

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

SEPTEMBER 22, 2009

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:37 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 Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Nicoletti presided.

CONSENT AGENDA

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

A. Administrative Services

1) Declared various county property as surplus property and authorized the Purchasing Agent to dispose of same in accordance with Yuba County Ordinance Code 2.50.060. APPROVE SURPLUS PROPERTY

2) Authorized a Budget Transfer in the total amount of \$30,000 from Account No. 101-0000-371-9899 (Miscellaneous Revenue) to Account No. 101-0101-411-5240 (4H Camp) to reimburse Yuba County Office of Education for material costs on 4H Camp improvements. AUTH. BUDGET TRANSFER

B. Clerk of the Board of Supervisors: Approved minutes of the special and regular meetings of September 1, 2009, as written. APPROVE MINUTES

C. Health and Human Services: Adopted Resolution No. 2009-91, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION TO AMEND THE ADOPTED RULES, REGULATIONS AND POLICIES, AND ESTABLISHING STANDARDS OF AID AND CARE FOR INDIGENT AND DEPENDENT POOR WHO ARE RESIDENTS OF THE COUNTY OF YUBA." ADOPT RESOLUTION NO. 2009-91

E. Community Development and Services

- 1) Adopted Resolution No. 2009-92, which is on file in Yuba County Resolution Book No. 40, which is entitled: "APPROVE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM TO COMPLETE THE RIVER OAKS NORTH BIKEWAY IN PLUMAS LAKE." ADOPT RESOLUTION NO. 2009-92
- 2) Awarded contract to DeSilva Gates Construction, apparent low bidder, for the 2009 Overlay Miscellaneous Areas project and authorized the Chairman to execute upon review and approval of County Counsel. AWARD CONTRACT

SPECIAL PRESENTATION

Bi-National Health Week Proclamation: Supervisor Griego presented a proclamation to Dr. Ben H. Flores, Chief Executive Officer of Del Norte Clinic, proclaiming the week of October 3 – 15, 2009 as the Ninth Annual Bi-National Health Week. PRESENT PROC.

CONSENT AGENDA DISCUSSION

Early Retirement Incentive Program: County Administrator Robert Bendorf and Personnel/Risk Management Director Martha Wilson recapped the incentive program, cost savings, and benefits to the county and responded to Board inquiries.

Following Board discussion, upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board approved the Early Retirement Incentive Program effective September 15, 2009. APPROVE PROGRAM

PUBLIC COMMUNICATIONS

Ms. Freda Calvert, Hammonton Road, urged the Board to consider fee waivers on conditional use permits for senior citizens to help stimulate the economy.

Supervisor Abe expressed appreciation to the following individuals for their assistance with a local business navigating the permit process:

- Chief Rich Webb, Linda Fire Department
- Community Development and Services Director Kevin Mallen
- Chief Building Inspector Martin Griffin
- Economic and Development Coordinator John Fleming
- County Administrator Robert Bendorf
- Agricultural Commissioner Louie Mendoza

## ORDINANCE AND PUBLIC HEARINGS

The Deputy Clerk read the disclaimer.

1) Public Hearing/Findings of Fact, Conclusion of Law and Orders/Assessment of Administrative and Abatement Costs and Penalties/\$17,204.00/1799 Hile Avenue, Linda (Fred & Mary Dequine): Code Enforcement Officer John Rohrback recapped violations and costs of abatement of nuisance. Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Griego, seconded by Supervisor Abe, and unanimously carried, the public hearing was closed and the Board adopted Findings of Fact, Conclusions of Law and Orders, and assessment of Administrative and Abatement Costs and Penalties in the amount of \$17,204.00, and the recording of a lien regarding 1799 Mapes Way, Linda (Fred and Mary Dequine). ADOPT  
FINDINGS

2) Ordinance/Introduce Ordinance Amending Yuba County Ordinance Code Title X, Chapter 10.05/Repair and Reconstruction of Damaged Structures: Following a brief recap from Chief Building Inspector Martin Griffin and Board inquiries, Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the Board closed the public hearing, waived the reading and introduced an ordinance amending Yuba County Ordinance Code Title X, Chapter 10.05 relating to repair and reconstruction of damaged structures. WAIVE  
READING

3) Ordinance/Introduce Ordinance Repealing and Reenacting as Amended Chapter 9.35 of Title IX of the Yuba County Ordinance Code/Regulation of Travel on Levee: Emergency Services Director Aaron Ward recapped the proposed changes to the ordinance and responded to Board inquiries.

