THE COUNTY OF YUBA
BOARD OF SUPERVISORS

APRIL 17, 2012 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:30 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 Clerk of the Board of Supervisors Donna Stottlemyer. Chairman 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

MOVED: Mary Jane Griego
SECOND: John Nicoletti

AYES: John Nicoletti, Mary Jane Griego, Andy Vasquez, Roger Abe, Hal Stocker
NOES: None
ABSENT: None
ABSTAIN: None

A. Administrative Services

1. Approve renewal of Off-Airport Operator agreement and use permit between with Young Family Living Trust and authorize the Chairman to execute same. (116-12) Approved.

2. Approve lease agreements with Gordon Murdock for Airport Ground Lease Site No. 5 Aircraft Hangars No. 4 and 6 and authorize the Chairman to execute same. (117-12) Pulled from agenda at the request of department.

B. Agricultural Commissioner

1. Adopt resolution authorizing specific agreements, cooperative agreement, grants and memorandums of understanding to be executed by Agricultural Commissioner. (Protective Inspection Committee recommends approval) (118-12) Adopted Resolution No. 2012-25, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION AUTHORIZING THE AGRICULTURAL COMMISSIONER TO EXECUTE CERTAIN CONTRACTS, AGREEMENTS, COOPERATIVE AGREEMENTS, GRANTS, MEMORANDUM OF UNDERSTANDINGS FOR FISCAL YEAR 2012/2013 OR MULTI YEAR AS LISTED BELOW."

2. Approve agreement with Applied Forest Management Inc. for Yuba Watershed Protection and Fire Safe Council activities and authorize the Chairman to execute same. (Protective Inspection Committee recommends approval) (119-12) Approved.
3. Approve Title III Projects from Secure Rural Schools and Community Self Determination Act of 2000 for Fiscal Years 2012-2013 and 2013-2014 as Priority 1/Fire Safe Council Education and Outreach Coordinator $40,000 and Priority 2/Roadside Clearing $5,000 per fiscal year. (Protective Inspection Committee recommends approval) (120-12) Approved.

C. Auditor-Controller

1. Authorize Budget Transfer in the amount of $10,000 from Account No. 101-0400-412-23.00 (Professional Services) to various accounts to cover shortfalls. (121-12) Approved.

D. Clerk of the Board of Supervisors

1. Appoint Gloria Rodriguez and Joginder Sekhon to the First Five Yuba Commission for terms to end April 28, 2014 and April 27, 2015 respectively. (122-12) Approved.

2. Approve minutes for meetings of March 27 and April 3, 2012. (123-12) Approved as written.

E. Community Development and Services

1. Approve plans, specifications, and authorize advertisement for bids for Woodruff Lane Hazard Elimination Safety Project and authorize the Chairman to execute same. (124-12) Approved.

2. Adopt resolution declaring intention to levy and collect assessments within Gledhill Landscaping and Lighting District for Fiscal Year 2012/2013. (125-12) Adopted Resolution No. 2012-26, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION TO ADOPT ENGINEER'S REPORT AND DECLARE INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN GLEDHILL LANDSCAPING AND LIGHTING DISTRICT."

3. Approve agreement with 123 Engineering Inc., for realignment of La Porte Road over New York Creek and bridge replacement on Smartsville Road over Vineyard Creek and authorize the Chairman to execute same. (126-12) Approved.

4. Approve Amendment No. 1 with Drake Haglan and Associates for Smartsville (Chuck Yeager) Road Bridge Replacement at Vineyard Creek and authorize the Chairman to execute same. (127-12) Approved.

5. Accept Wheeler Ranch Phase I Improvement project at Feather River Boulevard and Plumas Arboga Road as complete and authorize the Public Works Director to sign and record Notice of Completion. (128-12) Approved.

6. Accept Spenceville Road at Camp Far West Intersection Improvement project as complete and authorize the Public Works Director to sign and record the Notice of Completion. (129-12) Approved.

F. County Administrator

1. Approve response to the 2011/2012 Grand Jury Report entitled Jail Inspection and authorize the Chairman to execute same. (130-12) Approved.

G. Public Guardian

1. Approve Memorandum of Understanding with Sutter-Yuba Mental Health for the period of July 1, 2012 through June 30, 2014 and authorize the Chairman to execute same. (131-12) Approved.
2. Authorize Budget Transfer in the amount of $1,500 from Account No. 101-0000-362-65.03 (Targeted Case Management) to Account No. 101-4100-427-62.00 (Fixed Assets) for the purchase of a new printer. (132-12) Approved.

