The County of Yuba
BOARD OF SUPERVISORS

AUGUST 26, 2014 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:45 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 Nicoletti presided.

I. PLEDGE OF ALLEGIANCE - A moment of silence was held for the many thousands of lives lost in the current conflict and the Vietnam era followed by the pledge led Mr. John Floe.

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

County Counsel Angil Morris-Jones requested to add to County Departments Item E. 1. as a matter of business that arose after the agenda was posted.

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

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

A. Administrative Services

1. (366-14) Approve airport lease agreement with Richard Clinton for Terminal Area Lease Parcel Nos. 18 and 19, and authorize Chair to execute. Approved.

2. (367-14) Adopt resolution authorizing Airport Manger to present proposal to Aircraft Owners and Pilots Association for consideration of Airport as location for 2015 AOPA Regional Fly-In. Adopted Resolution No. 2014-70, which is on file in Yuba County Resolution Book No. 45.

B. Clerk of the Board of Supervisors

1. (368-14) Appoint Tamaira Ramsey as a consumer representative and Dennis "Mike" Ayres as an at-large representative to the Behavioral Health Advisory Board for terms ending August 26, 2016 and 2017 respectively. Approved.
2. (369-14) Approve minutes of the meeting of August 12, 2014 Approved as written.

C. Clerk-Recorder/Elections

D. Community Development and Services
   1. (371-14) Accept North Beale Road Median Safety Improvements as complete and authorize Public Works Director to execute and record notice of completion. Approved.
   2. (372-14) Accept Timbuctoo Road over Deep Ravine No. 1 Bridge Replacement Project as complete and authorize Public Works Director to execute and record notice of completion. Approved.
   3. (373-14) Receive notice of Final Map under review pending approval identified as Tract Map No. 2006-0044, Plumas Lake Phase 3. Approved.
   4. (374-14) Award contract to R&R Horn Contractors, Inc. apparent low bidder, for Powerline Road/Bike Ped Improvements Phase II and authorize Chair to execute same. Approved.

E. County Administrator
   1. (375-14) Authorize Chair to execute correspondence taking position on three bills currently considered by the Legislature (AB 1826; AB 2126; SB 1168). Chair Nicoletti commented on Boards position.

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

F. Health and Human Services
   1. (376-14) Approve agreement with Yuba Community College for services for Independent Living Program and authorize Chair to execute. Approved.
   2. (377-14) Approve agreement with Children's Home Society for CalWORKS program child care services and authorize Chair to execute. (Human Services Committee recommends approval) Approved.

G. Human Resources and Organizational Services
   1. (378-14) Adopt resolutions amending Position Allocation Schedule and Basic Salary Schedule as relates to Program Specialist Adult Services, Health and Human Services effective September 1, 2014. Adopted Resolution No. 2014-72 and 2014-73, which are on file in Yuba County Resolution Book No. 45.
   2. (379-14) Adopt resolutions amending Position Allocation Schedule and Basic Salary Schedule as relates to Probation Aide, Probation Department, effective September 1, 2014. Adopted Resolution No. 2014-74 and 2014-75, which are on file in Yuba County Resolution Book No. 45.
   3. (380-14) Approve classification specifications for Chief Probation Officer and Director of Administrative Services and authorize Chair to execute. Approved.
IV. SPECIAL PRESENTATION

A. (381-14) Present Proclamation proclaiming September 2014 as Hmong History Month. (Five minute estimate) Supervisor Vasquez read and presented the proclamation to Mr. John Tao and Colonel Lor. Mr. Tao commended the Board for their support.

B. (382-14) Present Proclamation proclaiming September 2014 Childhood Cancer Awareness Month. (Five minute estimate) Postponed

V. PUBLIC COMMUNICATIONS:

- Mr. Earl Davis - Camptonville, various county roads in need of repair.
- Ms. Lisa Burns – Camptonville, excessive non-residential traffic contributing to the deterioration of roads.

