The County of Yuba

BOARD OF SUPERVISORS

FEBRUARY 24, 2015 – 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 Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Griego presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – 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: Andy Vasquez  SECOND: Randy Fletcher

AYES: Andy Vasquez, Randy Fletcher, John Nicoletti, Mary Jane Griego, Roger Abe

NOES: None  ABSENT: None  ABSTAIN: None

A. Administrative Services

1. (070-15) Approve amendment to sublease agreement with Peach Tree Healthcare Inc. and authorize Chair to execute. Approved.

B. Board of Supervisors

1. (071-15) Adopt resolution merging the Yuba County Children’s Council and the Child Abuse Prevention Council into the newly established and named Yuba County Children’s Wellness and Child Abuse Prevention Council and designate the counsel to make recommendations regarding the County Children’s Trust Fund and Child Abuse Prevention and Intervention Treatment/Community Based Child Abuse Prevention Fund. Adopted Resolution No. 2015-16, which is on file in Yuba County Resolution Book No. 46.

C. Clerk of the Board of Supervisors

1. (072-15) Approve Conflict of Interest Codes for Brophy Water District, Loma Rica/Browns Valley Community Services District, and Plumas Lake Elementary School District. Approved.


D. Community Development and Services

1. (075-15) Approve contract change order, accept Loma Rica Safety Improvement project as complete, and authorize Public Works Director to sign contract change order and sign and record the Notice of Completion. Approved.

2. (076-15) Approve contract change order, accept Powerline Road Bike/Pedestrian Improvement project (Safe Routes to School Phase III) as complete, and authorize Public Works Director to sign contract change order, and sign and record the Notice of Completion. Approved.

E. County Administrator

1. (077-15) Approve letter seeking legislation for $21.3 million for the Local Groundwater Assistance Grant program or a similar program and authorize Chair to execute. Approved.

F. Emergency Services

1. (078-15) Adopt resolution proclaiming the existence of an ongoing local drought emergency in the County of Yuba. Adopted Resolution No. 2015-17, which is on file in Yuba County Resolution Book No. 46.

G. Sheriff-Coroner

1. (079-15) Approve Memorandum of Understanding and Letter of Understanding with BGE Yuba to provide supplemental law enforcement services at Sleep Train Amphitheatre. Approved.

IV. PUBLIC COMMUNICATIONS

- Mr. Nick Spaulding, Oregon House, Draft Development Code

V. COUNTY DEPARTMENTS

A. County Administrator

1. (080-15) Receive Second Quarter fiscal report; receive mid-year budget report; authorize Budget Transfers in the total amount of $4,373,752 with $92,269 from General Fund Contingency; authorize fixed assets purchases in the total amount of $505,297; and authorize personnel change request for Health and Human Services and Community Development and Services Agency. (Thirty minute estimate) County Administrator Robert Bendorf recapped the changes in General Fund Contingency, Capital Outlay, and Personnel Change requests. Management Analyst Grace Mull recapped Budget Transfers in a total amount of $4,373,752.

Mr. Bendorf and Ms. Mull responded to Board inquiries.

The following individuals spoke: Auditor-Controller Rich Eberle

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

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

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MINUTE BOOK NO. 72 PAGE 28
A. (081-15) Letter from Dale Whitmore regarding Yuba County Fish and Game Advisory Commission bylaws. Accepted.

B. (082-15) Notice from Sutter-Yuba Mosquito and Vector Control District regarding pesticide application notification. Accepted.

C. (083-15) Two letters from the Auditor Controller enclosing independent audit reports for Sutter-Yuba Mosquito and Vector Control District and Loma Rica Browns Valley Community Services District. (On file in the Clerk of the Board Office) Accepted.

D. (084-15) Two notices from California Office of Emergency Services advising of disaster designation due to drought. Accepted.

VII. BOARD AND STAFF MEMBERS' REPORTS

Supervisor Nicoletti:
- Three Rivers Levee Improvement Authority meeting held February 17, 2015
- City of Marysville City Council meeting held February 17, 2015
- Feather River Air Quality Management District held February 18, 2015
- Memorial Adjournment: Mr. Richard Davies, Mr. Jack Hannahs, and Dr. Jack Stokes

Supervisor Abe: attended the CSAC meeting held February 19, 2015.

Supervisor Griego:
- Three Rivers Levee Improvement Authority meeting held February 17, 2015
- Feather River Air Quality Management District held February 18, 2015
- Yuba Sutter Transit Authority meeting held February 19, 2015
- SACOG Transportation Committee
- South County Economic meeting at Dukes Diner, Thursday, February 26, 2015 at 6:00 p.m.

County Administrator Robert Bendorf: Consider Board membership to National Association of County Officials

County Counsel Angil Morris-Jones: Yuba County is hosting the Naturalization Ceremony, June 26, 2015, 10:00 a.m., Yuba County Board Chambers

VIII. CLOSED SESSION: The Board retired into closed session at 10:34 a.m. and returned at 10:56 a.m. with all members present as indicated above.

A. Pending litigation pursuant to Government Code §54956.9(d)(2) - One Case  Referred the matter to Porter Scott

B. Pending litigation pursuant to Government Code §54956.9(e)(3) – One Claim (Curiel) No report

IX. RECESS FROM 11:30 A.M. THROUGH 1:30 P.M.

X. ORDINANCES AND PUBLIC HEARINGS: The Chair read the disclaimer.

The oath was administered by the clerk for those individuals planning to give testimony.

