

# The County of Yuba

BOARD OF SUPERVISORS



NOVEMBER 18, 2014

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:41 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Supervisor Andy Vasquez was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Nicoletti presided.

- I. PLEDGE OF ALLEGIANCE - Following a moment of silence honoring American soldiers who lost their lives, the pledge was led by Ms. Shirley Henrikson.
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker - Supervisor Vasquez absent.
- 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                      MOVED: Hal Stocker                      SECOND: Mary Jane Griego  
AYES: Hal Stocker, Mary Jane Griego, John Nicoletti, Roger Abe  
NOES: None    ABSENT: Andy Vasquez    ABSTAIN: None

## A. Administrative Services

1. (504-14) Approve application to Feather River Air Quality Management District for an air-healthy mini-grant to replace bike racks at Yuba County Courthouse and Library. Approved.
2. (505-14) Approve agreement with Mead and Hunt for engineering services related to North Apron reconstruction and authorize Chair to execute. Approved.
3. (506-14) Approve airport lease agreement with Greg Foster, Foster Ranch Limited Partnership, for corporate hanger lease site 11, and authorize Chair to execute. Approved.
4. (507-14) Authorize Budget Transfer in the amount of \$50,000 from Account No. 126-0000-371-93.00 (Enterprise Zone) to Account No. 126-9504-419-23.00 (Professional Services) for reimbursement of management services provided to the Yuba Sutter Enterprise Zone. Approved.

## B. Assessor

1. (508-14) Authorize Budget Transfer in the amount of \$6,101 from AB 818 Loan Trust to various line items for the purchase of computer and AutoCAD software for cadastral drafting purposes. Approved.

## C. Clerk of the Board of Supervisors

1. (509-14) Approve minutes of the meetings of October 21, 22, and 28, 2014. Approved, as written.

D. Community Development and Services

1. (510-14) Adopt resolution regarding financial assurance for post closure maintenance and corrective action of the Ponderosa Landfill; approve pledge of revenue agreement with California Resources and Recycling and Recovery and authorize Chair to execute. (Public Works and Land Use Committee recommend approval) Adopted Resolution No. 2014-106, which is on file in Yuba County Resolution Book No. 45.
2. (511-14) Authorize Director to hire Administration and Accounting Supervisor at Step 5 (1.20 percent) Index. Approved.

E. County Counsel

1. (512-14) Adopt resolution rescinding County actions approving Environmental Impact Report and related permits associated with SR20/Kibbe Road intersection improvements and private haul road project. Adopted Resolution No. 2014-107, which is on file in Yuba County Resolution Book No. 45.

F. Emergency Services

1. (513-14) Adopt resolution proclaiming existence of ongoing local drought emergency in the County of Yuba. Adopted Resolution No. 2014-108, which is on file in Yuba County Resolution Book No. 45.

G. Health and Human Services

1. (514-14) Adopt resolution authorizing acceptance of Maternal, Child and Adolescent Health grant funds for the period of July 1, 2014 through June 20, 2015 and authorizing Chair to execute agreement and other pertinent documents. Adopted Resolution No. 2014-109, which is on file in Yuba County Resolution Book No. 45.
2. (515-14) Adopt resolution authorizing the Director or his/her designee to execute California Work Opportunity and Responsibility to Kids (CalWORKs) Subsidized Employment Work Site Agreements. Adopted Resolution No. 2014-110, which is on file in Yuba County Resolution Book No. 45.

H. Sheriff-Coroner

1. (516-14) Adopt resolution authorizing Chairman to execute contract with California Department of Parks and Recreation for purchase of two personal watercrafts and trailer with federal funds administered by the state. Adopted Resolution No. 2014-111, which is on file in Yuba County Resolution Book No. 45.
2. (517-14) Adopt resolutions amending the Position Allocation and Basic Salary Schedules as they relate to the Detention Services Clerk and Deputy Sheriff/Deputy Sheriff Trainee effective November 1, 2014. Adopted Resolution Nos. 2014-112 and 2014-113, which are on file in Yuba County Resolution Book No. 45.

IV. PUBLIC COMMUNICATIONS:

The following individuals spoke:

- Mr. Richard Boyd - definition of health and completion of road work
- Mr. Doug McCoy - collection of used paint at Airport on December 6, 2014
- Ms. Wendy Hartman - Code Development update workshop November 19, 2014
- Mr. Buck Weckman - marijuana cultivation ordinance

- Mr. Calvin Ivie - Camptonville area and grow issues
- Mr. Rick Reiss - marijuana cultivation abuse
- Ms. Mary Salvato - marijuana
- Ms. Shirley Henrikson - persons seeking to purchase land within county for marijuana cultivation
- Ms. Carolyn Tindel - marijuana use by youth
- Ms. Diana Ceballos - support no marijuana cultivation
- Mr. Chris Ashe - cultivation in Rackerby
- Mr. Frank Cecil - effect of cannabis use on youth
- Ms. Cynthia Rose - guard dogs for protection of grows
- Ms. Coleen Weckman - sale of three surrounding properties for grow sites

County Counsel Angil Morris-Jones responded to Board inquiries regarding ordinance alternatives.

Following Board discussion, Board direction was provided to bring back alternative ordinances for consideration and direction on December 9, 2014.

Sheriff Durfor expressed desire to be involved in process of ordinance modifications, concurred with public comments on state of marijuana within county, stated the magnitude of problem require more resources than available to combat, and the enforcement component of the ordinance must be bolstered for accountability.

## V. COUNTY DEPARTMENTS

### A. Board of Supervisors

1. (521-14) Receive report from Yuba County Economic Development Advisory Committee on activities. (No background material) (Ten minute estimate) Committee Chair Natt Pomeroy and Vice-Chair Sean Andersen provided a recap of meetings, economic presentations received, and plans for 2015.

