba Community College District

Supervisor Abe requested resolution be modified by removing the portion of Section 4 "and shall be used as a guide for the development and revitalization of East Linda and the Development Code Update."

MOTION: Move to adopt resolution as modified
MOVED: Roger Abe SECOND: Andy Vasquez
AYES: Roger Abe, Andy Vasquez, John Nicoletti, Mary Jane Griego, Hal Stocker
NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2012-15, which is on file in Yuba County Resolution Book No. 43 entitled: "RESOLUTION ADOPTING THE EAST LINDA REINVESTMENT PLAN AS A VISIONING GUIDE FOR THE REDEVELOPMENT OF THE EAST LINDA COMMUNITY."

VII. CORRESPONDENCE - 070-12

A. Pamphlet from National Association of Counties regarding National County Government Month, April 2012. (Complete pamphlet on file) Accepted

B. Newsletter from California Oaks. Accepted

C. 2010-2011 Area 4 Agency on Aging Annual Report. Accepted

D. Two notices from State of California Fish and Game Commission regarding notice of proposed action relating to recreational take of abalone, and ocean salmon sport fishing. (Copy provided to Fish and Game Advisory Commission) Accepted

E. Letter of resignation from Clarence "Buck" Weckman of the Yuba County Fish and Game Advisory Commission. (Vacancy notice has been posted) Accepted
VIII. BOARD AND STAFF MEMBERS' REPORTS: Report were received on the following:

Supervisor Nicoletti:
- Marysville County Liaison meeting March 1, 2012 cancelled
- Health and Human Services meeting February 27, 2012 Proposition 101 Realignment funding challenges for medications

Supervisor Abe attended the following meetings:
- Emergency Medical Services meeting on February 15, 2012
- FEMA Agricultural Zone Coalition meeting February 17, 2012
- Bok Kai Hostess reception on Friday 17, 2012
- Presented a Letter of Congratulation from the Governor’s office to Ms. Maude "Estelle" Bills at Donner Trails Manor in honor of her 107th birthday
- South Units Water Agency meeting February 22, 2012
- California State Association of Counties, North Central Counties Consortium, and Gallery 34 ribbon cutting ceremony on February 23, 2012
- Forest Services and Bureau of Land Management meeting held February 24, 2012
- Yuba Sutter Legal Center dinner held February 24, 2012
- Bok Kai Parade held February 25, 2012
- Olivehurst Public Utilities District Parks and Recreation meeting held February 27, 2012
- Julie Tyler Renaissance Night fundraising event for Bear River Schools February 18, 2012
- Memorial Adjournment - Mr. Michael Foster

Supervisor Griego attended the following meetings:
- TRLIA meeting held February 21, 2012
- Meeting with Congressman Garamendi February 23, 2012
- South Yuba Economic Committee meeting held February 23, 2012 included draft proposal from Caltrans for McGowan Road overpass lighting
- Yuba Sutter Transit Authority open house February 24, 2012
- Bok Kai Parade held February 25, 2012
- Sacramento Council of Governments meeting Thursday, March 1, 2012

Supervisor Stocker:
- Memorial Adjournment - Mr. Robert Rust
- Memorial Adjournment - Ms. Colette Ann Smith
- Memorial Adjournment - Ms. Kathryn Ames
- Bok Kai Parade held February 25, 2012
- Assessment Appeals Board meeting held February 27, 2012
- News article regarding accuracy of voter rolls nationwide

County Administrator Robert Bendorf:
- American Red Cross Heroes Dinner, March 16, 2012 received Board consensus to purchase a table
- Memorial Adjournment - Ms. Barbara Rooney

IX. CLOSED SESSION: The Board recessed into closed session at 11:39 a.m. and returned from closed session at 12:28 p.m. with all present as indicated above.
A. Pending litigation pursuant Government Code §54956.9(a) - Yuba County Probation Peace Officers Association vs County of Yuba et al

B. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Public Guardian (60 minute estimate)

Counsel Angil Morris-Jones advised the Board gave direction and authorization by unanimous vote regarding pending litigation.

Chairman Stocker advised the evaluation was completed.

The Board recessed at 12:29 p.m. and reconvened at 1:30 p.m. with all present as indicated above with the exception of Supervisor Nicoletti.

X. 1:30 P.M. ORDINANCES AND PUBLIC HEARINGS: The Deputy Clerk read the Disclaimer.

A. Ordinance - Hold public hearing, waive reading, and introduce ordinance adding Chapter 7.40 to the Yuba County Ordinance Code addressing marijuana cultivation as a public nuisance. (45 minute estimate) (071-12) Community Development and Services Director Kevin Mallen recapped the history and ordinance including the following:
   o Indoor and outdoor cultivation
   o Number of plants allowed predicated by parcel size and setbacks
   o Cultivation limitations to qualified patient or designated care giver
   o Plants screened from public view, secure and out of the reach of children
   o Code Enforcement infractions, remedies, and fines

Chairman Stocker opened the public hearing. The following individuals spoke:
   • Ms. Karen Liggett, Marysville
   • Ms. Carmel Garcia, Olivehurst
   • Mr. James Lanini, Linda
   • Mr. Peter Levy, Los Molinas
   • Mr. Charles Diaz, Olivehurst
   • Mr. Sam McConnell, Olivehurst
   • Mr. Tim Coffman, Browns Valley
   • Mr. Robert House, Marysville
   • Mr. Beau Green, Sutter County
   • Mr. Michael McCauley, Sacramento
   • Mr. Eddie Vasquez, Olivehurst
   • Mr. Miles Jenson, Linda
   • Mr. Tom Miles, Linda
   • Mr. Nate Bradley, Placer County
   • Mr. Rick Sylva, Linda
   • Mr. Eric Salerno, Browns Valley
   • Ms. Teri Douyon, Yuba City
   • Mr. Charles Bouth, Olivehurst
   • Mr. Glenn Green, Olivehurst
   • Mr. Larry Flynn, Olivehurst
   • Mr. Dennis McLeod, Olivehurst
   • Ms. Alaine Arslan, Loma Rica
• Mr. Karino DeLaFuente, Olivehurst
• Mr. Rob Mitchell, Olivehurst
• Mr. Curtis Canfield, Loma Rica

MOTION: Move to close the public hearing  MOVED: Roger Abe  SECOND: Mary Jane Griego
AYES: Roger Abe, Mary Jane Griego, Andy Vasquez, Hal Stocker  NOES: None  ABSENT: John Nicoletti
ABSTAIN: None

Following additional discussion regarding plant odor, varieties, and expense of indoor grows, the following individuals spoke:
 o Mr. Karino DeLaFuente, Olivehurst
 o Mr. Brian Oliver, Olivehurst
 o Mr. Charles Boult, Olivehurst
 o Ms. Dora Kim, Yuba County

MOTION: Move to waive reading and introduce ordinance  MOVED: Roger Abe  SECOND: Andy Vasquez
AYES: Roger Abe, Andy Vasquez  NOES: Mary Jane Griego, Hal Stocker  ABSENT: John Nicoletti
ABSTAIN: None

Supervisor Stocker created an ad hoc committee appointing Supervisors Griego and Nicoletti, to work with citizens and staff, to address marijuana cultivation as a public nuisance, and to explore and identify thresholds and limits.

XI.  ADJOURN: 3:48 p.m. by Chairman Stocker in memory of Ms. Colette Ann Smith, Ms. Kathryn Ames, Ms. Barbara Rooney, Mr. Robert Rust, and Mr. Michael Foster.

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

Approved: March 13, 2012

BY: Rachel Ferris, Deputy Clerk