The County of Yuba
BOARD OF SUPERVISORS
JULY 28, 2015

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 10:05 a.m. within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger, Abe, and Randy Fletcher. Supervisor Mary Jane Griego absent. 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 - Supervisor Griego 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: John Nicoletti          SECOND: Randy Fletcher
AYES: John Nicoletti, Randy Fletcher, Andy Vasquez, Roger Abe
NOES: None                   ABSENT: Mary Jane Griego       ABSTAIN: None

A. Administrative Services

   1. (318-15) Declare property as surplus property and authorize the Purchasing Agent to dispose of items in accordance with Yuba County Ordinance Code 2.50.060. Approved.

B. Clerk of the Board of Supervisors

   1. (319-15) Approve minutes of July 14 and 15, 2015 meetings. Approved as written.

C. County Administrator

   1. (320-15) Adopt resolution pertaining to tax revenue exchange between the County of Yuba and the Brophy Water District. (Huckins Annexation - LAFCO 2015-0003) Adopted Resolution No. 2015-73, which is on file in Yuba County Resolution Book No. 46.

D. Health and Human Services

   1. (321-15) Adopt resolution authorizing grant application for Maternal, Child and Adolescent Health funds and authorizing Chair to accept funds and execute all documents required by grant. Adopted Resolution No. 2015-74, which is on file in Yuba County Resolution Book No. 46.
E. Probation

1. (322-15) Approve Memorandum of Understanding with Superior Court of California, County of Yuba for the Probation Department to perform risk assessments, provide supervision to pretrial release population in the Court's Pretrial Release program, and authorize the Chair to execute. Approved.

IV. SPECIAL PRESENTATION

A. (323-15) Receive update from Chamber of Commerce regarding tourism activities and funding. (No background information) (Ten minute estimate) Chief Executive Officer Rikki Shaffer and Director of Visitor Services Briana Struckmeyer presented a PowerPoint presentation on the Chambers activities including the following:
   - Primary marketing goals
   - Website development
   - Collaboration with local jurisdictions and regional tourism groups
   - Tourism report and industry growth
   - Local festivals and parades

Ms. Shaffer and Ms. Struckmeyer responded to Board inquires.

V. PUBLIC COMMUNICATIONS: No one came forward.

VI. COUNTY DEPARTMENTS

A. Community Development and Services

1. (324-15) Adopt resolution confirming report of delinquent solid waste collection charges and order of assessment on property tax roll related to Recology Yuba Sutter. (Ten minute estimate) Director Tej Maan provided a brief recap.

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

   Adopted Resolution No. 2015-75, which is on file in Yuba County Resolution Book No. 46.

B. Human Resources and Organizational Services

1. (325-15) Approve negotiated terms of agreement effective July 1, 2015 between County and Deputy District Attorney Association and authorize staff to bring back a comprehensive Memorandum of Understanding incorporating all terms at a future date. (Ten minute estimate) Director Jill Abel provided a brief recap and responded to Board inquiries.

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

C. Probation/District Attorney/Sheriff-Coroner

1. (312-15) Receive AB 109 update. (30 minute estimate) (No background material)
Chief Probation Officer Jim Arnold recapped the following. Mr. Arnold responded to Board inquiries.

- Three groups created by AB 109
  - Post-Release Community Supervision
  - Mandatory Supervision
  - Straight Sentence
- 56 percent increase in total population of probationers
- Overall increase in workloads
- Expanding classes and services at Day Reporting Center
- Pre-trial Release Program

Sheriff Durfor provided a PowerPoint presentation regarding the following. Sheriff Durfor responded to Board inquiries.

- Working relationship between Sheriff's Department, Probation, and District Attorney’s office
- Impacts to Jail staff and increases regarding:
  - Daily average population
  - Average length of stay
  - Prisoner medical costs
  - Operations costs
- Crime impacts – slight decline in violent crime
- Patrol Operations – little to no impact

District Attorney Patrick McGrath recapped how realignment has impacted the courtroom and resulted in changes to sentencing, including the following. Mr. McGrath responded to Board inquiries.

