The County of Yuba

BOARD OF SUPERVISORS

JULY 22, 2014 - 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, Roger Abe, and Hal Stocker. Supervisor Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Nicoletti presided.

A moment of silence was held in honor of the 4,500 American soldiers who have been lost in the current conflict.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Abe, Stocker – Supervisor Griego was 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

MOVED: Hal Stocker
SECOND: Andy Vasquez

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

A. Administrative Services

1. (291-14) Adopt resolution authorizing submittal of application, acceptance of allocation of funds, and execution of grant agreement by County Administrator with California Department of Transportation for Airport Improvement Program matching grant. Adopted Resolution No. 2014-56, which is on file in Yuba County Resolution Book No. 45.

2. (292-14) Approve five year extension for Airport lease agreement with Coco Cola Bottling Company for lots 19 and 20, industrial park one, and authorize Chair to execute. Approved.

B. Clerk of the Board of Supervisors


3. (295-14) Approve meeting minutes of July 8, 2014. Approved as written.

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C. Community Development and Services

1. (296-14) Adopt resolution authorizing Public Works Director to enter into landscape maintenance agreements with State of California Department of Transportation and property owners required to install landscaping in street rights-of-way. (Land Use and Public Works Committee recommends approval) Adopted Resolution No. 2014-57, which is on file in Yuba County Resolution Book No. 45.

D. County Administrator

1. (297-14) Approve letter agreement with Yuba Superior Court for Grand Jury services for Fiscal Year 2014-2015 and authorize Chair to execute. Approved.

E. Emergency Services

1. (298-14) Adopt resolution proclaiming the existence of ongoing local drought emergency in the County of Yuba. Adopted Resolution No. 2014-58, which is on file in Yuba County Resolution Book No. 45.

F. Health and Human Services

1. (299-14) Approve the System Improvement Plan (SIP) for submission to the California Department of Social Services (Human Services Committee recommends approval) Approved.

2. (300-14) Adopt resolution authorizing Health and Human Services Department to enter into Agreement with State of California, for the Multipurpose Senior Services Program and authorize Chair to execute any and all documents as required and pertinent to program, and authorize the acceptance of funds. Adopted Resolution No. 2014-59, which is on file in Yuba County Resolution Book No. 45.

IV. CLOSED SESSION: County Counsel Angil Morris-Jones requested the Board allow Attorney David Garcia to speak on one personnel matter listed below of which the Board will receive in closed session:

E: Personnel pursuant to Government Code §54957 - Public Employee Discipline/Dismissal/Release - Two Matters

Attorney David Garcia urged the Board to uphold the decision of the hearing officer.

County Counsel Angil Morris-Jones advised the Board the sheriff has provided the Board written comments for consideration, and further advised the proposed written decision and recommendation of the Hearing Officer would be received prior to the Board taking action on August 12, 2014

V. SPECIAL PRESENTATION

A. (301-14) Present proclamation proclaiming August 11, 2014 National Call Before You Dig Day. (Ten minute estimate) Chairman Nicoletti presented proclamation to Pacific Gas and Electric Company Governmental Relations Representative Joe Wilson. Mr. Wilson commended the Board and advised the 811 call is free and should be used prior to digging.

VI. PUBLIC COMMUNICATIONS:

Mr. Rock West, Linda, urged the Board to reconsider decision to deny claim for damages.

Agricultural Commissioner Louie Mendoza presented a brief recap of the 2013 Crop report for Yuba County and responded to Board inquiries.
VII. COUNTY DEPARTMENTS

A. Administrative Services

1. (302-14) Approve Memorandum of Understanding with Yuba County Water Agency relating to construction of Sheriff radio tower and supporting infrastructure and authorize Chair to execute. (Ten minute estimate) Director Doug McCoy recapped memorandum of understanding between the County and the Water Agency and responded to Board inquiries.

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

2. (303-14) Approve amendment to agreement with INDIGO/ Hammond & Playle Architects, for design and incorporation of a communication room for Yuba County Water Agency in the new Sheriff’s facility and authorize Chair to execute same. (Ten minute estimate) Director Doug McCoy provided a brief recap.

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

B. Community Development and Services

1. (304-14) Adopt resolution confirming report of delinquent solid waste collection charges and order of assessment on property tax roll related to Recology Yuba Sutter. (Ten minute estimate) Environmental Health Director Tej Maan recapped the hearing and responded to Board inquiries.

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

   Adopted Resolution No. 2014-60, which is on file in Yuba County Resolution Book No. 45.

C. Health and Human Services

1. (305-14) Approve agreement with California Department of Public Health, California Epidemiologic Investigation Services and authorize Chair to execute same. (Ten minute estimate) Interim Health Officer Dr. Michael Kinnison recapped agreement and responded to Board inquiries.

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

2. (306-14) Approve County Employee Wellness Program and authorize funding program in the amount $50,000. (Ten minute estimate) Interim Health Officer Dr. Michael Kinnison recapped program and request, and responded to Board inquiries. County Administrator recapped anticipated long term health benefits to employees.
MOTION: Move to approve     MOVED: Andy Vasquez     SECOND: Hal Stocker
AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Roger Abe
NOES: None  ABSENT: Mary Jane Griego  ABSTAIN: None

D. Sutter-Yuba Mental Health

1. (307-14) Adopt resolution dissolving the Mental Health and Substance Abuse Advisory Boards and forming a newly combined board named Sutter-Yuba Behavioral Health Advisory Board with integrated selected duties and approving Board Bylaws. (Ten minute estimate) Assistant Director of Human Services Tony Hobson Ph.D., provided a brief recap and responded to Board inquiries.

