

BOARD OF SUPERVISORS

AMENDED AGENDA

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.

MARCH 10, 2015

8:30 A.M. YUBA COUNTY WATER AGENCY

ADDENDUM TO AGENDA – ADDED TO SPECIAL PRESENTATIONS ITEM B.

9:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. All items on the agenda other than Correspondence and Board and Staff Members Reports are considered items for which the Board may take action. The public will be given opportunity to comment on action items on the agenda when the item is heard.

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Abe
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher
- III. **CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.**
 - A. Board of Supervisors
 1. (096-15) Remove Mark Harrison from Fish and Game Advisory Commission pursuant to Commission Bylaw 92-070 (Attendance).
 - B. Clerk of the Board of Supervisors
 1. (097-15) Appoint Michael Valdez Consumer Representative and Karen James Family Representative to the Behavioral Health Advisory Board with terms ending March 10, 2018 and March 10, 2017 respectively.
 2. (098-15) Approve February 17 and 24, 2015 meeting minutes.
 - C. Emergency Services
 1. (099-15) Adopt resolution proclaiming the existence of an ongoing local drought emergency in the County of Yuba.
- IV. **SPECIAL PRESENTATION**
 - A. (100-15) Present proclamation recognizing March 2015 as Social Workers Month. (Ten minute estimate)
 - B. (103-15) Receive update from Fish and Game Advisory Commission on activities. (Ten minute estimate. No background material)
- V. **PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern provided it is within the jurisdiction of the Board of Supervisors and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors. Please note: No Board action can be taken on comments made under this heading.**

VI. **COUNTY DEPARTMENTS**

A. Administrative Services

1. (101-15) Provide staff direction on alternatives to close out FRAQMD (Feather River Air Quality Management District) Blue Sky Grant. (Ten minute estimate)

VII. **ORDINANCES AND PUBLIC HEARINGS:** If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing and such public comments will be limited to three minutes per individual or group.

- A. (102-15) Public Hearing - Hold public hearing, receive water rate protest ballots for River Highlands/Gold Village Community Service District and absent majority protest adopt resolution establishing new tiered water rate to take effect on April 1, 2015. (Fifteen minute estimate)

VIII. **CLOSED SESSION**

- A. Receive confidential final draft audit report from Bureau of State Audits pursuant to Government Code §54956.75(a)
- B. Pending litigation pursuant to Government Code §54956.9(d)(4) - Three cases
- C. Personnel pursuant to Government Code §54957b)(1) - Public Appointment Health Officer
- D. Personnel pursuant to Government Code §54957.6(a) - Labor Negotiations - DDAA Negotiators Jill Able

IX. **BOARD AND STAFF MEMBERS' REPORTS:** This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.

X. **RECESS TO 3:00 P.M.**

XI. **ORDINANCES AND PUBLIC HEARINGS:** If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing and such public comments will be limited to three minutes per individual or group.

Marysville Conference Room is set up for overflow seating and viewing/listening to the Board meeting. Participants desiring to make public comments shall come into the Board Chambers at the time their name is called or when the Chair indicates.

3:00 P.M. (088-15) Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and reenacting Chapter 7.40 Marijuana Cultivation. (Second reading) (Continued from February 24, 2015) (Sixty minute estimate)

XII. **ADJOURN**

5:00 P.M. Wheatland City/County Liaison Committee - CANCELLED
Wheatland City Hall
111 C Street
Wheatland, California

In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need a disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days prior the start of the meeting. For information on how to place an item on the agenda, please contact the Clerk of the Board.

BOARD OF SUPERVISORS

AGENDA

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XII. ADJOURN

5:00 P.M. Wheatland City/County Liaison Committee - CANCELLED
Wheatland City Hall
111 C Street
Wheatland, California

3/13/2015 - 11:00 A.M. Olivehurst Public Utility District/County Liaison Committee - CANCELLED
OPUD Board Room
1970 9th Avenue
Olivehurst, California

In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need a disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days prior the start of the meeting. For information on how to place an item on the agenda, please contact the Clerk of the Board.



CONSENT
AGENDA

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The County of Yuba



Fish and Game Advisory Commission

Supervisor Mary Jane Griego, Chairperson
Yuba County Board of Supervisors
915 8th Street

RECEIVED

FEB 11 2015

Clerk/Board of Supervisors

February 7, 2015

Re: Removal of Fish and Game Advisory Commissioner

Dear Supervisor Griego

At the Yuba County Fish and Game Advisory Commission meeting of February 5, 2015, the Commission voted by majority roll call vote that At-Large Commissioner Mark Harrison be recommended for removal by the Board of Supervisors. For failure to attend three or more regularly scheduled meetings in the 2014 calendar year as required in the current Commission Bylaws 92-070 (Attendance).

The Commission appreciates the opportunity to make this recommendation to the Board of Supervisors.

Sincerely,

Christian Hogan, Chair
Yuba County Fish and Game Advisory Commission

*Yuba County Fish and Game Commission
Christian Hogan, Chair
Yuba County Agriculture Department
915 8th Street, Suite 127
Marysville, CA 95901*

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The County of Yuba

Office of Clerk of the Board of Supervisors



To: Board of Supervisors
From: Donna Stottlemeyer, Clerk of the Board
Subject: Behavioral Health Advisory Board
Date: March 10, 2015

Recommendation

Appoint Michael Valdez Consumer Representative and Karen James Family Representative to the Behavioral Health Advisory Board with terms ending March 10, 2018 and March 10, 2017 respectively.

Background and Discussion

On July 22, 2014, your Board dissolved the Mental Health and Substance Abuse Advisory Boards and established the Behavioral Health Advisory Board. Pursuant to the by-laws of the Advisory Board, terms are for three years with the initial appointments to be staggered so that all members' terms would not conclude at the same time, therefore, the recommendation for a varying terms.

Applications are attached from Mr. Valdez and Ms. James for your consideration in addition to a recommendation from Sutter Yuba Mental Health Services.

In light of the expressed interest, it would be appropriate to make appointment at this time.

Fiscal Impact

None.

Committee Action

Brought directly to the Board for consideration.

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The County of Yuba

RECEIVED

JAN 7 2014

Application for Board/Commission/Committee
Appointed by the Board of Supervisors

Clerk/Board of Supervisors



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS
YUBA COUNTY GOVERNMENT CENTER
915 EIGHTH STREET, SUITE 109
MARYSVILLE, CA 95901
(530) 749-7510

Client

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE:

S-Y Behavioral Health
Advisory Board

APPLICANT NAME:

Michael M. Valdez

MAILING ADDRESS -

(Street/P.O. Box, City, Zip):

[REDACTED]

Marysville CA

PHYSICAL ADDRESS

(Street, City, Zip):

S.A.A

TELEPHONE:

HOME:

[REDACTED]

WORK:

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:

SUPERVISOR/ DISTRICT

NUMBER:

Recovery Community

REASONS YOU WISH TO

SERVE ON THIS BODY:

To Volunteer in the Committee
and further understand the coming changes

QUALIFICATIONS:

Certified Alcohol-Substance counselor,
Educator for Nor-Cal Hep C Network. Life long residence

LIST PAST AND CURRENT

PUBLIC POSITIONS HELD:

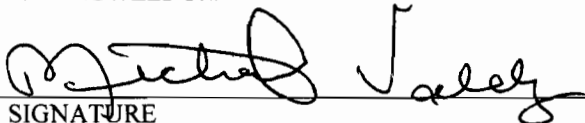
Chaired AA meetings. Served on the
previous board at mental health

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



SIGNATURE

Jan. 7, 2015

DATE

THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED:

☐ OTHER:




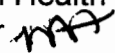
SUTTER-YUBA MENTAL HEALTH SERVICES

1965 Live Oak Boulevard, Suite A
PO Box 1520
Yuba City, CA 95992-1520



Tony Hobson, Ph.D.
Assistant Director of Human Services
Director of Mental Health/Alcohol & Drug Program Administrator

Administration Services
(530) 822-7200
FAX (530) 822-7627

DATE: February 10, 2015
TO: Yuba County Board of Supervisors
FROM: Tony Hobson, Ph.D. 
Director of Mental Health
Mike Ayres, Chair 
Behavioral Health Advisory Board

RECEIVED
FEB 17 2015
Clerk/Board of Supervisors

SUBJECT: Recommendation to Appoint Michael Valdez to the Behavioral Health Advisory Board

On behalf of the Behavioral Health Advisory Board, we wish to recommend the appointment of Michael Valdez to fill the vacant "Consumer Rep" seat on the Behavioral Health Advisory Board representing Yuba County. Please reference his attached application.

Please schedule for the earliest Board of Supervisor Meeting and advise this office (through Sue Hopper) when Mr. Valdez's appointment has been approved. Thank you for your favorable consideration of our request.

TH:MA/sh

Attachment

SERVING THE SUTTER-YUBA COMMUNITY SINCE 1969

Adult Outpatient Services: 822-7200
Wellness & Recovery: 822-7200
Substance Abuse Services: 822-7200

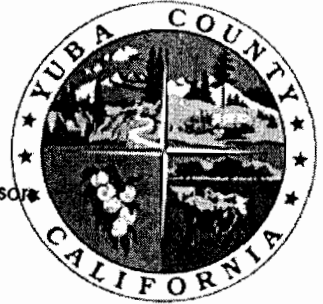
TTY-CRS 800-735-2929
Psychiatric Emergency Services: 673-8255
Psychiatric Health Facility: 822-7209

Children's System of Care: 822-7478
Youth Services: 822-7513

The County of Yuba

RECEIVED

JAN 8 2015



Application for Board/Commission/Committee
Appointed by the Board of Supervisors

Clerk/Board of Supervisors

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS
YUBA COUNTY GOVERNMENT CENTER
915 EIGHTH STREET, SUITE 109
MARYSVILLE, CA 95901
(530) 749-7510

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE:

Behavioral Health Advisory Board

APPLICANT NAME:

Karen James

MAILING ADDRESS -
(Street/P.O. Box, City, Zip):

[REDACTED] Marysville, CA 95901

PHYSICAL ADDRESS
(Street, City, Zip):

Same

TELEPHONE:

HOME:

[REDACTED]

WORK:

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:
SUPERVISOR/ DISTRICT
NUMBER:

Student

REASONS YOU WISH TO
SERVE ON THIS BODY:

To be of service to the community.

QUALIFICATIONS:

Consumer.

LIST PAST AND CURRENT
PUBLIC POSITIONS HELD:

None

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

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I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Karen James
SIGNATURE

1-5-15
DATE

THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: _____

☐ OTHER: _____



SUTTER-YUBA MENTAL HEALTH SERVICES

1965 Live Oak Boulevard, Suite A
PO Box 1520
Yuba City, CA 95992-1520


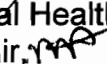


Tony Hobson, Ph.D.
Assistant Director of Human Services
Director of Mental Health/Alcohol & Drug Program Administrator

Administration Services
(530) 822-7200
FAX (530) 822-7627

DATE: February 10, 2015

TO: Yuba County Board of Supervisors

FROM: Tony Hobson, Ph.D. 
Director of Mental Health
Mike Ayres, Chair, 
Behavioral Health Advisory Board

RECEIVED

FEB 17 2015

Clerk/Board of Supervisors

SUBJECT: Recommendation to Appoint Karen James to the Behavioral Health Advisory Board

On behalf of the Behavioral Health Advisory Board, we wish to recommend the appointment of Karen James to fill the vacant "Family Rep" seat on the Behavioral Health Advisory Board representing Yuba County. Please reference her attached application.

Please schedule for the earliest Board of Supervisor Meeting and advise this office (through Sue Hopper) when Ms. James's appointment has been approved. Thank you for your favorable consideration of our request.

TH:MA/sh

Attachment

SERVING THE SUTTER-YUBA COMMUNITY SINCE 1969

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Children's System of Care: 822-7478
Youth Services: 822-7513

The County of Yuba

B O A R D O F S U P E R V I S O R S

February 17, 2015



The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 3:45 p.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 Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Griego
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – Supervisor Vasquez absent
- III. CLOSED SESSION: The Board retired into closed session at 3:45 p.m. and returned at 5:24 p.m.
Supervisor Vasquez joined closed session at 3:47 p.m.
 - A. Personnel pursuant to Government Code §54957 - (b)(1) - Public Employee Discipline/Dismissal/Release No report
 - B. Personnel pursuant to Government Code §54957 - (b)(1) - Public Appointment/Health Officer No report
 - C. Personnel pursuant to Government Code §54957(b)(1) - Public Health Officer Interview Concluded Interview
- IV. RECESSED AT 5:25 P.M. AND RECONVENED AT 4:01 P.M. FRIDAY, FEBRUARY 27, 2015 – Supervisor Vasquez absent
- V. CLOSED SESSION: The Board retired into closed session at 4:01 p.m. and returned at 5:01 p.m. with all present except Supervisor Vasquez.
 - A. Personnel pursuant to Government Code §54957 - (b)(1) - Public Employee Discipline/Dismissal/Release No report
 - B. Personnel pursuant to Government Code §54957 - (b)(1) - Public Appointment/Health Officer No report
 - C. Personnel pursuant to Government Code §54957(b)(1) - Public Health Officer Interview Concluded interview
- VI. RECESS AT 5:02 P.M. AND RECONVENED AT 3:05 P.M. MONDAY, MARCH 2, 2015 – Supervisor Griego absent
- VII. CLOSED SESSION: The Board retired into closed session at 3:05 p.m. and returned at 4:43 p.m. with all present as indicated above.

