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 Michael Ciccozzi, County Administrator Robert Beadorf, and Clerk of the Board of Supervisors Rachel Ferris.

PLEDGE OF ALLEGIANCE – Led by Supervisor Bradford

ROLL CALL - Supervisors Vasquez, Leahy, Lofton, Bradford, Fletcher – all present

CONSENT AGENDA

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

221/2019 Emergency Services: Adopt resolution to approve ongoing local emergency proclamation due to Flood Waters. Adopted Resolution No. 2019-72

222/2019 Emergency Services: Adopt resolution proclaiming the existence of an ongoing local emergency in the County of Yuba due to Historic Rainfall. Adopted Resolution No. 2019-73

223/2019 Emergency Services: Adopt resolution proclaiming an ongoing local emergency due to Tree Mortality. Adopted Resolution No. 2019-74

345/2019 Health and Human Services: Approve Amendment No. 1 to agreement with JUMP Technology Services, LLC for Adult Protective Services (APS) LEAPS Software Systems and authorize Chair to execute. Approved

347/2019 Sheriff-Coroner: Approve 2019 Operating and Financial Plan between the Yuba County Sheriff’s Department and the U. S. Department of Agriculture, Forest Service Tahoe and Plumas National Forests to provide campground patrols on U. S. forestland and authorize Chair to execute. Approved

359/2019 Administrative Services: Declare items as surplus property and authorize disposal pursuant to Ordinance Code Title 2 Section 2.50.060. Direct Auditor-Controller to remove the Surplus equipment from Capital Asset listing upon documentation of disposal from Purchasing Agent. Approved

352/2019 Board of Supervisors: Reappoint Mr. Moody Morris as a Director to Keystone Cemetery District with a term ending July 14, 2023. Approved
361/2019 Community Development and Services: Accept Contract No. 289/2018 Vierra Road FEMA Culvert Replacement Project as complete and authorize Public Works Director to sign and record Notice of Completion. Approved

346/2019 Board of Supervisors: Reappoint Mr. Alvin Bell to Brownsville Cemetery District as a Director to a term ending July 14, 2023. Approved

362/2019 Board of Supervisors: Appoint Mr. Robert Waddell as a Director to Strawberry Valley Cemetery District to a term ending July 9, 2023. Approved

363/2019 Administrative Services: Approve lease agreement for Airport Site Number 11, Hanger No. 6 with Brett Scheidel DBA Linear Farming, Inc., and authorize Chair to execute. Approved

370/2019 Community Development and Services: Appoint Community Development and Services Director Kevin Mallen, and Public Works Director Mike Lee to negotiate the price and terms of acquisition of drainage easement across a portion of APN 014-151-004, 3992 Mary Ave., Olivehurst, CA 95961 owned by Shannon Hensley. (No background material) Approved

372/2019 Clerk of the Board of Supervisors: Approve meeting minutes of June 11, 2019. Approved as written.

SPECIAL PRESENTATIONS

313/2019 Present proclamations to organizations that assisted in the Camp Fire Shelter effort. (No background material) (Ten minute estimate) County Administrator Robert Bendorf recapped the devastation of the Camp Fire, actions taken by Yuba and Sutter Counties to provide assistance; and introduced Sutter County Supervisors Mike Ziegenmeyer, Dan Flores, and Ron Sullenger, Butte County Supervisor Doug Teeter, Sutter County Administrator Steve Smith, and Butte County Administrator Shari McCracken. Additionally Mr. Bendorf commended Emergency Services Manager Scott Bryan, Planner Briana Schuette, and staff from both counties for their efforts to establish a shelter at the Yuba Sutter Fair Grounds.

