The County of Yuba

BOARD OF SUPERVISORS

MARCH 29, 2016

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 8:34 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 Stottlemeyer. Chairman Abe presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher

III. COST ACCOUNTING HEARINGS

A. (113-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $8,271.28 and the recording of a lien regarding 3362 Warehouse Road, Arboga, CA 95961, HRM Ranches, LLC. (Roll call vote) (Fifteen minutes) Continued to April 12, 2016.

B. (111-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $7,241.58 and the recording of a lien regarding 5835 Garden Avenue, West Linda, CA 95961, Guillermo Navarro. (Roll call vote) (Fifteen minutes) The Clerk administered the oath of testimony to Osvaldo Navarro.

Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation recapping the number of plants cultivated outdoors without registration, removal of plants, and modified the accounting to remove $3,400 from the administrative penalty for a total cost accounting of $3,841.58. Mr. Strang responded to inquiries.

Mr. Osvaldo Navarro commented on the process of fining, concurred with the recommended fine, requested a payment plan, and responded to inquiries.

MOTION: adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $3,841.58 and the recording of a lien
MOVED: Mary Jane GriegoSECOND: Andrew Vasquez
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

C. (116-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $14,492.18 and the recording of a lien regarding 12748 Lone Tree Way, Loma Rica, CA 95901, Estate of Margaret Suda, C/O Cheryl Suda and Sandra L. Picciano. (Roll call vote) (Fifteen minutes) The Clerk administered the oath of testimony Sandra Picciano.
Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation recapping the number of plants cultivated outdoors without registration, removal of plants, use of unsafe extension cords, and modified the accounting to remove $10,300 from the administrative penalty for a modified total of $4,192.18. Mr. Strang responded to inquiries.

Ms. Sandra Picciano, co-owner, commented on the fence, grow by co-owner on separate parcel from hers, and responded to Board inquiries.

Following discussion regarding recording of lien on only one of two APNs, the matter was continued to April 12, 2016.

D. (118-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $53,166.06 and the recording of a lien regarding 19909 Barton Hill Road, Strawberry Valley, CA 95981, Ryan James Cornwall. (Roll call vote) (Fifteen minutes) The Clerk administered the oath of testimony to Ryan Cornwall.

Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation recapping the number of plants cultivated outdoors without registration, lack of dwelling, use of generator and extension cord, occupied recreational vehicle, removal of plants, and modified the accounting to reduce $24,000 from the administrative penalty for a total of $29,166.06. Mr. Strang responded to inquiries.

Mr. Cornwall responded to inquiries.

Code Enforcement Officer Chris Monaco responded to inquiries.

Ms. Charnel James responded to Board inquiries.

The Board recessed at 9:30 a.m. and reconvened at 9:42 a.m.

MOTION: Move to adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $29,166.06 and the recording of a lien
MOVED: Andrew Vasquez SECOND: Randy Fletcher
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

E. (120-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $102,698.60 and the recording of a lien regarding 1108 Murphy Road, Olivehurst, CA 95961, Lay and Tieng Khammoughkhoune. (Roll call vote) (Fifteen minutes) The Clerk administered the oath of testimony and interpreter oath.

Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation recapping the cultivation of 95 plants outdoors without an approved accessory structure, lack of registration, removal of plants, and responded to Board inquiries.

Mr. and Mrs. Lay Kammoughkhoune responded to inquiries.

Mr. Khamphone Onohara responded to inquiries.
MOTION: Move to adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $53,698.60 and the recording of a lien
MOVED: Andrew Vasquez SECONDED: Randy Fletcher
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None  ABSENT: None  ABSTAIN: None

F. (117-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $48,698.60 and the recording of a lien regarding 10128 La Porte Road, Challenge, CA 95929, Syphoum and Many Vongkhousse. (Roll call vote) (Fifteen minutes) The Clerk administered the interpreter oath and oath of testimony.

Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation recapping the cultivation of 107 plants outdoors without an approved accessory structure, lack of registration, orders to abate, recommended reducing $33,000 of administrative penalty for a total cost accounting of $15,698.60 and responded to Board inquiries.

Mr. and Mrs. Vongkhousse responded to inquiries.

Code Enforcement Officer Chris Monaco responded to inquiries.

MOTION: Move to adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $15,698.60 and the recording of a lien
MOVED: John Nicoletti  SECONDED: Andrew Vasquez
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None  ABSENT: None  ABSTAIN: None

G. (119-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $87,625.86 and the recording of a lien regarding 11500 Smith Road, Loma Rica, CA 95901, Stacy Savoca. (Roll call vote) (Fifteen minutes) Counsel Charnel James, on behalf of owners, requested a continuance due to filing of a federal case on the issue which had not yet been served on the county and responded to inquiries.

The Clerk administered to oath of testimony to owner and cultivator.

Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation recapping cultivation of 39 plants outdoors without an approved accessory structure, lack of registration, use of extension cords, construction of buildings without permits, and responded to inquiries.

