The County of Yuba  
BOARD OF SUPERVISORS  

DECEMBER 11, 2012 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:42 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. Chairman Stocker presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Stocker

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. Clerk of the Board of Supervisors

1. Approve minutes of the regular meeting of November 27, 2012. (442-12) Approved as written.

B. Community Development and Services

1. Adopt resolution authorizing Community Development Director or his designee to complete the purchase of single family residence APN 021-093-010 as part of the Neighborhood Stabilization Program, and execute all documents required to complete purchase, rehabilitation and resale. (443-12)  
Adopted Resolution No. 2012-102, which is on file in Yuba County Resolution Book No. 43, entitled:  
"RESOLUTION AUTHORIZING YUBA COUNTY COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR OR HIS DESIGNEE TO COMPLETE THE PURCHASE OF SINGLE FAMILY RESIDENCE APN 021-093-010 AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND EXECUTE ALL DOCUMENTS NEEDED FOR COMPLETION OF PURCHASE, REHABILITATION AND RESALE."

C. Treasurer-Tax Collector

1. Adopt resolution delegating investment authority to the Yuba County Treasurer for the year 2013. (444-12)  
Adopted Resolution No. 2012-103, which is on file in Yuba County Resolution Book No. 43, entitled:  
"RESOLUTION DELEGATING INVESTMENT AUTHORITY TO THE YUBA COUNTY TREASURER FOR THE YEAR 2013."
IV. PUBLIC COMMUNICATIONS:

Ms. Freda Calvert, condition of Hammonton Road

County Administrator Robert Bendorf advised a meeting with Bureau of Land Management would be scheduled.

Planning Director Wendy Hartman advised of a Conservations Plan workshop with Sutter County, February 12, 2013 at 3:00 p.m.

V. COUNTY DEPARTMENTS

A. Administrative Services

1. Approve renewal of Microsoft State and Local Enterprise agreement and authorize the Chair to execute same. (Ten minute estimate) (445-12) Assistant Director Tara Ripka-Flores recapped agreement and responded to Board inquiries. County Administrator Robert Bendorf advised a budget impact of $34,000 would be included with the midyear review.

MOTION: Move to approve    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

B. County Administrator

1. Approve grant agreement with Yuba County Water Agency and authorize the Chair to execute same; approve three year limited term position in the Office of Emergency Services and adopt resolutions amending the Departmental Position Allocation Schedule and the classification system, Basic Salary Schedule effective January 1, 2013, as it relates to the Office of Emergency Services. (Five minute estimate) (446-12) County Administrator Robert Bendorf recapped agreement with Yuba County Water Agency, advised the limited term position would run concurrent with the grant, and responded to Board inquiries.

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


C. Human Resources and Organizational Services

1. Adopt resolution amending the Basic Salary Schedule as it relates to the Project Manager classification effective November 1, 2012 and approve extending temporary transfer of incumbent to classification until no later than June 30, 2013. (447-12) Director Martha Wilson recapped request and responded to Board inquiries.

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

12/11/2012 - BOS

MINUTE BOOK NO. 69 PAGE 163
Adopted Resolution No. 2012-106, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM-BASIC SALARY SCHEDULE," as it relates to Administrative Services.

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

A. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and reenacting as amended Chapter 7.40 of the Yuba County Ordinance Code relating to marijuana cultivation. (First Reading) (Twenty minute estimate) (449-12) Supervisor Abe questioned the implications regarding the pending litigation on this matter.

MOTION: Move to add Closed Session pending litigation as the matter arose subsequent to the agenda being posted. 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

The Board retired into closed session at 10:05 a.m. to discuss the following.

Pending litigation pursuant to Government Code §54956.9(a) - Yuba County Growers Association et al vs. County of Yuba

The Board returned from closed session at 10:52 a.m. There was no announcement.

Community Development and Services Director Kevin Mallen recapped amended ordinance and responded to Board inquiries.

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

- Mr. Jeffrey Lake, Attorney
- Mr. Jonathan Feingold, Camptonville

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

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

B. Public Hearing - Hold public hearing and adopt findings of fact, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $7,167.72 and the recording of a lien located at 1792 Lewis Road, Wheatland (Barrowman, Willard S.). (Ten minute estimate) (449-12) Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation and responded to Board inquiries.