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

Adopted Resolution No. 2014-61, which is on file in Yuba County Resolution Book No. 45.

E. Human Resources and Organizational Services

1. (315-14) Approve Master Labor Agreement with Yuba County Employees' Association, authorize Chair to execute same, and approve amendment to classification system-basic salary/hourly schedule regarding differential pay adjustment for Cook classification assigned to Sheriff's Department. (Fifteen minute estimate) Director Martha Wilson advised agreement was reached with four of the five units, with the exclusion of Bargaining Unit 2, and further advised agreement could be adopted with the following amendments to the agreement striking references to Unit 2 as follows:
   - Article 10 on page 18 equity adjustments
   - Article 13 on page 29 reference to cook differential
   - Article 14 on pages 30 and 30 increase in uniform and boot allowance

Ms. Wilson responded to Board inquiries.

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

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

A. (308-14) Ordinance - Hold public hearing, waive reading, and introduce ordinance amending Chapter 3.40 of the Yuba County Ordinance Code as it relates to Public Employees' Retirement System to include Pre-Retirement Option 2W Death Benefit for local safety members. (Ten minute estimate) Director Martha Wilson provided a brief recap and responded to Board inquiries.

The Chair 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, John Nicoletti
NOES: None  ABSENT: Mary Jane Griego  ABSTAIN: None
B. (277-14) Ordinance - Hold public hearing and adopt ordinance adding Chapter 8.100 to Title VIII of the Yuba County Ordinance Code relating to the prevention of nut crop theft. (Second reading. Continued from July 15, 2014) (Ten minute estimate)

The Chair opened the public hearing. No one came forward.

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

Adopted Ordinance No. 1534, which is on file in Yuba County Ordinance Book No. 24.

IX. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

A. (310-14) Resolution from City of Wheatland regarding consolidation of city election with the statewide election. Received.

B. (311-14) Annual report from Yuba County Commission on Aging for fiscal year 2012-2013. Received.


D. (313-14) Notice from State of California Fish and Game Commission regarding change of location for hearings on proposed regulatory actions scheduled for August 6, 2014 in San Diego. Received.

E. (314-14) Audit Report from California State Controller for the Yuba County Road Fund dated July 1 2004 through June 30, 2011. Received.

X. BOARD AND STAFF MEMBERS' REPORTS:

County Administrator Robert Bendorf:
° Regional fire study meeting with consultants from City Gate July 18, 2014
° Budget Workshop in August and Final Budget in September
° State Budget includes reimbursements to Counties for state mandated programs in Fiscal Year 14/15
° Legislative Officer Russ Brown preparing issues for legislative platform

County Counsel Angil Morris-Jones: Out of office August 12, 2014

Supervisor Stocker:
° Memorial Adjournments - Mr. Edward George Garbarino, Mr. John Downs, and Mr. James Watson
° Sacramento Bee article addressing the use of antibiotics on livestock

Supervisor Abe:
° OPUD Liaison meeting held July 11, 2014
° Sierra Sacramento Valley Emergency Medical Services meeting held July 11, 2014
° Attended State Fair awards presentation July 11, 2014 with Marysville FFA receiving a silver ribbon for the County display
° Memorial Adjournments - Mr. Kenneth James Mahler and Mr. John Stineman
Supervisor Vasquez:
- Hmong farmer market August 2, 2014 at 7 a.m. at the VFW Hall on 7th Avenue
- Requested to place Rock West on August 12, 2014 agenda under Closed Session

Supervisor Nicoletti:
- Yuba County Water Agency River Management presentation
- Congressman Garamendi discussion on local water issues and the delta crises
- Beale Leadership meeting
- Memorial Adjournment - Mr. Ray Bettencourt

XI. CLOSED SESSION: Board retired into closed session at 10:57 a.m. and returned at 12:08 p.m. with all members present as indicated above.

A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 005-220-086 (Owners Robert Glen Wood and Marilyn Jean Wood) Revocable Trust Negotiating Parties: Mike Lee Negotiation: Terms of Payment By unanimous vote the Board authorized staff to pursue offer

B. Pending litigation pursuant to Government Code §54956.9(d)(2) - One Case By unanimous vote staff was given direction

C. Pending litigation pursuant to Government Code §54956.9(d)(2) - One Case By 3-1 vote with Supervisor Abe voting in opposition staff was given direction

D. Pending litigation pursuant to Government Code §54956.9(d)(1) - Jolene Tomko vs. Cleotha Adams et al By unanimous vote matter was referred to Porter Scott

E. Personnel pursuant to Government Code §54957 - Public Employee Discipline/Dismissal/Release - Two Matters By unanimous vote the Board upheld decision on the first matter and the second matter was continued to August 12, 2014

F. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Public Guardian Information provided

XII. ADJOURN: 12:08 p.m. in memory of Mr. John C. Downs Jr., Mr. James M. Watson, Mr. Edward George Garbarino III, Mr. Kenneth James Mahler, Mr. John Stineman, and Mr. Ray Bettencourt.

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: ____________________________

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