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

PLEDGE OF ALLEGIANCE – Led by Supervisor Vasquez

ROLL CALL - Supervisors Vasquez, Leahy, Lofton, Bradford, Fletcher

CONSENT AGENDA

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

830/2018 Emergency Services: Adopt resolution proclaiming an ongoing local emergency due to Tree Mortality. Adopted Resolution No. 2018-162

831/2018 Emergency Services: Adopt resolution to approve ongoing local emergency proclamation due to Flood Waters. Adopted Resolution No. 2018-163

832/2018 Emergency Services: Adopt resolution proclaiming the existence of an ongoing emergency in the County of Yuba due to Historic Rainfall. Adopted Resolution No. 2018-164

833/2018 Emergency Services: Adopt resolution proclaiming the existence of an ongoing local emergency due to the Oroville Dam Event. Adopted Resolution No. 2018-165

834/2018 Emergency Services: Adopt resolution proclaiming the existence of an ongoing local emergency due to wildland fires in the County of Yuba. Adopted Resolution No. 2018-166

857/2018 Board of Supervisors: Adopt resolution continuing a local emergency regarding the proliferation of illegal cannabis cultivation. Adopted Resolution No. 2018-167

805/2018 Administrative Services: Approve Airport Lease agreement with Lynn Castiaux for Site Number 11, Hanger 3, and authorize Chair to execute. Approved
864/2018 Community Development and Services Agency: Adopt resolution declaring the existence of unmet transit needs in Yuba County and authorizing submission of transportation claim for funds from the Transportation Development Act of 1971. Adopted Resolution No. 2018-168

870/2018 Health and Human Services: Authorize Budget Transfer in the amount of $10,000 from 106-4700-411-28-00 (Special Department Expense) to 106-4700-441-63-00 (Equipment) for the purchase of Mondopad Videoconferencing and Collaboration equipment. Authorized

873/2018 Clerk of the Board of Supervisors: Approve meeting minutes of September 11, 2018. Approved as written

861/2018 County Administrator: Approve one-year contract with Carl R. Lindmark for Public Defender Juvenile 602 services, and authorize Chair to execute. Approved

SPECIAL PRESENTATIONS

828/2018 Present proclamation declaring October 2018 as Domestic Violence Month. (Five minute estimate) Chair Vasquez read and presented proclamation to Mr. John Nicoletti who accepted on behalf of Casa de Esperanza.

Mr. Nicoletti commended the Board for their support and advised the proclamation helps Casa secure grant funding for their programs.

PUBLIC COMMUNICATIONS

Mr. Charles Sharp – public relations outreach program

COUNTY DEPARTMENTS

863/2018 County Administrator: Adopt resolution approving Memorandum of Understanding regarding remaining Closure/Post Closure expenses through September 30, 2018 for Recology Yuba-Sutter landfill in Marysville between Recology Yuba-Sutter and the Cities of Live Oak, Marysville, Wheatland and Yuba City, and Sutter and Yuba Counties; authorize Chair to execute document, and provide additional direction as appropriate. (Ten minute estimate) County Administrator Robert Bendorf recapped and responded to Board inquiries.

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

Adopted Resolution No. 2018-169

871/2018 Administrative Services: Approve staff recommendation to reduce Tri-County Juvenile Rehabilitation Facility scope from 48 to 32 beds, coincident with state and county funding availability. (Ten minute estimate) Director Tim McCoy recapped costs increase and responded to Board inquiries.
MOTION: Move to approve
MOVED: Doug Lofton SECOND: Gary Bradford
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSENT/ABSTAIN: None

CORRESPONDENCE

862/2018 Notice from Board of State and Community Corrections enclosing Juvenile Justice Crime Prevention Act/Youthful Offender Block Grant 2018 annual report. Received

859/2018 Notice from Foothill Fire Protection District appointing Lisa Brown as Director for a term ending in 2020, to fill an unscheduled vacancy due to retirement of Director Bunker. Received

816/2018 Four notices from California Fish and Game Commission regarding proposed regulatory actions. Received

