

YOLO COUNTY BOARD OF SUPERVISORS

MINUTES & SUPPORTING MATERIALS

Pursuant to County Code Section 2-1.103

JULY 27, 2021



COUNTY BOARD OF SUPERVISORS
CHAIR, JIM PROVENZA, DISTRICT 4
VICE-CHAIR, ANGEL BARAJAS, DISTRICT 5
OSCAR VILLEGAS, DISTRICT 1
DON SAYLOR, DISTRICT 2
GARY SANDY, DISTRICT 3

NOTE: This meeting was held via [teleconference](#), pursuant to the Governor's Executive Order N-29-20 (March 17, 2020), available at the following [link](#).

DANIEL KIM
INTERIM COUNTY ADMINISTRATOR

PHILIP J. POGLEDICH
COUNTY COUNSEL

Roll Call:
Barajas
Villegas
Saylor
Sandy
Provenza

Daniel Kim, Interim County Administrator
Philip J. Pogledich, County Counsel

9:00 A.M. CALL TO ORDER

Pledge of Allegiance.

Roll Call.

Approval of Agenda

1. Consider approval of agenda.

Minute Order No. 21-102: Approved agenda as submitted with the following changes:

- Agenda No. 5, Supervisor Barajas' District 5 Committee Appointment, has been postponed to a future meeting;
- Agenda Item No. 30, the presentation of the resolution honoring the service of Stephen Heringer to Reclamation District 999, has been postponed to August 31, 2021; and
- Agenda Item No. 42, the Wild Wings item, will be heard at 1 p.m. today instead of 9 a.m.

MOVED BY: Villegas / SECONDED BY: Sandy
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Public Comment

2. To be afforded a brief period of time to speak before the Board of Supervisors, please refer to further instructions at the end of the agenda on how to electronically participate and submit your public comments. Note: per the Ralph M. Brown Act, Board members may briefly respond to statements made or questions posed during the public comment period on items that are not on the agenda, but may not take action on such items. You may also share your thoughts with the Board of Supervisors by submitting a written statement via email to clerkoftheboard@yolocounty.org.

Ryan Choi, Kim Owens and Charla Parker addressed the Board of Supervisors during public comment.

CONSENT AGENDA

Minute Order No. 21-103: Approved Consent Agenda Item Nos. 3-29, with comments made on Agenda Item No. 9.

MOVED BY: Sandy / SECONDED BY: Villegas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

General Government

Clerk of the Board

3. Approve the minutes of the June 29, 2021 and July 13, 2021 Board of Supervisors meetings.

Approved the minutes of the June 29, 2021 and July 13, 2021 Board of Supervisors meetings on Consent.

4. Ratify the following:

A. Resolution No. 21-90 honoring the service of Stephen Heringer to Reclamation District 999.

Ratified **Resolution No. 21-90** on Consent.

5. Accept resignations, consider appointments and reappointments.

Approved recommended action on Consent except for the appointment of Eric Sagara to the Madison Fire Protection District, which was postponed to a future meeting.

6. Correspondence.

Approved Correspondence on Consent.

7. Conferences, meetings and events the Board of Supervisors attended.

Approved recommended action on Consent.

County Administrator

8. Approve sixth amendment to Agreement No. 7676-2016 with Indigo Architects for Animal Services extending the term for an additional 5 months for a revised period of May 20, 2016 through December 31, 2021. (No general fund impact) (Nunes/Will)

Approved **Agreement No. 21-168** on Consent.

9. Approve award of Local Innovation Subaccount: Safe Communities Program Innovation Grants of \$114,488 to Brown Issues to provide school-site based programming and a community-centered approach specifically targeting LatinX youth and authorize the County Administrator to enter into an agreement with Brown Issues for a not-to-exceed amount of \$114,488. (No general fund impact) (Cook/Will)

Approved **Agreement No. 21-169** on Consent.

10. Waive second reading and adopt an ordinance amending Title 10, Chapter 12 of the Yolo County Code of Ordinances which would ban the possession and consumption of alcohol in Lower Cache Creek and make certain safety equipment mandatory for all off-highway vehicle riders. (No general fund impact) (Cook/Sabatini)

Approved **Ordinance No. 1537** on Consent.

11. Adopt resolution appointing the Yolo County Public Agency Risk Management Insurance Authority (YCPARMIA) Executive Director as the Primary member and the Assistant County Administrator as the alternate member to the Public Risk Innovation, Solutions, and Management (PRISM) Joint Powers Authority Board. (No general fund impact) (Kim)

Approved **Resolution No. 21-91** on Consent.