3. Authorize Budget Transfer in the amount of $1,328 from various line items to Account No. 101-4100-427-29.00 (Travel) to cover shortfalls and to meet client needs. (133-12) Approved.

IV. SPECIAL PRESENTATION

A. Present proclamation declaring month of May 2012 as Mental Health Month. (Five minute estimate) (134-12) Chairman Stocker read and presented the proclamation. Sutter-Yuba Mental Health Director Dr. Brad Luz recapped services provided and commended Board members for their contributions.

V. PUBLIC COMMUNICATIONS:

Victim-Witness Program Manager Jason Roper recapped Victim Rights Week and the Candlelight Vigil.

VI. COUNTY DEPARTMENTS

A. Community Development and Services

1. Approve temporary suspension of the Yuba County Trails Commission due to lack of resources and attendance. (Yuba County Planning Commission recommends approval) (Five minute estimate) (135-12) Planning Director Wendy Hartman recapped the history of the commission and responded to Board inquiries.

The following individual spoke:
Mr. William Appleby, Marysville

MOTION: Move to suspend two months of Commission meetings and continue the matter for two months to allow staff to review and explore alternatives to suspension of the commission and include Mr. Appleby and return in June
MOVED: Mary Jane Griego SECOND: Roger Abe
AYES: Mary Jane Griego, Roger Abe, Andy Vasquez, John Nicoletti, Hal Stocker
NOES: None ABSENT: None ABSTAIN: None

Chairman Stocker formed a Trails Commission Ad hoc appointing Supervisors Nicoletti and Griego as representative to work with staff and bring forward recommendation.

B. Emergency Services

1. Adopt resolution authorizing the Director of Emergency Services or its designee to execute a Memorandum of Understanding for the establishment and maintenance of a multi-agency Hazardous Materials Response Team within the jurisdictions of Yuba and Sutter Counties. (Ten minute estimate) (136-12) Manager Scott Bryan recapped the purpose of the agency and responded to Board inquiries.

MOTION: Move to adopt resolution
MOVED: Roger Abe SECOND: Mary Jane Griego
AYES: Roger Abe, Mary Jane Griego, Andy Vasquez, John Nicoletti, Hal Stocker
NOES: None ABSENT: None ABSTAIN: None
Adopted Resolution No. 2012-27, which is on file in Yuba County Resolution Book No. 43, entitled:
"SIGNATURE RESOLUTION AUTHORIZING THE COUNTY DIRECTOR OF EMERGENCY SERVICES OR ITS DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THOSE ENTITIES LISTED WITHIN SAID MOU FOR THE PURPOSE OF THE FORMATION OF THE YUBA-SUTTER HAZARDOUS MATERIALS RESPONSE TEAM."

The Board recessed at 10:23 a.m. and reconvened at 10:34 a.m. with all present as indicated above.

VII. ORDINANCES AND PUBLIC HEARINGS: The Clerk read the disclaimer.

A. Ordinance - Hold public hearing, waive reading, and introduce ordinance adding Chapter 7.40 addressing marijuana cultivation as a public nuisance to the Yuba County Ordinance Code. (First reading) (45 minute estimate) (137-12) Community Development and Services Director Kevin Mallen recapped the process and development of the proposed ordinance regarding conditions which constitute a public nuisance when cultivating medical marijuana, provided a Power Point presentation depicting examples of defined cultivation areas for various parcel sizes. Mr. Mallen recapped two clerical clarifications and responded to Board inquiries.

Chairman Stocker opened the public hearing.

The following individuals spoke:
Mr. Zachary B. Cross, Marysville
Mr. Brian Huett, Olivehurst
Mr. Nate Bradley, Yuba Growers Association
Ms. Julie Lortz, Clipper Mills
Ms. Kathie Thelen, Browns Valley
Mr. Bryan Davies, 95838
Mr. C. Lee Boutt, Olivehurst
Mr. Ed Vasquez, Yuba County
Mr. Jonathan Finegoud, Moonshine
Mr. Daniel Aspin, Brophy
Mr. William Montero, Olivehurst
Ms. Elisse Wright, Sacramento
Mr. James Ledberth, Jones Road
Mr. Cody Zinn

Chairman Stocker recessed the meeting at 12:05 p.m. and reconvened at 12:17 p.m.