Mr. Don Graham, Reclamation District 784, recapped the ordinance penalties and the necessity for additional public educational programs, and responded to Board inquiries.

Chairman Nicoletti opened the public hearing.

The following individuals spoke:

- Mr. Finlay Williams, Reclamation District 10
- Ms. Frances Hofman, Olivehurst
- Mr. Tom Eres, Hofman Ranch
- Mr. Walter Whitenton, Linda

Following additional Board discussion, upon motion of Supervisor Stocker, seconded by Supervisor Abe, and unanimously carried, the Board amended the ordinance to include an exception for agricultural vehicles and equipment, established bike routes, and continued the first reading to October 6, 2009. CONTINUED TO OCT. 6, 2009

Supervisor Vasquez left the meeting at 11:23 a.m.

#### CORRESPONDENCE

Upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisors Vasquez being absent, the Board took the following actions:

A. Two notices from California Emergency Management Agency regarding the Yuba Fire and the 49 Fire. REFER TO STAFF

Referred to Emergency Services

B. Two notices from State of California Fish and Game Commission regarding actions relative to commercial take of White Seabass and hybrid animals and plants.

#### BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:

- Fire efficiency programs advocating defensible space, programs to minimize effects of fire, and bird friendly power poles

Supervisor Vasquez returned to the meeting at 11:27 a.m.

Supervisor Abe:

- Expressed appreciation for staff meeting with Regional Council of Rural Counties (RCRC)
- Emergency Medical Care meeting on Wednesday, September 16, 2009 regarding Yuba and Sutter County hosting low cost flu shots
- Attended North Central Counties Consortium meeting Thursday, September 17, 2009

Supervisor Griego:

- Attended Yuba Sutter Transit meeting Thursday, September 17, 2009
- Annual County Employee Appreciation Picnic Friday, September 18, 2009

- South Yuba County Economic and Improvement Committee Ice Cream Social Thursday, September 24, 2009 at Dukes Dinner
- Feather River Setback Levee Project Ribbon Cutting Celebration Monday, October 26, 2009
- Senior Health Fair Friday, October 23, 2009
- Received a nomination from the North Valley Hispanic Chamber of Commerce for the Dennis Chavez Leadership Award

Supervisor Nicoletti:

- Memorial adjournment – Mrs. Toni Morris (Okori)
- “Nowhere But Up” play produced by Friday Night Live in association with Camp Singer
- 62<sup>nd</sup> Anniversary for the Air Force celebrated at Beale Air Force Base
- Expressed appreciation to Supervisor Abe for coordinating the RCRC meeting
- Waste Management Authority Meeting Thursday, September 17, 2009

Supervisor Stocker left the meeting at 11:30 a.m. and returned at 11:34 a.m.

County Administrator Robert Bendorf:

- Expressed appreciation to the Board for their participation in the 3<sup>rd</sup> Annual Yuba County Employee Appreciation Picnic
- Budget Task Force meeting in Sacramento on Monday, October 28, 2009

CLOSED SESSION

County Counsel Angil Morris-Jones responded to specific comments raised by Mr. Tom Eres regarding closed session item Greene vs. Marin County Flood Control and Water Conservation District.

The Board retired into closed session at 11:56 a.m. to discuss the following:

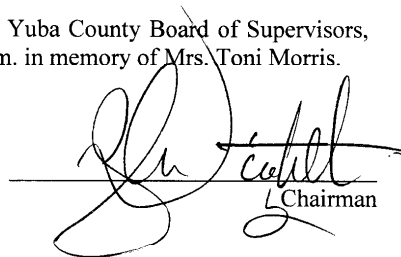
- A. Pending litigation pursuant to Government Code §54956.9(a) - Greene vs. Marin County Flood Control and Water Conservation District
- B. Personnel pursuant to Government Code §54957 - County Administrator Evaluation

The Board returned from closed session at 12:59 p.m. with all Board and staff members present as indicated above.

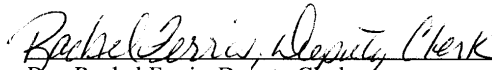
Chairman Nicoletti advised the Board gave authorization to support California State FORM  
Association of Counties in the pending litigation and formed an advisory committee AD HOC  
appointing the Chair and Vice Chair to review the County Administrator's employment  
agreement and to bring a recommendation back to the Board.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors,  
Chairman Nicoletti adjourned the meeting at 1:00 p.m. in memory of Mrs. Toni Morris.

  
Chairman

ATTEST: DONNA STOTTEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

  
By: Rachel Ferris, Deputy Clerk

Approved: Oct 10, 2009