The County of Yuba

BOARD OF SUPERVISORS

SEPTEMBER 30, 2014 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 10:30 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 Stotlemeyer. Chairman Nicoletti presided.

I. PLEDGE OF ALLEGIANCE - Followed by a moment for those lost and injured in the current conflict, the pledge was led by Auditor Rich Eberle.

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

III. Auditor-Controller

A. (446-14) Adopt resolution adopting budget for fiscal year 2014-2015. (Five minute estimate) Auditor Rich Eberle provided a brief recap of the budget totals, encumbrances, and responded to Board inquiries.

  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

Adopted Resolution No. 2014-91, which is on file in Yuba County Resolution Book No. 45.

IV. CLOSED SESSION: The Board retired into closed session at 10:35 a.m. and returned at 10:49 a.m. with all present as indicated above.

A. Pending litigation pursuant to Government Code §54956.9(d)(1) - Chambers vs. County of Yuba et al By unanimous vote referred to Porter Scott.

B. Personnel pursuant to Government Code §54957.6(a) - Labor Negotiations - DDAA/Confidential/Unrepresented/Management Direction given.

C. Pending litigation pursuant to Government Code §54956.9(d)(1) - Charles Jones vs. County of Yuba et al By unanimous vote referred to Porter Scott.
V.  11:00 A.M. CODE ENFORCEMENT ADMINISTRATIVE APPEAL HEARING

A. (447-14) Hold appeal hearing regarding determination of public nuisance and imposition of administrative penalty for 15054 Sun Forest Court, Oregon House, APN 060-140-039/Lincoln and Lederman and consider findings of facts, conclusion of law, and orders. (30 minute estimate) Chief Deputy Counsel John Vacek outlined hearing procedures.

Counsel Scot Candell representing tenant Stephen Lederman recapped use of an administrative law judge and felt the county should show cause as to why that process was not being used and felt that his client has not been given due process nor given the procedural rights established by law and ordinance and responded to inquiry regarding house size.

Mr. Vacek recapped county use of use of an administrative law judge, scheduling experience on short notice and hearing time constraint which was problematic and was prepared to proceed today.

Following Board discussion and inquiries, Board consensus was to move forward with hearing. Mr. Candell requested findings be prepared.

Mr. Vacek questioned Supervising Code Enforcement Officer Jeremy Strang and Code Enforcement Officer John Jacenich who responded to inquiries regarding the property compliance, which included a PowerPoint presentation including:

- Marijuana cultivation without dwelling
- Prior knowledge of Ordinance Code requirements
- Map of Property location, number and size of plants
- Administrative Chronology of Case
- Property inspection
- Notice of violation and timelines for hearing
- Cost accounting and administrative penalty

Mr. Strang and Mr. Jacenich responded to inquiries from Mr. Candell which was followed by further questions from Mr. Vacek and Mr. Candell.

Mr. Candell questioned Mr. Lederman regarding lease of property and construction permit for a dwelling which was submitted as exhibits to be included as part of the administrative record.

Mr. Lederman commented on the permitting process for the dwelling and efforts to be compliant with the County.

Mr. Lederman responded questions from Mr. Vacek.

The Board recessed at 12:18 and returned 12:26 p.m. with all present as indicated above.

Mr. Strang, Mr. Jacenich, and Mr. Lederman responded to Board inquiries regarding testimony provided.

Chair Nicoletti opened the public hearing. The following individual spoke: Ms. Mary Salato, Olivehurst

County Counsel Angil Morris-Jones responded to Board inquiries regarding lien and procedures for decision.
MOTION: Move to close public hearing
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

The Board retired into closed session to deliberate at 1:12 p.m. and returned at 1:45 p.m. with all present as indicated above.

Ms. Morris-Jones advised the Board has agreed to stipulate that any violation of code to have the hearing before a law judge is waived as a violation to which appellants counsel stipulated.

Mr. Vacek advised based on testimony of 35 plants the Board may consider a penalty of $3,700 per day.

Ms. Morris-Jones further advised of the Board findings and orders to abate nuisance exists.

Mr. Candell agreed to stipulate Mr. Lederman would not appeal the decision.

MOTION: Move to declare property a public nuisance and be abated; declare administrative penalties in the total amount of $10,201.34 are incurred with respondent Mr. Lederman assessed $4,116 and Mr. Vanich Lincoln (property owner) assessed $6,085.34 plus $3,700 per day until 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

Supervisor Stocker left the meeting at 1:49 p.m.

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

VI. ADJOURN: 1:51 p.m.

Chair

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

Approved: October 21, 2014

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