

# The County of Yuba

BOARD OF SUPERVISORS

DECEMBER 13, 2011 - MINUTES



The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:58 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 Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Abe presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Abe
- 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.

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

## A. Administrative Services

1. Authorize budget transfer in the amount of \$300,000 from Account No. 129-0000-361-4650 to various accounts as it relates to allocating Economic Development Block Grant 10-EDEF-7271 funds. (534-11) Authorized.
2. Approve lease agreement with Federal Aviation Administration for office space located at the Yuba County Airport and authorize the Chair to execute same. (535-11) Approved.

## B. Clerk of the Board of Supervisors

1. Adopt list of ongoing Boards, Commissions, and Committees appointed by the Board of Supervisors as of December 1, 2011. (536-11) Approved.

## C. Community Development and Services

1. Adopt resolution adopting a reservation process and establishing fees and fee waivers at Hammon Grove and Sycamore Ranch. (Land Use and Public Works Committee recommends approval) (537-11)  
Adopted Resolution No. 2011-110, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION ADOPTING A RESERVATION PROCESS AND ESTABLISHING FEES AT AND FEE WAIVERS AT HAMMON GROVE AND SYCAMORE RANCH."

2. Approve plans, specifications, estimate, and authorize advertisement of bids for La Porte Road at New York Creek bridge replacement project with a tentative bid opening date of January 17, 2012. (538-11) Approved.
3. Accept POW/MIA spray park restroom and flagpole project as complete and release the Performance Bond No. 1000835264 Contract No. 2009-5038. (539-11) Approved.
4. Accept Riverside Meadows Village 2 as complete and release the Performance Bond, Tract Map No. 2004-20. (540-11) Approved.
5. Adopt resolution authorizing Community Development and Services Director or his designee to complete the purchase of single family residence APN 021-450-006 as part of the Neighborhood Stabilization Program and execute all documents needed for completion of purchase, rehabilitation, and resale. (541-11)  
Adopted Resolution No. 2011-111, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING YUBA COUNTY COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR OF HIS DESIGNEES TO COMPLETE THE PURCHASE OF SINGLE FAMILY RESIDENCE APN 021-450-006 AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND EXECUTE ALL DOCUMENTS NEEDED FOR COMPLETION OF PURCHASE, REHABILITATION, AND RESALE."

D. County Administrator

1. Approve amendment to agreement with Sierra-Sacramento Valley Emergency Medical Services Agency (S-SV EMS Agency) for administration of Yuba County Ordinance Chapter 6.05 related to ambulance services and authorize the Chair to execute same. (542-11) Approved.

E. Health and Human Services

1. Adopt resolution authorizing the 2011-12 Public Health Emergency Preparedness, State General Fund Pandemic Influenza, Hospital Preparedness program funding agreement with the California Department of Public Health. (543-11)  
Adopted Resolution No. 2011-112, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING THE YUBA COUNTY HEALTH DEPARTMENT AND HUMAN SERVICES DEPARTMENT TO ENTER THE 2011-12 CDC PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP), STATE GENERAL FUND (GF) PANDEMIC INFLUENZA, HHS HOSPITAL PREPAREDNESS PROGRAM (HPP) FUNDING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH AND FURTHER, AUTHORIZES THE CHAIRMAN TO EXECUTE DOCUMENTS AS REQUIRED BY THE AGREEMENT."

F. Human Resources

1. Approve amendment to the Catastrophic Leave Policy and authorize the Human Resources Director and County Administrator to implement changes and execute all necessary documents. (544-11) Approved.

G. Library

1. Approve hours of operation and holiday schedule for 2012. (545-11) Approved.

H. Treasurer-Tax Collector

1. Adopt resolution delegating investment authority to the Treasurer for the year 2012. (546-11)  
Adopted Resolution No. 2011-113, which is on file in Yuba County Resolution Book No. 42 entitled:  
"RESOLUTION DELEGATING INVESTMENT AUTHORITY TO THE YUBA COUNTY  
TREASURER FOR THE YEAR 2012."

IV. PUBLIC COMMUNICATIONS: No one came forward.

V. COUNTY DEPARTMENTS

A. County Administrator

1. Adopt resolution appointing C. Richard Eberle to the position of Auditor-Controller for Yuba County effective December 30, 2011. (547-11)

County Administrator Robert Bendorf provided a brief recap and introduced Mr. Richard Eberle to the Board. Mr. Richard Eberle advised he was looking forward to his appointment.

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

Adopted Resolution No. 2011-114, which is on file in Yuba County Resolution Book No. 42 entitled:  
"RESOLUTION APPOINTING C. RICHARD EBERLE AS THE YUBA COUNTY AUDITOR-  
CONTROLLER TO FILL THE VACANCY OF SUCH OFFICE UPON THE EFFECTIVE DATE OF  
THE VACANCY, DECEMBER 30, 2011 AND TO SERVE AND HOLD SUCH OFFICE UNTIL HIS  
SUCCESSOR IS ELECTED AND TAKES OFFICE IN ACCORDANCE WITH STATE LAW."

