The County of Yuba

BOARD OF SUPERVISORS

APRIL 28, 2015 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:59 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 Ranch 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 Fletcher

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: John Nicoletti
AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None
ABSENT: None
ABSTAIN: None

A. Clerk of the Board of Supervisors

1. (175-15) Approve minutes of April 14, 2015 meeting. Approved as written.

B. Community Development and Services

1. (176-15) Adopt resolution certifying the 2014 County Maintained Mileage. Adopted Resolution No. 2015-41, which is on file in Yuba County Resolution Book No. 46.

C. County Administrator

1. (177-15) Adopt resolution approving proposed revisions to the California Home Finance Authority Joint Powers Agreement (formal name change to Golden State Finance Authority pending). Adopted Resolution No. 2015-42, which is on file in Yuba County Resolution Book No. 46.

2. (178-15) Adopt resolution urging Governor and State Legislature to appropriate funding to comply with Assembly Bill 1826 Organics Recycling (2014) and to fund mandated infrastructure required by the new law. Adopted Resolution No. 2015-43, which is on file in Yuba County Resolution Book No. 46.

IV. PUBLIC COMMUNICATIONS:

Mr. Eduardo Madera - Oregon House, concerns on excessive water usage and use of grey water.

County Administrator Robert Bendorf was directed to review the issues with Mr. Madera.
V. COUNTY DEPARTMENTS

A. Administrative Services

1. (179-15) Adopt resolution authorizing preparation and submission of an application to Internal Revenue Service for allocation of new clean renewable energy bond volume cap relating to solar photovoltaic energy system and authorizing and directing certain actions with respect thereto. Director Doug McCoy briefly recapped project and introduced Project Manager Heather Banner, Opterra Energy Services.

Ms. Banner recapped the counties energy efficiency and solar project performance and responded to Board inquiries.

Consultant Jeff Small, Capitol Public Finance Group, recapped Phase II of the County’s Solar Photovoltaic project benefits and application process and responded to Board inquiries.

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

Adopted Resolution No. 2015-44, which is on file in Yuba County Resolution Book No. 46.

B. County Administrator

1. (180-15) Appoint Dr. Nichole Quick Yuba County Health Officer effective July 13, 2015, approve related employment agreement, and authorize Chair to execute agreement. (Ten minute estimate) County Administrator Robert Bendorf provided a brief recap and responded to Board inquiries.

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

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

A. (171-15) Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and re-enacting Chapters 13.00.040, 13.00.200, 13.00.300, 13.00.400 and 13.00.600 of the Yuba County Consolidated Fee Ordinance relating to certain County Departments. (Second reading. Continued from April 21, 2015) (Ten minute estimate) Development and Services Director Kevin Mallen briefly recapped meeting with Economic Development Committee regarding fees and responded to Board inquiries.

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

Chair Griego closed the public hearing.

MOTION: Move to waive reading and adopt
MOVED: Andy Vasquez SECONDD: John Nicoletti
AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None
By roll call vote, the Board adopted Ordinance No. 1540, which is on file in Yuba County Ordinance Book No. 24.

B. (172-15) Ordinance - Hold public hearing, waive reading, and adopt ordinance amending section 9.15.076 of Chapter 9.15 of Title IX of the Yuba County Ordinance Code regarding vehicle traffic speed limits on Fruitland Road. Second reading. (Continued from April 21, 2015) (Five minute estimate)

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

Chair Griego closed the public hearing.

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

By roll call vote, the Board adopted Ordinance No. 1541, which is on file in Yuba County Ordinance Book No. 24.

C. (181-15) Ordinance - Hold public hearing, waive reading and introduce ordinance replacing in entirety section 2.81.070 of the Yuba County Ordinance Code relating to payments and withdrawals from the Liability Intergovernmental Service Fund. (First Reading) (Ten minute estimate) County Administrator Robert Bendorf provided a brief recap and responded to Board inquiries.

Following board discussion, language was recommended to reflect committee votes must be unanimous of those in attendance.

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

Chair Griego closed the public hearing.

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

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

A. (182-15) Notice from California Fish and Game Commission regarding proposed emergency action to close all fishing in the Sacramento River from 650 feet below the Keswick Dam to the Highway 44 Bridge to protect endangered winter-run Chinook salmon. (Copy provided to Fish and Game Advisory Commission) Received.

