The County of Yuba
BOARD OF SUPERVISORS

DECEMBER 18, 2012 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met 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 consent agenda  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

A. Board of Supervisors

1. Appoint Robert Gaschke as North YCWA representative to the Fish and Game Advisory Commission for a term ending December 31, 2016. (453-12) Pulled from consideration.

2. Reappoint Larry Flynn the District 3 representative to the Fish and Game Advisory Commission for a term ending December 31, 2016. (454-12) Approved.

3. Reappoint Daisy Shelton the District 3 representative to the Yuba County Commission on Aging for a term ending December 31, 2016. (455-12) Approved.

4. Reappoint Pat Camarena the District 4 representative to the Yuba County Library Advisory Commission for a term to end December 31, 2016. (456-12) Approved.

5. Reappoint Roy Crabtree the District 4 representative to the Community Services Commission for a term ending December 31, 2016. (457-12) Approved.

6. Appoint Mike Boom the District 4 representative to the Fish and Game Advisory Commission for a term ending December 31, 2016. (458-12) Approved.

7. Reappoint John Hollis to the Area 4 Agency on Aging as the At-Large representative for a term ending December 31, 2015. (459-12) Approved.
8. Appoint Supervisor Abe delegate and Supervisor Vasquez alternate to Regional Council of Rural Counties and CHF Board of Directors for calendar year 2013. (460-12) Approved.

B. Clerk of the Board of Supervisors

1. Adopt list of ongoing Boards, Commissions, and Committees appointed by the Board of Supervisors as of December 1, 2012. (461-12) Approved.

C. Health and Human Services

1. Approve acceptance of the Tuberculosis Special Funds award for the period of October 15, 2012 through December 31, 2012, and authorize the Chair to execute documents as required and to accept funds. (462-12) Approved.

2. Approve Children's Medical Services (CMS) plan and fiscal guidelines for FY 2012-13, and authorize the Chair to execute CMS Certification Statements. (463-12) Approved.

D. Library

1. Approve business hours for calendar year 2013 and adopt list of closure days of observed holidays. (464-12) Approved.

IV. CLOSED SESSION: The Board retired into closed session at 9:36 a.m.

A. 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 10:41 a.m. with all present as indicated above. There was no report.

V. SPECIAL PRESENTATION

A. Receive presentation of the Yuba County Children's Council 2011-12 Children's Report Card. (Ten minute estimate) (465-120 Sutter Yuba Mental Health Director Dr. Brad Luz, Council Members Cathy LeBlanc and Jim Arnold briefly recapped the purpose, spirit, and use of the report.

Board members commended the Council’s efforts.

Supervisor Abe left the chambers at 10:42 a.m. and returned at 10:49 a.m.

B. Receive presentation on the 2013 Community Service Block Grant fund allocation. (Five minute estimate) (466-12) Housing and Community Services Manager Debra Phillips recapped the process for applying, awarding, allocation of grant funds and responded to Board inquiries.

VI. PUBLIC COMMUNICATIONS:

Ms. Frieda Calvert regarding the condition, repair, and closure of Hammonton Road.
VII. COUNTY DEPARTMENTS

A. Clerk of the Board of Supervisors

1. Appoint one individual as the at-large representative to the Fish and Game Advisory Commission for a term ending May 17, 2015. (Five minute estimate) (467-12)

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

B. Treasurer-Tax Collector

1. Adopt resolution authorizing the issuance of 2012-2013 tax and revenue anticipation notes for the Yuba Community College District in an amount not to exceed $12 million. (Five minute estimate) (470-12) Treasurer Dan Meirzwa recapped the issuance of notes to accommodate cash flow needs and responded to Board inquiries.

Supervisor Griego left the chambers at 11:20 a.m.

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

Adopted Resolution No. 2012-107, which is on file in Yuba County Resolution Book no. 43 entitled: "RESOLUTION OF THE YUBA COUNTY BOARD OF SUPERVISORS AUTHORIZING THE ISSUANCE OF 2012-2013 TAX AND REVENUE ANTICIPATION NOTES FOR THE YUBA COMMUNITY COLLEGE DISTRICT."

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

A. Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and reenacting as amended Chapter 7.40 of the Yuba County Ordinance Code relating to marijuana cultivation. (Second Reading) (Continued from December 11, 2012) (Twenty minute estimate) (448-12) Community Development and Services Director Kevin Mallen recapped the proposed changes and responded to Board inquiries.

Supervisor Griego rejoined the meeting at 11:22 a.m.

