The County of Yuba

BOARD OF SUPERVISORS

DECEMBER 9, 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, 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 American soldiers who have lost their lives in the current conflict followed by the 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

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

A. Board of Supervisors

1. (531-14) Appoint V. Sue Shaffer to the Commission on Aging as the District Two Representative for a term ending December 31, 2016. Approved.

B. Clerk of the Board of Supervisors

1. (532-14) Approve Conflict of Interest Codes for Wheatland Cemetery District; District 10-Hallwood Community Services District; Linda Fire Protection District; and Browns Valley Irrigation District. Approved.

2. (533-14) Approve minutes from the meeting of November 18, 2014. Approved as written.

C. Clerk-Recorder/Elections


D. Treasurer-Tax Collector

1. (535-14) Adopt resolution delegating investment authority to County Treasurer for year 2015. Adopted Resolution No. 2014-117, which is on file in Yuba County Resolution Book No. 45.
IV. PUBLIC COMMUNICATIONS:

Mr. Russ Watts Contra Costa County Treasurer-Tax Collector and President Elect of the California Association of County Treasurers Tax Collectors presented the Gavel Award to Treasurer Dan Mierzwa for Excellence in Leadership and Service as President of the California Association of County Treasurers and Tax Collectors for the Fiscal Year 2014-2015.

Kern County Treasurer Tax Collector Jackie Denny commended Mr. Mierzwa for his leadership and dedication. Mr. Mierzwa expressed appreciation to the Board for their support.

V. COUNTY DEPARTMENTS

A. Administrative Services

1. (536-14) Adopt resolution supporting new Tri-County Juvenile Rehabilitation Facility in Marysville and authorizing Chair to execute grant funding application for Round Two SB 81 Local Youthful Offender Rehabilitation Facilities Construction funds. (Ten minute estimate) Director Doug McCoy recapped grants and responded to Board inquiries.

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

Adopted Resolution No. 2014-118, which is on file in Yuba County Resolution Book No. 45.

B. Community Development and Services

1. (537-14) Adopt Program for Public Information for County floodplain management activities and a component of the Community Rating System. (Ten minute estimate) Principal Engineer Dan Peterson recapped FEMA National Flood Insurance Program and Program for Public Information Committee including specific activities and projects for public outreach, and responded to Board inquiries.

MOTION: Move to approve
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

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

A. (538-24) Public Hearing - Hold public hearing to receive comment regarding Final Grantee Performance Report for closeout of Community/Economic Development Block Grant 10-EDEF-7271. (Ten minute estimate) Yuba Sutter Economic Development Corporation Loan Officer Jackie Slade recapped applications received, status of applications, and responded to Board inquiries.

The Chair opened the public hearing. The following individual spoke: Mr. Steve Wigley, Loma Rica.

MOTION: Move to close the public hearing
MOVED: Mary Jane Griego
SECOND: Roger Abe
AYES: Mary Jane Griego, Roger Abe, Andy Vasquez, John Nicoletti, Hal Stocker
NOES: None
ABSENT: None
ABSTAIN: None
B. (539-14) Ordinance - Hold public hearing, waive reading, and introduce ordinance amending Chapter 7.50 of Title VII of the Yuba County Ordinance Code relating to Stormwater Quality. (First reading) (Land Use and Public Works recommends approval) (Ten minute estimate) Principal Engineer Dan Peterson recapped new definitions and requirements including provisions for storm management plan and responded to Board inquiries.

Following Board discussion Mr. Peterson responded to specific inquiries regarding penalties for violations, coordination with local utilities and surrounding counties and municipalities, and additional public outreach.

The Chair opened the public hearing. The following individuals spoke:

- Ms. Mary Solvado, Olivehurst
- Mr. Zack Cross, Loma Rica

Supervisor Stocker left the meeting at 10:13 a.m. and returned at 10:17 a.m.

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

C. (524-14) Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and re-enacting Chapter 10.30 regarding requirements of the National Flood Insurance Program and Community Rating System. (Second reading. Continued from November 18, 2014) (Ten minute estimate) Supervisor Vasquez requested second reading be continued to January 13, 2014 to allow additional time for public inquiry.