Chair Nicoletti directed Public Works Director to review and respond.

VI. COUNTY DEPARTMENTS

A. Administrative Services

1. (383-14) Authorize use of Criminal Justice Temporary Construction Funds to be used as County local match for SB 81 Youthful Offender Rehabilitation Grant for Tri County Juvenile Facility project and authorize Auditor-Controller to establish appropriate account structure. (Ten minute estimate) Contracts and Purchasing Administrator Andrea Armstrong provided a brief recap of the project, local match requirements, and responded to Board inquiries

   MOTION: Move to approve             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. Community Development and Services

1. (384-14) Receive update on Olivehurst Public Utilities (OPUD) water rate increase and determine whether to file protest on County-owned properties. Public Works Director Mike Lee recapped water accounts affected by the rate increase, approximate annual costs, and responded to Board inquiries.

Following Board discussion, staff was directed to obtain additional information from Olivehurst Public Utilities District, and Marysville Joint Unified School District for schools affected. The matter was continued to September 9, 2014.

2. (385-14) Receive information on Community Rating System’s Program for Public Information Committee as it relates to Federal Emergency Management Association and the National Flood Insurance Program. (Ten minute estimate) Principal Engineer Dan Peterson provided a brief background of the FEMA National Flood Insurance program, the Community Rating System’s Program, appointees to the Public Information Committee, and responded to Board inquiries.

Supervisor Vasquez left the meeting at 11:02 a.m. and returned at 11:05 a.m.
C. County Administrator

1. (386-14) Receive introduction of Jennifer Vasquez as the Director of Health and Human Service effective September 1, 2014, approve employment agreement, and authorize County Administrator to execute. County Administrator Robert Bendorf provided a brief recap, and responded to Board inquiries. Ms. Jennifer Vasquez advised the Board she was honored, and was looking forward to the challenge.

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


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

   Adopted Resolution No. 2014-77, which is on file in Yuba County Resolution Book No. 45.

D. Sutter Yuba Mental Health Services

1. (387-14) Approve Memorandum of Understanding between California Health and Wellness Plan and the Counties of Sutter and Yuba regarding Medi-Cal Managed Care for coordination of services and authorize Chair to execute. (Ten minute estimate) Assistant Director Tony Hobson provided a brief recap and responded to Board inquiries.

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

E. Board of Supervisors

1. (398-14) Appoint a member of the Board of Supervisors and an alternate to the Behavioral Health Advisory Board.

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

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

A. (388-14) Public Hearing - Receive independent consultant report of review and evaluation of rate adjustment application submitted by Recology Yuba-Sutter and adopt resolution approving an amendment to the Recology Yuba-Sutter Collection Service Agreement and approving a rate decrease for residential and commercial customers for rate year 2015 to be effective October 1, 2014. (Fifteen minute estimate) County Administrator Robert Bendorf recapped the report and recommended adjustments, and responded to Board inquiries.
The Chair opened the public hearing. No one came forward.

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

B. (389-14) Ordinance - Hold public hearing, waive reading, and introduce ordinance adding Chapter 7.09, Gray Water Systems to the Yuba County Ordinance Code. (First Reading. Fifteen minute estimate) Environmental Health Supervisor Paul Donoho recapped necessity for ordinance 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: Hal Stocker
SECOND: Mary Jane Griego
AYES: Hal Stocker, Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe
NOES: None
ABSENT: None
ABSTAIN: None

C. (390-14) Public Hearing - Hold hearing and adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and abatement costs, and recording of lien for 1321 Country Club Road, Arboga, Robert W. and Vivian S. Morton, in the amount of $24,976.78. (Ten minute estimate) Supervising Code Enforcement Officer Jeremy Strang advised property owners Robert W. and Vivian S. Morton requested item postponed to allow time for their legal counsel to review the documents.

Mr. Strang responded to inquiries regarding noticing and advised the delay would not result in additional penalties.

Board consensus was received to continue the public hearing to September 9, 2014.

