

BOARD OF SUPERVISORS

Summary of Proceedings

Meetings are located at:
Yuba County Government Center
Board Chambers, 915 Eighth Street
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8th Street, Marysville and www.co.yuba.ca.us. Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

Tuesday, August 22, 2017
9:00 A.M.

PLEDGE OF ALLEGIANCE - Led by Supervisor Bradford

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

CONSENT AGENDA - All matters listed under Consent Agenda are considered to be routine and can be enacted in one motion.

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

326/2017 Health and Human Services: Approve agreement with Children’s Home Society of California for California Work Opportunity and Responsibility to Kids (CalWORKs) Child Care Services and authorize Chair to execute. (Human Services Committee recommends approval) Approved

347/2017 Administrative Services: Adopt resolution pursuant to Section 2.50.060 declaring property at 4240 Dan Avenue (APN 014-190-035-000) as surplus and authorizing Director of Administrative Services to sell property, and establish November 14, 2017 as the bid opening date. Adopted Resolution 2017-100

358/2017 Community Development and Services Agency: Approval of plans, specifications and estimate and authorization for advertisement of bids for Feather River Blvd pavement resurfacing from Algodon Road to 400’ west of River Oaks Blvd. Approved

359/2017 Board of Supervisors: Approve Child Care Planning Council 2017-2022 Child Care Needs Assessment. Approved

360/2017 Sutter-Yuba Behavioral Health: Adopt resolution dedicating unencumbered Mental Health Services Act Funds for support a regional housing project in partnership with the Regional Housing Authority. Adopted Resolution No. 2017-101

311/2017 Office of Emergency Services: Adopt resolution proclaiming the existence of an ongoing local emergency due to flood waters in the County of Yuba. Adopted Resolution No. 2017-102

312/2017 Office of Emergency Services: Adopt Resolution proclaiming existence of an ongoing local emergency due to Historic Rainfall in the County of Yuba. Adopted Resolution No. 2017-103

313/2017 Office of Emergency Services: Adopt resolution proclaiming existence of an ongoing local emergency due to tree mortality in the County of Yuba. Adopted Resolution No. 2017-104

228/2017 Office of Emergency Services: Adopt resolution proclaiming existence of an ongoing local emergency due to Oroville Dam Spillway Event. Adopted Resolution No. 2017-105

370/2017 Administrative Services: Approve lease agreement between Bill Schmidt doing business as BC Air LLC, and John Ferguson for Site Number 11, Hangar #5 and authorize Chair to execute. Approved

368/2017 Clerk of the Board of Supervisors: Reappoint Martha Waltz to the Wheatland Cemetery District as a Director with a term ending August 13, 2021. Approved

369/2017 Clerk of the Board of Supervisors: Appoint Mimi Mathews to Assessment Appeals Board No. II as an Alternate and Appoint Kuldip Atwal as Director with both terms ending September 7, 2020. Approved

372/2017 Health and Human Services: Adopt resolution authorizing agreement with California Department of Social Services for Resources Family Approval Program and authorize Chair to execute any and all documents of agreement upon review and approval of County Counsel. Adopted Resolution No. 2017-106

373/2017 Community Development and Services: Approve plans, specifications and estimate, and authorization for advertisement of bids for Feather River Boulevard Curve Correction project, and authorize Chair to execute. Approved

380/2017 Community Development and Services: Approval of plans, specifications and estimate, and authorization for advertisement of bids for Mathews Lane and Ramirez Road Farm to Market pavement resurfacing with a tentative bid opening date of September 19, 2017. Approved

386/2017 Community Development and Services Agency: Receive notice of Final Map TM 2015-0005, The Orchard Phase Two-2 under review, pending approval. Received

PUBLIC COMMUNICATIONS - None

COUNTY DEPARTMENTS

363/2017 Health and Human Services: Authorize transfer of funds in the amount of \$45,000 from Account Number 101-4720-441.28-03 (County Medical Services Program County (CMSP) Participation Fee) to Account Number 233-5410-453.18-00 (Maintenance Building Improvement) for completion of the modular unit at 14Forward. (Five minute estimate) Program Manager Tracy Bryan recapped and responded to Board inquiries. County Administrator Robert Bendorf responded to inquiries regarding Tri-County Juvenile Hall.

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

Approved by roll call vote

367/2017 Administrative Services: Authorize budget transfer in the total amount of \$18,384 from the Airport Capital Improvement Fund 131 to the Airport Enterprise Fund 130 for replacement of Airport taxiway lighting regulator. (4/5 Vote required) (Five minute estimate) Airport Manager Mary Hansen recapped and responded to Board inquiries.

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

Approved by roll call vote

356/2017 Human Resources and Organizational Services: Approve countywide Student Intern and Volunteer Program and Policy. (Ten minute estimate) Director Jill Abel recapped intern and volunteer program, and advised input was received from local high schools, Yuba College, Office of Education and some universities. Ms. Abel responded to inquiries.

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

376/2017 Human Resources: Adopt resolution declaring persons who perform voluntary service for the County as employees for the purpose of workers compensation benefits as provided for under Labor Code Section 3363.5. (Ten minute estimate) Director Jill Abel provided a brief recap and responded to Board inquiries.