B. (183-15) Letter from Gerald Pounds Trucking, opposing a change in zoning for property located at 2963 Ostrom Road, Marysville. Received.
VIII. BOARD AND STAFF MEMBERS’ REPORTS:

Supervisor Fletcher
- CSAC New Supervisors Institute April 23, 2015
- Perspectives lunch held April 24, 2015
- Attended Smartsville Pioneer Days held April 25, 2015
- AB311-Water Quality presentation in Sacramento, April 27, 2015

Supervisor Abe:
- Perspectives lunch held April 24, 2015
- Yuba County Water Agency meeting held April 23, 2015

Supervisor Nicoletti:
- Memorial Adjournment: Mrs. Katherine Fahey
- Commended staff on Perspectives presentation
- South County Clean up

Supervisor Griego:
- South County Clean up
- South County Economic meeting held April 16, 2015
- Sutter County Supervisor Jim Whittaker Roast and Toast
- Yuba College event April 28, 2015

Supervisor Vasquez:
- Development Code meeting held April 22, 2015

County Administrator Robert Bendorf:
- County employees gathered over 6,000 diapers for Community Baby Fair May 2, 2015

Supervisor Vasquez left the meeting at 10:57 a.m.

IX. RECESS TO 3:00 P.M. The Board recessed at 11:01 a.m. and reconvened at 3:15 p.m. with all present as indicated above, except Supervisor Griego who was absent.

X. 3:00 P.M. ORDINANCES AND PUBLIC HEARINGS

A. (184-15) (1) Discussion and possible action to Repeal Urgency Ordinance No. 1538 and Repeal Urgency Finding Made in Support Thereof which amended Chapter 7.40 of the Yuba County Ordinance Code relating to marijuana cultivation. (This action is intended to cure and correct an alleged Ralph M. Brown Act (Gov. Code, §§54950 et seq.) violation occurring on March 10, 2015. Pursuant to Government Code section 54960.1(f), this action shall not be construed as evidence that a violation of the Brown Act actually occurred.) Chair Abe recapped procedures for hearing, receiving comments, and conclusion of meeting at 4:30 p.m. Chief Deputy County Counsel John Vacek recapped the purposes of the hearing and proposed action. Counsel Angil Morris-Jones further recapped manner of actions to be taken.
The Chair opened the public hearing. The following individuals spoke:

- Mr. Sean Donohoe
- Ms. Crystal Anderson, Yuba Patient Coalition
- Mr. Zachary Cross
- Ms. Karen Liggett
- Ms. Angelique Perez, Citizens for Solvency
- Ms. Mary Salvato
- Mr. Brook Hilton, Yuba Patient Coalition
- Mr. Ben Crott
- Mr. Chris
- Mr. Gary Laturco
- Mr. Lee Boutt
- Mr. Cris Caldwell
- Ms. Dyanne Bollinger
- Mr. Gary Simpson
- Ms. Kathie Thelen
- Mr. Emitt Samon
- Mr. Joseph Fegan
- Ms. Caroline Tindel
- Ms. Colene Weckman
- Mr. Buck Weckman
- Ms. Debbie
- Mr. Dan Sullivan
- Mr. Rick Fenton

Chair Abe closed the public hearing.

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

By roll call vote, the Board repealed Urgency Ordinance No. 1538 and findings

(2) Discussion and action to readopt Repeal Urgency Findings and an Urgency Ordinance of the County of Yuba To Take Effect Immediately Amending Chapter 7.40 of The Yuba County Ordinance Code; hold public hearing, waive reading, and adopt urgency findings and urgency ordinance reenacting Chapter 7.40 of the Yuba County Ordinance Code relating to marijuana cultivation. Chief Code Enforcement Officer Jeremy Strang read urgency findings.

 Supervisor Vasquez left the meeting at 4:27 p.m. and returned at 4:30 p.m.

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

- Mr. Nick Spauling
- Ms. Tallie Sengwong
- Ms. Karen Ligget
- Mr. Eric Lucas
• Mr. Brook Hilton, Yuba Patient Coalition
• Ms. Debbie Carver
• Ms. Sabrina

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

By roll call vote, the Board adopted urgency findings

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

By roll call vote, the Board adopted Urgency Ordinance No. 1542, which is on file in Yuba County Ordinance Book No. 24.

XI.  ADJOURN: 4:54 p.m. in memory of Mrs. Katherine Fahey.

ATTEST: DONNA STOTTMENEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: May 12, 2015

By: Rachel Ferris, Deputy Clerk