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

A. (391-14) Notice from Pacific Gas and Electric regarding Narrows No. 2 Transmission Line Project Request for finding of no discharge or extension of time. Received.

B. (392-14) Public Notice from Federal Aviation Administration regarding final environmental assessment finding of no significant impact and record of decision. Received.

C. (393-14) Letter from Board of State and Community Corrections regarding Community Recidivism Reduction Grant. Received.

D. (394-14) Letter from County Fish and Game Commission regarding activities. Received.

E. (395-14) Notice of meeting August 28, 2014 from California Wildlife Conservation Board and item 18 regarding American Basin Conservation Easement (High Ridge Ranch), Yuba County. Received.

IX. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Griego:
- Meetings attended:
  - Resources Efficiency meeting August 20, 2014
• Yuba County Water Agency POD meeting August 20, 2014
• SACOG Board of Directors meeting August 21, 2014
• Yuba Sutter Transit Authority August 21, 2014
  • Hogs and Hulas August 23, 2014

Supervisor Abe:
• Police Canine Association K9 Trials held August 23, 2014 at Appeal Democrat Park
• Yuba Sutter Stand Down held August 22, 2014
• RCRC Board meeting held August 13, 2014

Supervisor Stocker:
• Memorial Adjournment – Mr. Dick Dahms
• Newspaper article regarding the Williamson Act

Supervisor Griego left the meeting at 11:52 a.m. and returned at 12:00 p.m.

In response to Supervisor Vasquez County Counsel Angil Morris-Jones received Board consensus to explore proposed change to the littering ordinance to encompass the use of leaf blowers.

Nicoletti:
• Yuba Sutter Stand Down held August 22, 2014
• BMCL hosting an event August 28, 2014 for Wing Commander Colonel Lee
• Resources Efficiency meeting August 20, 2014
• Camp Singer academics
• Article relating to new library functions and services

X. CLOSED SESSION: The Board retired into closed session at 12:01 p.m. and returned at 12:41 p.m. with all present as indicated above.

A. Pending litigation pursuant to Government Code §54956.9(d)(1) - Jolene Tomko vs. Cleotha Adams et al By unanimous vote the Board authorized Counsel to sign conflict letter.

B. Personnel pursuant to Government Code §54957.6(a) - Labor Negotiations - DDA/YCEA Bargaining Unit 2 and County of Yuba Direction was provided.

C. Personnel pursuant to Government Code §54957(b)(1) - Public Appointment - Public Health Officer Direction was provided.

D. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Public Guardian Tabled to meeting of September 9, 2014

XI. RECESS TO 1:30 P.M.

XII. CODE ENFORCEMENT ADMINISTRATIVE APPEAL HEARING

County Counsel Angil Morris-Jones advised the notice requirements were met and timely, and recommended denial of request for continuance.

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

Mr. Strang and Mr. Jacenich recapped the history and provided an outline of contact with the property owner and caretaker, and provided a PowerPoint presentation, including the following:
- Pictures depicting the grow site
  - Numerous plants in wooden planter boxes
  - Small RV with outdoor seating area
  - Generator and power cord
- Chronology of contact in 2013 and 2014

Following Board discussion Mr. Strang recapped the appeal hearing fees paid by Ms. Barnett, and fees and penalties assessed on the property.

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

MOTION: Move to approve penalties and costs are appropriate in the amount of $59,048.24
MOVED: Mary Jane Griego
SECOND: Hal Stocker
AYES: Mary Jane Griego, Hal Stocker Andy Vasquez, John Nicoletti, Roger Abe
NOES: None ABSENT: None ABSTAIN: None

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

Chief Deputy Counsel John Vacek advised of preparation of Findings of Fact which would include a time certain for abatement.

XIII.  ADJOURN: 2:00 p.m. in memory of Mr. Richard “Dick” Dahms.

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: September 23, 2014

08/26/2014 - BOS

MINUTE BOOK NO. 71 PAGE 100