Mr. Bendorf recapped and presented proclamations to representatives from:

- Sutter Domestic Animal Assistance – Canine rescue and care
- Field Haven – Cats, and various small pets rescue and care
- Habitat for Humanity – volunteers, coordinating donations, and donation sites
- Yuba Sutter Salvation Army – provided meals and coordinated with local service clubs to provide meals
- Yuba-Sutter Fair Grounds – hosted Emergency Shelter that housed approximately 380 survivors
- Sutter North Medical Group – provided doctors, nurses, health evaluations, and prescriptions

Mr. Bendorf recapped Salvation Army’s offer to temporarily house Camp Fire survivors at their transitional housing project Hope Vista.

Closing remarks were received from Sutter County Administrator Steve Smith, Butte County Administrator Shari McCracken, Butte County Supervisor Doug Teeter, Sutter County Supervisor Mike Ziegenmeyer, Yuba County Supervisors Andy Vasquez, Gary Bradford, Randy Fletcher, Doug Lofton, Mike Leahy, and County Administrator Robert Bendorf.

The Board recessed at 9:55 a.m. and returned at 10:05 a.m. with all members present as indicated above.
344/2019 Present proclamation to Casa de Esperanza recognizing July 2019 as Sexual Assault Awareness month. (Five minute estimate) Chair Leahy presented proclamation to Casa de Esperanza Program Director Marina Cavanagh.

Ms. Cavanagh invited all to “Walk a Mile in her Shoes” held July 20, 11:30 a.m., at the Yuba City Mall.

364/2019 Receive presentation from Yuba Sutter Lodging Association. (No background material) (Five minute estimate) Mr. Jacob Young recapped Tourism Business Improvement District as a means to bring in more local business; and presented a video for tourism from www.visityubasutter.com

Mr. Young responded to Board inquiries.

County Administrator Robert Bendorf recapped there would be a funding request in the future.

PUBLIC COMMUNICATIONS

Mr. Harold Krugel recapped information from a recent article in Los Angeles Times relating to Law Enforcement misconduct records and record destruction.

COUNTY DEPARTMENTS

360/2019 County Administrator: Approve support letter to Congressman Garamendi for HR 2838, which would direct Secretary of Transportation to establish a grant program for projects to strengthen and protect vulnerable infrastructure used during mass evacuations, and authorize Chair to execute. (Five minute estimate) Management Analyst Jamme Yang recapped HR 2838 and opportunities for Yuba County.

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

368/2019 Board of Supervisors: Approve out-of-state travel for one supervisor September 22 - 25, 2019 to Washington DC, to meet with Beale Military Liaison Committee and Air Force leadership relating to issues and economic impacts to Beale and Travis Air Force Bases. (No background material) (Five minute estimate) Supervisor Bradford recapped request and responded to inquiries.

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

350/2019 Human Resources: Approve Memorandum of Understanding (MOU) between the County of Yuba and the Law Enforcement Management Supervisory Association (MSA) for a 3 year term beginning July 1, 2019 and ending on June 30, 2022, and authorize Chair to execute. (Five minute estimate) Director Jill Able recapped the MOU.
MOTION: Move to approve
MOVED: Randy Fletcher SECOND: Andy Vasquez
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSENT/ABSTAIN: None

357/2019 Human Resources: Adopt Resolution revising Classification System - Basic Salary/Hourly Schedule in its entirety as set forth in Attachment A, and adopt Resolution revising the Department Position Allocation schedule in its entirety as set forth in Attachment B, effective July 1, 2019. (Five minute estimate) County Administrator Robert Bendorf recapped the county’s ongoing mission to create a smaller, better prepared, and compensated workforce.

Human Resources Manager Cindy Clark recapped Classification and Compensation study, and resulting changes to the salary schedule that would increase some salaries between 3 and 20 percent.

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

Adopted Resolution No.’s 2019-75 and 2019-76 respectively

CORRESPONDENCE – the Board received the following correspondence.


BOARD AND STAFF MEMBERS’ REPORTS

Supervisor Lofton: Memorial Adjournment – Mr. Dave Gothrow, Sr.

