Call to order 9:00 a.m. with Supervisors Andy Vasquez, Mike Leahy, Gary Bradford, and Randy Fletcher. Supervisor Doug Lofton was absent. Also present was County Counsel Courtney Abril, County Administrator Robert Bendorf, and Clerk of the Board Rachel Ferris.

PLEDGE OF ALLEGIANCE – Led by Supervisor Vasquez

ROLL CALL - Supervisors Vasquez, Leahy, Lofton, Bradford, Fletcher – Supervisor Lofton absent

County Counsel Courtney Abril added to agenda Closed Session item 786-2018 as the matter arose after the agenda had been posted and required immediate action.

MOTION: Move to approve adding Close Session item 786-2018
MOVED: Gary Bradford SECOND: Mike Leahy
AYES: Andy Vasquez, Mike Leahy, Gary Bradford, Randy Fletcher
NOES: None ABSTAIN: None ABSENT: Doug Lofton

County Administrator Robert Bendorf requested to pull item 759-2018 from County Departments

Chair Vasquez requested to pull item 774-2018 from Special Presentation

CONSENT AGENDA - All matters listed under Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve Consent Agenda
MOVED: Randy Fletcher SECOND: Gary Bradford
AYES: Andy Vasquez, Mike Leahy, Gary Bradford, Randy Fletcher
NOES: None ABSTAIN: None ABSENT: Doug Lofton

722/2018 Administrative Services: Approve lease agreement with James Abbott for Corporate Lease Site Number 17 Hangar and authorize Chair to execute. Approved

737/2018 Probation: Amend Tri County Juvenile Rehabilitation Facility Joint Power Agreement to allow for the alternate member of the committee for each partner county to be a Chief Probation Officer, County Administrative Officer or Board of Supervisors member. Approved

743/2018 Administrative Services: Declare items as surplus property and authorize disposal pursuant to Ordinance Code 2.50.060; and direct Auditor-Controller to remove surplus equipment from Capital Asset listing upon receipt of disposal from Purchasing Agent. Approved

721/2018 Administrative Services: Adopt resolution appointing Timothy McCoy as Construction Administrator and Project contact person, and Jolene Harper as Project Financial Officer for SB 863 Jail Expansion construction project. Adopted Resolution No. 2018-138

727/2018 Administrative Services: Adopt resolution appointing Timothy McCoy as Construction Administrator and Project contact person, and Jolene Harper as Project Financial Officer for the Tri-County Juvenile Rehabilitation Facility construction project. Adopted Resolution No. 2018-139

749/2018 Community Development and Services: Adopt Resolution authorizing Public Works Director to submit grant applications to the California Transportation Commission through the Local Partnership Program and commit local Road Fund match. Adopted Resolution No. 2018-140

753/2018 Clerk of the Board: Approve meeting minutes of August 9, 2018. Approved as written

754/2018 Administrative Services: Approve 10-year lease agreement between County of Yuba and Yuba Water Agency for antenna and storage space at the Sheriffs Administration facility on Yuba Street, and authorize Chair to execute. Approved

750/2018 Health and Human Services: Approve agreement between Health and Human Services and State of California - Office of Traffic Safety Grant, and authorize Chair to execute documents as required by the grant; and to accept, transfer and allocate grant funds in accordance with provisions of the grant. Approved


746/2018 Probation: Approve three Agreements with Marysville Joint Unified School District, providing for services of Deputy Probation Officers in the Probation and Schools Success Program. Approved

715/2018 Clerk-Recorder/Elections: Adopt resolution authorizing County participation in the Electronic Recording Delivery Act of 2004 and authorize County Recorder, or designee to execute any and all documents needed to participate. Adopted Resolution No. 2018-142

726/2018 Human Resources: Authorize Human Resources Director to accept proposal to purchase insurance through California State Association of Counties Excess Insurance Authority (CSAC-EIA) reducing the General Liability Insurance deductible and authorize Human Resources Director to complete necessary administrative processes to enact coverage effective October 1, 2018. (Five minute estimate) Authorized