Code Enforcement Manager Jeremy Strang recapped the process for notice and abatement of a public nuisance and responded to Board inquiries.

Chairman Stocker opened the public hearing. The following individuals spoke:
- Ms. Karen Liggett, Marysville
- Mr. Charles Lee Boutt, Olivehurst
- Mr. Jeffrey Lake, Sacramento
- Mr. Jonathan Finegold, Camptonville
- Ms. Kathie Thelen
- Ms. Cathy LeBlanc, foothills
MOTION: Move to close public hearing  
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

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

Adopted Ordinance No. 1522, which is on file in Yuba County Ordinance Book No. 23 entitled: "AN ORDINANCE REPEALING AND REENACTING CHAPTER 7.40 MARIJUANA CULTIVATION."

B. Ordinance - Hold public hearing, waive reading, and adopt 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. (Second Reading) (Continued from December 11, 2012) (Twenty minute estimate) (451-12) Community Services and Development Director Kevin Mallen recapped the proposed ordinance regarding exceptions to building permits.

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

MOTION: Move to close public hearing, waive reading and adopt 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

Adopted Ordinance No. 1523, which is on file in Yuba County Ordinance Book No. 23 entitled: "AN 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."

IX. ITEM OF PUBLIC INTEREST

A. Consider application for off-sale beer and wine alcohol beverage license from Pami Lally at Plumas Stop 'N' Shop Plumas Lake Boulevard (APN 016-632-002 and 003) and making a finding of public convenience or necessity to allow license. (Ten minute estimate) (468-12) Associate Planner Kevin Perkins recapped the request for license, location and type of facility, and responded to Board inquiries.

MOTION: Move to make finding of public convenience and necessity and approve application  
MOVED: John Nicoletti  
SECOND: Roger Abe  
AYES: John Nicoletti, Roger Abe, Andy Vasquez, Mary Jane Griego, Hal Stocker  
NOES: None  
ABSENT: None  
ABSTAIN: None

X. CORRESPONDENCE - (469-12)

A. Letter from California Sudden Infant Death Syndrome Advisory Council commending Sheriff Durfor for community service. Received.
B. Notices from Cal EMA advising of disaster designation for primary county of Nevada and various contiguous counties including Yuba relating to drought intensity levels. Received.

C. Notice from the US Department of Transportation Federal Aviation Administration of an Environmental Assessment for the Northern California Metroplex area consisting of Sacramento, Oakland, San Francisco, and San Jose Airports. Received.

D. Letter from Registrar of Voters regarding election processes and procedures associated with the January 8, 2013 Senate District 4 Special General Election. Received.

E. Letter from California Natural Resources Agency regarding draft environmental document to modify existing falconry regulations. Received.

F. Notice of proposed regulatory action from California Fish and Game Commission relating to the practice of falconry. Received.

XI. BOARD AND STAFF MEMBERS’ REPORTS:

Supervisor Abe:
- Yuba Sutter Mental Health dinner December 14, 2012
- Linda Fire Department dinner December 15, 2012

Supervisor Griego: Memorial Adjournments - Mrs. Betty Manley and Mr. Ralph Schiavone

Supervisor Vasquez:
- Yuba County Alliance for Development meeting December 12, 2012
- Yuba Community College culinary final
- VFW Flag Retirement Ceremony December 14, 2012
- Senior Center lunch and Linda Fire Department dinner December 15, 2012

Supervisor Nicoletti:
- Elks Lodge complimentary turkey lunch December 27, 2012
- VFW Flag Retirement Ceremony December 14, 2012
- Small Business Association workshop
- City of Marysville assessment plan
- Senior Center Christmas Social and Linda Fire Christmas Social December 15, 2012
- Property tax administration fee

Supervisor Stocker
- Loma Rica Community Hall Christmas celebration
- Memorial Adjournment - Mrs. Alice Rodenberg

XII. CLOSED SESSION: The Board retired into closed session at 12:39 p.m. to discuss the following:

A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 022-010-012 (Steele) Negotiating Parties: Michael Lee Negotiation: Price/Terms of Payment

B. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - DDAA/DSA/MSA/PPOA/YCEA/Unrepresented and County of Yuba
The Board returned from closed session at 1:06 p.m. with all present as indicated above. There was no reportable action.

XIII. **ADJOURN:** By Chairman Stocker at 1:06 p.m. in memory of Ms. Alice Rodenberg, Mrs. Betty Manley, and Mr. Ralph Schiavone.

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

Approved: **January 15, 2013**