- Decreased jail time
- Increased probation time and probation options
- Increased use of residential treatment programs

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

A. (326-15) Notice and agenda from California Regional Water Quality Control Board for meeting of July 31, 2015, which includes Recology Yuba-Sutter Class III Landfill and Composting facility. Received

VIII. **BOARD AND STAFF MEMBERS’ REPORTS:**

Supervisor Nicoletti:

- Memorial Adjournment – Mr. Donald Lim
- SACOG and Valley Vision Farm to Fork event
- Air Force Community Partnership/Public-Private Initiative July 29, 2015
- Olivehurst-Linda Little League Senior Girls Softball

County Administrator Robert Bendorf

- Requested and received Board consensus for host sponsorship of reception dinner for visiting Secretary of the Air Force
IX. **CLOSED SESSION:** The Board retired into closed session at 11:42 a.m. and returned at 12:20 p.m. with all present as indicated above.

A. Personnel pursuant to Government Code §54957 - *Department Head Evaluation/Agricultural Commissioner.* Completed evaluation and by consensus directed County Administrator to prepare necessary actions to reappoint for a four year term.

X. **RECESS to 1:30 P.M.**

XI. **ADMINISTRATIVE APPEAL HEARINGS:** The clerk administered the oath of testimony to those wishing to address the Board.


Code Enforcement Manager Jeremy Strang and Code Enforcement officers JohnJacenich, Chris Monaco, and Tracie Clark provided a PowerPoint presentation depicting marijuana cultivation; and recommended action to confirm the existence of a public nuisance, penalties, costs; and responded to Board and Counsel inquiries.

Counsel for property owners Mr. Michael Barrette questioned Mr. Jagjit Powar, and Mr. Jagjit Chima regarding ownership of residence and nature of partnership for Yuba County properties and specifically the subject address; and responded to Board and County Counsel inquiries.

Following additional Board discussion, the Chair closed the public hearing.

Supervisor Vasquez moved to reduce administrative penalty to one day and accept $13,139.68 as total cost.

Motion died for lack of a second.

MOTION: Move to confirm existence of public nuisance; confirm administrative penalty for $9,400 per day; confirm enforcement costs of $50,739.63; Order enforcement costs be paid within 30 days of the date of order; Order a special tax assessment when fees go unpaid and a lien be recorded with the Yuba County Recorder’s Office

MOVED: John Nicoletti SECOND: Roger Abe

AYES: John Nicoletti, Roger Abe, Andy Vasquez, Randy Fletcher

NOES: None ABSENT: Mary Jane Griego ABSTAIN: None

Motion approved by roll call vote.

The Board recessed at 3:03 p.m. and returned at 3:17 p.m., with all members present as indicated above, with the exception of Supervisor Fletcher.

B. 1:30 P.M. (328-15) Administrative Appeal Hearing - Hold appeal hearing to determine administrative penalty regarding APN 021-402-003 (Torres), 5519 S. Gledhill Avenue, West Linda. (Sixty minute estimate) Code Enforcement Manager Jeremy Strang, and Code Enforcement officers John Jacenich, Chris Monaco, and Tracie Clark provided a PowerPoint presentation depicting marijuana cultivation; and recommended action to confirm the existence of a public nuisance, penalties, and costs; and responded to Board and Counsel inquiries.
Counsel for property owner Mr. Roberto Marquez questioned Mrs. Maria Torres and Mr. Joshua Hatfield regarding established residency of Mr. Hatfield, knowledge and/or permission to grow marijuana, and notification timelines by Code Enforcement officers; and responded to Board and Counsel inquiries.

Following additional Board discussion, the Chair closed the public hearing.

MOTION: Move to confirm existence of public nuisance; confirm administrative penalty for $8,900 per day; confirm enforcement costs of $30,050.13; Order enforcement costs be paid within 30 days of the date of order; Order a special tax assessment when fees go unpaid and a lien be recorded with the Yuba County Recorder’s Office
MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Roger Abe
NOES: None ABSENT: Mary Jane Griego, Randy Fletcher ABSTAIN: None

Motion approved by roll call vote.

XII. ADJOURN 4:39 p.m.

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: August 11, 2015