2. Authorize the County Administrator to dual encumber the position of Assistant Auditor-Controller effective December 19 and ending December 30, 2011. (548-11) County Administrator Robert Bendorf recapped the recommendation and responded to Board inquiries.

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

3. Approve agreement with Gallina LLP to perform the County's independent audit for fiscal years ending June 30, 2010, 2011, 2012, and 2013 and authorize the Chair to execute same. (Ten minute estimate) (549-11) County Administrator Robert Bendorf provided a brief recap and responded to Board inquiries.

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

4. Approve contract extension for Paul Brunner, Executive Director of the Three Rivers Levee Improvement Authority (TRLIA) and authorize the Chair to execute same. (550-11) County Administrator Robert Bendorf recapped the contract extension approved by the TRLIA Board and responded to Board inquiries.

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

5. Adopt resolution approving Franchise Agreement with Recology for waste collection/disposal and authorizing Chairman to execute all necessary documents; provide designation for use of road maintenance fee provided in the agreement and direct staff to return with appropriate policy; provide direction as appropriate. (551-11) County Administrator Robert Bendorf recapped the agreement including the following and advised of technical changes to the agreement:
- o Funding Waste Collection and Disposal Services
  - o Rate Calculations
  - o Local Agency Fees
  - o Rate Stabilization and Capitalization Fund
  - o Term of Contract
  - o Road Maintenance Fee
  - o Bulky Item Coupon
  - o Transfer Station and Host Fees

Mr. Bendorf and Recology Yuba-Sutter General Manager Dave Vaughn responded to Board inquiries relating to Road Maintenance Fee, Alternative Daily Cover and changes to the agreement.

The following individuals spoke:

Mr. David Kuhnen, Recycling Industries Yuba City  
Mr. Richard Paskowitz, Wheatland

Mr. Ryan Rogers, Yuba City  
Mr. Jeff Donlevy, Recycling Industries Yuba City

Supervisor Stocker left the meeting at 11:47 a.m. and returned at 11:52 a.m.

Ms. Brigit Barnes, YUGAG  
Ms. Brynda Stranix, Yuba Sutter Economic Development  
Mr. Doug Gibbs, Green Freak, Yuba City  
Mr. Keith Martin, Regional Waste Management Authority

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

Adopted Resolution No. 2011-115, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION OF THE YUBA COUNTY BOARD OF SUPERVISORS APPROVING A SOLID WASTE COLLECTION FRANCHISE AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND RECOLOGY."

B. Board of Supervisors

1. Appoint individual as District Three representative to the Yuba County Resource/Development Code Advisory Committee with term ending upon adoption of the Development Code update. (Ten minute estimate) (527-11) (Continued from December 6, 2011)

MOTION: Move to appoint Victor Cuate District 3 Representative

MOVED: Mary Jane Griego SECOND: John Nicoletti

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

NOES: None ABSENT: None ABSTAIN: None

2. Reconsider approval of repayment agreement with City of Marysville and take action as appropriate. (Ten minute estimate) (505-11) (Continued from December 6, 2011) County Administrator Robert Bendorf recapped discussions with the City of Marysville regarding repayment and advised the County Auditor-Controller captured the entire amount owned of \$220,000. Mr. Bendorf responded to Board inquiries.

C. Human Resources

1. Approve establishment of a Legal Services Coordinator classification and adopt resolutions amending the Position Allocation Schedule and Classification System - Basic Salary / Hourly schedule as it relates to County Counsel Department effective December 1, 2011. (552-11) Human Resource Director Martha Wilson recapped the request stating this position would free the legal staff from performing administrative duties and responded to Board inquiries.

MOTION: Move to adopt MOVED: John Nicoletti SECOND: Mary Jane Griego

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

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2011-116, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO." and, Resolution No. 2011-117 entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM - BASIC SALARY SCHEDULE."

VI. ORDINANCES AND PUBLIC HEARINGS: The Deputy Clerk read the disclaimer.

- A. Ordinance - Hold public hearing, waive reading and adopt ordinance amending section 13.00.050 and 13.00.056 of Chapter 13, Title XIII of the Yuba County Ordinance Code relating to the Sheriff's Department. (Ten minute estimate) (530-11) Sheriff Steve Durfor provided a brief recap and responded to Board inquiries.

Chairman Abe opened the public hearing. No one came forward.

MOTION: Move to close the public hearing, waive reading 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

Adopted Ordinance No. 1511, which is on file in Yuba County Ordinance Book No. 22 entitled: "ORDINANCE AMENDING SECTION 13.00.050 AND 13.00.056 OF CHAPTER 13, TITLE XIII, OF THE YUBA COUNTY ORDINANCE CODE."

- B. Ordinance - Hold public hearing, waive reading, and introduce ordinance amending Title VII of the Yuba County Ordinance Code by repealing in their entirety sections 7.05.220 and 7.05.230 and re-enacting section 7.05.220 regarding payment and collection of unpaid refuse service bills. (Land Use and Public Works Committee recommends approval) (Ten minute estimate) (553-11) Environmental Health Director Tej Maan recapped ordinance changes and responded to board inquiries.

