

# The County of Yuba

BOARD OF SUPERVISORS

SEPTEMBER 20, 2011 - MINUTES



The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger Abe, and Hal Stocker. Mary Jane Griego was absent. 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 Stocker
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker - All Present
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

Chairman Abe advised the Board the following regarding the Chairman's role:

- No more authority than other board members, the chair runs the meeting
- No authority to stop a board member from stating an opinion
- No authority to have security remove a board member from meeting
- 4/5 vote required to end debate on items under discussion

Chairman Abe requested Counsel provide the legal basis for these four points.

MOTION: Move to approve Consent Agenda      MOVED: John Nicoletti      SECOND: Andy Vasquez

AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker

NOES: None      ABSENT: None      ABSTAIN: None

A. Clerk of the Board of Supervisors

1. Reappoint Roberta D'Arcy and Kevin Hinckley to the Substance Abuse Advisory Board for terms to end September 20, 2015. (404-11) Approved.
2. Reappoint Lucille D. Bryant to the In Home Supportive Services Advisory Committee for a term to end September 13, 2013. (Continued from September 20, 2011) (391-11) Approved.

IV. PUBLIC COMMUNICATIONS:

Ms. Mary Battista commented on actions heard at the previous meeting.

Mr. Zachary Cross urged reconsideration of a cut in Board salary.

Ms. Alain Arslan urged consideration of an ordinance regarding permit requirement to grow marijuana.

V. COUNTY DEPARTMENTS

A. Community Development and Services

1. Approve agreement with AECOM Technical Services, Inc., for preparation of a Climate Action Plan and authorize the Chair to execute same. (Five minute estimate) (405-11) Director Kevin Mallen recapped grant funds received for preparation of plan and responded to Board inquiries.

MOTION: Move to approve                      MOVED: Hal Stocker                      SECOND: Mary Jane Griego  
AYES: Hal Stocker, Mary Jane Griego, John Nicoletti, Roger Abe  
NOES: Andy Vasquez    ABSENT: None    ABSTAIN: None

2. Approve agreement with Dyett and Bhatia for preparation of Yuba County Zoning Ordinance and Development Code update and authorize the Chair to execute same. (Five minute estimate) (406-11) Director Kevin Mallen recapped the process for preparing the ordinance update and responded to Board inquiries.

County Administrator Robert Bendorf advised of inclusion of the Economic Development Advisory Committee in the process.

MOTION: Move to approve                      MOVED: Hal Stocker                      SECOND: Mary Jane Griego  
AYES: Hal Stocker, Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe  
NOES: None    ABSENT: None    ABSTAIN: None

VI. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

- A. Ordinance - Hold public hearing, waive reading, and adopt ordinance adjusting the boundaries of the Supervisorial Districts of the County of Yuba, State of California by amending Chapter 2.05 of the Ordinance Code. (Second reading) (Continued from September 13, 2011) (Ten minute estimate) (401-11) Chairman Abe opened the public hearing. No one came forward.

MOTION: Move to close public hearing and adopt ordinance  
MOVED: Hal Stocker                      SECOND: Mary Jane Griego  
AYES: Hal Stocker, Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe  
NOES: None    ABSENT: None    ABSTAIN: None

VII. CORRESPONDENCE - (407-11)

- A. Two letters from Federal Emergency Management Agency enclosing revised Letter of Map Revision for County of Yuba and City of Wheatland. Accepted.

VIII. BOARD AND STAFF MEMBERS' REPORTS: Reports were received.

Supervisor Stocker:

- Memorial Adjournment - Mr. Harvey Leech
- Floated down the Yuba River from Parks Bar to Sycamore Ranch with a prospective rafting business

Supervisor Griego:

- Federal clearance received for Enterprise Rancheria
- Yuba Sutter Transit Authority Board meeting held September 15, 2011
- Sacramento Area Council of Governments Board meeting held September 15, 2011

Supervisor Nicoletti:

- Memorial Adjournment - Mrs. Kris Kenny and Mr. Ted Dress
- Interview process to replace Executive Director of Peach Tree HealthCare
- Floodplain Management Association conference held September 7 - 9, 2011 in San Diego
- County Medical Services Program Board meeting September 22, 2011
- Educational program at Parks Bar
- Assistance from Regional Council of Rural Counties (RCRC) on flood issues and plan for replacement of Auditor-Controller