Supervisor Griego joined closed session at 3:07 p.m.

- A. Personnel pursuant to Government Code §54957 - (b)(1) - Public Employee Discipline/Dismissal/Release No report
- B. Personnel pursuant to Government Code §54957 - (b)(1) - Public Appointment/Health Officer No report
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VIII. ADJOURN: 4:44 p.m.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

The County of Yuba

B O A R D O F S U P E R V I S O R S



FEBRUARY 24, 2015 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular 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, Mary Jane Griego, Roger Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – 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

MOVED: Andy Vasquez

SECOND: Randy Fletcher

AYES: Andy Vasquez, Randy Fletcher, John Nicoletti, Mary Jane Griego, Roger Abe

NOES: None ABSENT: None ABSTAIN: None

A. Administrative Services

1. (070-15) Approve amendment to sublease agreement with Peach Tree Healthcare Inc. and authorize Chair to execute. Approved.

B. Board of Supervisors

1. (071-15) Adopt resolution merging the Yuba County Children's Council and the Child Abuse Prevention Council into the newly established and named Yuba County Children's Wellness and Child Abuse Prevention Council and designate the counsel to make recommendations regarding the County Children's Trust Fund and Child Abuse Prevention and Intervention Treatment/Community Based Child Abuse Prevention Fund. Adopted Resolution No. 2015-16, which is on file in Yuba County Resolution Book No. 46.

C. Clerk of the Board of Supervisors

1. (072-15) Approve Conflict of Interest Codes for Brophy Water District, Loma Rica/Browns Valley Community Services District, and Plumas Lake Elementary School District. Approved.
2. (073-15) Reappoint David Villanueva as a Resident Representative to the Plumas Lake Specific Plan Design Review Committee term ending February 2, 2016. Approved.
3. (074-15) Approve minutes of the meetings of January 27, February 3, and 10, 2015. Approved.

D. Community Development and Services

1. (075-15) Approve contract change order, accept Loma Rica Safety Improvement project as complete, and authorize Public Works Director to sign contract change order and sign and record the Notice of Completion. Approved.
2. (076-15) Approve contract change order, accept Powerline Road Bike/Pedestrian Improvement project (Safe Routes to School Phase III) as complete, and authorize Public Works Director to sign contract change order, and sign and record the Notice of Completion. Approved.

E. County Administrator

1. (077-15) Approve letter seeking legislation for \$21.3 million for the Local Groundwater Assistance Grant program or a similar program and authorize Chair to execute. Approved.

F. Emergency Services

1. (078-15) Adopt resolution proclaiming the existence of an ongoing local drought emergency in the County of Yuba. Adopted Resolution No. 2015-17, which is on file in Yuba County Resolution Book No. 46.

G. Sheriff-Coroner

1. (079-15) Approve Memorandum of Understanding and Letter of Understanding with BGE Yuba to provide supplemental law enforcement services at Sleep Train Amphitheatre. Approved.

IV. PUBLIC COMMUNICATIONS

- Mr. Nick Spaulding, Oregon House, Draft Development Code

V. COUNTY DEPARTMENTS

A. County Administrator

1. (080-15) Receive Second Quarter fiscal report; receive mid-year budget report; authorize Budget Transfers in the total amount of \$4,373,752 with \$92,269 from General Fund Contingency; authorize fixed assets purchases in the total amount of \$505,297; and authorize personnel change request for Health and Human Services and Community Development and Services Agency. (Thirty minute estimate) County Administrator Robert Bendorf recapped the changes in General Fund Contingency, Capital Outlay, and Personnel Change requests. Management Analyst Grace Mull recapped Budget Transfers in a total amount of \$4,373,752.

Mr. Bendorf and Ms. Mull responded to Board inquiries.

The following individuals spoke: Auditor-Controller Rich Eberle

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

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

- A. (081-15) Letter from Dale Whitmore regarding Yuba County Fish and Game Advisory Commission bylaws. Accepted.
- B. (082-15) Notice from Sutter-Yuba Mosquito and Vector Control District regarding pesticide application notification. Accepted.
- C. (083-15) Two letters from the Auditor Controller enclosing independent audit reports for Sutter-Yuba Mosquito and Vector Control District and Loma Rica Browns Valley Community Services District. (On file in the Clerk of the Board Office) Accepted.
- D. (084-15) Two notices from California Office of Emergency Services advising of disaster designation due to drought. Accepted.

VII. BOARD AND STAFF MEMBERS' REPORTS

Supervisor Nicoletti:

- Three Rivers Levee Improvement Authority meeting held February 17, 2015
- City of Marysville City Council meeting held February 17, 2015
- Feather River Air Quality Management District held February 18, 2015
- Memorial Adjournment: Mr. Richard Davies, Mr. Jack Hannahs, and Dr. Jack Stokes

Supervisor Abe: attended the CSAC meeting held February 19, 2015.

Supervisor Griego:

- Three Rivers Levee Improvement Authority meeting held February 17, 2015
- Feather River Air Quality Management District held February 18, 2015
- Yuba Sutter Transit Authority meeting held February 19, 2015
- SACOG Transportation Committee
- South County Economic meeting at Dukes Diner, Thursday, February 26, 2015 at 6:00 p.m.

County Administrator Robert Bendorf: Consider Board membership to National Association of County Officials

County Counsel Angil Morris-Jones: Yuba County is hosting the Naturalization Ceremony, June 26, 2015, 10:00 a.m., Yuba County Board Chambers

VIII. CLOSED SESSION: The Board retired into closed session at 10:34 a.m. and returned at 10:56 a.m. with all members present as indicated above.

- A. Pending litigation pursuant to Government Code §54956.9(d)(2) - One Case Referred the matter to Porter Scott
- B. Pending litigation pursuant to Government Code §54956.9(e)(3) – One Claim (Curiel) No report

IX. RECESS FROM 11:30 A.M. THROUGH 1:30 P.M.

X. ORDINANCES AND PUBLIC HEARINGS: The Chair read the disclaimer.

The oath was administered by the clerk for those individuals planning to give testimony.

- A. 1:30 P.M. (085-15) Public Hearing - Hold hearing and adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and summary abatement costs, and recording of lien regarding

6223 Mapes Way, Linda, (Richard C Lantsberger), in the amount of \$14,187.96. (Fifteen minute estimate) Code Enforcement Manager Jeremy Strang presented a PowerPoint presentation depicting violations and responded to Board inquiries.

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

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

- B. 1:30 P.M. (086-15) Public Hearing - Hold hearing and adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and abatement costs, and recording of lien regarding 1679 E Eleventh Ave, Olivehurst, (Estate of Joe and Mary Ann Self, C/O Kathryn Billy), in the amount of \$10,895.65. (Fifteen minute estimate) Code Enforcement Manager Jeremy Strang presented a PowerPoint presentation depicting violations and responded to Board inquiries.

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

MOTION: Move to approve MOVED: Andy Vasquez SECOND: Randy Fletcher
AYES: Andy Vasquez, Randy Fletcher, John Nicolette, Mary Jane Griego, Roger Abe
NOES: None ABSENT: None ABSTAIN: None

- C. 1:30 P.M. (087-15) Public Hearing - Hold hearing and adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and abatement costs and penalties, and recording of lien regarding 4698 Ardmore Ave. Units A-D, Olivehurst, (Jon A and Amy K Messick), in the amount of \$18,774.51. (Thirty minute estimate) Code Enforcement Manager Jeremy Strang and Officers John Rohrback and John Jacinch presented a PowerPoint presentation depicting history of violations, and notices sent to the tenant and the property owner, and responded to Board inquiries.

The Chair opened the public hearing. The following individual spoke.

Mr. Jon Messick, disputed receiving timely notification, and felt he was not responsible for the actions of the tenant. Mr. Messick advised the tenant was evicted and violations were corrected as soon as possible.

MOTION: Move to close public hearing, reduce penalties by one day (\$2,800) for a total of \$ 15,974.51 and adopt findings of facts
MOVED: Roger Abe SECOND: Randy Fletcher
AYES: Roger Abe, Randy Fletcher, Andy Vasquez, Mary Jane Griego
NOES: John Nicoletti ABSENT: None ABSTAIN: None

- D. 3:00 P.M. (088-15) Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and reenacting Chapter 7.40 Marijuana Cultivation; and adopt resolution establishing marijuana cultivation registration fees and penalties. (First reading) (Sixty minute estimate) Code Enforcement Manager Jeremy Strang briefly recapped the proposed ordinance and resolution establishing annual registration fee of \$441 and late registration penalty of 50 percent. Mr. Strang responded to Board inquiries.

Chair Griego opened the public hearing. The following individuals spoke:

- Mr. Rock West, foothills
- Mr. Dennis McLeod, Olivehurst

- Mr. Fred Delmer, Placerville
- Mr. Thomas Craven, Olivehurst
- Mr. Gary LaTurco, Olivehurst
- Mr. David Kelley, Forbestown
- Ms. Janet Wolfley, Marysville
- Mr. Rand Collins, Clipper Mills
- Mr. Zach Cross, District Five
- Ms. Lisa Burns
- Mr. Bryan Dozzi, Dobbins
- Ms. Mary Salvato, Olivehurst
- Mr. Greg Ridgeway, Olivehurst
- Ms. Karen Liggett
- Ms. Ellen Komp, San Francisco
- Ms. Heidi Grossman
- Ms. Shelby Lucero, Courtland
- Mr. Jonathan Finegold, District Five
- Ms. Karolyn McCall
- Mr. Tommy Boggess
- Mr. Lee Boutt, Linda
- Mr. Richard Waters, Yuba County
- Mr. Cris Caldwell
- Mr. Ben Crott, Browns Valley
- Ms. Jean Wyatt, Browns Valley
- Mr. William Daly, Olivehurst
- Mr. Wyatt Ellis
- Mr. Juan Berrelez
- Mr. Carl McCall
- Mr. Brian Oliver, Olivehurst
- Ms. Lanette Davies
- Mr. David Killingsworth
- Mr. Frank Cecil
- Ms. Kathie Thelen
- Ms. Michele Lee, Dobbins
- Mr. Rick Reiss, Marysville
- Mr. Buck Weckman, Brownsville
- Mr. David Killingsworth
- Mr. Jerry Hensley, Yuba County
- Mr. Beau Green, Yuba County
- Mr. Bernard Nahlen
- Mr. Robert House, Yuba County
- Mr. Brook
- Ms. Paige Hensley
- Mr. Oliver

The Board recessed at 5:03 p.m. and reconvened at 5:15 p.m. with all present as indicated above.

MOTION: Move to close the public hearing

MOVED: Andy Vasquez

SECOND: John Nicoletti

AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

MOTION: Move to waive reading and introduce ordinance

MOVED: John Nicoletti

SECOND: Andy Vasquez

AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

MOTION: Move to adopt resolution

MOVED: Andy Vasquez

SECOND: John Nicoletti

AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-18, which is on file in Yuba County Resolution Book No. 46.

Chair Griego announced the second reading would be held on March 10, 2015 at 3:00 p.m.

XI. ADJOURN: 5:43 p.m. in memory of Mr. Richard Davies, Mr. Jack Hannahs, and Dr. Jack Stokes.

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Chair

By: Rachel Ferris, Deputy Clerk

Approved: _____



COUNTY OF YUBA

OFFICE OF EMERGENCY SERVICES

ROBERT BENDORF
COUNTY ADMINISTRATOR
DIRECTOR OF EMERGENCY SERVICES

SCOTT BRYAN
EMERGENCY OPERATIONS MANAGER

HOLLY POWERS
EMERGENCY OPERATIONS MANAGER

Board Memo

To: Board of Supervisors

Fr: Scott Bryan, Emergency Operations Manager
Holly Powers, Emergency Operations Planner

Re: Proclaim the existence of a local emergency in the County of Yuba

Date: March 10, 2015

Recommendation:

The Board of Supervisors adopt a resolution proclaiming the continuation of a local emergency due to the ongoing drought conditions.

Background:

On January 17, 2014 Governor Edmund G. Brown Jr. declared a Statewide Drought Emergency due to the impacts on the State of California as a result of four continuous years of drought. On February 18, 2014 the Director of Emergency Services proclaimed a local emergency due to the effects the drought has had within the County of Yuba. Your Board ratified said proclamation on February 25, 2014 and extended on February 24, 2015.

Discussion:

With an on-going water shortage affecting the County of Yuba, the final duration of the emergency has not yet been determined. The recent rainstorms are seasonally expected and are consistent with the average rainfall during this time of year. At this point, the storms have had no impact on lessening drought conditions. Therefore it is recommended that your Board extend the current proclamation of a local emergency until the end of the incident period per (Govt. Code Section 8630 (c)). This proclamation of emergency will be reviewed and renewed no less than once every thirty days. Per (Govt. Code Section 8630(d)) this proclamation of emergency shall be terminated as soon as reasonably possible.

Committee Action:

No committee action was taken due to time constraints.

Fiscal Impact:

There is an unknown impact to the general fund as of this date.

