

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

APRIL 21, 2009

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 John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Nicoletti presided.

OATH OF OFFICE

District One Supervisor Andy Vasquez: Clerk of the Board of Supervisors Donna Stottlemeyer administered the oath of office to District One Supervisor Andy Vasquez. OATH
A. VASQUEZ

RECESS

The Board recessed at 9:35 a.m. and reconvened at 9:50 a.m. with all Board and staff members present as indicated above including Supervisor Vasquez.

CONSENT AGENDA

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board took the following actions:

A. Administrative Services

- 1) Authorized a Budget Transfer in the amount of \$196,000 from Account No. 101-0000-371-98-99 (Miscellaneous Revenue) to Account No. 101-1800-410-28-00 (Special Department Expense) and authorized the Administrative Services to proceed with disbursement of grant funds for improvements to County property known as Shad Pad. AUTHORIZE
BUDGET
TRANSFR
- 2) Approved a lease agreement with James and Marsha Bamford for storage of heavy equipment and authorized the Chairman to execute same. APPROVE
LEASE

3) Adopted Resolution No. 2009-33, which is on file in Yuba County Resolution Book No. 40, which is entitled: "A RESOLUTION DECLARING THREE SHERIFF VEHICLES AS SURPLUS COUNTY PROPERTY AND PURSUANT TO THE YUBA COUNTY SHERIFF'S REQUEST THAT THE COUNTY DONATE SAID VEHICLES TO THE CITY OF MARYSVILLE DUE TO THE CITY HAVING SUFFERED THE CATASTROPHIC LOSS OF THREE OF THEIR VEHICLES IN A RECENT HIGH SPEED PURSUIT, DOES HEREBY GIVE SUCH SURPLUS VEHICLES TO THE CITY OF MARYSVILLE AS A DONATION IN ACCORDANCE WITH THE CALIFORNIA GOVERNMENT CODE §25372." ADOPT RESOLUTION NO. 2009-33

B. Agricultural Commissioner

ADOPT RESOLUTION NO. 2009-34

1) Adopted Resolution No. 2009-34, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION AUTHORIZING THE AGRICULTURAL COMMISSIONER TO EXECUTE CERTAIN CONTRACTS/AGREEMENTS FOR FISCAL YEAR 2009/2010 AS LISTED BELOW."

2) Adopted Resolution No. 2009-35, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION APPROVING AND AUTHORIZING THE YUBA COUNTY AGRICULTURAL COMMISSIONER TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF GLENN AND THE COUNTY OF YUBA FOR THE YUBA COUNTY DEPARTMENT OF AGRICULTURE TO SUPPLY CONSULTING, PROGRAMMING AND MAINTENANCE SERVICES FOR THE PERMIT 6/AG GIS PESTICIDE PERMITTING PROJECT FOR GLENN COUNTY." ADOPT RESOLUTION NO. 2009-35

3) Approve funding levels for the following Title III projects available from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR2389 Federal Forest Reserve): APPROVE FUND USE

- Fire Safe Council Education and Outreach Coordinator - \$48,000
- Fire Protection Planner - \$19,000
- Roadside Clearing - \$19,000

C. Clerk of the Board of Supervisors: Approved the minutes of the special and regular meeting of April 7, 2009, as written. APPROVE MINUTES

D. Community Development and Services

1) Authorized advertisement of bids for the Forty Mile Road Pavement Rehabilitation Project Phase 2 from north of Dairy Road to Plumas Arboga Road with a tentative bid opening date of May 27, 2009, pending Cal Trans approval. AUTHORIZE BIDS