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

MOTION: Move to close the public hearing and continue item to January 13, 2014
MOVED: Andy Vasquez          SECOND: Roger Abe
AYES: Andy Vasquez, Roger Abe, John Nicoletti, Mary Jane Griego, Hal Stocker
NOES: None ABSENT: None ABSTAIN: None

D. (540-14) Administrative Appeal Hearing - Hold hearing for imposition of administrative penalty regarding Assessor's Parcel Number 019-200-088, Olivehurst, owned by Mohammad A. Khan and Lucy Salva, in lien amount of $13,213.82. (Twenty minute estimate) The oath was administered by the clerk for those individuals planning to give testimony.

Chief Code Enforcement Officer Jeremy Strang presented a PowerPoint presentation outlining property description and location, notices sent to property owner, number of plants, and additional violations on the property.

Attorney Charnel James refuted her client Mr. Khan had prior knowledge of the violations, and when Mr. Khan became aware of the situation contacted the authorities to have the trespasser and trailer removed from the property. Ms. James further advised Mr. Kahn checked on the property at least once a quarter and did not notice anything out of the ordinary on his last visit.

Chair Nicoletti opened the public hearing. No one came forward.
MOTION: Move to uphold imposition of administration penalties and lien in the amount of $13,213.82. 
MOVED: Mary Jane Griego SECOND: Roger Abe 
AYES: Mary Jane Griego, Roger Abe, Andy Vasquez, John Nicoletti, Hal Stocker 
NOES: Andy Vasquez ABSENT: None ABSTAIN: None 

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

A. (541-14) Letter from Nevada Joint Union High School District regarding increase of development fees and certification before issuance of building permits. Accepted. 

B. (542-14) Minutes from the California Wildlife Conservation Board meeting of August 28, 2014 which are on file in the Board office. Accepted. 

C. (543-14) News Release from United States Fish and Wildlife Services announcing public hearing for proposal to designate critical habitat for western yellow-billed cuckoo. Accepted. 

VIII. BOARD AND STAFF MEMBERS' REPORTS: 

Supervisor Vasquez: Memorial Adjournment - Baby Emmett Daniel Weckman 

Supervisor Griego Memorial Adjournment - Mrs. Rosella Crouse 

Supervisor Abe: CSAC conference held November 22, 2014 

Supervisor Stocker: State of California drought 

Supervisor Nicoletti: ACWA Conference held December 3, 2014 

IX. CLOSED SESSION: The Board retired into closed session at 11:27 a.m. and returned at 11:47 a.m. with all staff present as indicated above. 

A. Personnel pursuant to Government Code §54957.6(a) - Labor Negotiations – DDAA Direction provided 

X. RECESS TO 1:30 P.M. 

A. (544-14) Receive presentation from State Water Resources Control Board regarding cannabis cultivation enforcement initiative. (Christian Carrigan, Director, Office of Enforcement) (Ten minute estimate) Director Carrigan provided a PowerPoint presentation recapping the following and responding to inquiries: 
- Illegal diversion 
- Sanitary issues 
- Organic site practices 
- Outreach and Compliance 
- Permitting 
- Regulatory Tools 
- Legal Remedies 
- Water Code Section 13304 
- Public/Private Lands 
- Enforcement Challenges
B. (545-14) Conduct workshop on updating Marijuana Cultivation Ordinance and provide staff direction. (Community Development and Services/County Counsel) (60 minute estimate) Chairman Nicoletti provided an outline for presentation and public comments.

Chief Deputy Counsel John Vacek recapped the current ordinance, enforcement difficulties, compliance, and affect of ordinance on County.

Supervisor Abe left the meeting at 2:05 p.m. and returned at 2:10 p.m.

