The County of Yuba

BOARD OF SUPERVISORS

JUNE 26, 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 Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Stocker presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Abe

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – Supervisors Nicoletti and Griego absent

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: Andy Vasquez SECOND: Roger Abe

AYES: Andy Vasquez, Roger Abe, Hal Stocker

NOES: None ABSENT: Nicoletti, Griego ABSTAIN: None

A. Board of Supervisors

1. Cast ballot for Mark Lovelace as County Medical Services Program (CMSP) Governing Board Supervisor Representative - Group 2 Counties. (241-12) Approved.

B. Clerk of the Board of Supervisors

1. Appoint Mr. Alvin Bell to the Brownsville Cemetery District for a term to expire June 7, 2015. (242-12) Approved.


Ms. Amaya expressed her appreciation to serve the community.

MOTION: Move to approve MOVED: Andy Vasquez SECOND: Hal Stocker

AYES: Andy Vasquez, Hal Stocker, Roger Abe

NOES: None ABSENT: Nicoletti, Griego ABSTAIN: None

3. Authorize Budget Transfer in the total amount of $462.00 to various line items to cover yearend shortages. (244-12) Authorized.
4. Approve minutes from the regular meetings of May 15, and June 12, 2012. (245-12) Approved as written.

C. Community Development and Services

1. Approve floodplain development variance for agricultural storage building at 11492 State Route 70. (Land Use and Public Works Committee recommends approval) (246-12) Approved.

D. County Administrator

1. Approve Regional Waste Management Authority grant application for the Used Oil Payment Program Cycle Three application for Fiscal Year 2012/13 and authorize the County Administrator to execute a submittal letter. (247-12) Approved.

2. Authorize Budget Transfer in the amount of $8,045 to Account No. 101-2300-421-23-00 (Professional Services) for allocation of AB 109 Realignment 2011 payments to the Public Defender. (248-12) Authorized.

E. Sheriff-Coroner

1. Authorize Budget Transfer in the total amount of $144,719 reprogramming various funds for the Jail, Boat Patrol, Animal Care Services, and Sheriff's Auto Services to cover current and projected shortages. (249-12) Authorized.

F. Health and Human Services

1. Authorize Budget Transfer in the total amount of $21,399 to and from various line items to cover yearend shortages. (263-12) Authorized.

IV. SPECIAL PRESENTATION

A. Present proclamation to Tim Kelly, Marysville Adult Education Principal. (No background material) (Five minute estimate) (250-12) Chairman Stocker presented a proclamation to Tim Kelly.

Mr. Kelly advised it was an honor to serve and expressed appreciation to the Board.

V. PUBLIC COMMUNICATIONS: No one came forward.

VI. COUNTY DEPARTMENTS

A. Administrative Services

Consider agreement with INDIGO / Hammond and Playle Architects, LLP for architectural services for the new Sheriff’s facility on Yuba Street, Marysville. (Public Facilities Committee recommends approval) (Ten minute estimate) (251-12) Administrative Services Director Doug McCoy recapped award request and responded to Board inquiries.

MOTION: Move to approve MOVED: Roger Abe SECOND: Andy Vasquez
AYES: Roger Abe, Andy Vasquez, Hal Stocker
NOES: None ABSENT: Nicoletti, Griego ABSTAIN: None
B. Auditor-Controller

1. Receive presentation and audit report for the County of Yuba dated June 30, 2011. (Fifteen minute estimate) (252-12) Auditor Controller Richard Eberle recapped financial statements and responded to Board inquiries.

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

C. County Administrator

1. Receive update on suspending Trails Commission and provide staff direction. (Continued from April 17, 2012) (Five minute estimate) (135-12) County Administrator Robert Bendorf provided a brief recap and requested additional time for a thorough review.

   MOTION: Move to suspend commission for an additional six months
   MOVED: Andy Vasquez   SECOND: Roger Abe
   AYES: Andy Vasquez, Roger Abe, Hal Stocker
   NOES: None   ABSENT: Nicoletti, Griego   ABSTAIN: None

D. Human Resources and Organizational Services

1. Recognize and approve the Yuba County Probation Peace Officers' Association (YCPPOA) request for Severance/Unit Modification from Yuba County Employees Association and recognition as YCPPOA and direct staff to establish such units. (Five minute estimate) (253-12) Human Resources Director Martha Wilson recapped request and responded to Board inquiries.

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

2. Recognize and approve the Welfare Fraud Investigators' decertification request from Yuba County Employees Association. (Five minute estimate) (254-12) Human Resources Director Martha Wilson recapped request, advised of correction from Senior Welfare Fraud Investigator to Supervising Welfare Fraud Investigator, and responded to Board inquiries.

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

3. Adopt resolution amending the Classification System Basic Salary Schedule as it relates to the Executive Director of Three Rivers Levee Improvement Authority. (Ten minutes estimate) (255-12) Human Resources Director Martha Wilson provided a recap of the salary survey and responded to Board inquiries.