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**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA**

RESOLUTION:

THE BOARD OF SUPERVISORS)	
ADOPT A RESOLUTION)	
PROCLAIMING THE EXISTENCE OF)	
AN ONGOING LOCAL DROUGHT)	
EMERGENCY IN THE COUNTY OF)	
YUBA.)	RESOLUTION NO. _____

WHEREAS, the Yuba County Director of Emergency Services did hereby proclaim a local emergency in the County of Yuba on February 18, 2014 per Ordinance Code section 4.20; and

WHEREAS, conditions of peril to public health and safety remain in the County of Yuba due to the statewide drought; and

WHEREAS, the County of Yuba Board of Supervisors does hereby find that the aforesaid conditions of peril do warrant and necessitate a proclamation of the existence of a local emergency due to a statewide drought; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, that a local emergency continues to exist in the County of Yuba and the Board of Supervisors Proclamations through this resolution of the continuance of a Local Emergency in the County of Yuba.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the _____ day of _____ 2015.

AYES:

NOES:

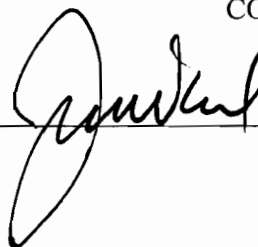
ABSENT:

ABSTAIN:

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

APPROVE AS TO FORM:
COUNTY COUNSEL





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THE COUNTY OF YUBA
BOARD OF SUPERVISORS



— PROCLAMATION —

IN RECOGNITION OF SOCIAL WORKERS

WHEREAS, on March 28th, 2006, the Yuba County Board of Supervisors adopted Resolution Number 2006-38 proclaiming the month of March as Social Worker Month; and

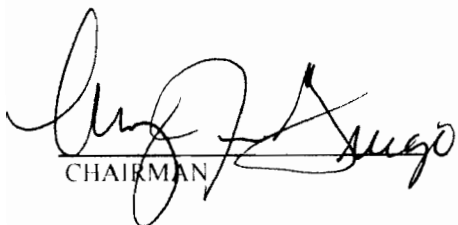
WHEREAS, the National Association of Social Workers 2015 theme is *"Social Work Paves the Way for Change"* to convey that the social work profession has provided positive changes in society and individuals and Social Workers make a difference in the day-to-day lives of millions of Americans by helping to build, support and empower positive family and community relationships; and

WHEREAS, March is an appropriate time to recognize the commitment of the Yuba County Health and Human Services Department's 59 Social Workers and 12 Social Worker Supervisors who assist and guide individuals, children, elderly and families through complex issues and choices; and

WHEREAS, Social Workers make critical decisions affecting the lives and futures of those they serve as they fulfill the mission of Yuba County's Health and Human Services Department and ensure the safety and well-being of vulnerable children, dependent adults and elderly citizens; and

WHEREAS, Social Workers are positive and compassionate professionals who treat all they serve with dignity and respect, promote an individual's right to self-determination, and ensure everyone has the same basic rights, protections, and opportunities.

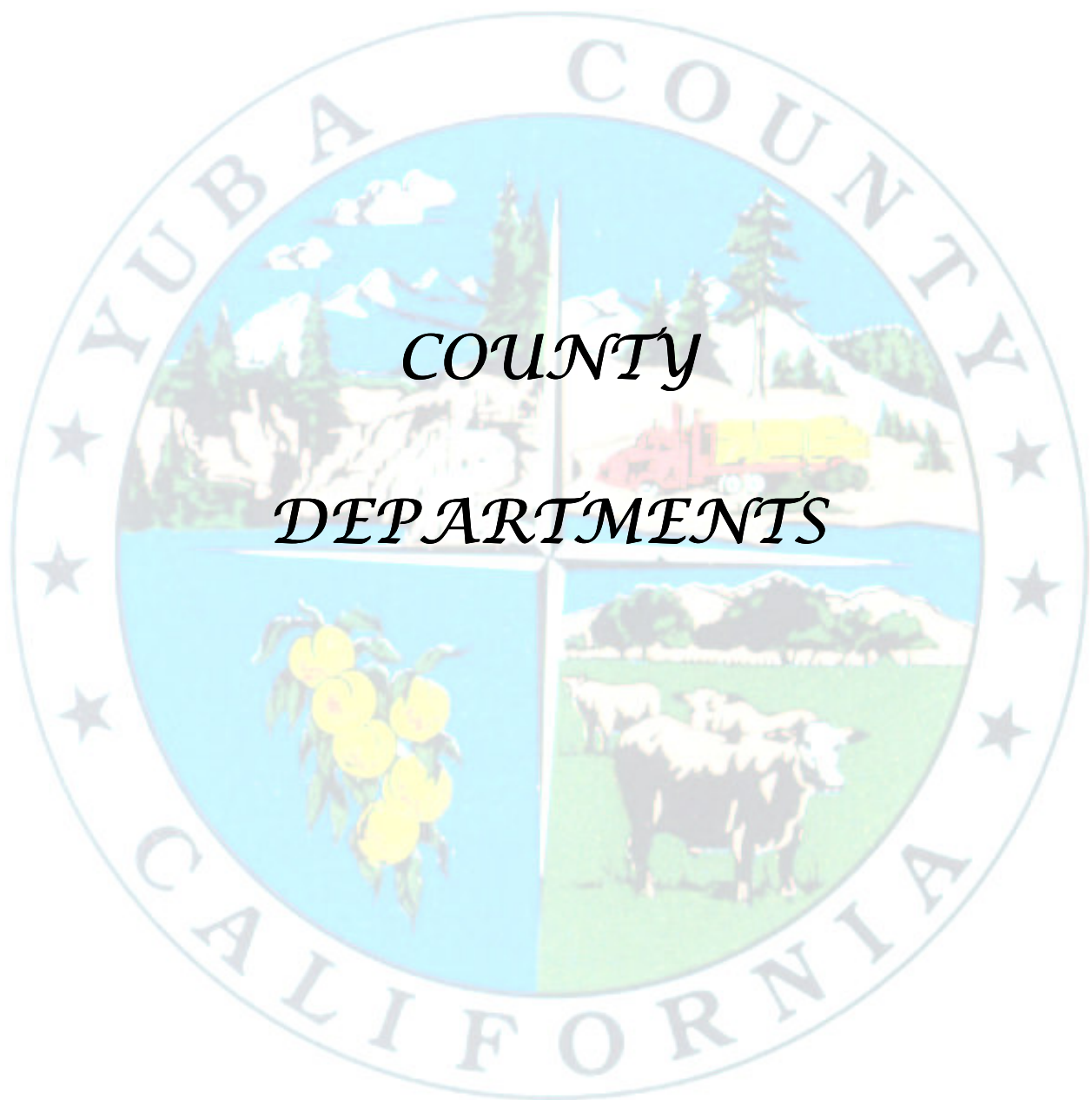
NOW, THEREFORE, the Yuba County Board of Supervisors hereby proclaim the month of March as "Social Worker Month" in recognition of Social Workers and their commitment and dedication to the individuals, families, and community of Yuba County and calls upon all citizens in the celebration and support of Social Workers.


 CHAIRMAN




 CLERK OF THE BOARD

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COUNTY
DEPARTMENTS

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Administrative Services Memorandum

To: Board of Supervisors
CC: Robert Bendorf, County Administrator
From: Doug McCoy, Director, Administrative Services
Date: March 10, 2015
Re: Resolution of FRAQMD Grant

Recommendation

Request the Board provide staff direction on alternatives to close out a FRAQMD grant.

Background

In 2009, the Board authorized Administrative Services to apply for a Blue Sky Grant from FRAQMD for the purposes of acquiring an electric vehicle. The County was awarded that grant and the vehicle was purchased.

The vehicle was used for several years by Admin Services to transport mail and supplies between County facilities.

Discussion

In late 2010, the vehicle experienced mechanical issues. It was also the subject of a safety recall. By this time the local dealer in Lincoln had gone out of business, and the vehicle had to be shipped to the manufacturer in Santa Rosa to be fixed. The manufacturer couldn't completely fix the car, so it has been parked and unused due to safety concerns. The manufacturer has since been acquired by another company.

We have discussed with FRAQMD what was necessary to close out the grant early. Since the grant had a 10 year life, with about 3 ½ years left, the County owes approximately \$3000 residual value on the grant. We have a couple alternatives and seek the Board direction for staff to pursue for resolution:

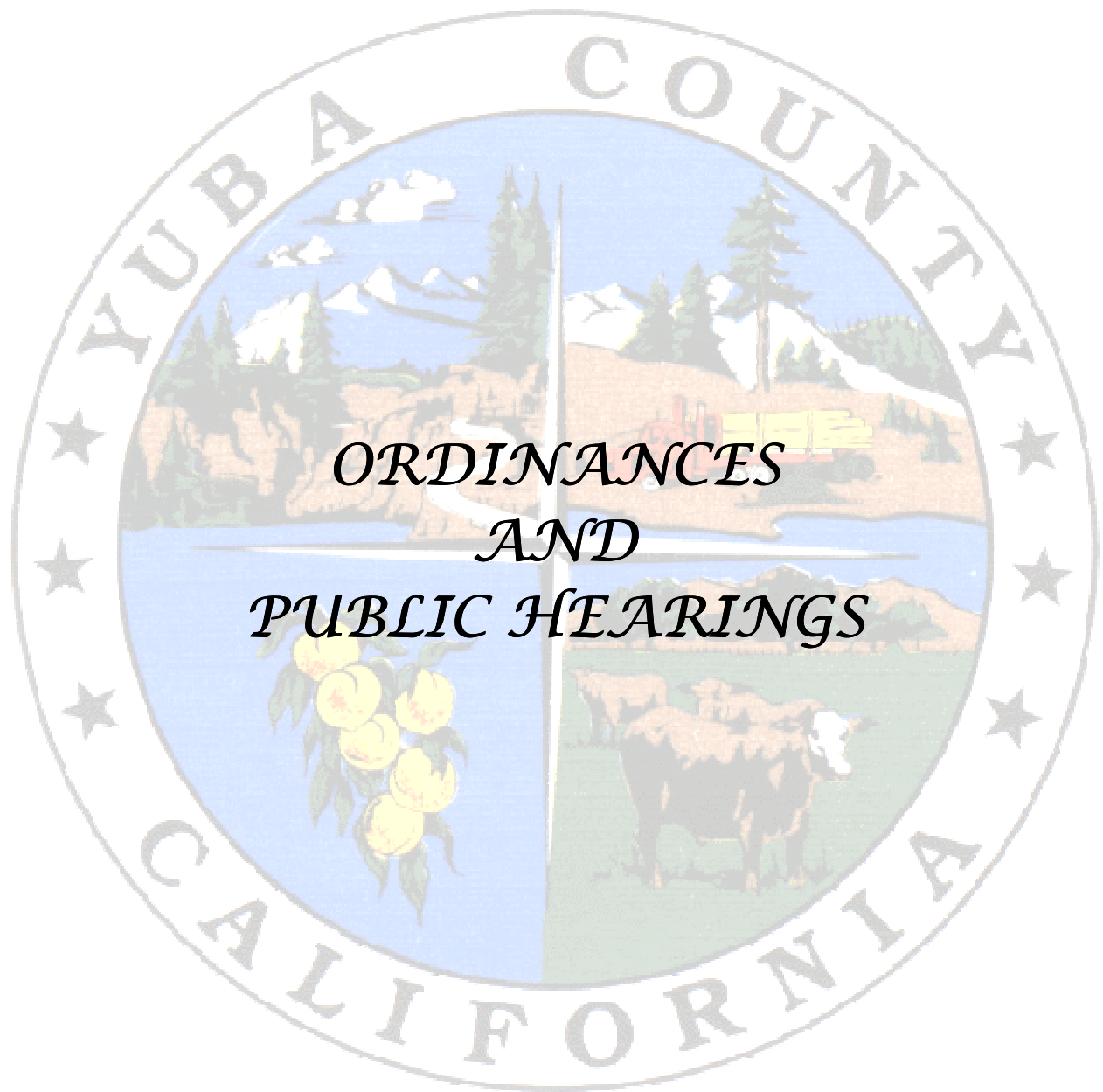
- Administrative Services could just take the \$3000 from the ASF to pay off the residual cost.

- We can leave the vehicle parked in the caged area for another three years and just let the grant expire.
- FRAQMD has offered if we invest in an equivalent value in bike racks or other emission-reducing alternatives; they would consider that an equal investment and relieve us of the obligation.
 - The expense to compensate for the bike racks could come from the ASF or from the individual building accounts that benefit.
- Or some other alternative.

Financial Impact

The financial impact would be the \$3000 to pay off the residual grant value.

The funds could come from the ASF (the vehicle is part of the ASF fleet), or if we choose the bike rack option, it could alternatively come from the General Fund-funded building accounts that support the buildings that would receive the new racks.



*ORDINANCES
AND
PUBLIC HEARINGS*

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone – (530) 749-5430 • Fax – (530) 749-5434
915 8th Street, Suite 123
Marysville, California 95901

www.co.yuba.ca.us



Additional Agenda Material
Item 102-15

BUILDING
749-5440 • Fax 749-5616

CODE ENFORCEMENT
749-5455 • Fax 749-5464

ENVIRONMENTAL HEALTH • CUPA
749-5450 • Fax 749-5454

PLANNING
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION
749-5430 • Fax 749-5434

RECEIVED

MAR 5 2015

Clerk/Board of Supervisors

TO: BOARD OF SUPERVISORS

FROM: Michael G. Lee, Director of Public Works *mg lee*

SUBJECT: Public Hearing to Consider Water Rate Adjustment at River Highlands CSD

DATE: March 10, 2015

Recommendation

That the Board hold a public hearing to consider a proposed change to a tiered water rate for the River Highlands / Gold Village Community Services District, and absent a majority protest, adopt a resolution establishing the new tiered water rate which would take effect on April 1, 2015.