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

Adopted Resolution No. 2017-107

378/2017 Human Resources: Adopt resolution amending Resolution No. 2017-83 related to Extra Help Classification System Hourly Schedule Intern. (Ten minute estimate) Director Jill Abel provided a brief recap and responded to Board inquiries.

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

Adopted Resolution No. 2017-108

382/2017 Community Development and Services Agency: Approve plans, specifications and estimate and authorization to advertise bids for road repairs to Briarwood Lane, Hokan Lane, Intanko Lane and Kapaka Lane pending approval from FEMA with a bid opening date of September 20, 2017. (Five minute estimate) Public Works Director Mike Lee recapped damage to roads from winter storms, scope of project, and responded to Board inquiries.

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

383/2017 Community Development and Services Agency: Approve plans, specifications and estimate and authorization to advertise bids for road repairs to Camp Far West Rd, Long Ravine Rd, Spenceville Rd, and Waldo Rd pending approval from FEMA with a bid opening date of September 20, 2017. (Five minute estimate) Public Works Director Mike Lee recapped.

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

384/2017 Community Development and Services Agency: Approve plans, specifications and estimate and authorize advertisement of bids for road repairs to Dry Creek Levee Rd, Ellis Rd, Hale Rd, Tanabe Rd, and Morrison Rd pending approval from FEMA with a bid opening date of September 20, 2017. (Five minute estimate) Public Works Director Mike Lee provided a brief recap.

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

385/2017 Community Development and Services Agency: Approve plans, specifications and estimate and authorize advertisement of bids for road repairs to Pendola Extension Road, Weeds Point Road and Youngs Hill Road pending approval from FEMA with a bid opening date of September 20, 2017. (Five minute estimate)
Public Works Director Mike Lee provided a brief recap.

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

387/2017 Community Development and Services Agency: Approve plans, specifications and estimate and authorize advertisement of bids for road repairs to Indiana Ranch Road, Clark Ranch Road, Wild Acre Way, Westwood Trail, Sandy Way, Skyview Way, Sunnyside Way, Golden Arrow Lane, Silva Path, Vierra Road, Abies Ln, Mourning Dove, Jessica Way, Potts Trail, Leanne Way and Begonia Way pending approval from FEMA with a bid opening date of September 20, 2017. (Five minute estimate)
Public Works Director Mike Lee recapped.

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

ORDINANCES AND PUBLIC HEARINGS –The clerk read the disclaimer.

318/2017 Public Hearing - Hold public hearing and adopt resolution approving amendment to Recology Yuba Sutter Collection Service Agreement approving 1.42 % rate increase effective October 1, 2017 and 1% franchise fee increase - County Administrator (Fifteen minute estimate) (Roll Call Vote) County Administrator Robert Bendorf recapped franchise agreement, methodology of rate increase and franchise fee, and responded to Board inquiries.

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

MOTION: Move to close the public hearing and adopt resolution
MOVED: Doug Lofton SECOND: Andrew Vasquez
AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2017-109 via roll call vote

275/2017 Public Hearing - Hold public hearing and adopt resolution establishing 10-ton weight limit for Ellis Road Bridge over Simmerly Slough until repaired or replaced - Community Development and Services Agency (Ten minute estimate) (Roll Call Vote) Assistant Public Works Director Tim Young recapped recommendation of 10 Ton weight limit pending remedial repair, and responded to Board inquiries.

Caltrans Hydraulic Engineer Scott Davis recapped bridge inspection, recommendations, and responded to Board inquiries.

Following Board discussion Mr. Young advised a flashing beacon would be added to the signage to alert motorist of weight limit.

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

MOTION: Move to close the public hearing and adopt
MOVED: Doug Lofton SECOND: Andrew Vasquez
AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2017-110 by roll call vote

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

361/2017 Notice from California Governor's Office of Emergency Services regarding United States Small Business Administration Physical Disaster Declaration. Received.

365/2017 Three notices from State of California Fish and Game Commission relating to various regulatory actions published in August 4, 2017 California Regulatory Notice Register. Received.

366/2017 Letter from Citizens for a new Yuba County Fish and Game Advisory Commission. Received.

BOARD AND STAFF MEMBERS' REPORTS

Supervisor Vasquez: RCRC presentation on marijuana regulations

Supervisors Lofton and Bradford: Commended staff on budget workshops

County Administrator Robert Bendorf: Sacramento Bee article regarding affordable housing crises

CLOSED SESSION: The Board retired into closed session at 10:06 a.m. and returned 10:38 a.m. with all members present as indicated above.

69/2017 Conference with Legal Counsel - Existing litigation pursuant to Government Code §54956.9(d)(1) - Fellowship of Friends vs. County of Yuba, YCSCCVPT14-0000794. By unanimous vote provided direction to staff

101/2017 Labor Negotiations pursuant to Government Code §54947(a) – DDAA/YCEA / Negotiator Jill Abel and Karen Fassler. No Report

391/2017 Conference with Legal Counsel - existing litigation pursuant to Government Code §54956.9(d)(1) - Hedrick vs. Grant Case No. 2:76-CV-00162-GEB-EFB. No Report

364/2017 Personnel pursuant to Government Code §54957(b)(1) – Public Appointment Administrative Services Director. No Report

1:00 P.M. ADMINISTRATIVE HEARINGS: The clerk administered the oath to all parties testifying in the following matters.