Assessor/Clerk-Recorder/Elections

12. Approve the consolidation of the Special Municipal Election for the City of West Sacramento with the California Gubernatorial Recall Election on September 14, 2021. (No general fund impact) (Salinas)

Approved recommended action on Consent.

Financial Services

13. Adopt resolution on utilization of proceeds from the Chula Vista decision. (No general fund impact) (Rinde)

Approved **Resolution No. 21-92** on Consent.

General Services

14. Authorize the Director of General Services to execute an agreement with Broward Builders, Inc. in the amount of \$3,575,000 for the construction of the Yolo Branch Library and authorize the Director of General Services to amend the construction contract with Broward Builders, Inc. up to an additional \$203,750 should amendments be required by the scope of the project. (General fund impact \$413,455) (Yarris)

Approved **Agreement No. 21-170** on Consent.

Library

15. Receive Davis Branch Library Community Facilities District No. 1989-1 Parcel Tax Report for 2021-22 and adopt resolution approving the report. (No general fund impact) (Fink)

Approved **Resolution No. 21-93** on Consent.

Law & Justice Services

District Attorney

16. Adopt resolution granting the District Attorney and/or the Chief Deputy District Attorney authority to accept, on behalf of Yolo County, \$50,000 in grant funds awarded by the Children's Advocacy Centers of California, adopt budget resolutions increasing the Multi-Disciplinary Interview Center's 2020-21 adopted budget by \$26,066 and the 2021-22 approved recommended budget by \$23,934, and approve an amendment to the 2021-22 Authorized Equipment List allowing the purchase of a capital asset. (No general fund impact) (4/5 vote required) (Reisig)

Approved **Resolution No. 21-94, Budget Resolution Nos. 20-107.54 and 21-70.03** on Consent.

Health & Human Services

Adult & Aging

17. Approve fifth amendment to Agreement No. 18-154 with CommuniCare Health Centers, Inc. to extend the term of the agreement through June 30, 2022 and reduce funding for 2020-21 in the amount of \$181,024 in order to shift funding to other substance use contractors; add funding in the amount of \$1,061,107 for 2021-22 for a revised contract maximum of \$4,493,776; add a Scope for data collection and screenings effective 2020-21; and revise and clarify contract language. (No general fund impact) (Larsen)

Approved **Agreement No. 21-171** on Consent.

18. Approve sixth amendment to Agreement No. 18-131 with Turning Point Community Programs to extend the term of the agreement through June 30, 2022; add funding in the amount of \$69,992 for 2020-21; add funding in the amount of \$288,350 for 2021-22 for a new contract maximum of \$1,043,786; add a Scope for data collection and screenings effective 2020-21; and revise and clarify contract language to continue providing outpatient services, case management services, and physician consultation services. (No general fund impact) (Larsen)

Approved **Agreement No. 21-172** on Consent.

19. Approve agreement with Empower Yolo, Inc. in the amount of \$280,992 for the period of December 22, 2020 through July 30, 2022 for the provision of Rapid Rehousing as a subrecipient of the Emergency Solutions Grant-Coronavirus Round 2. (No general fund impact) (Larsen)

Approved **Agreement No. 21-173** on Consent.

20. Approve agreement with Interfaith Rotating Winter Shelter dba Heart of Davis in the amount of \$668,000 for the period of August 1, 2021 through July 30, 2022 for the provision of Rapid Rehousing as a subrecipient of the Emergency Solutions Grant-Coronavirus Round 2. (No general fund impact) (Larsen)

Approved **Agreement No. 21-174** on Consent.

21. Approve third amendment to Agreement PO No. 3876 with Interfaith Rotating Winter Shelter dba Heart of Davis to extend the term of the agreement through July 31, 2021 and add Emergency Solutions Grant-Coronavirus Round 2 (ESG-CV2) funding in the amount of \$255,225 for the period of September 1, 2020 through July 31, 2021 for a new contract maximum of \$435,225 for the provision of Davis Emergency Shelter. (No general fund impact) (Larsen)

Approved **Agreement No. 21-175** on Consent.