766/2018 Human Resources: Adopt resolution amending Classification System-Basic Salary/Hourly Schedule as it relates to classifications in the Deputy District Attorney Association effective August 1, 2018. Adopted Resolution No. 2018-143

SPECIAL PRESENTATIONS

774/2018 Present proclamation recognizing September 2018 as Hmong History Month. (Five minute estimate) Pulled
PUBLIC COMMUNICATIONS

- Ms. Karen Liggett – Illegal cannabis gardens
- Vice President Mike Ritter – Yuba County Seniors urged the Board to assist in locating space to rent
- Ms. Carol Durnell – Past President Yuba County Seniors urged support of a Senior Center
- Ms. Doris Fletcher – In support of a Senior Center
- Ms. Mary Battisda – support local Law Enforcement and Code Enforcement

COUNTY DEPARTMENTS

752/2018 Probation / Juvenile Institutions: Approve proposed amendment to contract for Inmate Medical and Mental Health Services with California Forensic Medical Group Inc. (CFMG) to include services for Tri-County Juvenile Rehabilitation Facility subject to final negotiations and upon approval of Risk Management and County Counsel; and authorize Chair to execute completed contract. (Approved by the Tri-County Juvenile Rehabilitation Oversight Committee) Chief Probation Officer Jim Arnold recapped amendment to contract and responded to Board inquiries.

MOTION: Move to approve
MOVED: Gary Bradford SECOND: Mike Leahy
AYES: Andy Vasquez, Mike Leahy, Gary Bradford, Randy Fletcher
NOES: None ABSTAIN: None ABSENT: Doug Lofton

759/2018 Community Development and Services: Adopt resolution opposing Proposition 6 on the November 2018 ballot, and listing Yuba County as a member of the "No on Prop 6" coalition. (Five minute estimate) Pulled

760/2018 Community Development and Services: Approve Public Interest Finding and award construction contract for the 2017 Storm Damage Repair of Slip Outs – West Side of Bullards Bar Reservoir project to apparent low bidder, Knife River Construction, contingent on formal FEMA approval; and authorize Chair to execute contract pending contract approval by County Counsel. (Five minute estimate) Director Mike Lee recapped project and responded to Board inquiries.

MOTION: Move to approve
MOVED: Randy Fletcher SECOND: Gary Bradford
AYES: Andy Vasquez, Mike Leahy, Gary Bradford, Randy Fletcher
NOES: None ABSTAIN: None ABSENT: Doug Lofton

757/2018 Human Resources: Receive update on Kronos project and approve staff’s recommendation to work with departments and labor groups to transition from a monthly to a bi-weekly payroll (26 pay periods per year) concurrent with the implementation of Kronos Time and Labor Management. (Ten minute estimate) Human Resources Director Jill Abel recapped advantages and benefits of bi-weekly payroll to both staff and employees, and respond to Board inquiries.

Auditor Rich Eberle advised anticipated beginning date of December 1, 2018, and responded to Board inquiries.

MOTION: Move to approve
MOVED: Mike Leahy SECOND: Randy Fletcher
AYES: Andy Vasquez, Mike Leahy, Gary Bradford, Randy Fletcher
NOES: None ABSTAIN: None ABSENT: Doug Lofton
758/2018 Community Development and Services: Accept letter acknowledging termination of the Sycamore Ranch Educational Area Lease. (Five minute estimate) Director Kevin Mallen recapped the notice to terminate the lease was presented by the Tribe as they are looking for land to purchase. Mr. Mallen advised they have offered to assist the Tribe, and to restore the site to its natural form.

MOTION: Move to approve
MOVED: Randy Fletcher SECOND: Gary Bradford
AYES: Andy Vasquez, Mike Leahy, Gary Bradford, Randy Fletcher
NOES: None ABSTAIN: None ABSENT: Doug Lofton

762/2018 Community Development and Services: Approve Public Interest Finding and award Contract No. 180/2018 Winter Storms FHWA Culvert Replacement project to the apparent low bidder, Eschman Construction, and authorize Chair to execute contract pending contract approval by County Counsel. (Five minute estimate) Director Mike Lee recapped and responded to Board inquiries.

