The Board of Supervisors of the County of Sutter, State of California, met on the above date in a study session at 6:30 p.m. and regular session at 7:00 p.m. in the Board of Supervisor's Chambers at The Hall of Records, 466 Second Street, Yuba City, California.

**MEMBERS PRESENT:** Supervisors Casey Kroon, Dennis Nelson, Larry Munger, Joan Bechtel and Dan Silva

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Larry T. Combs, County Administrator; Darrell W. Larsen, County Counsel; Nancy McNamer, Deputy Clerk of the Board

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**STUDY SESSION**

**AGRICULTURE DEPARTMENT WEIGHTS AND MEASURES FEES**

Chairman Munger called the study session to order noting that its purpose was to discuss Agriculture Department Weights and Measures Fees.

Mark Quisenberry, Agricultural Commissioner, asked the Board to move forward with amending a Sutter County Ordinance to approve fee increases. Sutter County has always charged industry a minimal charge for the service. The number of devices requiring inspections has grown while State revenues diminish. He asked that fees be increased in phases to lessen the impact on local businesses.

Mr. Quisenberry presented a report entitled, *Weights and Measures Registration Fee Increase*. The report noted in red that eleven growers who use the weighing device use it solely for their own use. However, all of the growers would be required to pay for the increase for dormant scales and for vehicle scales. Mobile home parks would also be required to accept the fee increase.

Mr. Quisenberry also asked the Board to consider the sealing of the livestock scales...
at the Yuba-Sutter Fairgrounds. Currently four devices are sealed once a year for the 4H and FFA youth auction.

No action was taken at this time. The matter will be brought back in order to study to move forward with a public hearing to amend the ordinance and to approve fee increases in phases.

The Chairman asked for comments from the audience and there were none.

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REGULAR SESSION

Chairman Munger called the regular meeting to order and requested that the Clerk call the roll of the Board, noting that all were present. He then asked George Musallam to lead the Board and the audience in the Pledge of Allegiance to The Flag.

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APPROVAL OF MINUTES

On motion of Supervisor Silva, seconded by Supervisor Kroon and unanimously carried, the Board approved the minutes of the January 8, 2001, session.

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PUBLIC PARTICIPATION

The Chairman asked for comments from the public and there were none.

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CONSENT CALENDAR

On motion of Supervisor Bechtel, seconded by Supervisor Nelson, and unanimously carried, the Board approved the Consent Calendar with the removal of Item #2 as follows:

Board of Supervisors

2. **REMOVED FOR SEPARATE ACTION**: Approval of Board Committee assignments for 2002

Human Services - Administration

3. Approval of Budget amendment (FT 200228) and transfer of revenues, expenditures and staff associated with Children and Families Commission from the Human Services Administration budget to the Children/Families First-Prop 10 fund
Human Services – Mental Health

4. Approval of contract (A01-011) with Maxwell and Hallis LLP to provide assistance in preparation of State Department of Mental Health cost reports for FY 2000-01

Human Services – Welfare and Social Services

5. Approval of memorandum of agreement (MOA) (A02-012) with Yuba-Sutter Family YMCA for services under the Promoting Safe and Stable Families Program

Personnel

6. ORDINANCE NO. 1323, AN ORDINANCE OF THE COUNTY OF SUTTER AMENDING THE SUTTER COUNTY ORDINANCE CODE BY AMENDING SECTIONS 52-592, 52-593 AND 52-596 THEREOF RELATING TO SALARY AND BENEFITS FOR SUPERVISORS was adopted on motion of Supervisor Bechtel, seconded by Supervisor Nelson and unanimously carried as appears of record in the office of the Clerk of the Board in Ordinance Book Q at Page 126 to which record reference is hereby made for further particulars and by such reference incorporated herein and made a part hereof

Probation

7. Adoption of policy for arming Sutter County Probation Officers

8. Approval of preparation of award for Todd S. Alexander as the Sutter County Probation Department’s Officer of the Year for the Marysville Exchange Club

Sheriff

9. Approval of preparation of Gold Resolution in recognition of Wilma Christy who is retiring after 31 years of service

NO. 2 – BOARD COMMITTEE ASSIGNMENTS FOR 2002

Supervisor Bechtel noted that an alternate for Regional Council of Rural Counties (RCRC) committee still needed to be appointed.

On motion of Supervisor Nelson, seconded by Supervisor Kroon, Supervisor Silva was nominated to serve as an alternate member for Regional Council of Rural Counties (RCRC).

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PUBLIC HEARING
APPEAL OF USE PERMIT #01-24 AND VARIANCE #01-06 – ROBERT VAN GELDER

This having been heretofore fixed as the date, time and place to hold a public
hearing on appeal of the Planning Commission’s denial of Use Permit #01-24 and Variance #01-06 (Robert Van Gelder).

Steve Geiger, Associate Planner, opened by noting the applicant is appealing the Planning Commission’s denial of a use permit and variance. He reported that staff is recommending denial of the Use Permit and Variance and that three phone calls were received in opposition as well as a letter written opposing the appeal.

