The County of Yuba

BOARD OF SUPERVISORS

JULY 10, 2012 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:31 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 Stocker

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

Chairman Stocker announced Closed Session would be moved and placed on the agenda after Consent.

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 $15,088.14 from 4H Trust Fund to Account No. 101-0101-411-5240 (4H Camp) for acquisition of replacement kitchen equipment for the 4H Camp in Dobbins. (Public Facilities Committee recommends approval) (264-12) Authorized.

2. Approve Airport agreement and use permit with Ameriflight Inc. and authorize the Chair to execute same. (265-12) Approved.

B. Clerk of the Board of Supervisors

1. Approve minutes of the regular meeting of June 19, and 26, 2012. (266-12) Approved as written.

C. Clerk-Recorder/Elections

1. Accept Statement of Vote for the June 5, 2012 Presidential Primary Election pursuant to Elections Code §15400. (276-12) Accepted.
D. Health and Human Services

1. Adopt resolution authorizing agreement with the State of California Department for Multipurpose Senior Services funds and authorize the Chair to execute documents as required and acceptance of funds. (Human Services Committee recommends approval) (268-12)
Adopted Resolution No. 2012-55, which is on file in Resolution Book No. 43, entitled: "AUTHORIZE YUBA COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT TO ENTER INTO AGREEMENT WITH THE STATE OF CALIFORNIA FOR MULTIPURPOSE SENIOR SERVICES FUNDS FOR THE TERM OF JULY 1, 2012 THROUGH JUNE 30, 2013 AND AUTHORIZE THE CHAIR TO EXECUTE DOCUMENTS AS REQUIRED BY THE AGREEMENT AND ANY PERTINENT DOCUMENTS RELATED TO THIS PROGRAM AND TO AUTHORIZE THE ACCEPTANCE OF FUNDS."

IV. CLOSED SESSION: The Board retired into closed session at 9:34 a.m.

A. Threatened litigation pursuant to Government Code §54956.9(b) - One Claim/Hendrickson

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

C. Pending litigation pursuant to Government Code §54956.9(a) - Yuba County Growers Association, Sam McConnell, Yuba Patient Collective, Lew Neal, Old Crow Farm Collective, Kathie Thelen and Déjà Vu Collective vs. County of Yuba

The Board returned from closed session at 10:08 a.m. with all members present as indicated above.

County Counsel Angil Morris-Jones advised the Board by unanimous vote denied the Hendrickson claim, gave direction in the matter of potential litigation, and referred pending litigation to Porter Scott for representation.

V. PUBLIC COMMUNICATIONS: No one came forward.

VI. SPECIAL PRESENTATION

A. Receive update on BePreparedYuba web site development and schedule. (Five minute estimate) (269-12)
Assistant Administrative Services Director Tara Ripka-Flores recapped website development and responded to Board inquires.

VII. COUNTY DEPARTMENTS

A. Sutter-Yuba Mental Health Services

1. Approve joint project with Sutter-Yuba Mental Health Services and Regional Housing Authority of Sutter and Nevada Counties to purchase property in Yuba County and an amendment to the Community Services Agreement between Sutter-Yuba Mental Health Services and Regional Housing Authority of Sutter and Nevada Counties. (Human Services Committee recommends approval) (Fifteen minute estimate) Dr. Brad Luz, Director of Mental Health recapped the project including the following and responded to Board inquiries:
   o Funding
   o Participants
   o Benefits of Project
Ms. Linda Nichols, Regional Housing of Sutter, Nevada, and Colusa Counties responded to specific inquiries regarding participation.

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

### VIII. ORDINANCES AND PUBLIC HEARINGS

The Deputy Clerk read the disclaimer.

**A.** Ordinance - Hold public hearing, waive reading, and adopt 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. (Second reading) (Continued from June 26, 2012) (Five minute estimate) (257-12) Community Development and Services Director Kevin Mallen recapped ordinance and responded to Board inquiries.

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

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

Adopted Ordinance No. 1520, which is on file in Yuba County Ordinance Book No. 23, entitled: "AN ORDINANCE AMENDING, BY REPEALING AND RE-ENACTING, SUBSECTION 10.30.070(b)(ix) OF SECTION 10.30.070 OF CHAPTER 10.30, TITLE 10 OF THE YUBA COUNTY ORDINANCE CODE REGARDING FLOODPLAIN MANAGEMENT."

**B.** Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and re-enacting Subsections 7.40.140(f), 7.40.200(c), 7.40.200(d) and, 7.40.300(b) of Chapter 7.40 relating to marijuana cultivation. (Second reading) (Continued from June 26, 2012) (30 minute estimate) (256-12) Community Development and Services Director Kevin Mallen recapped ordinance and responded to Board inquiries.

Chairman Stocker opened the public hearing. The following individual spoke:

- Mr. Morty Witherspoon

Mr. Mallen responded to specific Board inquiries regarding parcel size, defined areas of cultivation and fines.

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

Adopted Ordinance No. 1521, which is on file in Yuba County Ordinance Book No. 23, entitled: "AN ORDINANCE AMENDING, BY REPEALING AND RE-ENACTING, SUBSECTIONS 7.40.104 (f), 7.40.200(c), 7.40.200(d), AND 7.40.300(b) OF CHAPTER 7.40, TITLE VII REGARDING MARIJUANA CULTIVATION."

Chairman Stocker dissolved the Marijuana Cultivation ad hoc committee.
IX. CORRESPONDENCE - (271-12)

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

A. Annual Report from Sutter Yuba Mental Health Services for Fiscal Year 2011-2012. Accepted.

B. Annual Report from Substance Abuse Advisory Board for Fiscal Year 2011-2012. Accepted.

C. Resolution from the City of Wheatland requesting consolidation of the city election with the November statewide election. (Copy to Elections) Accepted.

D. Letter from Developmental Disabilities Area Board 3 Executive Director Michael Rosenberg advising recent appointment of Alma Amaya poses a legal conflict of interest and is not eligible to serve. Accepted.

X. BOARD AND STAFF MEMBERS’ REPORTS:

Supervisor Abe:
- Lions Club Annual Barbeque fundraiser for South Yuba Recreation Association
- Lower Yuba Accord symposium held July 9, 2012

Supervisor Griego:
- Tour of transportation areas concern with SACOG and Public Works Director Mike Lee, June 21, 2012
- Yuba Sutter Transit and Regional Waste Management Authority meetings held June 21, 2012
- First Five Yuba meeting held June 28, 2012
- Naturalization and Swearing in Ceremony held June 29, 2012

Supervisor Griego left the meeting at 11:00 a.m. and did not return.

Supervisor Vasquez:
- CSAC meeting held July 9, 2012, presentation by Kings County regarding High Speed Rail

Supervisor Nicoletti:
- Full report on economic development and services delegation to China to be provided August 7, 2012
- Peach Tree Health Care Executive Director hired
- Lower Yuba Accord symposium held July 9, 2012
- Commended website development for emergency preparedness

Supervisor Stocker:
- Memorial Adjournment - Mrs. Sally Jane Zabala
- Memorial Adjournment - Ms. Cindy Miller
- Pendola Ranch tourism and accommodations for small groups
- Naturalization and Swearing in Ceremony held June 29, 2012
- Independence Day celebrations at Loma Rica Lions Club and Alcouffe Center held July 4, 2012
- Foothill Fire Department meeting held July 9, 2012
XI. ADJOURN 11:10 a.m. by Chairman Stocker in memory of Mrs. Sally Jane Zabala and Ms. Cindy Miller.

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: July 24, 2012

Hal Stocker
Chair