MOTION: Move to approve
MOVED: Randy Fletcher SECOND: Mike Leahy
AYES: Andy Vasquez, Mike Leahy, Gary Bradford, Randy Fletcher
NOES: None ABSTAIN: None ABSENT: Doug Lofton

ORDINANCES AND PUBLIC HEARINGS – the clerk read the disclaimer.

765/2018 County Counsel: Ordinance - hold public hearing, waive first reading, and introduce Ordinance amending section 2.151.010 of Chapter 2.151 of the Yuba County Ordinance Code relating to Grand Jurors – Fees and Mileage Established. (Five minute estimate)
County Counsel Courtney Abril recapped ordinance increasing the maximum number of meetings a juror can attend.

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

MOTION: Move to close the public hearing, waive reading, and introduce ordinance
MOVED: Mike Leahy SECOND: Randy Fletcher
AYES: Andy Vasquez, Mike Leahy, Gary Bradford, Randy Fletcher
NOES: None ABSTAIN: None ABSENT: Doug Lofton

CORRESPONDENCE

770/2018 Notice from California Fish and Game Commission regarding listing Upper Klamath-Trinity River spring Chinook Salmon and Humboldt marten as a threatened and endangered species. Received

771/2018 Letter from Rideout Health enclosing an Advance Notice of Program Closure for the Sweet Success Program, located at 725 4th Street Marysville. (Copy forward to Health and Human Services) Received

777/2018 Letter from Linda Fire Protection District Board of Directors, Chairman James Brannon in support of Measure K - Yuba County Public Safety/Essential Services Protection. Received

778/2018 Letter from Linda Fireman's Association, President Griffin Sollinger in support of Measure K - Yuba County Public Safety/Essential Services Protection. Received
BOARD AND STAFF MEMBERS' REPORTS

Supervisor Bradford:
• Budget Workshop August 21 and 22nd
• Local High School Football

Supervisor Fletcher: Budget Workshops August 21, and 22nd

Chair Vasquez established an Ad Hoc committee to assist local seniors in their efforts to secure office space appointing himself and Supervisor Leahy

Supervisor Vasquez:
• Budget workshops August 21, and 22nd
• Veterans Stand Down
• Streamline County Government

CLOSED SESSION – The Board retired into closed session at 9:48 a.m. and returned at 10:43 a.m. with all members present as indicated above.

1/2018 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Government Code 54956.9(d)(1), Estate of Bertram Hiscock, et al. v. County of Yuba, County of Sutter et al. United States District Court, Eastern District of California Case No. 2:17-CV-02706-JAM-GGH – Approval and authority provided unanimous vote

769/2018 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: One – No reportable action

773/2018 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Government Code 54956.9(d)(1), Grass Valley Neighbors vs. California State Water Resources Control Board, by and through the Central Valley Regional Water Quality Control Board; Yuba County, by and through its Board of Supervisors; California Department of Fish and Wildlife; Central Valley Flood Protection Board, and DOES 1-20, Superior Court of California, County of Sacramento, Case No. 34-2018-80002957 – Approval provided to staff by unanimous vote and authority to defend provided to staff by unanimous vote

767/2018 PUBLIC EMPLOYMENT – pursuant to Government Code § 54957(b)(1), Title: Public Health Officer – No reportable action

786/2018 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code §54956.9(d)(1) – Richard Cooksey vs. County of Yuba, Yuba County Superior Court case number CVPO18-01383 – Authorization provided to staff by unanimous vote and authority to go to outside counsel

1:30 P.M. ADMINISTRATIVE HEARINGS – the clerk read the disclaimer.

763/2018 Administrative Appeal Hearing: Determination of Public Nuisance regarding the subject address of 7374 Sienna Ravine Way, Browns Valley, CA 95918; APN: 044-320-017, owned by Jeorge and Rosemary Willhite. (Community Development and Services) (30 minute estimate)

Chair Vasquez opened the public hearing.