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

C. Public Hearing - Hold public hearing and adopt findings of fact, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $8,829.50 and the recording of a lien located at 1324 B Simpson Lane, Marysville (CSE Owned LLC). (Ten minute estimate) (4501-12) Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation and responded to Board inquiries.

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

MOTION: Move to close public hearing and adopt  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

D. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and reenacting sections 10.05.025 and 10.05.030 of Chapter 10.05 of Title X relating to standards of building construction. (First Reading) (Twenty minute estimate) (451-21) Community Development and Services Director Kevin Mallen recapped ordinance regarding exceptions to building permits and responded to Board inquiries. County Administrator Robert Bendorf reported any associated fees were available on the website.

MOTION: Move to close public hearing, waive reading 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

VII. CORRESPONDENCE - 452-12

A. Notice from State of California Fish and Game Commission regarding listing Townsend's big-eared bat as a threatened or endangered species. (Copy provided to Yuba County Fish and Game Advisory Commission) Accepted.

B. Notice from Delta Stewardship Council regarding draft program environmental impact report for the Delta Plan Accepted.

C. Notice from California Department of Fish and Game regarding 2013-2014 deer hunts. Accepted.

VIII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Abe:
- Sierra Sacramento Valley EMS meeting held November 16, 2012
- Yuba Sutter EMS meeting held November 21, 2012
- CSAC Annual conference held November 27-30, 2012
- RCRC meeting held December 5, 2012 State Responsibility Area (SRA) fees process for protest or appeal
- Appeal Democrat articles from December 9, 2012 regarding rural issues
- Memorial Adjournments:
  - Ms. Jenny Lynn Archer
  - Ms. Elda Detwiler
  - Mr. Wendell Grey
- Dr. David Wayne Shatswell
- Ms. Kathryn McKiernan
- Mr. Rudy Sbin
- Mr. Charlie Tarrant

Treasurer Tax Collector Dan Mierzwa responded to Supervisor Abe's inquiry regarding process for protest or appeal of the State Responsibility Area fees

Supervisor Griego:
- ACWA conference held December 4 - 5, 2012
- Sworn in as the 2013 Chair for Sacramento Area Council of Governments

Supervisor Vasquez:
- CSAC Annual conference held November 27-30, 2012
- Yuba County Childrens Council meeting held December 5, 2012
- Retirement ceremony for Joe Hilliard held December 5, 2012
- Economic Development breakfast meeting held November 13, 2012
- Sierra Nevada Conservancy Board meeting held November 13, 2012
- Hmong dedication for Vang Pao held December 8, 2012

Supervisor Nicoletti:
- Memorial Adjournment - Albert Gee

Supervisor Stocker:
- State Responsibility Area fees
- ACWA conference held December 4 - 5, 2012 in San Diego
- Memorial Adjournments:
  - Mr. Roger Johnson
  - Mr. Richard Mortensen
  - Mr. Charles Russ
  - Mr. Richard King

Assessor Bruce Stottlemyer responded to inquiries regarding State Responsibility Area fees

County Counsel Angil Morris-Jones introduced Deputy County Counsel John Vacek

County Administrator Robert Bendorf reported on the following
- Pension changes for new employees
- Legislative platform
- Regional Waste Management Feasibility Study
- Solid Waste Disposal
- Mid Year Budget

Community Development and Services Director Kevin Mallen advised of a slide on Marysville Road from the recent storm

IX. **CLOSED SESSION:** The Board retired into closed session at 12:11 p.m. to discuss the following:

A. Potential litigation pursuant to Government Code §54956.9(b) - **Two Cases**
B. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - DDAA/DSA/MSA/PPOA/YCEA/Unrepresented and County of Yuba

C. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 006-180-056, 061, 062, 066 (Barbour, Merlynn) Negotiating Parties: Kevin Mallen Negotiation: Terms of Payment

The Board returned from closed session at 1:42 p.m. with all members present as indicated above.

County Counsel Angil Morris-Jones advised by unanimous vote staff was giving direction and authority to act on all items.

X. ADJOURN: 1:43 p.m. by Chairman Stocker in memory of Ms. Jenny Lynn Archer, Ms. Elda Detwiler, Ms. Kathryn McKiernan, Mr. Wendell Grey, Dr David Wayne Shatswell, Mr. Rudy Sven, Mr. Charlie Tarrant, Mr. Albert Gee, Mr. Roger Johnson, Mr. Richard Mortensen, Mr. Charles Russ, and Mr. Richard King.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: January 15, 2013