Supervisor Abe:

- Meeting regarding detours during reconstruction project on Highways 70 and 20
- California State Association of Counties Institute Course - Water in Politics
- Economic Development Advisory Committee meeting held September 16, 2011
- RCRC Annual Conference September 21 - 23, 2011

County Administrator Robert Bendorf:

- Solar energy project began construction at Government Center
- Video monitor in lobby for media display of historic videos, calendars and other items of interest

At the request of Mr. Bendorf, Chairman Abe formed an Ad Hoc Committee appointing himself and Supervisor Vasquez to explore implementation of a group housing program for individuals with mental health disabilities through Sutter Yuba Mental Health with use of mental health grant funding

IX. CLOSED SESSION: The Board retired into closed session 10:24 a.m. to discuss the following:

A. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - MSA/County of Yuba

MOTION: Move to add to agenda a closed session matter regarding pending litigation as the need to take action arose subsequent to the agenda being posted. MOVED: Hal Stocker SECOND: John Nicoletti

AYES: Hal Stocker, John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe

NOES: None ABSENT: None ABSTAIN: None

B. Pending litigation pursuant to Government Code §54956.9(a) - Patrick L. Perry vs. County of Yuba et al

The Board returned from closed session at 10:59 a.m. with all present as listed above.

Counsel advised by unanimous vote the Board gave authorization on how to move forward on the personnel matter and to defend the litigation of Patrick Perry which was referred to Porter Scott.

Chairman Abe recessed the meeting at 11:01 a.m.

X. 3:00 P.M. BOARD OF SUPERVISORS WORKSHOP: The Board reconvened 3:00 p.m. with all present as indicated above except Supervisor Griego.

A. Receive presentation on AB109 Criminal Justice Realignment and implementation. (No background material provided) (60 minute estimate) (408-11) Chief Probation Officer Jim Arnold provided introductions. District Attorney Pat McGrath provided a Power Point presentation recapping the following regarding Criminal Justice Realignment which becomes effective October 1, 2011:

- Intent to reduce the California prison population, state spending, and recidivism
- Realign low level felony offenders to locally run corrections program
- Use of Evidence Based Practices
- Affects four incarcerated groups permanently – Pre-release; Probation; Felonies for non-violent, non-serious, non-sex offender registerible; and Parolees
- Electronic surveillance in lieu of bail
- Felony Definition and Sentencing
- 500 felonies described as non-violent, non-serious, and non-sex offender registerible
- Sentencing Possibilities for 500 felonies - Maximum Confinement or Split Sentence
- Exceptions to 500 felonies sentencing: Local Prison Disqualifiers
- Post Community Release Supervision (PCS) through Probation Department
- Formal Revocations by the Superior Court
- Length of Post Community Release Supervision
- Future of Parole beginning July 1, 2013
- Realignment is biggest public policy change to Public Safety
- Challenges and community expectations
- Average state prison commitments per year for Yuba County - 222
- First year estimates for commitments, parole and post release supervision
- Analyze Alternatives to Incarceration
- Realignment Implementation Plan presented to Board on September 27, 2011
- Implementation Goals
- Unanticipated consequences

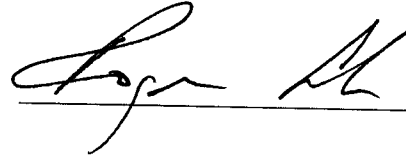
Mr. McGrath responded to Board inquiries.

Mr. Arnold recapped the working relationship with the Sheriff and DA and impacts to the Probation Department which includes 106 new offenders on probation and up to 215 by 2012; and responded to Board inquiries.

Sheriff Steve Durfor felt the County would do a better job than the state due to the invested interest of the community's safety and commented on the following and responded to Board inquiries:

- Impact to jail and management of inmate population
- Work Release Program, Electronic Monitoring and Day-Release Program
- Day Reporting Center
- Uncertainty of future funding and use of funds conservatively

XI. ADJOURN: 4:25 p.m. in memory of Mrs. Kris Kenny, Mr. Ted Dress, and Mr. Harvey Leech by Chairman Abe.



Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS



Approved: October 11, 2011