Supervisor Bradford: Event to support AB 1054-Public Utilities: wildfires and employee protection on July 8

Supervisor Fletcher: Memorial Adjournment – Mr. Jaime Arostigue

Supervisor Leahy: Yuba Sutter Regional 4th of July and Fireworks Celebration July 4

CLOSED SESSION The Board retired into closed session at 10:33 a.m. and returned at 1:30 p.m. with all members present as indicated above. There was no reportable action.

154/2019 Public Employee Performance Evaluation pursuant to Government Code section 54957(b) – Title: Clerk of the Board of Supervisors

365/2019 CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code section 54956.8 - The real property is identified as a drainage easement across a portion of APN 014-151-004, 3992 Mary Ave., Olivehurst, CA 95961. The County negotiators are: Kevin Mallen, Director of Community Development and Services and Mike Lee Director of Public Works. The Property Owner and representative: Shannon Hensley. The instruction will involve the price and terms of payment.

1:30 P.M. ADMINISTRATIVE HEARINGS – the Chair read the disclaimer.
The Clerk administered the oath to all parties intending to testify.

354/2019 Community Development and Services: Public Hearing - Hold cost accounting hearing to determine enforcement costs and penalties to be assessed against property located at 885 Grand Avenue, West Linda, CA 95961, (owner David R Walker) and to authorize a special tax assessment and abatement lien. (Fifteen minute estimate) (Roll Call Vote) Code Enforcement Jeremy Strang recapped request from Mr. Dave Walker requesting a continuance and introduced Mr. Walker's representative Ms. Peggy Logue.

Ms. Logue advised Mr. Walker was not able to attend and had sent an email to the Board of Supervisors, and to Code Enforcement requesting a postponement.

MOTION: Move to deny request for continuance
MOVE: Doug Lofton SECOND: Andy Vasquez
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSENT/ABSTAIN: None

Code Enforcement Manager Jeremy Strang recapped cost accounting hearing to determine if the costs are accurate and reasonable. Mr. Strang provided a PowerPoint presentation depicting timelines and inspections, 272 marijuana plants, improper storage of chemicals, hazardous electrical, an occupied travel trailer; and recapped cost accountings to include inspections, and administrative penalty in the amount of $146,320.76

MOTION: Move to close public hearing and note the Board exercised its discretion and considered those factors set forth in Ordinance Code Section §7.36.770; adopt findings of facts, conclusions of law and orders authorizing assessment of administrative costs and penalties in the amount of $146,320.76; and recording of lien regarding 885 Grand Avenue (owner David R. Walker)
MOVE: Andy Vasquez SECOND: Randy Fletcher
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSENT/ABSTAIN: None

Approved via unanimous Roll Call Vote

355/2019 Community Development and Services: Public Hearing - Hold cost accounting hearing to determine enforcement costs and penalties to be assessed against property located at 1854 Eighth Avenue, Olivehurst, CA 95961, and to authorize a special tax assessment and abatement lien. (Fifteen minute estimate) (Roll Call Vote) Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation depicting timelines and inspections, 74 marijuana plants, and improper storage of chemicals and gasoline products. Administrative costs and penalties in the amount of $65,320.30.

Mr. Gbolahan Sarumi protested the fee advising he was out of town and did not receive notice of the hearing until July 8th. Mr. Sarumi advised due to the tenants Section 8 status he was having difficulty with the eviction process and requested a continuance to gather witness information.