Background

It has been five years since water rates for River Highlands / Gold Village CSD have been reviewed or adjusted. Since that time, expenses associated with state fees, electrical power, and other routine operational and maintenance expenses have continued to increase. The proposed tiered water rate would both encourage water conservation and offset anticipated operation and maintenance expenses associated with the provision of water service.

Discussion

Under Proposition 218, a proposed change in water rates requires the Board of Directors to hold a public hearing, and the increase can only occur absent a majority protest of the customers. An owner of record of a parcel or parcels subject to the proposed rate change may submit a written protest against the proposed rate change prior to the public hearing. If timely written protests are filed by a majority of the affected property owners, the proposed rate change will not be imposed. One written protest per parcel, filed by the owner of the parcel, shall be counted in calculating a majority protest to the proposed rate change.

Fiscal Impact:

Adopting the proposed tiered water rate structure will provide sufficient revenues to cover anticipated operational and maintenance expenses associated with the provision of water

services to the residents of the River Highlands / Gold Village Community Services District. The proposed tiered water rate is as follows:

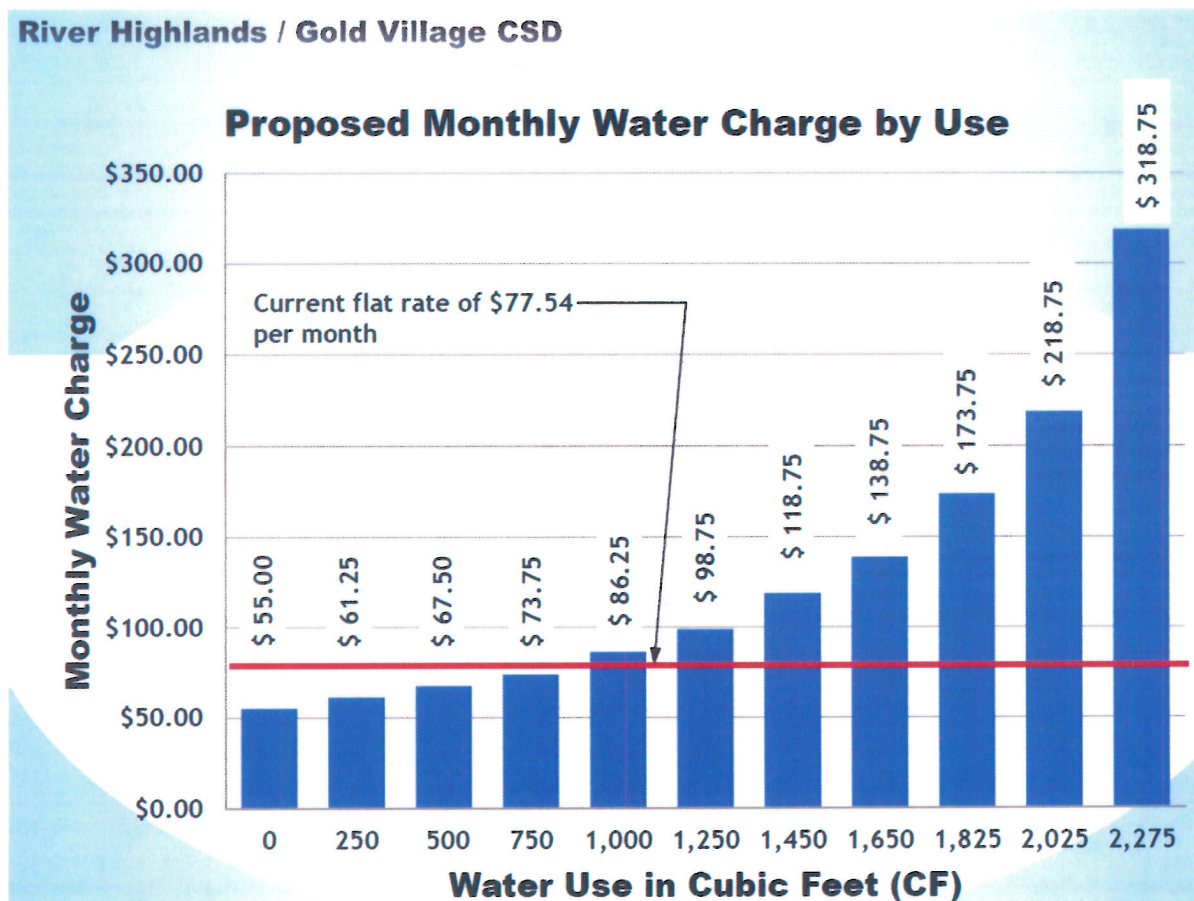
Water: Current monthly water rate: \$77.54

Proposed monthly water rate: A \$40 Base Rate and a \$15 Reserve Account Surcharge per connection plus a commodity charge as follows:

Up to 750 cubic feet per month	=	\$0.025 per cubic foot
751-1,250 cubic feet per month	=	\$0.050 per cubic foot
1,251-1,650 cubic feet per month	=	\$0.100 per cubic foot
Over 2,000 cubic feet per month	=	\$0.400 per cubic foot

The proposed fee would be effective April 1, 2015. It is further proposed that the monthly water fee be increased by an additional \$2.00 on March 1, 2016 and by an additional \$2.00 each year thereafter to offset inflation. The annual adjustments will occur each year for a period not to exceed five years.

The monthly charge to customers under this proposed tiered rate would depend upon the amount of water used by each individual customer. The following table illustrates how a customer's monthly water bill would be affected by the amount of water used:



**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA ON BEHALF OF
THE RIVER HIGHLANDS COMMUNITY SERVICES DISTRICT**

RESOLUTION ADOPTING A NEW TIERED RATE)
STRUCTURE FOR DOMESTIC WATER SUPPLY)
FOR RESIDENTS OF GOLD VILLAGE)

RESOLUTION NO:

WHEREAS, the County is currently responsible for certain operations of the River Highlands Community Services District as a result of the District falling into receivership and pursuant to the Cooperative Services Agreement executed April 7, 2009, between the County and the District; and

WHEREAS, the Yuba County Board of Supervisors currently acts on behalf of the Board of Directors for the River Highlands Community Services District; and

WHEREAS, a new tiered water rate structure would both incentivize water conservation and offset anticipated operations and maintenance expenses associated with the provision of water services to the residents of Gold Village;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors on behalf of the River Highlands Community Services District adopts the following new tiered water rate structure for the River Highlands Community Services District:

Tiered water rate: A \$40 Base Rate and a \$15 Reserve Account Surcharge, per month, per connection, plus a commodity charge as follows:

Up to 750 cubic feet per month	=	\$0.025 per cubic foot
751-1,250 cubic feet per month	=	\$0.050 per cubic foot
1,251-1,650 cubic feet per month	=	\$0.100 per cubic foot
Over 2,000 cubic feet per month	=	\$0.400 per cubic foot

The tiered water rate shall go into effect on April 1, 2015. The monthly Base Rate shall be increased by an additional \$2.00 on April 1, 2016, and by an additional \$2.00 each year thereafter to offset inflation. The annual adjustments will occur each year for a period not to exceed five years.

BE IT FURTHER RESOLVED by the Board of Supervisors that the usage and enforcement provisions during water conservation conditions and water emergencies as provided for in the River Highlands Community Services District's Resolution No. 2008-5 shall remain in effect.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, this ____ day of _____, 2015, by the following vote:

AYES:

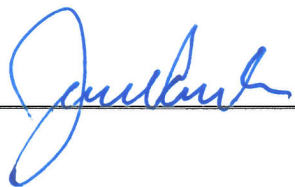
NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

COUNTY COUNSEL



The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION
749-5430 • Fax 749-5434

TO: BOARD OF SUPERVISORS

FROM: Michael G. Lee, Director of Public Works 

SUBJECT: Public Hearing to Consider Water Rate Adjustment at River Highlands CSD

DATE: March 10, 2015

Recommendation

That the Board hold a public hearing to consider a proposed change to a tiered water rate for the River Highlands / Gold Village Community Services District, and absent a majority protest, adopt a resolution establishing the new tiered water rate which would take effect on April 1, 2015.

Background

It has been five years since water rates for River Highlands / Gold Village CSD have been reviewed or adjusted. Since that time, expenses associated with state fees, electrical power, and other routine operational and maintenance expenses have continued to increase. The proposed tiered water rate would both encourage water conservation and offset anticipated operation and maintenance expenses associated with the provision of water service.

Discussion

Under Proposition 218, a proposed change in water rates requires the Board of Directors to hold a public hearing, and the increase can only occur absent a majority protest of the customers. An owner of record of a parcel or parcels subject to the proposed rate change may submit a written protest against the proposed rate change prior to the public hearing. If timely written protests are filed by a majority of the affected property owners, the proposed rate change will not be imposed. One written protest per parcel, filed by the owner of the parcel, shall be counted in calculating a majority protest to the proposed rate change.

Fiscal Impact:

Adopting the proposed tiered water rate structure will provide sufficient revenues to cover anticipated operational and maintenance expenses associated with the provision of water

services to the residents of the River Highlands / Gold Village Community Services District. The proposed tiered water rate is as follows:

Water: Current monthly water rate: \$77.54

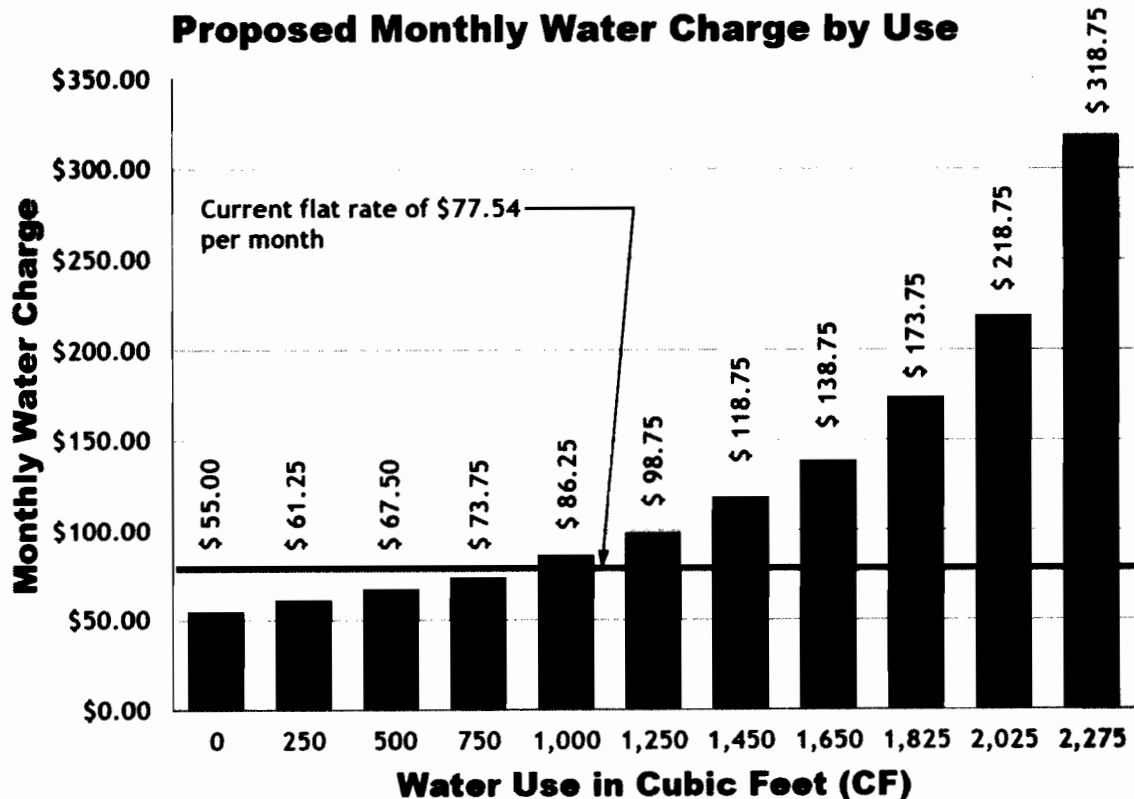
Proposed monthly water rate: A \$40 Base Rate and a \$15 Reserve Account Surcharge per connection plus a commodity charge as follows:

Up to 750 cubic feet per month	=	\$0.025 per cubic foot
751-1,250 cubic feet per month	=	\$0.050 per cubic foot
1,251-1,650 cubic feet per month	=	\$0.100 per cubic foot
Over 2,000 cubic feet per month	=	\$0.400 per cubic foot

The proposed fee would be effective April 1, 2015. It is further proposed that the monthly water fee be increased by an additional \$5.00 on March 1, 2016 and by an additional \$5.00 each year thereafter to offset inflation. The annual adjustments will occur each year for a period not to exceed five years.