22. Authorize the Yolo County Health and Human Services Agency to participate in and receive Homeless Housing Assistance and Prevention Round 2 Funding allocations in the amounts of \$365,090 for the Continuum of Care for Davis and Woodland/Yolo County, and \$326,778 for Yolo County, from the California Business, Consumer Services, and Housing Agency to provide a range of eligible services to homeless individuals and individuals at imminent risk of homelessness in the County and the County region, and authorize the HHSA Director to sign the HHAP Round 2 allocation agreements and related

documents required to receive the funding allocations. (No general fund impact) (Larsen)

Approved **Agreement Nos. 21-176 and 21-177** on Consent.

23. Ratify three contracts to continue Project Roomkey with an initial term of July 1, 2021 through July 31, 2021 with an option to extend through December 31, 2021. (No general fund impact) (Larsen)

Approved **Agreement Nos. 21-178 thru 21-180** on Consent.

Community Health

24. Approve amendment of the 2021-22 Equipment List to add audiovisual equipment for multiple locations of the Yolo County Health and Human Services Agency to improve teleconferencing ability, allowing staff working offsite to attend meetings with staff working onsite. (No general fund impact) (Larsen)

Approved recommended action on Consent.

Service Centers

25. Approve first amendment to Agreement No. PO 3249 with The Regents of the University of California, Davis to add funding in the amount of \$20,000 for 2020-21 and \$20,000 for 2021-22 to provide career services to qualifying Yolo County residents, for a new contract maximum of \$130,000 and to update and clarify language. (No general fund impact) (Larsen)

Approved **Agreement No. 21-181** on Consent.

26. Approve agreement with the State of California Employment Development Department to accept a funding allocation under Subgrant No. AA211045 in the amount of \$622,030 for the period April 1, 2021 through June 30, 2023 for the provision of youth services related to the Workforce Innovation and Opportunity Act program; and adopt a resolution authorizing execution and implementation of the State Workforce Innovation and Opportunity Act Subgrant No. AA211045 for youth services. (No general fund impact) (Larsen)

Approved **Agreement No. 21-182 and Resolution No. 21-95** on Consent.

Community Services

Community Services

27. Approve first amendment to Agreement PO3862, Contract Change Orders 1 & 2 with Butterfield Electric, Inc. for the Construction of the In-Vessel Digester – Electrical Control System, adopt a budget resolution increasing the Department of Community Services 2021-22 budget by \$325,000 and approve amendment to the 2021-22 Authorized Equipment List to add one Heat Exchanger for the In-Vessel Digester project. (No general fund impact) (Echiburu/Kieffer)

Approved **Agreement No. 21-183 and Budget Resolution No. 21-70.04** on Consent.

28. Adopt resolution updating the set-aside account in the Division of Integrated Waste Management's fund as the financial assurance mechanism for the Mining Reclamation Plan for the landfill's soil borrow site. (No general fund impact, \$577,899 impact to sanitation enterprise fund) (Echiburu/Kieffer)

Approved **Resolution No. 21-96** on Consent.

29. Adopt budget resolution for emergency rental pipe to provide water to the Wild Wings golf course increasing the 2021-22 Wild Wings Water CSA Fund by \$55,000. (No general fund impact) (Echiburu/Villa)

Approved **Budget Resolution No. 21-70.05** on Consent.

HONORARY RESOLUTIONS

Honorary Resolutions

30. Acknowledge Honorary Resolutions.

A. Resolution honoring the service of Stephen Heringer to Reclamation District 999. (Supervisor Villegas)

Agenda Item No. 30 has been continued to August 31, 2021.

TIME SET AGENDA

9:00 a.m. Community Services

31. Hold a public hearing and adopt resolution confirming the report of delinquent residential solid waste accounts. (No general fund impact) (Echiburu/Juhler)

Minute Order No. 21-104: Held a public hearing and approved recommended action by **Resolution No. 21-97**.

MOVED BY: Saylor / SECONDED BY: Barajas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

32. Review revised draft Cannabis Land Use Ordinance (CLUO) and related materials addressing prior Board direction; receive public comment and provide feedback to staff in anticipation of adopting the CLUO; and taking final action on related matters, including certification of Environmental Impact Report. (No general fund impact) (Echiburu/Lindbo)

Roamie Horn, Omar Carrillo, Rayna Pearson, Pam Welch, Eileen Samitz, Michael Hicks and Nancy Lea addressed the Board of Supervisors on this item.

Leslie Lindbo, Assistant Community Services Director, noted for the record that the total number of cultivation licenses, including Capay Valley, is 48, not 49, as incorrectly written in Slide #4 of the staff presentation.

In response to clarification requested by staff, the Board members expressed unanimous agreement that the 100-foot buffer for new greenhouses would apply to all new greenhouses including those of Existing Licensees.