Ms. James recapped the growth of plants through his religious rights, violation of civil procedure, cost of appealing and responded to inquiries.

Ms. Stacy Savoca commented on the excessive appeal costs, punitive costs for abatement, and responded to inquiries.

Mr. Joshua Shurtz commented on growth for health issues and use within his religious beliefs.

Chief Deputy Counsel John Vacek recapped lack of appeal received.

The following individual spoke: Mr. Brook Hilton

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MOTION: Move to adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $87,625.86 and the recording of a lien
MOVED: Andrew Vasquez SECOND: Randy Fletcher
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None    ABSENT: None    ABSTAIN: None

H. (121-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $113,264.86 and the recording of a lien regarding 4676 Pacific Avenue, Olivehurst, CA 95961, Fahid Ravaid. (Roll call vote) (Fifteen minutes) The Clerk administered the oath to Julio Rodriguez

Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation recapping cultivation of 65 plants outdoors without an approved accessory structure, lack of registration, and responded to inquiries.

Mr. Rodriguez responded to inquiries from Chief Deputy County Counsel John Vacek and Board.

Supervisor Vasquez moved to lower total cost accounting to $18,064.86, Supervisor Fletcher seconded.

Ms. Charnel James, Counsel, commented on the appeal process and request for appeal.

Supervisor Vasquez withdrew motion.

Mr. Vacek recapped the acceptance of the determination of the nuisance.

MOTION: Move to adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $18,064.86 and the recording of a lien
MOVED: Andrew Vasquez SECOND: Mary Jane Griego
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None    ABSENT: None    ABSTAIN: None

I. (112-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $7,632.32 and the recording of a lien regarding 7460 White Fir Lane, Smartsville, CA 95977, Joann E. Gonzales. (Roll call vote) (Fifteen minutes) Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation recapping cultivation of 11 plants outdoors without registering, junk, trash, debris, inoperable vehicles and modified administrative penalties for total of $5,532.32 and responded to inquiries.

Code Enforcement Officer Chris Monaco responded to Board inquiries.

Counsel Charnel James, on behalf of tenant and property owner, recapped removal of plants, inoperable vehicles, and responded to inquiries.

MOTION: Move to adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $5,532.32 and the recording of a lien
MOVED: Andrew Vasquez SECOND: John Nicoletti
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None    ABSENT: None    ABSTAIN: None

J. (122-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $202,712.62 and the recording of a lien regarding 4755 Pacific Avenue, Olivehurst, CA 95961, Christopher Darryl Gomes.

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(Roll call vote) (Fifteen minutes) Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation recapping cultivation of 140 plants outdoors with no approved accessory structure, lack of registration, construction of buildings without permits, storage of junk and debris, cost accounting, and responded to inquiries.

Counsel Charmel James on behalf of property owner Christopher Gomes, recapped restrictions placed on landlords regarding tenant inspections, evictions, and responded to Board inquiries.

MOTION: Move to adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $202,712.62 and the recording of a lien
MOVED: John Nicoletti   SECOND: Andy Vasquez
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None   ABSENT: None   ABSTAIN: None

The Board recessed at 12:13 p.m. and reconvened at 1:30 p.m.

K. (114-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $10,342.78 and the recording of a lien regarding 1490 Dodson Avenue, Linda, CA 95901, Estate of Lee E. Jacobs. (Roll call vote) (Fifteen minutes) No one was present to administer the oath.

Code Enforcement Manager Jeremy Strang through PowerPoint presentation recapped cultivation of eight plants outdoors, lack of registration, abandoned vehicles, and storage of junk, trash and debris, and responded to inquiries.

Code Enforcement Officer Chris Monaco responded to Board inquiries.

MOTION: Move to adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $10,342.78 and the recording of a lien
MOVED: John Nicoletti   SECOND: Andrew Vasquez
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None   ABSENT: None   ABSTAIN: None

L. (115-0316) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $12,077.70 and the recording of a lien regarding 1093 Grand Avenue, Olivehurst, CA 95961, David Silva. (Roll call vote) (Fifteen minutes) No one present to administer oath.

Code Enforcement Manager Jeremy Strang through PowerPoint presentation recapped the cultivation of 59 plants outdoors, lack of registration, use of extension cords in lieu of permanent writing, construction of structure without permits, accumulation of junk and debris, and accounting of costs. Mr. Strang responded to inquiries.

MOTION: Move to adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $12,077.70 and the recording of a lien
MOVED: John Nicoletti   SECOND: Andrew Vasquez
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None   ABSENT: None   ABSTAIN: None
IV. CLOSED SESSION: The Board retired into closed session at 1:44 p.m. and returned at 2:24 p.m. There was no report.

A. Personnel pursuant to Government Code 54957.6(a) - Labor Negotiations DSA/MSA/YCPOA/County of Yuba Negotiating Parties: Negotiating Parties: Abel

V. ADJOURN 2:25 p.m. in memory of Mr. Dan Silva.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: April 19, 2016