The monthly charge to customers under this proposed tiered rate would depend upon the amount of water used by each individual customer. The following table illustrates how a customer's monthly water bill would be affected by the amount of water used:

River Highlands / Gold Village CSD



**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA ON BEHALF OF
THE RIVER HIGHLANDS COMMUNITY SERVICES DISTRICT**

RESOLUTION ADOPTING A NEW TIERED RATE)
STRUCTURE FOR DOMESTIC WATER SUPPLY)
FOR RESIDENTS OF GOLD VILLAGE)

RESOLUTION NO:

WHEREAS, the County is currently responsible for certain operations of the River Highlands Community Services District as a result of the District falling into receivership and pursuant to the Cooperative Services Agreement executed April 7, 2009, between the County and the District; and

WHEREAS, the Yuba County Board of Supervisors currently acts on behalf of the Board of Directors for the River Highlands Community Services District; and

WHEREAS, a new tiered water rate structure would both incentivize water conservation and offset anticipated operations and maintenance expenses associated with the provision of water services to the residents of Gold Village;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors on behalf of the River Highlands Community Services District adopts the following new tiered water rate structure for the River Highlands Community Services District:

Tiered water rate: A \$40 Base Rate and a \$15 Reserve Account Surcharge, per month, per connection, plus a commodity charge as follows:

Up to 750 cubic feet per month	=	\$0.025 per cubic foot
751-1,250 cubic feet per month	=	\$0.050 per cubic foot
1,251-1,650 cubic feet per month	=	\$0.100 per cubic foot
Over 2,000 cubic feet per month	=	\$0.400 per cubic foot

The tiered water rate shall go into effect on April 1, 2015. The monthly Base Rate shall be increased by an additional \$5.00 on April 1, 2016, and by an additional \$5.00 each year thereafter to offset inflation. The annual adjustments will occur each year for a period not to exceed five years.

BE IT FURTHER RESOLVED by the Board of Supervisors that the usage and enforcement provisions during water conservation conditions and water emergencies as provided for in the River Highlands Community Services District's Resolution No. 2008-5 shall remain in effect.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

APPROVED AS TO FORM
ANGIL P. MORRIS-JONES
COUNTY COUNSEL

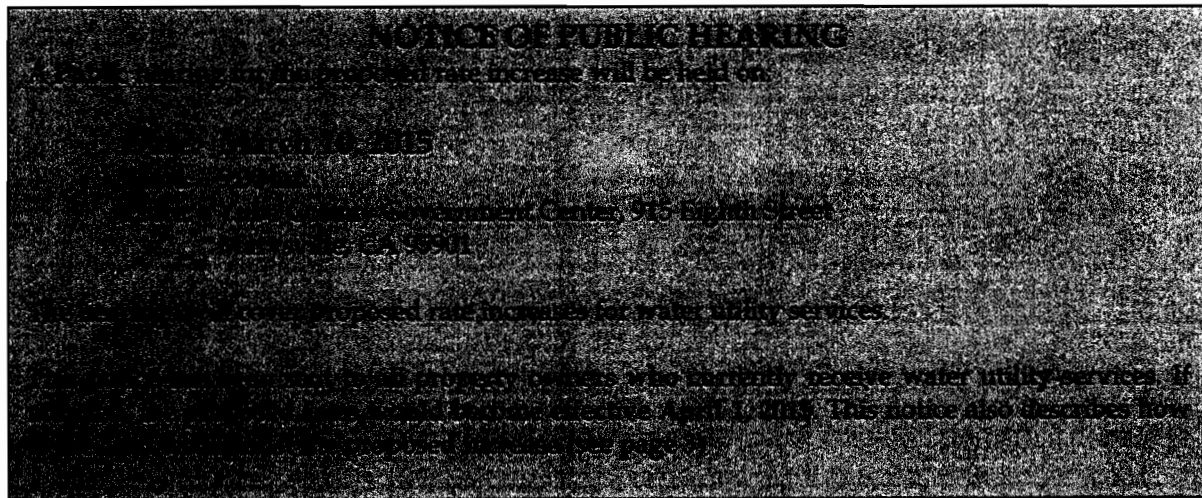
BY: _____



Yuba County River Highlands / Gold Village CSD

Dear Customer,

This notice announces a public hearing regarding the proposed utility service rate change for customers receiving water utility services through River Highlands / Gold Village Community Services District (CSD). A public hearing will be held on the date and time listed below at which time the proposed rate will be recommended to the Yuba County Board of Supervisors acting as the CSD Board. This notice provides information regarding the amount of the proposed rate; the basis upon which the amount was calculated; the reason for the change; and, the date, time and location of the public hearing to consider the proposed rate.



PROPOSED RATE:

Type of land use: RESIDENTIAL

Current monthly water rate: \$77.54

Proposed monthly water rate: \$40 Base Rate plus \$15 Reserve Account Surcharge plus commodity charges as follow:

Up to 750 cubic feet per month	= \$0.025 per cubic foot
751-1,250 cubic feet per month	= \$0.050 per cubic foot
1,251-1,650 cubic feet per month	= \$0.100 per cubic foot
Over 2,000 cubic feet per month	= \$0.400 per cubic foot

The monthly fees will be increased by \$2.00 beginning April 1, 2016. The water fee will be increased an additional \$2.00 each year thereafter to offset inflation. The annual adjustments will occur each year for a period not to exceed five years.

It has been five years since water rates have been reviewed. The Yuba County Public Works Department has managed the system since 2009; during that time period over \$228,000 in capital improvements have been made to the water system. In July 2009 the water rates were increased to \$77.54 per month per EDU. Expenses associated with State fees, electrical power, and other routine operational and maintenance expenses have continued to increase. According to the water rate study prepared by the Rural Community Assistance Corporation (RCAC), the River Highlands / Gold Village CSD should collect revenues sufficient to fund both operational expenses and reserve accounts in order to provide rate stabilization and accommodate cash flow needs. The proposed rate would offset anticipated operation and maintenance expenses associated with the provision of water service.

WHAT ARE SERVICE CHARGES BEING USED FOR?

TABLE 1

River Highlands Community Services District - Water System Budget	Budget FYE 6/30/2015
Water Operator Contract	\$ 20,000.00
Utilities	\$ 16,887.00
Maintenance & Repairs	\$ 32,782.00
Supplies	\$ 2,641.00
Administration	\$ 30,000.00
Licenses/Permits	\$ 685.00
Total Operating Budget	\$ 102,995.00
Annual Operating Reserve	\$ 5,040.00
Annual Replacement CIP reserve	\$ 10,080.00
Total Annual Reserves	\$ 15,120.00
Total Annual Budget	\$ 118,115.00

HOW ARE SERVICE CHARGES CALCULATED?

County staff proposes an annual budget (see table 1 above) for the District based upon actual charges incurred in the operation and maintenance of the systems. These costs, referred to as the Revenue Requirement, represent the amount necessary to adequately run the system and provide for necessary repairs. Service charges for customers are prorated so that each type of user pays a fair and equitable percentage of the proposed budget.

The District is not allowed to make a profit on the services it provides. The California Constitution sets forth specific requirements for the use of these collected funds: 1) Revenues derived shall not exceed the funds required to provide the service; 2) Revenues derived shall not be used for any purpose other than that for which the charge was imposed; 3) The amount of the charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel; 4) No charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question; 5) No charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

HOW CAN I LOWER MY MONTHLY BILL?

Many operating expenses are directly dependent on the quantity of water produced by the system. One example of this would be the electricity necessary to operate mechanical equipment such as pumps; electrical power consumption represents a cost which rises proportionally with the amount of water produced. Community conservation of water will have a cost reducing effect on operation and maintenance. For reference, water consumption in the month of September 2014 was 601 cubic feet per household (150 gallons per day).

The following are measures a household could take to reduce future rates:

1. Fix leaky faucets and plumbing joints. Leaky toilets can waste **500 gallons per month**;
2. Install water-saving shower heads or flow restrictors. **Saves 500 to 800 gallons per month**;
3. Run only full loads in the washing machine and dishwasher. **Saves 300 to 800 gallons per month**; and

4. Shorten your showers. A one or two minute reduction can **save 700 gallons** per month.

HOW CAN I PROTEST THE RATE CHANGE?

The Board of Directors will consider the proposed water rate at a public hearing on **March 10, 2015 at 9:30 am**. The meeting will be held at the Board of Supervisors Chambers, located at 466 Second Street, Yuba City, 95991. The hearings will begin at 9:30 am.

Under Proposition 218, if you are the owner of record of a parcel or parcels subject to the proposed rate, you may submit a written protest against the proposed rate to the Clerk of the Board at or before the time set for the public hearings. If timely written protests are filed by a majority of the affected property owners, the applicable proposed rate will not be imposed. One written protest per parcel, filed by the owner of the parcel, shall be counted in calculating a majority protest to the proposed rate.

A written protest must contain a description of the parcel or parcels in which the party signing the protest has an interest sufficient to identify the parcel(s) including the property's address or Assessor's Parcel Number (APN). If the party signing the protest is not shown on the last equalized assessment roll for the County of Yuba as the owner of the parcel(s), the protest must contain, or be accompanied by, written evidence that such party is the owner of the parcel(s).

Written protests regarding the proposed rate change(s) may be mailed to: **County of Yuba, Clerk of the Board, 915 Eighth Street, Marysville, CA 95901**. Written protests may also be personally delivered to the Clerk of the Board at this address. To be valid, a protest must be signed and received by the Clerk of the Board at or before the time of the protest hearings.

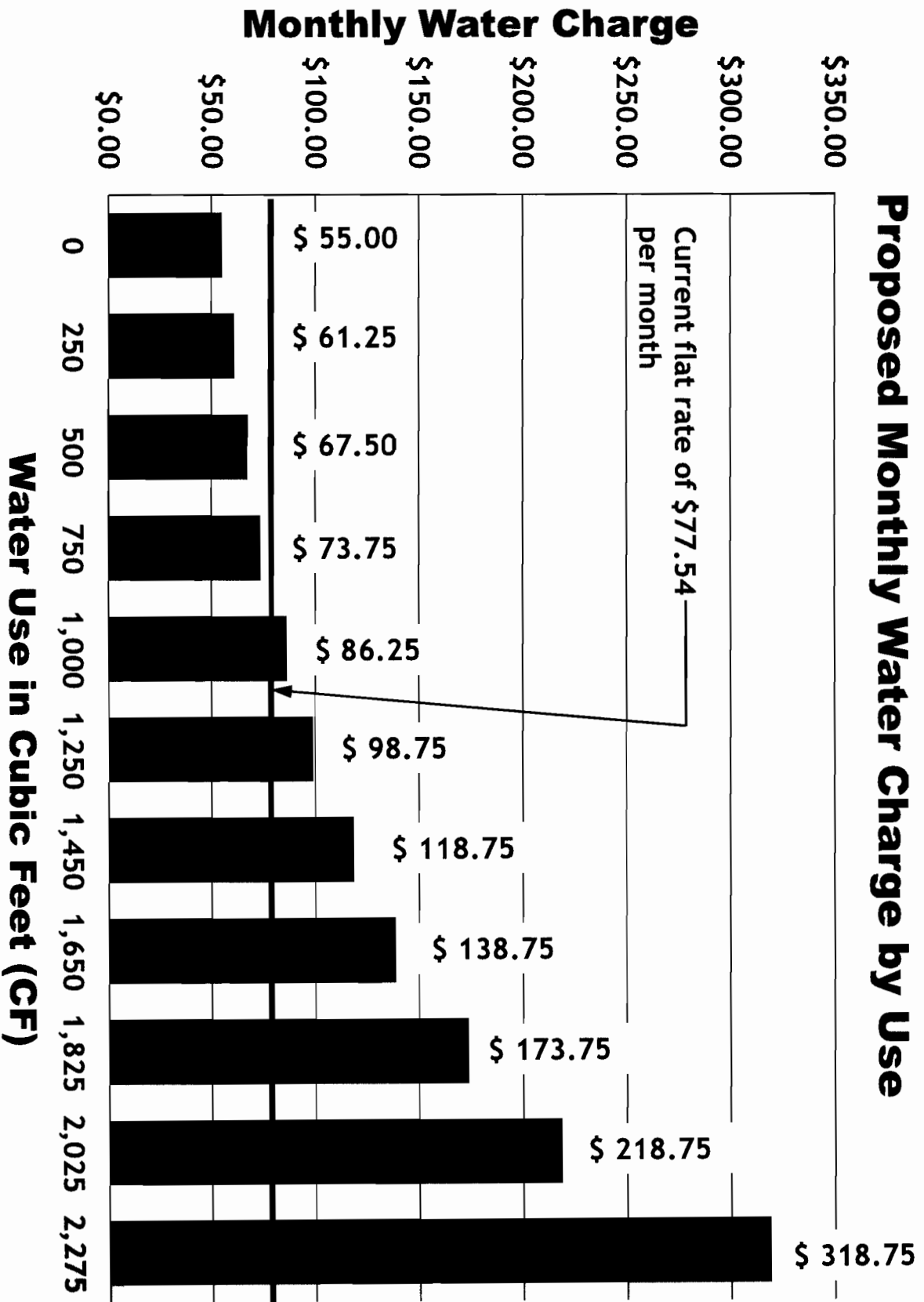
River Highlands / Gold Village CSD

Proposed Metered Water Rates:

Proposed Increase	Monthly Rate
Monthly Base Rate	\$40.00
Monthly Reserve Account Surcharge	\$15.00
Commodity Charges Per CF:	Per CF
Up to 750 CF per Month - 0.025 per CF	\$0.025
750 - 1250 CF per Month - 0.05 per CF	\$0.050
1251 - 1650 CF per Month - 0.10 per CF	\$0.100
1651 - 2000 CF per Month - 0.20 per CF	\$0.200
Over 2000 CF per Month - 0.40 per CF	\$0.400

River Highlands / Gold Village CSD

Proposed Monthly Water Charge by Use



River Highlands / Gold Village CSD, in compliance with Article XIID of the California State Constitution and the Proposition 218 Omnibus Implementation Act, is hereby notifying all affected owners of proposed Water Rate changes.