MOTION: Deny request for extension
MOVED: Randy Fletcher SECOND: Andy Vasquez
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSENT/ABSTAIN: None

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MOTION: Move to close public hearing and note the Board exercised its discretion and considered those factors set forth in Ordinance Code Section §7.36.770; adopt findings of facts, conclusions of law and orders authorizing assessment of administrative costs and penalties in the amount of $65,320.30; and recording of lien regarding 1854 Eighth Avenue (owner Gbolahan Sarumi)
MOVED: Andy Vasquez SECOND: Doug Lofton
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSENT/ABSTAIN: None

Approved via unanimous Roll Call Vote

353/2019 Community Development and Services: Administrative Appeal Hearing - Hold public hearing Determination of Public Nuisance and administrative penalty regarding the subject address of 14034 Cascade Way, Oregon House, CA 95962; APN: 056-270-017. (Owners Alexander Geiler and Grigoriy Danilyan) (Thirty minute estimate) Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation depicting satellite images of the state of the property before purchase in 2015, and directly after the Cascade fire in October 2017; later image depicts two unpermitted hoop style green houses, and an outdoor grow area. On May 30, 2019 Code Enforcement staff accompanied the Sheriff Department on a service of a criminal search warrant. Located on scene were 331 marijuana plants inside the green houses, along with hazardous electrical, improper storage of chemicals and fertilizer, junk, trash, and debris creating a harborage for vector and vermin.

Attorney Roberto Marquez requested the oath be administered to Mr. Alexander Geiler, as he was not present earlier. The Clerk administered the oath.

Mr. Marquez questioned Mr. Geiler on the state of the property prior to and directly after the Cascade fire. In response to inquiries Mr. Geiler denied he participated in or encouraged cultivation, or the hazardous electrical. Mr. Geiler advised the property was abandoned after the Cascade fire as useless due to lack of power and water. Additionally stating he is part of the lawsuit against Pacific Gas and Electric (PG&E) and was advised by his attorney not to touch anything on the property.

In response to Board inquiries Mr. Geiler advised he wanted to build on the property but was too expensive, and leased the property for two years under which all that stuff went up. Mr. Geiler advised he saw it go up, and that Code Enforcement did not tell him the Land-Sea container or the structures were illegal. After the Cascade fire, Mr. Geiler visited the property to survey the damage, determined that the power pole had burned up, and the water pump was gone. Mr. Geiler indicated he saw there had been an outside garden but was told that it was taken care of.

Mr. Marquez directed additional questions to Mr. Geiler regarding time lines of the google images, what he had noticed at the property and when. Mr. Geiler denied any prior knowledge of the violations.

Chair Leahy pressed Mr. Geiler regarding a previous comment relating to knowing when the structures were erected; Mr. Geiler requested to fix his statement to say that he did not approve of them going up, he did not see them constructed and they were done without his approval.

Code Enforcement Manager Jeremy Strang inquired who Grigoriy Danilyan was.

Mr. Marquez asked for relevance.

Mr. Strang indicated Mr. Danilyan was a property owner or was at the time of the Code Enforcement action.
County Counsel Ciccozzi provided procedural guidance on relevance.

Chair Leahy overruled the objection.

Mr. Geiler advised he was his real estate partner, and that to his knowledge Mr. Danilyan also abandoned the property after the Cascade fire.

Mr. Strang recapped last time Mr. Geiler was on the property was days after the fire, and showed a picture of the property that was taken on October 23, 2017, depicting two greenhouses and marijuana plants.

Mr. Strang recapped Mr. Danilyan requested to have power restored on November 3, 2018. He was denied at that time because the Building Department had an open case for the illegal structures.

Mr. Marquez stated his client was not aware of the violations and requested the Board not impose any fees or costs.

County Counsel Ciccozzi provided procedural guidance relating to the action before the Board

MOTION: Close the public hearing, and direct staff to prepare findings and orders in accordance with recommendations contained within their staff report and for the matter to return to the Board on July 23 for adoption modification of the findings and orders
MOVED: Andy Vasquez SECOND: Doug Lofton
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSENT/ABSTAIN: None

Approved via unanimous Roll Call Vote

ADJOURN: 2:51 p.m. in memory of Mr. Dave Gothrow, Sr. and Mr. Jaime Arostigue.

ATTEST: RACHEL FERRIS
CLERK OF THE BOARD OF SUPERVISORS

 Approved: August 13, 2018