- 2) Approved project and authorized the advertisement of bids for the road rehabilitation project on portions of Willow Glen, Challenge Cut Off, and La Port Roads, pending state and/or federal approval. AUTHORIZE BIDS
- E. Fish and Game Advisory Commission: Authorized a Budget Transfer in the amount of \$1,225.00 from Account No. 104-0000-371-98-99 (Miscellaneous) to Account No. 104-9000-427-23-00 (Professional Services) for project funding for Fiscal Year 2008/2009. AUTHORIZE BUDGET TRANSFER
- F. Health and Human Services: Authorized a Budget Transfer in the amount of \$2,811 from Account No. 106-4700-441-28-00 (Special Department Expense) to Account No. 106-4700-441-62-00 (Fixed Assets) to purchase a public address system. AUTHORIZE BUDGET TRANSFER
- G. Public Guardian: Approved a Memorandum of Understanding with Sutter-Yuba Mental Health to provide conservatorship services and authorized the Chairman to execute same. APPROVE MOU
- H. Sheriff-Coroner: Adopted Resolution No. 2009-36, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION AUTHORIZING THE PROJECT DIRECTOR (SHERIFF) TO EXECUTE STATE APPLICATION FOR FINANCIAL AID FOR THE BOATING PROGRAM, FISCAL YEAR 2009-2010." ADOPT RESOLUTION NO. 2009-36

PUBLIC COMMUNICATIONS

Mr. Tom Eres, Hofman Ranch, felt there were inconsistencies with the remapping process and related maintenance and the assessment election being conducted.

Ms. Frances Hofman, Marysville, commented on valuation of farmland, elevation and flood depth maps used for Three Rivers Levee Improvement Authority (TRLIA) benefit assessment district, and felt the Board should "take control of TRLIA."

AGRICULTURAL COMMISSIONER

Budget Transfer/\$4,000/Aerial Photos: Following a brief recap from Agricultural Commissioner Luiz Mendoza, upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the Board authorized a Budget Transfer in the amount of \$4,000 from Account No. 101-0000-361-53-01 (Unclaimed Gas Tax) to Account No. 101-3400-426-23-00 (Professional Services) for the purchase of aerial photos by the Information Technology Department. AUTHORIZE BUDGET TRANSFER

ORDINANCES AND PUBLIC HEARINGS

The Clerk read the disclaimer.

1) Ordinance/Repealing and Re-enacting Chapters 13.00.030 et. Seq. and Chapters 13.20.100 et. Seq. of the Yuba County Consolidated Fee Ordinance Code as it relates to Departmental fees: Following Chairman Nicoletti opening the public hearing, upon motion of Supervisor Griego, seconded by Supervisor Stocker, and carried with Supervisor Vasquez abstaining, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1471, which is on file in Ordinance Book No. 21, which is entitled: "ORDINANCE REPEALING AND RE-ENACTING CHAPTERS 13.00.030 ET. SEQ. AND CHAPTERS 13.20.100 ET. SEQ. OF THE YUBA COUNTY CONSOLIDATED FEE ORDINANCE CODE," as it relates to Departmental fees. ADOPT
ORDINANCE
NO. 1471

2) Public Hearing/Resolution Adopting the Inflationary Increase in Fire Mitigation Fees for the Linda Fire Protection District: Following Linda Fire Chief Richard Webb and Consultant Jeff Small recapping the proposed increase and Board inquiries, Chairman Nicoletti opened the public hearing.

Mr. Darin Gale, North State Building Industry Association, felt the fee increase was a high percentage and urged the Board to continue the matter for further review.

Following Board discussion, upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2009-37, which is on file in Ordinance Book No. 21, which is entitled: "RESOLUTION ADOPTING THE INFLATIONARY INCREASE IN FIRE MITIGATION FEES FOR THE LINDA FIRE PROTECTION DISTRICT." ADOPT
RESOLUTION
NO. 2009-37

CORRESPONDENCE

The Board accepted the following correspondence:

A. Letter from the California Fish and Game Commission regarding findings declaring the Pacific fisher a candidate species and emergency regulations concerning the incidental take during its candidacy period.