Dear Property Owner,

Proposition 218 requires government agencies to provide notice of certain proposed rate changes.

River Highlands / Gold Village CSD is proposing to change the monthly water rate in order to meet increased operational and maintenance expenses as well as to improve customer equity by transitioning to a metered rate that charges customers based upon the amount of water used.

The Board of Directors will hold a public hearing on the proposed rate change on March 10, 2015, at the Yuba County Government Center, 915 Eighth Street, Marysville, CA at 9:30 a.m. or as soon thereafter as the item is called. The rate change for water service is described in detail later in this document.

If you object to the proposed change, you may file a written protest with the Clerk of the Board for Yuba County at, or before, the time set for the public hearing. You may also appear in person. An agenda for the March 10, 2015 meeting, including backup materials, shall be posted in the entrance of the Yuba County Office Building located at 915 Eighth Street, Marysville, California 95901 no later than 72 hours prior to the scheduled meeting. The Agenda Summary and backup materials will also be posted on the Yuba County website at: www.co.yuba.ca.us/

Protests

Protests can be mailed or personally delivered to the Yuba County Clerk of the Board at 915 Eighth Street, Marysville, CA, 95901. A valid written protest must contain:

1. A description of the property (such as address) that is sufficient to identify the property.
2. Written evidence that the signers are the owners of the property, if the signers are not shown on the last equalized roll of Yuba County as the owners of the property.

If a protest is received from a majority of affected property owners, the proposed rate change will not be imposed. One written protest per parcel, filed by the owner of the parcel, shall be counted in calculating a majority protest to the proposed rate change.

If you have any questions regarding this notice, please call Daniel Peterson of the Yuba County Public Works Department at (530) 749-5642 between 8 a.m. and 5 p.m. Monday through Friday.

A water operation and maintenance fee shall be charged monthly to the owner or owners of each property connected to the system. Fees shall be charged in accordance with the following schedule:

Proposed monthly water rate: \$40 Base Rate and a \$15 Reserve Account Surcharge plus commodity charge as follows:

Up to 750 cubic feet per month = \$0.025 per cubic foot

751-1,250 cubic feet per month = \$0.050 per cubic foot

1,251-1,650 cubic feet per month= \$0.100 per cubic foot

Over 2,000 cubic feet per month = \$0.400 per cubic foot

The proposed water rate would be effective April 1, 2015. It is further proposed that the monthly water fee be increased by an additional \$2.00 on April 1, 2016 and by an additional \$2.00 each year thereafter to offset inflation. The annual adjustment would occur each year for a period not to exceed five years.

The anticipated income from the proposed water rate would not exceed the estimated operating costs and revenue requirements for the provision of water services within the District.

The proposed fees are anticipated to provide sufficient revenue to meet the costs of providing utility services to the Community of Gold Village. A rate study that explains the rationale behind the proposed water rate can be accessed at:

<http://www.co.yuba.ca.us/departments/Community%20Development/Public%20Works/documents/Gold%20Village/pubGoldVillage.aspx>

Public Hearing:

Date: March 10, 2015

**Location: Yuba County Government Center
915 Eighth Street, Marysville, CA 95901**

Time: 9:30 a.m.

Water Rate Protest

Protests can be mailed or personally delivered to the Yuba County Clerk of the Board at 915 Eighth Street, Marysville, CA, 95901. To be valid, a protest must be in writing and received by the Clerk of the Board at or before the time of the protest hearing.

Property Address: _____

Property APN (*not required if address provided*): _____

Fee being protested: **Water**

Signature of Property Owner: _____

Note: If the signer is not shown on the last equalized roll of Yuba County as the owner of the property, signer must provide written evidence of ownership.

If a protest is received from a majority of affected property owners, the proposed rate changes will not be imposed. One written protest per parcel, filed by the owner of the parcel, shall be counted in calculating a majority protest to the proposed rate.

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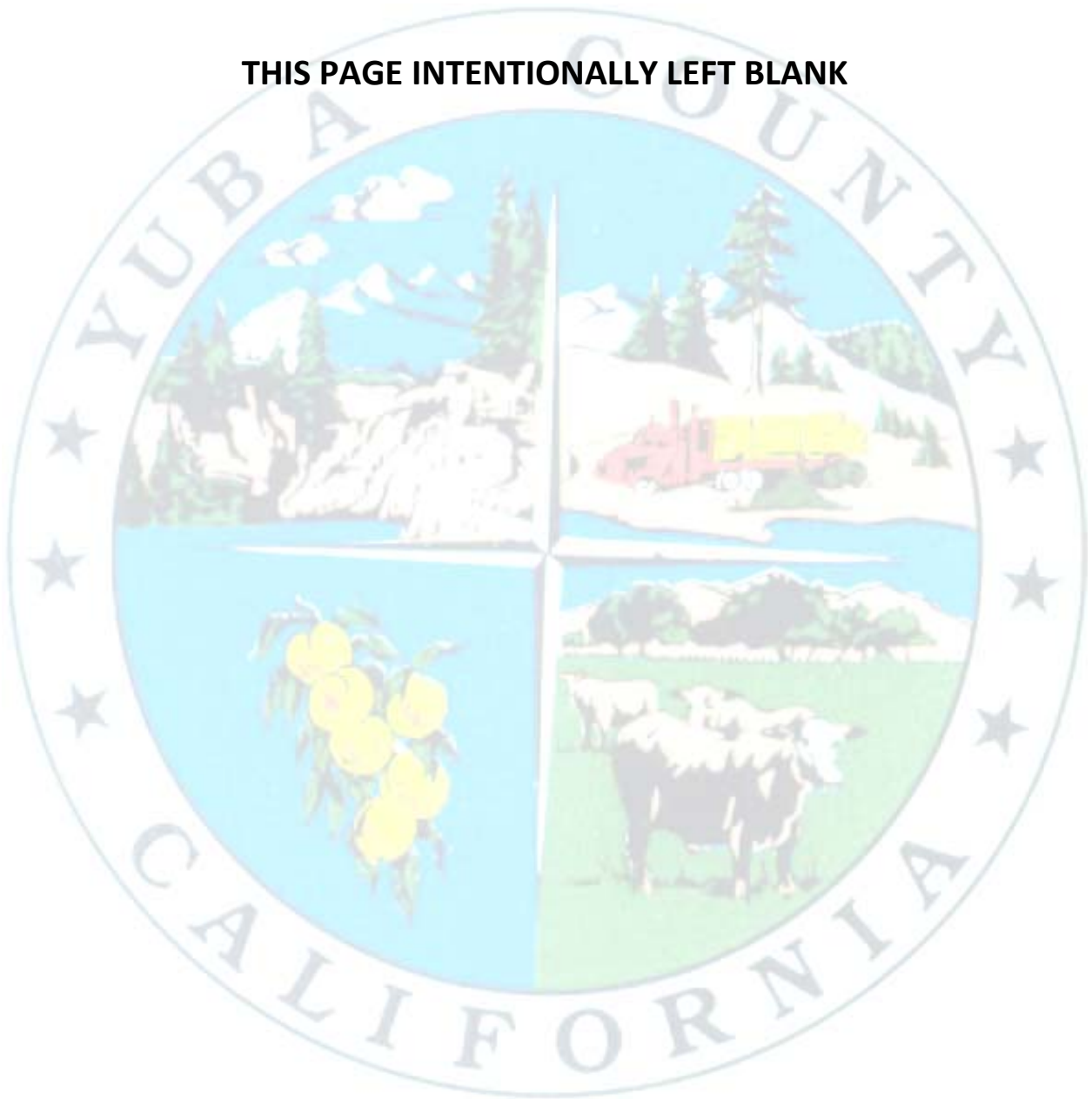


AFTERNOON

SESSION

3:00 P.M.

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The County Of Yuba

OFFICE OF THE COUNTY COUNSEL

915 8TH Street, Suite 111
Marysville, California 95901
(530)749-7565
FAX (530)749-7513



ANGIL P. MORRIS 088-15
COUNTY COUNCIL

JOHN R. VACEK
CHIEF DEPUTY

JOHN C. WHIDDEN
DEPUTY

BOBBIE ROSS TODD
DEPUTY

ERIKA J. STEDMAN
LEGAL SERVICES COORDINATOR

To: Board of Supervisors

From: John Vacek, Chief Deputy County Counsel
Jeremy Strang, Chief Code Enforcement Officer

Date: February 24, 2015

Subject: Introduce Ordinance Repealing and Reenacting in its entirety
Chapter 7.40, Marijuana Cultivation, of the Yuba County Ordinance
Code

RECOMMENDATION:

1. Adopt the attached Ordinance repealing and reenacting Chapter 7.40, Marijuana Cultivation, in its entirety.
2. Adopt the attached Resolution establishing medical marijuana cultivation registration fees.

BACKGROUND:

In 2012, Yuba County adopted its first attempt at a marijuana cultivation ordinance. Adopted originally as Ordinance No. 1518, the ordinance was amended by Ordinance No. 1522 and integrated into the Yuba County Ordinance Code as Chapter 7.40. The Ordinance allows marijuana cultivation, both indoors and outdoors, with allowable plant counts dependent upon the parcel size. For parcels exceeding 20 acres, as many as 99 marijuana plants are allowed under the ordinance.

In adopting Ordinance No. 1522, the Board committed to periodically reviewing the Ordinance with regard to compliance as well as its effect on the welfare of the County.

At the Board of Supervisors meeting on November 18,

2014, a group of citizens appeared and addressed the Board, expressing their extreme displeasure with the County's current Ordinance. The citizen's group advised the Board of the effect of marijuana cultivation on their neighborhoods and the quality of their lives and the lives of their families. This, among other factors and considerations, prompted the Board to initiate a full review of its Marijuana Cultivation Ordinance. The Board of Supervisor then directed staff to submit a number of draft proposals for consideration, with a handful of expectations including a reduction in plant count and the elimination of commercial, for-profit, grows.

DISCUSSION:

At the direction of the Board of Supervisors, six draft proposals modeled after multiple jurisdictions have been presented to the Board for its consideration. County staff has submitted several reports and presentations addressing the lack of compliance with the present ordinance, enforcement issues and difficulties, environmental degradation caused by marijuana cultivation, and criminal activity associated with such cultivation. Staff has also previously addressed the changing "legal landscape" involved in the regulation of marijuana cultivation. Those comments, reports, and discussions are incorporated by reference herein. After an extraordinary amount of public comment being received at least three regular Board of Supervisors' meetings and after further research being conducted by the special *ad hoc* committee, the Board directed staff to finalize the 5th version proposal, based in part upon the Shasta County model, and introduce the proposed Ordinance for a first reading.

As discussed at previous meetings, the preamble and enforcement provisions of the proposed Ordinance are substantially the same as the existing Ordinance. The outline below shows the major changes that will become operative if the proposed ordinance is adopted.

Summary of Substantial Changes:

- Outdoor cultivation and cultivation within any dwelling is prohibited
- Eliminate the graduated plants-parcel scheme
- Limit the maximum number of plants to 12, regardless of parcel size
- All medical marijuana shall be cultivated in a permitted and detached structure

that is accessory to a dwelling

- The accessory structure must be equipped with an odor and moisture filtration system
- There is no distinction between a mature or an immature marijuana plant
- Active Code Enforcement violations will have to be corrected prior to registration approval and cultivation of medical marijuana.
- Implement a fee-based registration requirement
- A Cultivator who is not the owner of the property where cultivation is to occur, must submit a notarized letter of consent from the property owner prior to cultivating medical marijuana

**ENVIRONMENTAL
DETERMINATION:**

Pursuant to Title 14 of the California Code of Regulations, Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3), that the proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment. Further, in addition to the foregoing general exemptions, the categorical exemptions found in Sections 15308 and 15321 also apply.

**COMMITTEE
ACTION:**

No Committee action is necessary. This request comes at the direction of the Board of Supervisors.

FISCAL IMPACT:

The proposed ordinance registration component will generate some revenue through registration fees; however, the full impact on the General Fund is unknown at this time.