A. 1:30 P.M. (085-15) Public Hearing - Hold hearing and adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and summary abatement costs, and recording of lien regarding
6223 Mapes Way, Linda, (Richard C Lantsberger), in the amount of $14,187.96. (Fifteen minute estimate) Code Enforcement Manager Jeremy Strang presented a PowerPoint presentation depicting violations and responded to Board inquiries.

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

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

B. 1:30 P.M. (086-15) 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 regarding 1679 E Eleventh Ave, Olivehurst, (Estate of Joe and Mary Ann Self, C/O Kathryn Billy), in the amount of $10,895.65. (Fifteen minute estimate) Code Enforcement Manager Jeremy Strang presented a PowerPoint presentation depicting violations and responded to Board inquiries.

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

MOTION: Move to approve            MOVED: Andy Vasquez     SECOND: Randy Fletcher
AYES: Andy Vasquez, Randy Fletcher, John Nicolette, Mary Jane Griego, Roger Abe
NOES: None ABSENT: None ABSTAIN: None

C. 1:30 P.M. (087-15) Public Hearing - Hold hearing and adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and abatement costs and penalties, and recording of lien regarding 4698 Ardmore Ave. Units A-D, Olivehurst, (Jon A and Amy K Messick), in the amount of $18,774.51. (Thirty minute estimate) Code Enforcement Manager Jeremy Strang and Officers John Rohrback and John Jacinich presented a PowerPoint presentation depicting history of violations, and notices sent to the tenant and the property owner, and responded to Board inquiries.

The Chair opened the public hearing. The following individual spoke.

Mr. Jon Messick, disputed receiving timely notification, and felt he was not responsible for the actions of the tenant. Mr. Messick advised the tenant was evicted and violations were corrected as soon as possible.

MOTION: Move to close public hearing, reduce penalties by one day ($2,800) for a total of $15,974.51 and adopt findings of facts
MOVED: Roger Abe         SECOND: Randy Fletcher
AYES: Roger Abe, Randy Fletcher, Andy Vasquez, Mary Jane Griego
NOES: John Nicoletti ABSENT: None ABSTAIN: None

D. 3:00 P.M. (088-15) Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and reenacting Chapter 7.40 Marijuana Cultivation; and adopt resolution establishing marijuana cultivation registration fees and penalties. (First reading) (Sixty minute estimate) Code Enforcement Manager Jeremy Strang briefly recapped the proposed ordinance and resolution establishing annual registration fee of $441 and late registration penalty of 50 percent. Mr. Strang responded to Board inquiries.

Chair Griego opened the public hearing. The following individuals spoke:
  • Mr. Rock West, foothills
  • Mr. Dennis McLeod, Olivehurst
Mr. Fred Delmer, Placerville
Mr. Thomas Craven, Olivehurst
Mr. Gary LaTurco, Olivehurst
Mr. David Kelley, Forbestown
Ms. Janet Wolfley, Marysville
Mr. Rand Collins, Clipper Mills
Mr. Zach Cross, District Five
Ms. Lisa Burns
Mr. Bryan Dozzi, Dobbins
Ms. Mary Salvato, Olivehurst
Mr. Greg Ridgeway, Olivehurst
Ms. Karen Liggett
Ms. Ellen Komp, San Francisco
Ms. Heidi Grossman
Ms. Shelby Lucero, Courtland
Mr. Jonathan Finegold, District Five
Ms. Karolyn McCall
Mr. Tommy Boggess
Mr. Lee Boutt, Linda
Mr. Richard Waters, Yuba County
Mr. Cris Caldwell
Mr. Ben Crott, Browns Valley
Ms. Jean Wyatt, Browns Valley
Mr. William Daly, Olivehurst
Mr. Wyatt Ellis
Mr. Juan Berrelez
Mr. Carl McCall
Mr. Brian Oliver, Olivehurst
Ms. Lanette Davies
Mr. David Killingsworth
Mr. Frank Cecil
Ms. Kathie Thelen
Ms. Michele Lee, Dobbins
Mr. Rick Reiss, Marysville
Mr. Buck Weckman, Brownsville
Mr. David Killingsworth
Mr. Jerry Hensley, Yuba County
Mr. Beau Green, Yuba County
Mr. Bernard Nahlen
Mr. Robert House, Yuba County
Mr. Brook
Ms. Paige Hensley
Mr. Oliver

The Board recessed at 5:03 p.m. and reconvened at 5:15 p.m. with all present as indicated above.
MOTION: Move to close the public hearing
MOVED: Andy Vasquez    SECOND: John Nicoletti
AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None   ABSENT: None   ABSTAIN: None

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

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

Adopted Resolution No. 2015-18, which is on file in Yuba County Resolution Book No. 46.

Chair Griego announced the second reading would be held on March 10, 2015 at 3:00 p.m.

XI.  ADJOURN: 5:43 p.m. in memory of Mr. Richard Davies, Mr. Jack Hannahs, and Dr. Jack Stokes.

ATTEST: DONNA STOTTMEEKER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: [Signature]  March 10, 2015

Chair