Minute Order No. 21-105: Clarified original motion that the 1,500-foot buffer also applies to the four contiguous residential areas and towns. Motion passed by a 5:0 vote.

MOVED BY: Saylor / SECONDED BY: Barajas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Minute Order No. 21-106: For new and relocating licensees, 7 permits within a 6-mile diameter area will be the threshold for over-concentration. More than 7 permits within any 6-miles area will be considered over-concentrated. Motion passed by a 5:0 vote.

MOVED BY: Saylor / SECONDED BY: Villegas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Minute Order No. 21-107: The Planning Commission will be the decision-making body for all cannabis use permits, including within the Capay Valley. Cannabis use permits will only come before the Board on appeal. Motion passed by a 5:0 vote.

MOVED BY: Villegas / SECONDED BY: Barajas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Minute Order No. 21-108: Directed staff to remove the phase in period for compliance with ultra-green energy requirements. Motion passed by a 5:0 vote.

MOVED BY: Saylor / SECONDED BY: Barajas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Motion made by Supervisor Sandy and seconded by Supervisor Villegas to include the two pending licensee applications in process as of June 29, 2021 within the license window and treated the same as existing licensees. No vote was taken.

Minute Order No. 21-109: Substitute motion made directing staff to include language in the ordinance that applicants with a pending application as of June 29, 2021 shall receive priority for any use permits that are not issued to existing licensees. Motion passed by a 5:0 vote.

MOVED BY: Provenza / SECONDED BY: Barajas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Minute Order No. 21-110: The Department of Community Services is directed to work with the Agricultural Commissioner's Office to ensure that input from the Commissioner regarding incompatibility between cannabis cultivation and non-cannabis cultivation is documented and considered in processing cannabis use permits. Staff was directed to report back to the Board on this matter. Motion passed by a 5:0 vote.

MOVED BY: Villegas / SECONDED BY: Saylor
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Minute Order No. 21-111: Directed staff to return to the September 14, 2021 Board of Supervisors meeting at 9:00 a.m. to conduct the final public hearing to take final action to certify the Environmental Impact Report (EIR) and to adopt the Cannabis Land Use Ordinance (CLUO), and other related matters. Motion passed by a 5:0 vote.

MOVED BY: Saylor / SECONDED BY: Barajas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

REGULAR AGENDA

(NOTE: Items below may be heard at any time during the meeting)

General Government

Board of Supervisors

33. Action items and reports from members of the Board of Supervisors, including announcements, questions to be referred to staff and reports on various 2x2s and meetings with other agencies. (Board of Supervisors)

A. Fire Protection Sustainability Ad Hoc Subcommittee update. (Supervisors Sandy and Barajas)

Received Board Reports.

34. Long Range Planning Calendar - recurring opportunity for Board members to discuss and as needed, direct staff regarding future Board agenda items. (Board of Supervisors)

County Administrator

35. Action items and reports from the County Administrator. (Kim)

Received reports from the Interim County Administrator.

Health & Human Services

Community Health

36. Receive presentation from the Health and Human Services Agency Community Health Branch staff on the Mental Health Services Act Annual Update 2021-22. (No general fund impact) (Larsen)

Allison Olson, James Barrett and Gina Daleiden addressed the Board of Supervisors on this item.

Minute Order No. 21-112: Approved recommended action.

MOVED BY: Barajas / SECONDED BY: Villegas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

General Government

County Administrator

37. Receive update and consider any actions needed to support the COVID-19, a virus in the Coronavirus family, response and recovery strategies. (No general fund impact) (Kim/Sisson)

Sheila Allen addressed the Board of Supervisors on this item.

Received update and considered any actions needed to support the COVID-19, a virus in the Coronavirus family, response and recovery strategies.

38. Receive update and consider any actions needed to proceed with the American Rescue Plan. (No general fund impact) (Rinde/Haynes)

Sheila Allen, Robin Datel, Trini Campbell and Heidy Kellison addressed the Board of Supervisors on this item.

Received update and considered any actions needed to proceed with the American Rescue Plan.

County Counsel

39. Introduce by title only, waive first reading, receive public comment, and provide direction regarding alternative versions of an ordinance entitled "An Ordinance of the Yolo County Board of Supervisors Amending the COVID-19 Eviction Moratorium Urgency Ordinance Adopted on April 21, 2021." (No general fund impact) (Pogledich)

Motion made by Supervisor Saylor and seconded by Supervisor Barajas to approve option no. 2: Move the ordinance included as Attachment A, Exhibit 2 forward for a second reading and potential adoption. This alternative ordinance, if adopted, mirrors the ordinance included as Exhibit 1 but allows no-fault evictions subject to several requirements that are intended to discourage "pretextual" no fault evictions.