388/2017 Administrative Hearings: Hold appeal hearing to determine public nuisance for property located at 13172 Yuba Nevada Road, Dobbins, CA 95935; APN: 048-170-025; Property Owners Doris Kay and Mark Alan Tapia and Sarah Springer. (Community Development and Services Agency) (20 minute estimate) (Roll Call Vote) County Counsel Courtney Abril recapped administrative hearing procedure.

Community Development and Services Director Kevin Mallen recapped and provided PowerPoint presentation regarding the following:

- ♦ Google Earth photos dated August 2011, April 2015 and June 2017 depicting native vegetation, recent grading, and marijuana gardens, respectively
- ♦ Ariel photo dated 8/21/2017 depicting grow area

Berg and Associates Attorney Ryan Birss recapped ordinance section 7.40.635 evidentiary rule governing hearings and Google Maps terms of service.

Code Enforcement Officer Chris Monaco responded to inquiries from Deputy Counsel Andrew Naylor regarding his experience and education relating to marijuana plants, other crops, and related structures.

In response to inquiries from Attorney Ryan Birss, Mr. Monaco affirmed visual confirmation of marijuana, reiterated course material he was certified in, and stated he had not read Google terms of services.

Deputy Counsel Andrew Naylor recapped evidence presented indicates marijuana on the property, the burden of proof has been met and responded to Board inquiries.

In response to Board inquiries Mr. Mallen indicated reporting party information is kept confidential, and notification letter sent to property owner provided time for nuisance to be abated in advance of the hearing.

MOTION: Move to confirm public nuisance; order abatement by 5:00 p.m. August 23, 2017; order owner submit to inspection 8:00 a.m. August 24, 2017; order Code Enforcement to abate if not in compliance; order Cost Accounting hearing; and confirm enforcement costs of \$1,791.93 MOVED: Andrew Vasquez

SECOND: Gary Bradford

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Approved by roll call vote

389/2017 Administrative Hearings: Hold Appeal Hearing to determine public nuisance for property located at: 13598 Musholt Road, Dobbins, CA 95935; APN: 048-140-033; Property Owner: Justin Green. (Community Development and Services) (20 Minute Estimate) (Roll Call Vote) Community Development and Services Director Kevin Mallen recapped, provided a PowerPoint presentation including the following and responded to Board inquiries:

- ♦ June 2017 Google Earth images depicting an unpermitted structure and 97 plants
- ♦ 2015 Google Earth image depicting a greenhouse and plants
- ♦ 2011 Google earth image of natural vegetation
- ♦ August 2017 Ariel image of greenhouse and fewer plants

Property owner Mr. Justin Green advised he had contacted the tenants regarding clean up, started the process to obtain permits for the green house and abatement of the property.

In response to inquiries from Deputy County Counsel Andrew Naylor regarding removal of the marijuana plants, Mr. Green exercised his 5th Amendment rights. Mr. Green agreed to allow Code Enforcement to inspect the property Wednesday, August 23.

MOTION: Move to confirm public nuisance; order abatement by 5:00 p.m. August 23, 2017; order owner submit to inspection 8:00 a.m. August 24, 2017; order Code Enforcement to abate if not in compliance; order Cost Accounting hearing; and confirm enforcement costs of \$1,791.93 MOVED: Andrew Vasquez

SECOND: Doug Lofton

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Approved by roll call vote

390/2017 Administrative Hearings: Hold Appeal Hearing to determine public nuisance for property located at: 13626 De Long Way, Dobbins, CA 95935; APN: 048-140-034; Property Owners: Kenneth E & Christine M Loyd. (Community Development & Services Agency) (20 minute estimate) (Roll Call Vote.) County Counsel Courtney Abril indicated a letter had been received from the Attorney in lieu of attendance.

MOTION: Move to accept letter and move forward with hearing

MOVED: Leahy, Mike SECOND: Bradford, Gary

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Mr. Mallen provided a PowerPoint presentation depicting the following, and responded to Board inquiries:

- ♦ Proof of Service delivered by hand, posted on the gate, and sent by certified mail
- ♦ Dated Google Earth images denoting the state of the property in 2011, 2015
- ♦ Google Earth images dated 2017 showing addition of three hoop houses and areas of cultivation
- ♦ Arial images taken August 21, showing property had not been brought into compliance, including an additional area of cultivation

County Counsel Courtney Abril advised a letter received from Attorney Charnel James would be made part of the record.

MOTION: Move to confirm public nuisance; order abatement by 5:00 p.m. August 23, 2017; order owner submit to inspection 8:00 a.m. August 24, 2017; order Code Enforcement to abate if not in compliance; order Cost Accounting hearing; and confirm enforcement costs of \$1,791.93

MOVED: Mike Leahy SECOND: Gary Bradford

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Approved by roll call vote

ADJOURN: 1:56 p.m.