

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

OCTOBER 6, 2009

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:01 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, and Hal Stocker. Supervisor Roger Abe was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Nicoletti presided.

At the request of Counsel Angil Morris-Jones and upon motion of Supervisor Griego, seconded by Supervisor Stocker, and carried with Supervisors Vasquez and Abe being absent, the Board added to closed session one matter of potential litigation pursuant to Government Code §54956.9(b) as the need to take action arose subsequent to the agenda being posted. ADDED  
CLOSED  
SESSION  
MATTER

CONSENT AGENDA

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

- A. Agricultural Commissioner: Authorized an expenditure in an amount not to exceed \$2,500 from Fish and Game Commission Account No. 104-9000-427-2300 for the purchase of pheasants to be used for the 2009 California Deer Association Special Needs Pheasant Hunt to be held in November 2009. APPROVE  
EXPNDTR.
- B. Clerk of the Board of Supervisors: Approved the minutes of the meetings of September 15, and 22, 2009, as written. APPROVE  
MINUTES
- C. Health and Human Services: Approved California Department of Veteran Affairs Subvention and Medi-Cal Certificates of Compliance for Fiscal Year 2009-2010 and authorized the Chairman to execute same. APPROVE  
COMPLIANCE
- D. Probation: Adopted Resolution No. 2009-93, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION AUTHORIZING THE CHIEF PROBATION OFFICER OF YUBA COUNTY AS THE DESIGNATED PROJECT DIRECTOR TO MAKE APPLICATION FOR FUNDS TO THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY, ON BEHALF OF THE COUNTY OF ADOPT  
RESOLUTION  
NO. 2009-93

YUBA PURSUANT TO THE FEDERAL CRIME ACT OF 1994" and authorizing execution of necessary documents and agreement.

E. Sheriff-Coroner

- |   |                                 |
|---|---------------------------------|
| 1) Accepted the Inmate Welfare Expenditure Summary for Fiscal Year 2008/2009 pursuant to Penal Code Section 4025(e).  | ACCEPT<br>SUMMARY               |
| 2) Authorized a Budget Transfer in the amount of \$974.00 from Account No. 108-0000-372-9903 (Operating Transfers) to Account No. 108-2900-423-6200 (Fixed Assets) for the purchase of a refrigerator for jail medical storage of Hepatitis vaccines. | AUTHORIZE<br>BUDGET<br>TRANSFER |

Supervisor Vasquez joined the meeting at 6:03 p.m.

SPECIAL PRESENTATION

- |  |                     |
|--|---------------------|
| 1) <u>Yuba Sutter United Way 2009 Campaign</u> : Chairman Nicoletti read and presented proclamation to United Way Executive Director Kary Aldridge recognizing the 2009 Yuba Sutter United Way Campaign. | PRESENT<br>PRCLMTN. |
| 2) <u>Domestic Violence Awareness Month/October 2009</u> : Chairman Nicoletti read and presented proclamation to Shelter Manager Emma Gee proclaiming October Domestic Violence Awareness month.         | PRESENT<br>PRCLMTN. |

PUBLIC COMMUNICATIONS

Mr. Nick Spaulding, Oregon House, advised he was waiting to meet with Community Development following their meeting with CalFire regard the community boundary for Oregon House.

ADMINISTRATIVE SERVICES

City of Marysville/Custodial Services: Administrative Services Director Doug McCoy recapped the agreement for providing custodial services to the City of Marysville and responded to Board inquiries.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and carried with Supervisor Abe being absent, the Board approved a Memorandum of Understanding with the City of Marysville for custodial services, authorized the Chairman to execute same; and

APPROVE  
MOU AND  
BUDGET  
TRANSFER

authorized a Budget Transfer in the total amount of \$26,122 from Account No. 101-0000-363-7404 (Building and Grounds Outside Agency) to various line items to cover costs of extra help employee.

#### BOARD OF SUPERVISORS

Planning Commission/District 5 Representative: Upon motion of Supervisor Stocker, seconded by Supervisor Griego, and carried with Supervisor Abe being absent, the Board appointed Meldine L. Rodda to the Yuba County Planning Commission as the District 5 Representative for a term to end January 11, 2011. APPOINT DISTRICT 5 REP.

Community Services Commission/District 3 Representative: Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and carried with Supervisor Abe being absent, the Board appointed Margo Wildman to the Yuba Community Services Commission as the District 3 Representative for a term to end December 31, 2012. APPOINT DISTRICT 3 REP.

Supervisor Nicoletti left the meeting at 6:16 p.m.