Anthony Galyean, Attorney, 1127 D Street, P.O. Box “A”, Marysville, CA 95901, said he is the attorney of record for Robert Van Gelder. He said the reason for the appeal for the variance and use permit was prompted by a decline in health for Mr. Van Gelder. He is 69 years of age with a decline in kidney and liver functions. Mr. Van Gelder’s medical doctor advised him to do what is necessary to employ a live-in healthcare provider. In addition to providing healthcare, the provider would also prepare meals, clean the home and conduct general management of the home. Mr. Van Gelder then tried to convert an existing game room to a small residential apartment. The home is a 2,100 square foot, three bedroom house on the east bank of the Sacramento River. A two-story garage is also located on the property. After Mr. Van Gelder completed the renovation, a neighbor lodged a complaint against Mr. Van Gelder because he did not obtain a permit prior to the renovation. Admittedly, Mr. Van Gelder did this without seeking any legal guidance. As a result of the complaint, various officers were sent to the property to investigate the nature of the complaint and found that the property had been converted to a small residential apartment.

Attorney Galyean then cited several zoning code sections, regulations and explanations. He also contended that Mr. Van Gelder is not asking for special privileges. There is no record that any applicant has ever been denied for the same application to show that Mr. Van Gelder would be getting a special privilege. He is simply the first one to apply. The neighborhood has not in any way been changed or the amount of people living within the residence.

The following people then spoke in opposition to the appeal:

Carolyn Langenkamp, 10533 Garden Highway, Sacramento, CA 95837

Gail Molina, 10519 Garden Highway, Sacramento, CA 95837
On motion of Supervisor Nelson, seconded by Supervisor Kroon, and
unanimously carried, the Board upheld the Planning Commission’s decision and
denied Use Permit No. 01-24 and Variance No. 01-06, Robert Van Gelder, with the
finding as recommended by County Counsel.

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2002-03 BUDGET CALENDAR AND POLICIES

Larry Combs, County Administrative Officer, asked for adoption of Fiscal Year 2002-03 Budget Calendar and adoption of the policies to govern the preparation of the Proposed Budget. He stated that this is a standard item that comes before the board once a year.

The State of California may be facing a significant budget deficit for FY 2002-03 and may modify the date of the State budget hearings. Sutter County appears to be stable economically, and seems to be doing better than the State of California as a whole and will continue to be fiscally stable.

On motion of Supervisor Nelson, seconded by Supervisor Bechtel, and unanimously carried, the Board adopted Fiscal Year 2002-03 Budget Calendar and policies.

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FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

Larry Combs announced that per the request of a couple of supervisors, this issue is being brought to the public’s attention. Steve Speckert, Feather River Air Quality Management District, was invited to discuss a notice of a public hearing to consider adoption of an airborne toxic control measure to reduce emission of toxic air contaminants from outdoor residential waste burning. Mr. Combs thanked Mr. Speckert for coming to the meeting on short notice and introduced him to the Board.

Mr. Speckert stated that on January 23, 2002 at 7:00 p.m. a workshop at the Agriculture Building on Garden Highway will be held regarding an upcoming public hearing to consider the adoption of an airborne toxic control measure to reduce emissions of toxic
air contaminants from outdoor residential waste burning. The public hearing will be on February 21, 2002 at 9:00 a.m. at the California Environmental Protection Agency Air Resources Board in Sacramento, CA.

Supervisor Nelson noted that he asked that this issue be brought forward on this agenda. In his opinion, adoption of an airborne toxic control measure would have tremendous impact on Sutter County. He does not think it is a reasonable request and asked the Board to oppose this measure. He concedes that outdoor burning does pollute the air, however, there is not the same impact in rural areas as there is in larger counties such as Los Angeles or Sacramento.

Supervisor Kroon agreed with Supervisor Nelson and added that we are one step closer to banning wood burning in fireplaces. Additionally, Mr. Combs said people who would normally burn refuse, would then either bury it or throw it in a ditch creating further pollution.

Mr. Speckert asked the Board for a comment letter. He also said that if this measure is mandated, it will become an enforcement nightmare for the Feather River Air Quality Management District.

On motion of Supervisor Nelson, seconded by Supervisor Kroon, and unanimously carried, the Board approved the request to write a letter in opposition to the burning ban to the Air Resources Board.

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CORRESPONDENCE

Supervisor Bechtel asked that Item #14 be discussed. She noted that an Annual Inspection Report of the Sutter County Jail was completed by the Sutter County Human Services Department, Samuel Sanders, M.D., Acting Sutter County Health Officer. Supervisor Bechtel asked staff to follow up on whether recommendations in the report have been adhered to. She requested the results be submitted and reported back to the Board.

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OTHER BUSINESS - PUBLIC COMMENT

There were no comments from the audience.

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OTHER BUSINESS – BOARD OF SUPERVISORS

On motion of Supervisor Silva, seconded by Supervisor Bechtel, and unanimously carried, the Board adjourned in memory of Robert R. Berg and asked the Clerk to send a letter to his family.

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With no further business coming before the Board, the meeting was adjourned.

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ATTEST:

LONNA B. SMITH    _______________________________
CLERK OF THE BOARD   LARRY MUNGER, CHAIRMAN

By:

Nancy L. McNamer
Deputy