Chairman Abe opened the public hearing. No one came forward.

MOTION: Move to close the public hearing, waive reading, and introduce ordinance

MOVED: Hal Stocker SECOND: John Nicoletti

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

NOES: None ABSENT: None ABSTAIN: None

VII. CORRESPONDENCE - (554-11)

- A. Letter from Lance Hatfield requesting Board inquiry/review of Environmental Health regarding actions related to Travelers Hotel. Mr. Hatfield responded to Board inquiries. Referred to Environmental Health.
- B. Letter from California Department of Fish and Game regarding 2012-13 deer hunts for Yuba County. Accepted.
- C. Letter from California Sudden Infant Death Syndrome Advisory Council Chair Thomas G. Keens, M.D. commending Sheriff Stephen Durfor for his dedicated service on the California SIDS Advisory Council. Accepted.
- D. Letter from Auditor-Controller enclosing independent audit report for Sutter-Yuba Mosquito and Vector Control District for fiscal year ended June 30, 2011. Accepted.

VIII. BOARD AND STAFF MEMBERS' REPORTS: The following reports were received:

Supervisor Stocker:

- o Memorial Adjournment - Ms. Edith Marie Kelley
- o Memorial Adjournment - Mr. Walter Chappell
- o Memorial Adjournment - Mrs. Anita Peacemaker
- o Memorial Adjournment - Mr. Robert K Parker

Supervisor Griego:

- o Memorial Adjournment – Mr. Joe London

Supervisor Nicoletti:

- o Veterans Clinic selling bricks to memorialize service members locally
- o Commended Agricultural Commissioner Louie Mendoza's recent appointment as president to the California Agricultural Commission and Sealers Association

Supervisor Vasquez

- o Linda Lions Winter Wonderland toy giveaway

Supervisor Abe: California State Association of Counties sponsoring an initiative relating to constitutional protections for counties to fund the realignment process.

- IX. CLOSED SESSION: The Board recessed into closed session at 1:11 p.m.
- A. Pending litigation pursuant to Government Code §54956.9(a) - Brown vs. McGrath et al
- B. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Public Guardian Continued to January 17, 2011

The Board returned from closed session at 1:25 p.m. with all present as indicated above.

Counsel Angil Morris-Jones advised by unanimous vote the Board gave direction. Chairman Abe advised the personnel matter was continued.

- X. RECESS TO 1:30 P.M. Reconvened at 1:39 p.m. with all present as indicated above.

XI. WORKSHOP/STUDY SESSION

- A. Presentation from Dr. Ronald Hayman MD regarding usage of medical marijuana. (Fifteen minute estimate) (555-11) No one present to present.
- B. Receive information on cultivation of medical marijuana. (60 minute estimate) (556-11) Community Development Director Kevin Mallen provided a Power Point presentation recapping the following regarding consideration of an ordinance:
- Defining thresholds for a public nuisance
  - Quantity/location/code violations/dwellings/enforcement authority
  - Photos illustrating threshold topics

Sheriff Steve Durfor continued the Power Point recapping crime involving marijuana cultivation, advising a majority of compliance checks of grow sites are operating within intent of law and a sharp increase of complaints that grows are affecting ability to enjoy home and safety concerns.

Mr. Mallen responded to Board inquiries regarding possible components to ordinance relating to balancing patient needs versus residents and thresholds which would not create a public nuisance

Planning Director Wendy Hartman responded to Board inquiries regarding ordinance code relating to fencing requirements.

Public Comment:

Mr. Ian Mack, Olivehurst  
Mr. Dennis McCleod, Olivehurst  
Mr. Eric Salerno, Redhill Way  
Ms. Ruby Hamel, Browns Valley  
Ms. Kathie Thelen, Browns Valley  
Mr. James Maral Jr., Live Oak  
Mr. Beau Green, Sutter County  
Mr. Robert House, Walnut Avenue  
Mr. Jose Peraita, Yuba City  
Ms. Carmel Garcia, Yuba County  
Ms. Elaine Arslan, Loma Rica  
Mr. Bob Brown, Browns Valley

Ms. Jenny Cavaliere, Oregon House  
Mr. Charlie Sexton, Browns Valley  
Mr. Dan Sullivan, Arboga  
Mr. Bob Trask, Olivehurst  
Mr. Glenn Green, Olivehurst  
Mr. Ken Davis, Yuba County Foothills  
Ms. Diane Ferguson, Like Oak

Following additional Board discussion regarding commercial grows, smell, effects on children, and related criminal activity, staff was directed to draft an ordinance and return to the Board in January 2012.

- XII. ADJOURN: 4:07 p.m. by Chairman Abe in memory of Ms. Edith Marie Kelley, Mrs. Anita Peacemaker, Mr. Walter Chappell, Mr. Robert Parker and Mr. Joe London.

  
Chair

ATTEST: DONNA STOTTEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

  
BY: Rachel Ferris, Deputy Clerk

Approved:  January 3, 2012