Public comments continued:
Mr. Ivan Pack, Chapman Avenue
Ms. Cathy Bailey, Linda
Mr. Noel Coward
Mr. Tommy Boggus
Mr. Liness Kelley
Mr. Sam McConnell
Ms. Cheryl Cooper
MOTION: Move to close public hearing
MOVED: Mary Jane Griego     SECOND: Hal Stocker
AYES: Mary Jane Griego, Hal Stocker Andy Vasquez, John Nicoletti, Roger Abe,
NOES: None     ABSENT: None     ABSTAIN: None

Following additional Board discussion, Supervisor Griego moved to bring ordinance back to the ad hoc committee, not to introduce ordinance, and continue ad hoc for 6 weeks to address concerns and take into consideration the public comments from today. Motion failed for lack of a second.

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

Board consensus was to continue the Ad Hoc Committee to address collective issues and complaint process.

B. Ordinance - Hold public hearing, waive reading, and reintroduce ordinance amending Section 2.25.010 relating to a regular Board of Supervisors meeting held outside the County seat. (First Reading) (Ten minute estimate) (110-12) County Counsel Angil Morris-Jones recapped ordinance to hold a regular meeting outside the Government Center, noticing requirements, and responded to Board inquiries.

Chairman Stocker opened the public hearing. No one came forward.

MOTION: Move to close public hearing and introduce ordinance
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

C. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and re-enacting various Chapters of the Yuba County Consolidated Fee Ordinance Code relating to departmental fees. (Finance and Administration Committee recommends approval) (First Reading) (Fifteen minute estimate) (138-12) Management Analyst Grace Mull recapped fee changes and responded to Board inquiries.

Chairman opened the public hearing. No one came forward.

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

D. Hold public hearing and adopt resolution adopting the mitigated negative declaration and mitigation monitoring plan and approving of Change of Zone 2009-0004 (Lanza) subject to attached conditions of approval; and adopt ordinance changing zone from Single-Family Residential (R-1) to Medium Density Residential (R-2) for APN 020-133-012. (30 minute estimate) (139-12) Associate Planner Kevin Perkins recapped location of project and provided a Power Point presentation which highlighted some of the mitigations required and responded to Board inquiries.

Following Board discussion Public Works Director Mike Lee and Planning Director Wendy Hartman responded to Board inquiries.

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Chairman Stocker opened the public hearing.

The following individuals spoke:
Ms. Gertrude McGrady, Alicia Avenue
Mr. Sean O'Neil

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

MOTION: Move to adopt resolution
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

Adopted Resolution No. 2012-28, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND APPROVAL OF CHANGE OF ZONE 2009-004 (LANZA) SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL."

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

Adopted Ordinance No. 1515, which is on file in Yuba County Ordinance Book No. 23, entitled: "AN ORDINANCE REZONING CERTAIN PROPERTY IN THE COUNTY OF YUBA."

VIII. CORRESPONDENCE - (140-12)

A. Notice from Sutter-Yuba Mosquito and Vector Control District advising of public health pesticide application to waters under district jurisdiction. Received

B. Notice from the State of California Fish and Game Commission regarding proposed regulatory action relating to election of commission officers. (Copy provided to the Yuba County Fish and Game Advisory Commission) Received

C. Schedule of Proposed Actions from the United States Forest Service regarding Plumas National Forest for the period of April 1, 2012 to June 30, 2012. Received

D. Letter from Safety Belt Safe U.S.A. regarding Safety Seat Checkup week. Received

IX. BOARD AND STAFF MEMBERS' REPORTS:
Supervisor Griego left the meeting at 1:59 p.m. and returned at 2:02 p.m.

Supervisor Vasquez: Area 4 Agency on Aging meeting held April 13, 2012 established a North San Juan meal site serving Camptonville residents
Supervisor Nicoletti: Met with Joanne Neft, author of a cookbook specializing in local grown foods prepared at peak of harvest season

Supervisor Abe: Memorial Adjournment - Mr. Donald Jackson

Supervisor Stocker:
- Met with Joanne Neft, author of a cookbook specializing in local grown foods prepared at peak of harvest season
- Ongoing visits with local farmers in the foothill area regarding the possibility of farmers markets and Agri-tourism

X. **ADJOURN:** 2:04 p.m. by Chairman Stocker in memory of Mr. Donald Jackson.

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ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: May 1, 2012

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