Attachments:

- Proposed Ordinance Chapter 7.40
- Resolution establishing marijuana cultivation registration fees

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ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING AS AMENDED CHAPTER 7.40
MARIJUANA CULTIVATION

The following ordinance consisting of three (3) sections was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on the day of , 20__ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors County of
Yuba, State of California

ATTEST: Donna Stottlemeyer
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones
County Counsel



**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA
DOES ORDAIN AS FOLLOWS:**

Section 1. This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. Chapter 7.40 of Title VII of the Yuba County Ordinance Code is hereby amended to read as follows:

CHAPTER 7.40

MARIJUANA CULTIVATION

Sections

7.40.100 Authority

7.40.120 Findings

7.40.130 Scope

7.40.140 Responsibilities

7.40.150 Private Right of Action

7.40.200 Definitions

7.40.300 Cultivation Restrictions

7.40.310 Cultivation Requirements

7.40.320 Accessory Structures

7.40.330 Fencing

7.40.340 Registration Requirements

7.40.400 Conditions Creating Public Nuisance

7.40.500 Enforcement Authority

7.40.510 Right of Entry/Inspection

7.40.520 Violations

7.40.530 Remedies

7.40.540 Notice and Order to Abate

7.40.550 Administrative Penalties

7.40.560 Enforcement Costs

7.40.600 Appeal

7.40.605 Appeal Hearings

7.40.610 Notice of Hearing

7.40.620 Powers of the Yuba County Board of Supervisors
7.40.630 Fairness of Hearings
7.40.635 Evidentiary Rules
7.40.640 Order of Proceeding at Hearing
7.40.645 Speakers' Presentation
7.40.650 Submission of Additional Written Evidence and Argument
7.40.655 Field Trips
7.40.660 Recording
7.40.670 Decision
7.40.680 Severability

ARTICLE I GENERAL PROVISIONS

7.40.100 Authority

Pursuant to authority granted by Article XI Section 7 of the California Constitution, Section 11362.83(c) of the California Health and Safety Code and Section 25845 of the California Government Code, the Yuba County Board of Supervisors does hereby enact this Chapter.

7.40.110 Purpose & Intent

The purpose and intent in adopting this Chapter is to acknowledge State law as it relates to medical marijuana and to reduce conditions that create public nuisances through enacting these regulations including without limitation, restrictions as to location of cultivation, the number of marijuana plants, and the use of screening and security structures, to more effectively control the adverse impacts associated with marijuana cultivation as stated herein, while considering the desires of qualified patients and primary caregivers, in furtherance of the public necessity, health, safety, convenience, and general welfare within the Board's jurisdictional limits. Nothing in this Chapter shall be construed to authorize any use, possession, cultivation, or distribution of marijuana for non-medical purposes or that is in violation of state or federal law.

7.40.120 Findings

- A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision.
- B. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no

exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.

- C. Division 10 of the California Health and Safety Code, Uniform Substance Control Act, makes it unlawful, under State law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana.
- D. In 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act", (codified as Health and Safety Code Section 11362.5) which was intended to decriminalize cultivation and possession of medical marijuana by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating marijuana. The Act further provided that nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.
- E. The State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act", codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering marijuana, as well as limiting the amount marijuana a qualified individual may possess. The Medical Marijuana Program Act defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person and is further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.
- F. The County's geographic and climatic conditions, which include dense forested areas receiving substantial precipitation, provide conditions that are favorable to outdoor marijuana cultivation, thus growers can achieve a high per-plant yield. The Federal Drug Enforcement Administration reports that various types of marijuana plants under various planting conditions may yield averages of 236 grams, or about one-half (1/2) pound, to 846 grams, or nearly two (2) pounds.
- G. The strong distinctive odor of marijuana plants creates an attractive nuisance, alerting persons to the location of the valuable plants, and has resulted in burglary, robbery and armed robbery.
- H. The strong and distinctive odor of marijuana plants creates a need to ensure that smells that disrupt the use of adjacent properties are minimized, much in the same way that the County has ordinances currently in place to minimize the smells associated with raising livestock.
- I. Children (minor under the age of 18) are particularly vulnerable to the effects of marijuana use and the presence of marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).
- J. The unregulated cultivation of marijuana in the unincorporated area of Yuba County can adversely affect the health, safety, and well-being of the County, its residents and

environment. Comprehensive civil regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation, and that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.

- K. The indoor Cultivation of substantial amounts of Marijuana within a residence presents potential health and safety risks to those living in the residence, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the residence.
- L. Comprehensive restriction of premises used for marijuana cultivation is proper and necessary to address the risks and adverse impacts as stated herein, that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.
- M. Outdoor marijuana cultivation, especially within the foothills, is creating devastating impacts to California's surface and groundwater resources. The State Water Resources Control Board, the North Coast Regional Water Quality Control Board, the Central Valley Regional Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of marijuana gardens, and corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.
- N. The immunities from certain prosecution provided to qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the County will achieve a significant reduction in the complaints of odor and the risks of fire, crime and pollution caused or threatened by the unregulated cultivation of marijuana in the unincorporated area of Yuba County.
- O. Nothing in this Chapter shall be construed to allow the use of marijuana for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the County of Yuba, Yuba County District Attorney, the Attorney General of State of California, or the United States of America.
- P. In *Browne v. County of Tehama*, 213 Cal. App. 4th 704 (2013), the California Court of Appeal stated that "Neither the Compassionate Use Act nor the Medical Marijuana Program grants . . . anyone . . . an unfettered right to cultivate marijuana for medical purposes. Accordingly, the regulation of cultivation of medical marijuana does not conflict with either

statute.” Similarly, in *City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.*, 56 Cal. 4th 729 (2013), the California Supreme Court concurred that “Nothing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land . . .” Additionally, in *Maral v. City of Live Oak* (2013), 221 Cal.App. 4th 975, 983, review denied 2014 Cal. LEXIS 2402 (March 26, 2014), the same Court of Appeal held that “there is no right—and certainly no constitutional right—to cultivate medical marijuana . . .” The Court in *Live Oak* affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

- Q. On May 1, 2012, the Board of Supervisors adopted Ordinance No. 1518 to regulate marijuana cultivation. On December 18, 2012, Ordinance 1522 was adopted revising Ordinance 1518 to modify enforcement procedures and requirements to a specific plant count based on property size from square foot of area for cultivation. The provisions of both Ordinances have proven to be inadequate to control the negative impacts of marijuana cultivation. Since the adoption of Ordinance No. 1522, there has been increased Marijuana Cultivation throughout the unincorporated areas of the County in violation of the provisions of that ordinance. In addition, the graduated areas for cultivation, based on parcel size, have proven cumbersome and problematic to administer and enforce. For example, the original limits were based on square feet of total Cultivation area, leading to uncertainty in measurement when the plants were not cultivated in a defined contiguous area, and the need for multiple inspections throughout the grow season. The current revisions contained in this ordinance are intended to address the aforementioned concerns, and simplify the regulations to be more readily understood by those affected, to expedite the code enforcement process and to more effectively control the adverse impacts associated with marijuana cultivation as stated herein, while considering the desires of Qualified Patients and their Primary Caregivers.

7.40.130 Scope

The provisions of this Chapter shall apply generally to all property throughout the unincorporated area of the County of Yuba.

7.40.140 Responsibilities

- A. Regardless of whether an owner is in actual possession of his or her real property, it is the duty of every owner of real property within the unincorporated area of Yuba County to prevent a public nuisance from arising on, or from existing upon, his or her real property.
- B. No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this Chapter to exist upon any property within their control and shall not cause a public nuisance to exist upon any other property within the unincorporated limits of the County of Yuba. It shall be the duty of every owner, occupant, and person that controls any land or interest therein within the unincorporated area of the County of Yuba to remove, abate and prevent the reoccurrence of any public nuisance upon such land.

7.40.150 Private Right of Action

Nothing contained in this Chapter shall be construed to prohibit the right of any person or public or private entity damaged by any violation of this Chapter to institute a civil proceeding for injunctive relief against such violation, for money damages, or for whatever other or additional relief the court deems appropriate. The remedies available under this Chapter shall be in addition to, and shall not in any way restrict other rights or remedies available under law.

ARTICLE 2 DEFINITIONS

7.40.200 Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

- A. "Accessory Structure" means a separate and permitted building located on the same parcel as the residence.
- B. "Code" means the Yuba County Ordinance Code.
- C. "Code Enforcement Officer" means any person employed by the County of Yuba and appointed to the position of code enforcement officer.
- D. "Costs of Enforcement" or "Enforcement Costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.
- E. "County" means the County of Yuba.
- F. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.
- G. "Defined Area of Cultivation" means a single, indoor, area wherein all portions of cultivation are within one accessory structure completely screening the cultivation from public view.
- H. "Dwelling" means a building intended for human habitation that has been legally established, permitted and certified as a single-family or multi-family dwelling.
- I. "Enforcement Official" means the Code Enforcement Officer or the Sheriff, or the authorized deputies or designees of either, each of whom is independently authorized to enforce this

Chapter.

- J. "Fence" means a solid wall or a barrier connected by boards (redwood or cedar), masonry, rails, panels, or any other materials typically utilized for residential fences (subject to the approval of the Community Development and Services Agency) for the purpose of enclosing, securing, and screening space from public view. The term "Fence" does not include retaining walls.
- K. "Indoors" means within a fully enclosed structure, with a solid roof, floor, and walls. The structure must be securable against unauthorized entry and constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials. Shade-cloth covered and plastic sheeting covered, regardless of gauge, or similar products do not satisfy this requirement.
- L. "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- M. "Marijuana plant" means any mature or immature marijuana plant including the stalks of the plant, or any marijuana seedling, that is capable of producing marijuana. A "mature" marijuana plant is one whose sex can be determined by visual inspection.
- N. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.
- O. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means parcels that are described, recorded and kept in official County records specifically including documents and maps used by the County Assessor's Office, the County Tax Collector's Office and the County Recorder's Office.
- P. "Primary Caregiver" shall have the same meaning as "primary caregiver" as defined in the California Health and Safety Code, commencing with Section 11362.7(d), and as further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.
- Q. "Public View" shall mean as viewed at ground level, without the use of a ladder or similar device, from any place the general public has a lawful right to be including the public right of way, a public way or neighboring premises.
- R. "Qualified Patient" shall have the same meaning as "qualified patient" as defined in the California Health and Safety Code, commencing with Section 11362.7(f).
- S. "Residence" shall have the same meaning as "Dwelling".
- T. "Sheriff" or "Sheriff's Office" means the Yuba County Sheriff's Office or the authorized representatives thereof.

ARTICLE 3 RESTRICTIONS AND REQUIREMENTS

7.40.300 Cultivation Restrictions

- A. Outdoor cultivation on any Parcel is prohibited.
- B. Cultivation within a Dwelling or any other structure used or intended for human habitation is prohibited.
- C. Cultivation of more than twelve (12) marijuana plants on any Parcel is prohibited. The foregoing limitation shall be imposed regardless of the number of qualified patients or primary caregivers residing on the Parcel or participating directly or indirectly in the cultivation. Further, this limitation shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.
- D. All persons and entities engaging in the cultivation of marijuana shall:
 - 1. Have a legal water source on the Parcel;
 - 2. Not engage in unlawful or unpermitted surface drawing of water for such cultivation; and
 - 3. Not permit illegal discharges of water from the parcel.
- E. Marijuana cultivation shall not adversely affect the environment or the public health, safety, or general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of plant or animal poisons, or hazardous materials, processes, products or wastes, or by any other way.
- F. Applicants seeking authorization to cultivate marijuana on parcels where active Code Enforcement violations of any provision of the Yuba County Ordinance Code exist shall first correct Code violations prior to cultivating marijuana.

7.40.310 Cultivation Requirements

- A. Cultivation may only occur on a Parcel improved with an occupied, legally established, Dwelling in conformance with this Chapter. The cultivation shall be contained within the Defined Area of Cultivation in one, single, residential accessory structure affixed to the real property that:
 - 1. Meets the definition of “Indoor;”
 - 2. That is located on the same Parcel as the Dwelling of a qualified patient(s) or a primary caregiver(s); and
 - 3. That complies with all of the provisions of the Yuba County Code relating to accessory structures including, but not limited to, the County’s Development Code in Title XI, and construction codes in Title X of the Yuba County Ordinance Code. Where the provisions of this Chapter are more restrictive than other portions of the Yuba County Code the provisions of this Chapter shall govern.

7.40.320 Accessory Structures

- A. Accessory structures used for the cultivation of marijuana shall meet all of the following criteria:
1. The accessory structure, regardless of size, shall be legally constructed with all applicable development permits including, but not limited to, grading, structural, electrical, mechanical and plumbing approved by the applicable authorities prior to any cultivation activity. The conversion of any existing accessory structure, or portion thereof, for cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable authorities prior to any cultivation.
 2. The accessory structure shall not be built or placed within any mandatory setback required by the Yuba County Ordinance Code.
 3. The accessory structure shall be equipped with permanently installed and permitted electricity, and shall not be served by temporary extension cords. Electrical wiring conductors shall be sized based on the currently adopted California Electrical Code with anticipated loads identified.
 4. The accessory structure shall be equipped with a permanently installed and permitted odor control filtration and ventilation system adequate to prevent an odor, humidity, or mold problem within the structure, on the Parcel, or on adjacent parcels.
 5. If the accessory structure is a greenhouse, the panels shall be of glass or polycarbonate and should be opaque for security and visual screening purposes. Where the greenhouse panels are not obscure, the greenhouse shall be screened from view by a solid fence as described in Section 7.40.330 below.
- B. Structures that are exempt from Building Permits by Yuba County Ordinance Code, Chapter 10.05, shall not be used for the cultivation of marijuana.

7.40.330 Fencing

- A. Accessory structures that are required to be surrounded by a solid fence shall have a fence that is at least six (6) feet but not greater than (8) feet in height with a locking gate and conform to the following:
1. Fencing materials shall be in compliance with Section 7.40.200j;
 2. Location of fence shall meet zoning setback and height requirements;
 3. Fences over seven (7) feet in height will require proof of an approved building permit; and
 4. The fence and gate must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.

Exception: Topography, natural vegetation, bushes or hedgerows alone may constitute an adequate fence for the purposes of this Section, but shall be subject to the approval of Yuba County Community Development and Services Agency (CDSA).