BOARD AND STAFF MEMBER'S REPORTS

Reports were received on the following:

Supervisor Stocker:

- Attended Beale Air Force Base Air Show held April 18 and 19, 2009
- Tour of Museum of Forgotten Warriors
- Memorial adjournment – Mr. Ernest Royat and Mrs. Rosella Shields
- Welcomed Supervisor Vasquez

Supervisor Abe: Welcomed Supervisor Vasquez

Supervisor Vasquez: Out of state April 23 – 25, 2009

Supervisor Griego:

- Welcomed Supervisor Vasquez
- Memorial Adjournment – Mr. William Emmette "Bill" Seale Jr.
- California Association of Local Agency Formation Commissions regarding policies for new board members
- Stimulus funding for "shovel ready projects"
- Meeting with Congressman Wally Herger on April 15, 2009 regarding drainage and levee projects
- Yuba Sutter Transit Meeting next month regarding budget
- Attending Cap to Cap regarding flood control April 24 – May 1, 2009 in Washington D.C.
- First 5 Yuba grant allocation on April 29, 2009
- South Yuba Economic Development Committee meeting on April 24, 2009
- Received consensus to direct staff to bring forward grant application for funding for blacktop on levees

Supervisor Abe left Board meeting at 10:28 a.m.

Supervisor Nicoletti:

- Welcomed Supervisor Vasquez
- Attended Beale Air Force Base Air Show held April 18 and 19, 2009
- North Valley Hispanic Chamber of Commerce
- Beale Enhanced Use Lease Program event on April 29, 2009
- Visited sites applying for Community Service Block Grant funding
- Meeting with Congressman Wally Herger on April 15, 2009 regarding drainage and levee projects
- Yuba County Water Agency Flood Protection Ad Hoc meeting April 20, 2009 regarding Yuba Basin projects including the Marysville ring levee
- Yuba Sutter Transit Authority meeting on April 16, 2009 regarding Plumas Lake park and ride

- Marysville Farmer's Market beginning May 29, 2009
- Improved food quality for on-site senior meals

At the request of County Counsel and upon motion of Supervisor Stocker, seconded by Supervisor Griego, and carried with Supervisor Abe being absent, the Board added to closed session one case of potential litigation and pending litigation regarding Burkhart versus Marysville Joint Unified School District/First 5 Yuba Commission as the need to take action arose subsequent to the agenda being posted. ADD TO CLOSED SESSION

County Administrator Robert Bendorf:

- Fiscal Year 2009/2010 budget process
- Yuba Sutter Disposal Inc. rate evaluation review
- Meeting with Congressman Wally Herger on April 15, 2009
- April 22, 2009 meeting with Assembly committee regarding restoring local control of various funding
- City of Marysville donation of patrol cars

Assistant County Administrator Randy Margo:

- Meeting with Congressman Wally Herger on April 15, 2009 inclusion of City of Marysville and Sutter County
- FEMA Insurance Meeting on May 15, 2009

Legislative Coordinator Russ Brown: Assembly Bill 1139 regarding impacts to the Enterprise Zone

CLOSED SESSION

The Board retired into closed session at 11:02 a.m. to discuss the following:

- Personnel pursuant to Government Code §54957 - Labor Negotiations - DDA/MSA/YCEA and County of Yuba
- Personnel pursuant to Government Code §54957 - County Counsel Appointment
- Pending litigation pursuant to Government Code §54956.9(a) - People of the State of California et al and County of Yuba vs. Hoang
- Potential litigation pursuant to Government Code §54956.9(b) - One Case
- Pending litigation pursuant to Government Code §54956.9(a) - Burkhart vs. Marysville Joint Unified School District/First 5 Yuba Commission

County Administrator Robert Bendorf left closed at 11:33 a.m. during labor negotiations discussions regarding "DDA" and returned at 11:39 a.m.

The Board returned from closed session at 12:34 p.m. with all Board and staff members present as indicated above, except Supervisor Abe.

Chairman Nicoletti advised the Board completed negotiations with County Counsel and approved step 3 salary of \$150,285 annually and further advised the pending litigation regarding First 5 Yuba, had been referred to Porter Scott. There were no further announcements.

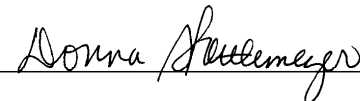
ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Nicoletti adjourned the meeting at 12:36 p.m. in memory of Mrs. Rosella Shields, Mr. Ernest Millard Royat, and Mr. William Seale Jr.



Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS



Approved: May 5, 2009