Before a vote was taken, Supervisor Provenza made a motion to approve option no. 1: Move the ordinance included as Attachment A, Exhibit 1 forward for a second reading and potential adoption. This ordinance, if adopted, would retain the no-fault eviction protections but clarify that they are only available to tenants that are already protected by the ordinance from eviction due to non-payment of rent. The motion died for lack of a second.

Minute Order No. 21-113: Returned to original motion to adopt option no. 2: Move the ordinance included as Attachment A, Exhibit 2 forward for a second reading and potential adoption to the next regularly scheduled meeting on August 31, 2021. Motion passed by a 3:2 vote.

MOVED BY: Saylor / SECONDED BY: Barajas
AYES: Barajas, Villegas, Saylor.
NOES: Sandy, Provenza.
ABSTAIN: None.
ABSENT: None.

Agriculture

40. Receive and file the 2020 Yolo County Agricultural Crop Report and general update on Agriculture. (No general fund impact) (Izquierdo)

Continued Agenda Item No. 40 to the September 14, 2021 meeting.

General Services

41. Receive an update on the progress of the Off-Highway Vehicle Planning Grant project. (No general fund impact) (Yarris/Anderson)

Continued Agenda Item No. 41 to the September 28, 2021 meeting.

TIME SET AGENDA

1:00 p.m. Community Services

42. Hold a public hearing and consider a resolution of application to the Local Agency Formation Commission to dissolve the Wild Wings County Service Area and create a Wild Wings Community Service District. (No general fund impact) (Echiburu/Valenzuela)

Scott Picanso, Rick Butterfield, Georgia Cochran, Mark Ullrich, Doug Williams and Lachi Richards addressed the Board of Supervisors on this item. Additionally, a letter submitted by Rick Fenaroli was entered into the record.

Minute Order No. 21-114: Continued the public hearing to August 31, 2021 at 9:00 a.m.

MOVED BY: Sandy / SECONDED BY: Barajas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

1:00 p.m. County Administrator

43. Receive update on drought response strategies; adopt a resolution proclaiming a Local Drought Emergency in the unincorporated area of Yolo County; adopt a resolution urging a 25% voluntary conservation target in the Wild Wings County Service Area (CSA) and confirming the authority of the Director of Emergency Services to implement mandatory restrictions within the Wild Wings CSA if necessitated by water supply conditions; and adopt a budget resolution appropriating \$50,000 in General Fund Contingency funds for drought relief, including use as local matching funds if the state implements a drought relief program to assist private landowners with drought-impacted wells. (General fund impact: \$50,000) (4/5 vote required on budget resolution) (Nunes/Carey)

Trini Campbell, Scott Picanso, James Alan and James Barrett addressed the Board of Supervisors on this item.

Minute Order No. 21-115: Approved recommended action by **Resolution Nos. 21-98, 21-99 and Budget Resolution No. 21-70.06.**

MOVED BY: Sandy / SECONDED BY: Barajas
AYES: Barajas, Villegas, Saylor, Sandy, Provenza.
NOES: None.
ABSTAIN: None.
ABSENT: None.

CLOSED SESSION

Closed Session

44. Conference with Legal Counsel-Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: County of Yolo v. Amerisourcebergen Drug Corporation, et al. (E.D. Cal. Case No. 2:19-CV-00813-JAM-DB)
In re National Prescription Opiate Litigation (1:17-MD-2804)
45. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of case: Wild Wings Owners Association v. County of Yolo (Yolo Superior Court No. CV2019-237)
46. Conference with Labor Negotiator: Daniel Kim, Interim County Administrator; Alberto Lara, Human Resources Director; Alexander Tengolics, Chief Negotiator
Pursuant to Government Code Section 54957.6
Bargaining Units: G, PR

Bargaining Units

G General
U Supervisors
M Management
A Attorneys
A2 Supervising Attorneys
O Correctional Officer
S Deputy Sheriff
P Sheriff Management
PR Probation
C Confidential
H Department Heads
H2 Assistant Department Head
E Elected
X Miscellaneous

47. Public Report of action taken in Closed Session.

ADJOURNMENT

Next meeting scheduled for: August 31, 2021