   MOTION: Move to approve   MOVED: Andy Vasquez   SECOND: Roger Abe
   AYES: Andy Vasquez, Roger Abe, Hal Stocker
   NOES: None   ABSENT: Nicoletti, Griego   ABSTAIN: None
Adopted Resolution No. 2012-52, which is on file in Resolution Book No. 43, entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM-BASIC SALARY SCHEDULE," as it relates to the Three Rivers Levee Improvement Authority.

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

A. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and re-enacting Subsections 7.40.140(f), 7.40.200(e), 7.40.200(d) and 7.40.300(b) of Chapter 7.40 relating to marijuana cultivation. (30 minute estimate) (256-12) Community Development and Services Director Kevin Mallen recapped proposed amendments as follows, and responded to Board inquiries:
   o Definened area of Cultivation – relating to the shape of the defined area
   o Conditions Creating Public Nuisance
     • Cultivation by anyone other than a qualified patient or primary caregiver
     • Plants in public view
   o Exceptions – relating to cultivation by one or more qualified patients or primary caregivers and at least one of the plants is being cultivated for a qualified patient or primary caregiver who occupies the dwelling as their place of residence

County Counsel Angil Morris-Jones responded to specific inquiries regarding collectives and exceptions.

Chairman Stocker opened the public hearing. The following individuals spoke:
   • Mr. Zachary Cross
   • Mr. Lee Boutt
   • Mr. Jonathan Finegold
   • Ms. Kathie Thelen
   • Ms. Karen Liggett, Marysville
   • Mr. Andy Johnson

Sheriff Durfor responded to specific inquiries relating to self initiated investigations and enforcement.

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

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

The Board recessed at 11:16 a.m. and reconvened at 11:27 a.m.

B. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and re-enacting Subsection 10.30.080(b)(ix) of Section 10.30.070 of Chapter 10.30, Title X of the Yuba County Ordinance Code regarding floodplain management. (Five minute estimate) (257-12) Community Development and Services Director Kevin Mallen provided a brief recap and responded to Board inquiries.

Chairman Stocker opened the public hearing. No one came forward.
MOTION: Move to close the public hearing, waive reading, and introduce ordinance
MOVED: Roger Abe  SECOND: Hal Stocker
AYES: Roger Abe, Hal Stocker, Andy Vasquez
NOES: None  ABSENT: Nicoletti, Griego  ABSTAIN: None

C. Public Hearing - Hold public hearing to consider approval and adoption of resolution approving the Wheatland Fire Authority's request for increased Fire Mitigation Fees. (Ten minute estimate) (258-12) Chief Waggershauser and Jeff Schmall recapped and responded to Board inquiries.

Chairman opened the public hearing. No one came forward

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

Adopted Resolution No. 2012-53, which is on file in Resolution Book No. 43, entitled: "RESOLUTION ADOPTING THE DEVELOPMENT IMPACT FEES FOR WHEATLAND FIRE AUTHORITY."

D. Public Hearing - Hold public hearing, receive public comment on the use of program income accrued from the Neighborhood Stabilization Program, and adopt resolution approving use of funds. (Fifteen minute estimate) (259-12) Community Development and Services Director Kevin Mallen recapped program and responded to Board inquiries.

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

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

Adopted Resolution No. 2012-54, which is on file in Resolution Book No. 43, entitled: "APPROVE USE OF PROGRAM INCOME FROM THE STATE OF CALIFORNIA NEIGHBORHOOD STABILIZATION PROGRAM NSP1 AND NSP3."

VIII. CORRESPONDENCE - (260-12)

A. Notice from the State of California Governor's office enclosing a proclamation calling the General Election on Tuesday, November 6, 2012. Accepted

B. Notice from the State of California Fish and Game Commission regarding proposed regulatory action relating to upland game hunting. (Copy provided to Yuba County Fish and Game Advisory Commission) Accepted

X. CLOSED SESSION: Any person desiring to comment on any matter scheduled for this closed session may address the Board at this time. A. Potential litigation pursuant to Government Code §54956.9(b) - One Case - Postponed to July 10, 2012.

XI. ADJOURN: 11:41 a.m. by Chairman Stocker.

06/26/2012 - BOS  MINUTE BOOK NO. 69 PAGE 96
XII. CLOSED SESSION: Pursuant to County Counsels' request to discuss closed session matter agendized, the Board reconvened at 11:46 a.m. and retired into closed session at 11:47 a.m.

A. Potential litigation pursuant to Government Code §54956.9(b) - One Case

The Board returned from closed session at 11:54 a.m. with all members present as indicated above.

County Counsel Angil Morris-Jones reported authorization was received for settlement of claim.

XIII. ADJOURN: 11:54 a.m. by Chairman Stocker.

ATTEST: DONNA STOTTMONEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: July 16, 2012