7.40.340 Registration Requirements

- A. The cultivation of marijuana in any quantity upon any premises without first registering the

cultivation and paying the required fee as listed within Title XIII of this Code is hereby declared to be unlawful and a public nuisance and may be abated in accordance with this Chapter.

- B. The Registration Application shall be prescribed by Yuba County Community Development and Services Agency (CDSA) and shall at a minimum contain the following:
 - 1. The person(s) owning, leasing, occupying, or having charge or possession of any premises have submitted the required annual registration for the premises to CDSA, and provided all of the following current information and documentation to CDSA:
 - a. The name of each person, owning, leasing, occupying, or having charge or possession of the premises;
 - b. The name of each qualified patient or primary caregiver who participates in the cultivation, either directly or by providing reimbursement for marijuana or the services provided in conjunction with the provision of that marijuana;
 - c. A copy of the current valid medical recommendation or State-issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver;
 - d. The number of marijuana plants cultivated on the premises; and
 - e. Such other information and documentation as the Department determines is necessary to ensure compliance with State law and this Chapter.
 - 2. The registration shall contain a statement in substantially the following form: By submitting this registration, the property owner and the cultivator, if different, will allow an enforcing officer(s) to enter the property, at a reasonable time, to inspect for compliance with this Chapter.
 - 3. The registration shall contain a statement, under penalty of perjury, that the information is true and accurate.
- C. Where the registration application is deemed complete, and no violations or conditions are identified to prohibit marijuana cultivation, a registration number shall be provided to the applicants. The registration number shall be kept with the cultivation and shall be presented to the inspecting officer upon request.
- D. This information and documentation shall be received in confidence, and shall be used or disclosed only for purposes of administration or enforcement of this Chapter or State law, or as otherwise required by law.
- E. The Board of Supervisors shall, by Resolution, establish a fee for such annual registration in accordance with all applicable legal requirements.
- F. Every registration under this Chapter shall be valid for no more than one calendar year and shall expire on December 31st of that year. An expired registration shall be renewed in the same manner as an initial registration hereunder. In the event that the registration of any premises for any calendar year is submitted after March 1st of that year, the registrant shall pay a late registration penalty equal to fifty percent (50%) of the applicable registration fee. The Director of CDSA may waive the late registration penalty if the failure to timely register

was due to reasonable cause and not due to willful neglect.

- G. If the person(s) cultivating marijuana on any legal parcel is/are not the legal owner(s) of the parcel, such person(s) shall submit a notarized letter from the legal owner(s) consenting to the cultivation of marijuana on the parcel. Notwithstanding the foregoing, the owner of a Parcel where the cultivator has not obtained a notarized letter shall still be responsible for any nuisance that has been determined to exist upon their property. The Department shall prescribe forms for such letters.
- H. No person(s) shall have any vested rights to any authorization, right, or interest under this Ordinance, regardless of whether such person(s) cultivated marijuana prior to the adoption of this Ordinance. Nothing in this section shall be construed to confer a right to cultivate marijuana prior to the actual approval of a registration application by the Department.

ARTICLE 4 PUBLIC NUISANCE

7.40.400 Conditions Creating Public Nuisance

A public nuisance shall be deemed to exist when any of the following conditions or circumstances is present:

- A. Any person owning, leasing, occupying or having charge or possession of any Parcel within the unincorporated area of the County to cause or allow such Parcel to be used for the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.
- B. The cultivation of marijuana on a Parcel that does not have an occupied legally established Dwelling in conformance with this Chapter.
- C. The cultivation of marijuana on a Parcel by anyone other than a qualified patient or a primary caregiver. A physician's recommendation shall be kept onsite at all times and shall be posted in plain view for inspection. Where multiple people are cultivating, each physician recommendation shall be posted.
- D. Marijuana plants in public view as defined in Section 7.40.200 of this Chapter.
- E. The cultivation of marijuana in a manner that exceeds 12 plants.
- F. The improper use, storage and/or disposal (per the manufacturer's instructions and/or any law that governs same) of chemicals, fertilizers, gas products (CO₂, butane, etc.) or any other products or equipment associated with the cultivation of marijuana.
- G. Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.

ARTICLE 5 ENFORCEMENT

7.40.500 Enforcement Authority

The Office of the Yuba County Sheriff and/or the Director of the County Department that has been assigned responsibility for administration of Code Enforcement services are hereby designated to enforce this Chapter.

7.40.510 Right of Entry/Inspection

To enforce the provision of this Code, an Enforcement Officer may at a reasonable time request inspection of any parcel suspected of cultivating marijuana. If the person owning or occupying the parcel refuses the request for an inspection, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry, including obtaining an inspection warrant.

7.40.520 Violations

- A. It is unlawful and a violation of this Chapter for any person to permit a public nuisance to exist upon real property in which such person has an ownership or possessory interest.
- B. It shall be unlawful and a violation of this Chapter to do anything in contrary to the guidelines set forth in this Chapter.
- C. Each person violating this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, which any violation of any provision of this Chapter is committed, continued, or permitted by any such person. Any violation which persists for more than one day is deemed a continuing violation.

7.40.530 Remedies

- A. Any violation of this Chapter shall be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code.
- B. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County of Yuba or any other governmental entity to enforce County ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.
- C. Issuance of a warning shall not be a requirement prior to using any enforcement provision of this Code. Violations are not tiered and are subject to enforcement without warning.

7.40.540 Notice and Order to Abate

- A. Upon making a determination that a public nuisance exists, the Enforcement Official shall notify the owner and/or the alleged violator that a public nuisance exists upon such owner's property. As to an owner, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner directs. As to an alleged violator whom the Enforcement Official has

determined directly or indirectly contributed to the condition creating the nuisance, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, to the last known address of the alleged violator. In addition, the Notice and Order to Abate shall be delivered by first class mail, with postage prepaid, addressed to the owner and/or alleged violator at the same addresses. A copy shall also be posted on the property. The Enforcement Official shall complete a proof of service.

- B. The Notice and Order to Abate shall describe the use or condition which constitutes the public nuisance; and shall order that the uses or conditions constituting the nuisance be abated by demolition, securing, removal, cleanup, repair or other means within a reasonable time certain as determined necessary for such abatement by the Enforcement Official based upon the nature and complexity of the abatement process, normally being three (3) days, or less, from the date such notice is mailed and/or posted.

7.40.550 Administrative Penalties

- A. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. In addition to the actual abatement and/or administrative costs incurred by the County any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty as follows:
 - 1. A penalty of \$100.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.
 - 2. A penalty of \$200.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.
 - 3. A penalty of \$500.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.
- B. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each marijuana plant in violation of this Chapter shall be charged as a separate violation.
- C. The Administrative Penalty, pursuant to this Section, shall be assessed immediately upon the issuance of a Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer. In the event an appeal has been properly filed with the County, the appeal shall have no affect on the Administrative Penalty and said Penalty shall continue to accrue during the pendency of the hearing. At the conclusion of the hearing the Yuba County Board of Supervisors is authorized to modify or waive the Administrative Penalty for cause and shall make express findings into the record for such modification or waiver.

7.40.560 Enforcement Costs

- A. All costs and penalties associated with the enforcement of this Chapter are the responsibility

of the owner(s) of any parcel(s) on which a nuisance has been found to exist and such costs shall be paid within 30 days of the date of demand thereof.

- B. Where costs and penalties go unpaid beyond 30 days, the Enforcement Official shall take action to confirm the costs, record a lien and place a special tax assessment pursuant to procedures as set forth in Chapter 7.36 of the Yuba County Ordinance Code.

ARTICLE 6

APPEALS AND UNIFORM HEARINGS AND PROCEDURES

7.40.600 Appeal

Any person who has received a Notice and Order to Abate Public Nuisance may request an appeal before the Yuba County Board of Supervisors within 10 calendar days of the date of the Notice and Order to Abate. The request for appeal shall be in writing and must be accompanied by a deposit for costs as enumerated in Title XIII of this Code.

7.40.605 Appeal Hearings

Abatement hearings and hearings to determine administrative penalties shall be heard by the Yuba County Board of Supervisors. The Board of Supervisors, in its discretion, may appoint a hearing officer or commissioner to hear and preside over such hearings.

7.40.610 Notice of Hearing

If the owner or alleged violator requests a hearing within ten (10) calendar days of the date of the Notice and Order to Abate, the Enforcement Official shall schedule a hearing and provide notice to the owner or alleged violator of the time and place the hearing will take place. Notice of the hearing shall be delivered by personal service or by Certified Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner or alleged violator provides. In addition, the Notice of Hearing shall be delivered by first class mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner or alleged violator provides. The Enforcement Official shall complete a proof of service. The hearing shall be set for a date that is not less than five (5) and not more than thirty (30) days from the date that the request for hearing is filed with the Enforcement Official.

7.40.620 Powers of the Yuba County Board of Supervisors

The Yuba County Board of Supervisors shall have the power to conduct the hearing, the power to decide a matter upon which a hearing has been held, the power to make findings of fact and conclusions of law required for the decision, the power to issue subpoenas, the power to receive evidence, the power to administer oaths, the power to rule on questions of law and the

admissibility of evidence, the power to continue the hearing from time to time, and the power to prepare a record of the proceedings.

7.40.630 Fairness of Hearings

Hearings shall be conducted in a manner suitable to ensure fundamental fairness to all parties concerned, limited by the need to secure relevant information necessary to render a decision without unnecessary delay.

7.40.635 Evidentiary Rules

The hearing need not be conducted according to technical rules relating to evidence. Any evidence may be presented if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but may be rejected if deemed to be unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at a hearing. Unduly repetitious or irrelevant evidence shall be excluded at the discretion of the Yuba County Board of Supervisors.

7.40.640 Order of Proceeding at Hearing

The Yuba County Board of Supervisors shall ordinarily proceed in the following order when conducting hearings:

- A. The Enforcement Official's presentation shall proceed first. It should include identification of the file and property, a summary of the history and matters at issue, a staff analysis of the legal and factual issues involved, permitted uses to which the property was and is subject, and accounting of enforcement costs relating to the property, and a recommended decision.
- B. A presentation by or on behalf of the appellant shall next proceed.
- C. Tenants or other occupants of the subject property shall speak third.
- D. Individuals who are not appealing but own property immediately contiguous to the subject property shall speak fourth.
- E. Other interested parties shall speak fifth.
- F. The appellant shall be entitled to rebuttal.

7.40.645 Speakers' Presentation

Each speaker shall approach the microphone and give his or her full name and address for the record.

- A. Each speaker's presentation shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate, but, if used, shall become part of the public record and the property of the County. The Yuba County Board of Supervisors may establish a time limit for presentations; provided, however, that at least ten minutes shall be allowed for each speaker. Speakers shall, at the discretion of the Yuba County Board of Supervisors,

be allowed to speak for longer than ten minutes if that speaker represents a group of individuals, the remainder of which chose not to speak. Speakers with lengthy presentations are encouraged to submit them in writing. There shall be no limitation upon length of written statements.

- B. The Yuba County Board of Supervisors shall hear testimony and receive written and/or documentary evidence relating to the alleged violation. The parties may be represented by legal counsel. Testimony shall be taken on oath or affirmation. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues presented; to impeach any witness; and to rebut evidence. Witnesses shall be subject to cross-examination by the Yuba County Board of Supervisors.
- C. Subject to the Yuba County Board of Supervisors' right to accept a motion to conclude the taking of all testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak shall be heard. Except for rebuttal allowed, each speaker shall speak only once.
- D. The Yuba County Board of Supervisors shall preserve all photographs and other documentary evidence introduced at the time of the hearing. After all of the testimony is taken, the Yuba County Board of Supervisors shall close the public hearing unless he or she deems it necessary to continue the hearing for the receipt of additional evidence or an ordinance interpretation from the Affected Department.

7.40.650 Submission of Additional Written Evidence and Argument

At any time before or after the hearing up to the point the hearing is closed by the Yuba County Board of Supervisors, any interested party may submit written evidence or argument. In the event the Yuba County Board of Supervisors concludes the hearing and continues the decision to another time, the Yuba County Board of Supervisors may, in their discretion, set a deadline for submission of written argument. Except for the receipt of written argument, no ex parte communications, either direct or indirect, shall be received by the Yuba County Board of Supervisors during the period of a continuance or after the public hearing has been closed.

7.40.655 Field Trips

Whenever the Yuba County Board of Supervisors deems it necessary to take a field trip to view the site in question, the Yuba County Board of Supervisors may conduct a site visit. Unless the site visit is tape recorded, the Yuba County Board of Supervisors shall not talk to any members of the public during the conduct of such site visit. After the conduct of a site visit, the Yuba County Board of Supervisors shall place into the record the visual observations made and the conclusions drawn as a result of such visit.

7.40.660 Recording

All proceedings shall be recorded. If a verbatim transcript is desired, the person requesting the transcript shall have the responsibility for arranging for the appearance of a court reporter to

transcribe the hearing. In the event that a court reporter is present at the request of an interested party, the party retaining the court reporter shall provide a copy of the reporter's written transcript to the Yuba County Board of Supervisors at no charge to the County.

7.40.670 Decision

The decision of the Yuba County Board of Supervisors is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16.

7.40.680 Severability

If any section, subsection, sentence, clause, or phrase of this Chapter, is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this Chapter.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.