08/28/2018
County Counsel Courtney Abril recapped receipt of Notice of Request and Request to Suppress Unlawfully Obtained Evidence, filed by Attorney Heather Burke on behalf of her client Mr. Ryan Hilton. Additionally Deputy County Counsel Andrew Naylor, on behalf of Code Enforcement filed a brief with the Board of Supervisors. Attorney Tony Galyean, representing the property owner Mr. Jeorge Willhite requested copies of filed documents.

Following discussion, a briefing schedule was created establishing September 12, 2018 the deadline for County Counsel to review the Request to Suppress and prepare a response, and establishing September 19, 2018 the deadline for opposing counsel to review and prepare a response; and continuing the hearing to October 9, 2018.

Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation with various images depicting violations including images from Google Earth dated 2016, unpermitted large green house, 479 cannabis plants, various electrical hazards, unpermitted living quarters in a small shed, hazardous chemical storage, and junk, trash, and debris.

Mr. Strang recapped the recommended actions to confirm the nuisance, find the nuisance violations with the exception of the green house and the accumulation of solid wastes were confirmed removed by the July 30, 2018 date. Order legal owners to reimburse the County in the amount of $4,036.60, authorize a placement of a special tax assessment and record a lien. Mr. Strang recommended reducing the penalty to $100 per violation, per day, for the continuing violations for the green house and the junk, trash, and debris. Ask violators remove the building and the trash from the property, and that they submit to an inspection on or before September 13th, 2018.

Following a short Recess from 2:13 p.m. to 2:15 p.m. Chair Vasquez announced presentation could be made on the nuisance and not the validity of the warrant.

Attorney Heather Burke submitted to the Board the warrant and affidavit as well as the case history notes labeled Exhibit A and Exhibit B. Ms. Burke advised they were not contesting the marijuana cultivation, and advised the plants were abated within three day period provided by Code Enforcement; additionally requested that if the nuisance is confirmed, no findings the plants were for commercial purposes be included in the record. Ms. Burke advised the remaining violations shouldn’t be sustained, or should be suppressed.

Mr. Strang responded to specific inquiries relating to a grading permit from 2003, water source and discharge, and the chemicals found on site.

County Counsel Courtney Abril advised the Board to keep the public hearing open until the next hearing date.

Attorney Tony Galyean, representing the property owner Mr. Jeorge Willhite requested his client be allowed to testify today and in the future under oath as he is a current resident of the State of Florida. Mr. Galyean recapped the physical description of the property at the time of the lease, property owner’s lack of legal access to the property, and requested to waive $4,036.60 penalty.

Following additional discussion, County Counsel advised the Board could hear testimony from Mr. Willhite today.

The clerk administered the Oath to Mr. Jeorge Willhite.

Mr. Willhite responded to inquiries from his counsel relating to the property, his lease with Mr. Brook Hilton, conditions of the lease, physical structures on the property, and if permission was asked or given for additional structures, or for the growing of marijuana. Mr. Willhite responded to specific Board inquires relating to visiting the property, and if he used a Property Management Service.
Ms. Burke indicated her client offered to indemnify Mr. Willhite from any charges that may occur from this hearing.

Attorney Tony Galyean confirmed Mr. Willhite’s admonition and oath would remain in effect for the duration of the hearing, that he would be allow to return to his state of residence, and submit a declaration in writing.

Following Board inquiry, Code Enforcement Manager Jeremy Strang advised Mr. Ryan Hilton identified himself as the owner of the marijuana to Officer Monaco during the site inspection.

The following individual spoke: Ms. Karen Liggett

Ms. Abril confirmed with the Board the hearing would remain open, and continued to October 9, 2018 at 1:30 p.m.

ADJOURN: 3:32 p.m.

Chair

ATTEST: RACHEL FERRIS
CLERK OF THE BOARD OF SUPERVISORS

Approved: September 25, 2018