868/2018 Receive Yuba County Digital Law Library Annual Report 2017-18. Received

872/2018 Notice from Howard Jarvis Taxpayers Association relating to voter approval requirement on special taxes. Received

876/2018 Letter from Dobbins/Oregon House Fire Protection District pledging their support for Measure K - Public Safety/Essential Services. Received

BOARD AND STAFF MEMBERS’ REPORTS

Supervisor Bradford:
• First Five Yuba Executive Director selection
• CSAC meeting September 27
• Health Officer Ad Hoc Committee meeting
• South Yuba Transportation Improvement Authority meeting October 2
• Out of State October 21 - 24, 2018

Supervisor Fletcher:
• North Central Counties Consortium tour of Yuba foothills fire and storm damage areas
• Department of Justice 50th Anniversary meeting October 9

Supervisor Vasquez:
• Colgate Facility tour
• Affordable Housing meeting

County Administrator Robert Bendorf: Recology Collection Services agreement approval

CLOSED SESSION: The Board retired into closed session at 9:30 a.m. and returned at 10:06 a.m. with all members present as indicated above.

671/2018 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – pursuant to Government Code § 54957(b)(1) - Department Head Evaluation/ County Counsel - No reportable action
124/2018 Conference with Legal Counsel - Anticipated Litigation - initiation of litigation pursuant to §54956.9(d)(4) - Two Cases - Pursuant to Government Code §54957.1(a)(2) By unanimous vote, authority provided to initiate an action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

882/2018 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code §54956.9(d)(1) – Robin Theis and Taylor Theis vs. Yuba County Sheriff’s Department dba Yuba County Animal Care Services, Deneen Barnhill, and DOES 1-10; Yuba County Superior Court case number CVCV18-01657 - Authority provided to staff by unanimous vote to defend and authorize outside counsel

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

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

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 George and Rosemary Willhite. (Community Development and Services) (30 minute estimate) (Continued from August 28, 2018) County Counsel Courtney Abril provided a brief recap of the hearing held August 28th, and advised the Board to continue the open public hearing to determine if there was additional evidence in regards to the nuisance violation.

The clerk administered the oath to parties testifying.

Code Enforcement Manager Jeremy Strang provided a brief recap. Attorney Heather Burke recapped argument regarding motion to suppress, and responded to inquiries posed by Ms. Abril on the merits and use of specific case law examples.

Deputy County Counsel Andrew Naylor recapped considerations relating to warrant procedure and nuisance violations.

MOTION: Deny the motion to suppress without prejudice
MOVED: Gary Bradford SECOND: Mike Leahy
AYES: Andy Vasquez, Mike Leahy, Gary Bradford
NOES: None ABSENT: Randy Fletcher ABSTAIN: Doug Lofton

Denied via Roll Call Vote

Following discussion on the remaining violations, Mr. Strang advised he would remove the grading permit violation and the water source discharge from consideration. Ms. Burke recapped her request to have the improper use and storage of chemicals, and vector and vermin removed as well. Attorney Tony Galvan representing the property owner requested to have language amended from “property owner” to “tenant” in relation to removal of the remaining violations of the greenhouse and accumulation of solid waste.

MOTION: Confirm existence of public nuisance; Find all violations except the greenhouse structure and the accumulation of solid waste were confirmed removed; Order the legal owner reimburse enforcement costs in the amount of $4,036.60; Confirm imposition of administrative penalties of $200 per day ($100 per violation) for continuing violations since October 9, 2018; Order the tenant remove greenhouse and all solid waste by November 12, 2018; Order inspection on November 12, 2018; If violations are confirmed removed on or before November 12, 2018 authorize Code Enforcement to waive associated penalties; If not, authorize Code Enforcement to take action to abate any nuisance violations that are continuing.
MOVED: Mike Leahy SECOND: Gary Bradford
AYES: Andy Vasquez, Mike Leahy, Gary Bradford
NOES: None ABSENT: Randy Fletcher ABSTAIN: Doug Lofton

Approved via Roll Call Vote

ADJOURN: 2:43 p.m.

ATTEST: RACHEL FERRIS
CLERK OF THE BOARD OF SUPERVISORS

Approved: Nov 13, 2018