Mr. Vacek recapped three ordinance models identified as:
- Shasta County - bans outdoor grows, allows 12 plants in single permitted accessory structure
- Sacramento County - bans outdoor grow, allows indoor residential grow of 9 plants in a confined area
- Fresno County - indoor and outdoor grow prohibited

The following individuals spoke:
- Ms. Mary Jane Salvato, Olivehurst
- Ms. Marlys Eatmen, Olivehurst
- Mr. Jed Ivy, Oregon House
- Mr. Michael Lee, Dobbins
- Mr. Eric Salerro, Redhill Way
- Mr. Zachary
- Mr. John McLean, Redhill Way
- Mr. Lee Boutt, Olivehurst
- Ms. Lacie Whittington, Moonshine Road
- Mr. Buck Weckman, Brownsville
- Ms. Karen Liggett, Marysville
- Ms. Buck Weckman, Brownsville
- Mr. Samuel McConnell, Yuba County
- Mr. Lewis Paullin, Yuba County
- Mr. Dave Draper, Browns Valley
- Mr. Richard Baum, Dobbins
- Ms. Michelle Parson, Marysville
- Mr. Sam McConnell, Growers Association
- Ms. Angeline Perez, Marysville Business Owner
- Mr. Gene West, District 5
- Mr. Chris Ashe, Rackerby
- Mr. Zach Cross, Fruitland Road
- Mr. Ben Crott, Browns Valley
- Ms. Shirley Henrikson, Browns Valley
- Mr. Bryan Dozzi, Dobbins
- Ms. Karolyn McCall, Dobbins
- Mr. Daniel Aspin, Olivehurst
- Mr. Rick, Olivehurst
- Mr. Sheldon Weeks, Browns Valley
- Mr. Michael Worrell, Oregon House
- Ms. Carla Virga, Yuba City
• Mr. Erick Lock, Marysville
• Ms. Jean Terry, Browns Valley
• Mr. Al Owens, Camptonville

Supervisor Vasquez left the meeting at 3:26 p.m. and returned at 3:30 p.m.

• Mr. Ken Odom, Browns Valley
• Mr. Norman Hall, County
• Mr. Calvin Ivie, Camptonville
• Mr. Roger Morgan, Lincoln
• Mr. Michael Green, Fresno
• Ms. Kathie Thelen, Browns Valley
• Mr. Gary McQuary, Dobbins
• Ms. Teri Douyon, Sutter County
• Ms. Margaret Thomas, Rackerby
• Dr. Leif Rasmussen, Chico
• Mr. Vic Milligan, Browns Valley
• Mr. Paul Guevara, Marysville
• Mr. Mike Hatherly, Oregon House

Recessed at 4:24 p.m. and reconvened at 4:41 p.m. with all present as indicated above.

Chairman Nicoletti recommended and received Board consensus to agendize the matter for January 13, 2015 at 3:00 p.m. to allow staff and board members time to review comments and handouts provided during comments.

XI. RECESS TO 6:00 P.M. The Board recessed at 4:50 p.m. and reconvened at 6:00 p.m. with all Board and staff members present as indicated above.

A. (546-14) Community Development and Services Direct staff to initiate Proposition 218 process to propose increases to water and sewer rates for River Highlands Gold Village. (Land Use and Public Works Committee recommends approval) (Fifteen minute estimate) Director Kevin Mallen recapped rates that were established for services, grant funding received requiring meter rate structure, and proposed rates to be increased. Mr. Mallen further advised of the process for raising the fee, protesting of fees, and responded to Board inquiries.

The following individuals spoke:
Mr. Greg Bock, Smartsville
Ms. Babette Schrank, Smartsville
Ms. Susie Grosie, Gold Village
Ms. Carol Lawrence, property owner in Gold Village
Mr. Jim Abbott
Mr. Vance Grossie

Principal Engineer Dan Peterson responded to Board inquiries regarding opportunities for infrastructure funding.

Following Board discussion, the matter died for lack of a motion.
XII. **ADJOURN** 7:21 p.m. in memory of Baby Emmett Daniel Weckman, Mrs. Rosella Crouse, and Mrs. Veronica Bendorf.

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: **January 13, 2015**