The County of Yuba
BOARD OF SUPERVISORS
MARCH 10, 2015

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:46 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 Clerk of the Board of Supervisors Donna Stottlemyer. Chair Griego presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Abe

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher - Supervisor Nicoletti 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: Andy Vasquez SECOND: Roger Abe
AYES: Andy Vasquez, Roger Abe, Mary Jane Griego, Randy Fletcher
NOES: None ABSENT: John Nicoletti ABSTAIN: None

A. Board of Supervisors


B. Clerk of the Board of Supervisors

1. (097-15) Appoint Michael Valdez Consumer Representative and Karen James Family Representative to the Behavioral Health Advisory Board with terms ending March 10, 2018 and March 10, 2017 respectively. Approved.

2. (098-15) Approve February 17 and 24, 2015 meeting minutes. Approved.

C. Emergency Services

1. (099-15) Adopt resolution proclaiming the existence of an ongoing local drought emergency in the County of Yuba. Adopted Resolution No. 2015-22, which is on file in Yuba County Resolution Book No. 46.

IV. SPECIAL PRESENTATION

A. (100-15) Present proclamation recognizing March 2015 as Social Workers Month. (Ten minute estimate) Chair Griego presented the proclamation.
Supervisor Nicoletti joined the meeting at 9:51 a.m.

B. (103-15) Receive update from Fish and Game Advisory Commission on activities. (Ten minute estimate. No background material) Commissioner Mike Boom provided a Power Point presentation recapping activities.

V. PUBLIC COMMUNICATIONS: None.

VI. COUNTY DEPARTMENTS

A. Administrative Services

1. (101-15) Provide staff direction on alternatives to close out FRAQMD (Feather River Air Quality Management District) Blue Sky Grant. (Ten minute estimate) Director Doug McCoy recapped grant purpose of acquiring electric vehicle which has experienced mechanical issues and cannot be used. Mr. McCoy provided options for closing out the grant and responded to Board inquiries.

MOTION: Move to authorize Auto Service Fund to purchase bike racks at county locations and any remaining funds for school locations
MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Randy Fletcher
NOES: Roger Abe ABSENT: None ABSTAIN: None

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

A. (102-15) Public Hearing - Hold public hearing, receive water rate protest ballots for River Highlands/Gold Village Community Service District and absent majority protest adopt resolution establishing new tiered water rate to take effect on April 1, 2015. (Fifteen minute estimate) Principal Engineer Dan Peterson recapped the process for the water rate increase, procedure for submitting protest ballots, and responded to Board inquiries.

Chair Griego opened the public hearing. The following individuals spoke:
- Mr. Jim Abbott
- Ms. Clare Convery

Public Works Director Mike Lee responded to inquiries regarding monthly expenditures, usage reports, adding waste water users, and continued ban on outdoor watering.

County Administrator Robert Bendorf advised he would meet with Water Agency and county staff to bring back information on the aquifer.

Chair Griego closed the public hearing

The Clerk advised 19 protests ballots were received.

MOTION: Move to adopt establishing new tiered water rate to take effect on April 1, 2015 with annual $2 monthly increase
MOVED: Andy Vasquez SECOND: Roger Abe
AYES: Andy Vasquez, Roger Abe, John Nicoletti, Mary Jane Griego, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None
Adopted Resolution No. 2015-23, which is on file in Yuba County Resolution Book No. 46

VIII. CLOSED SESSION: The Board retired into closed session at 11:02 a.m. and returned at 12:30 p.m. with all present as indicated above.

County Administrator Robert Bendorf left closed session at 12:08 p.m. during discussion of labor negotiations and returned at 12:12 p.m.

A. Receive confidential final draft audit report from Bureau of State Audits pursuant to Government Code §54956.75(a) No report

B. Pending litigation pursuant to Government Code §54956.9(d)(4) - Three cases No report

C. Personnel pursuant to Government Code §54957(b)(1) - Public Appointment Health Officer No report

D. Personnel pursuant to Government Code §54957.6(a) - Labor Negotiations - DDAA Negotiators Jill Able No report

IX. BOARD AND STAFF MEMBERS’ REPORTS: None.

X. RECESS AT 12:13 P.M. AND RECONVENED AT 3:00 P.M. WITH ALL PRESENT AS ABOVE

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

A. 3:00 P.M. (088-15) Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and reenacting Chapter 7.40 Marijuana Cultivation. (Second reading) (Continued from February 24, 2015) (Sixty minute estimate) In response to inquiry by Supervisor Vasquez, County Counsel advised the ordinance could be adopted as an urgency ordinance which would require making findings to constitute an urgency and indicated findings were prepared for consideration.

Code Enforcement Manager Jeremy Strang provided a Power Point Presentation recapping each of the findings.

County Counsel responded to Board inquiries regarding adoption of findings and immediate implementation of the ordinance.

MOTION: Move to adopt the findings of urgency to make the adoption of ordinance as an urgency
MOVED: Andy Vasquez SECOND: Roger Abe
AYES: Andy Vasquez, Roger Abe, John Nicoletti, Mary Jane Griego, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

By roll call vote, the findings of urgency were adopted.

Chair Griego opened the public hearing. The following individuals spoke:
- Mr. Eric Salerno on behalf of Zachary Cross
- Mr. Tony Florendo
- Mr. Tommy Boggess
- Mr. Matt Arvici
- Ms. Jacqueline McGowan
- Ms. Shelby Lucero
Supervisor Abe left the chambers at 3:58 p.m. and returned at 3:59 p.m.

Ms. Lea Smith, Brownsville
Mr. Buck Weckman
Ms. Jean Whyatt
Ms. D. Escheman
Ms. Melissa Evans, Olivehurst
Ms. Nancy House
Ms. Judy Knolle, Loma Rica
Mr. Andy Schneller, Arboga
Mr. David Sugel
Ms. Virginia Black, read statement by Dr. Joe Cassady
Mr. Mark Pendola, Sacramento
Mr. Max Del Real, Sacramento
Mr. Gary Hawthorne, Oregon House
Ms. Marcia Cecil, Browns Valley
Ms. Sherry Rodgers, Olivehurst
With no further speakers, Chair Griego closed the public hearing.

Ms. Morris-Jones responded to Board inquiries regarding adoption of ordinance as an urgency and responded to request of Supervisor Griego on reconsideration of vote of urgency findings and stopping the process of the referendum.

In response to Board inquiries, Counsel advised the Board has no authority to stop an initiative.

Chair Griego advised the ad hoc would stay in place for further considerations.

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

By roll call vote and upon adopted findings of urgency, the Board adopted Urgency Ordinance No. 1538, which is on file in Yuba County Ordinance Book No. 24.
XII.  **ADJOURN**: 4:49 p.m.

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

Approved: March 24, 2015

Chair