Supervisor Stocker left the meeting at 10:56 a.m. and returned at 11:02 a.m.

### B. Administrative Services

1. (518-14) Receive progress update on the Tri-County Juvenile Rehabilitation Facility Project and provide staff direction as appropriate. (Ten minute estimate) Director Doug McCoy provided information on grant funding, construction costs of \$18.3 million, additional application for grant funding through Board of State and Community Corrections, and responded to Board inquiries.

County Administrator Robert Bendorf responded to Board inquiries.

Following Board discussion, Board consensus was to move forward with grant application.

2. (519-14) Approve agreement with Vanir Construction Management Inc. for Phase 1 Construction Management services for the Tri-County Juvenile Rehabilitation Project and authorize Chair to execute. (Five minute estimate) Purchasing and Contract Administrator Andrea Armstrong recapped the agreement and responded to inquiries.

MOTION: Move to approve

MOVED: Roger Abe

SECOND: Hal Stocker

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

NOES: None ABSENT: Andy Vasquez ABSTAIN: None

3. (520-14) Approve agreement with Vanir Construction Management Inc. for Phase 1 Construction Management services for the new Sheriff's facility tenant improvement project and authorize Chair to execute. (Five minute estimate) Purchasing and Contract Administrator Andrea Armstrong recapped the agreement and responded to inquiries.

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

C. County Administrator

1. (522-14) Adopt resolution approving a preliminary official statement and Bond Purchase agreement related to the offering and sale of special tax bonds of the County for Community Facilities District 2005-1 (Orchard Montrose Public Improvements) related to Improvement Area C of district and approving other related documents and actions. (Fifteen minute estimate) County Administrator Robert Bendorf recapped the effect of adoption of resolution and responded to Board inquiries.

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

Adopted Resolution No. 2014-114, which is on file in Yuba County Resolution Book No. 45.

D. Probation

1. (523-14) Adopt resolutions amending the Departmental Position Allocation and Basic Salary Schedules as it relates to Probation Department/Juvenile Facility class series effective November 1, 2014. (Ten minute estimate) Chief Probation Officer Jim Arnold recapped the changes in classification for the department and responded to Board inquiries.

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

Adopted Resolution Nos. 2014-115 and 116, which are on file in Yuba County Resolution Book No. 45.

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

- A. (524-14) Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and re-enacting Chapter 10.30 regarding requirements of the National Flood Insurance Program and Community Rating System. (First Reading) (Land Use and Public Works Committee recommend approval) (Ten minute estimate) Principal Engineer Daniel Peterson recapped the need for updating, major changes within ordinance, and responded to Board inquiries.

Community Development and Services Director Kevin Mallen responded to Board inquiries regarding FEMA insurance rates and a study for flood elevations within District 10.

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

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

MOVED: Mary Jane Griego                      SECOND: Roger Abe

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

NOES: None    ABSENT: Andy Vasquez    ABSTAIN: None

VII. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

- A. (525-14) State of Schools Report from Office of Education pursuant to Williams Uniform Complaints Act. Received.
- B. (526-14) Three notices from the State of California Fish and Game Commission regarding the tricolored blackbird, the grey wolf, and regulatory actions. Received.
- C. (527-14) Letter from Senator Hannah-Beth Jackson urging a county ordinance for Safe Drug Disposal. Received.
- D. (528-14) Notice from Sate of California Department of Fish and Wildlife regarding impacts to hunting from the state-wide ban on lead ammunition for hunting purposes. Received.

VIII. BOARD AND STAFF MEMBERS' REPORTS

Supervisor Griego:

- Memorial Adjournment - Mr. David Haggard
- SACOG meetings held during October

Supervisor Abe:

- Commended staff for Oakley and Dairy Road projects
- Veterans Day Parade

Supervisor Stocker:

- Striping on Hammonton-Smartsville Road
- Correspondence to PG&E regarding fuel reduction projects

Supervisor Griego left the meeting at 11:38 a.m. and returned at 11:45 a.m.

County Administrator Robert Bendorf:

- Regional Fire Study cost reimbursement
- Business incentive study for large-size employers
- Financing for new Sheriff's facility improvements


Supervisor Nicoletti:

- Memorial Adjournment - Sedona Nicoletti
- Governor Brown's recognition of Mr. Didar Singh Bains
- Habitat for Humanity Annual Dinner
- Veterans Day Parade
- Peach Tree Health Care activities

- IX. CLOSED SESSION: The Board retired into closed session at 11:50 a.m. and returned at 12:57 p.m. with all present as indicated above.
- A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - APN 019-270-047 (Broliar, Milton M. and Sandra K.) Negotiating Parties: Michael Lee Negotiation: Authorization to make offer By unanimous vote authorized to pursue negotiations.
  - B. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - APN 005-270-037/005-370-001(County) Negotiating Parties: Browns Valley Irrigation District/County/Michael Lee Negotiation: Price and Terms By unanimous vote authorized to pursue negotiations.
  - C. Personnel pursuant to Government Code §54957(b)(1) - Public Appointment Health Officer Direction provided.
  - D. Pending litigation pursuant to Government Code §54956.9(e)(3) - Two Claims/School and Leonard Denied claims by unanimous vote.
  - E. Conference with legal counsel pursuant to Government Code §54956.9 - Claim/Potential Settlement Direction provided.
  - F. Personnel pursuant to Government Code §54957.6(a) - Labor Negotiations – DDAA No report.
- X. ADJOURN: 1:00 p.m. in memory of Mr. David Haggard.

  
Chair

ATTEST: DONNA STOTTEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

  
\_\_\_\_\_

Approved: December 9, 2014