#### SHERIFF-CORONER

Amendment No. 2/San Diego State University Research Foundation: Upon motion of Supervisor Vasquez, seconded by Supervisor Stocker, and carried with Supervisor Nicoletti and Abe being absent, the Board approved Amendment No. 2 to the subcontract agreement with San Diego State University Research Foundation for year three of the Enforcing Underage Driving Laws project and authorized the Vice Chair to execute same. APPROVE AMNDMNT.

Supervisor Nicoletti returned to the meeting at 6:18 p.m.

#### ORDINANCES AND PUBLIC HEARINGS

The Clerk read the disclaimer.

1) Ordinance/Adopt Ordinance amending Yuba County Ordinance Code Title X, Chapter 10.05, by adding Section 10.05.150/Repair and Reconstruction of Damaged Structures (Second Reading)(Continued from September 22, 2009): Chief Building Official Martin Griffin recapped the ordinance and responded to Board inquiries.

Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Griego, and carried with Supervisor Abe being absent, the Board closed the public hearing, waived reading, and adopted Ordinance No. 1483, which is on file in Ordinance Book No. 21, which is entitled: ADOPT ORDINANCE NO. 1483

"AN ORDINANCE AMENDING YUBA COUNTY ORDINANCE CODE TITLE X, CHAPTER 10.05, BY ADDING SECTION 10.05.150 RELATING TO REPAIR AND RECONSTRUCTION OF DAMAGED STRUCTURES (AMENDING THE 2007 CALIFORNIA BUILDING CODE, BASED UPON THE 2006 INTERNATIONAL BUILDING CODE)."

2) Ordinance/Re-introduce ordinance Repealing and Reenacting as amended Chapter 9.35 of Title IX of the Yuba County Ordinance Code relating to Regulation of Travel on levees. (Continued from September 22, 2009) (First reading): County Administrator Robert Bendorf recapped the proposed changes and responded to Board inquiries. Reclamation District (RD) 784 Manager Steve Fordice recapped access areas to the river and responded to Board inquiries.

Chairman Nicoletti opened the public hearing.

The following individuals spoke:

- Ms. Frances Hofman, Forty Mile Road
- Mr. Chuck Stewart, Feather River
- RD 784 Trustee Jeff Phinney

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and carried with Supervisor Abe being absent, the Board closed the public hearing, waived reading, and re-introduced an ordinance repealing and reenacting as amended Chapter 9.35 of Title IX of the Yuba County Ordinance Code relating to the regulation of travel on levees.

WAIVE  
READING

#### CORRESPONDENCE

The Board accepted the following correspondence and took no further action:

A. Letter from Professional Engineers in California Government urging support for ending furloughs for special funded state employees.

B. Letter from Daiquiri Aplington regarding condition of Moonshine Road.

REFER TO  
STAFF

Referred to Public Works

C. Letter from California Emergency Management Agency advising of disaster designation for primary counties due to agriculture losses caused by drought which included Yuba County.

D. Bulletin from California Fish and Game Commission advising of continued public notice regarding proposed actions relative to Sport Fishing Regulations.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Vasquez:

- Regional Council of Rural Counties (RCRC) conference held
- October 3 Linda Community Cleanup
- Lions White Sale

Supervisor Stocker:

- Northern California Hispanic Association award recognizing Supervisor Griego
- Sacramento Bee article regarding deficits of Sacramento County

Supervisor Griego:

- Stimulus funding meeting with City of Marysville and staff
- Moderator for two round table discussions at the upcoming California Association of Local Formation Commissions Annual Conference
- Feather River Park and Ride ribbon cutting
- Feather River Air Quality Management District board meeting on October 5, 2009 and \$500 coupon for woodstove replacement
- Childhood Obesity Advisory Committee meeting
- First Five Commission
- October 23, 2009 Senior Health Day Fair

Supervisor Nicoletti:

- Commended Sheriff and staff for assistance with the Pink October Pancake breakfast
- Commended Northern California Hispanic Association award recognizing Supervisor Griego
- RCRC conference and continued membership
- Governor's Global Summit for a Clean World and award recognizing the Yuba Accord Project
- Senior Center Advisory Committee meeting
- Fish and Game Advisory Commission meeting

County Administrator Robert Bendorf:

- California Association of County Administrators Conference
- Teaching of life skills class at Dan Avenue

- Arrival of new snow plow for Public Works
- Proposition 1A suspension and possible securitization of eight percent suspended
- Participation on Executive Committee through Corrections Standards Authority
- California State Association of Counties Budget Task force meeting
- Commended Doug McCoy, Tara Flores and Randy Margo regarding incorporation of energy efficiency alternatives for government
- Facilities planning for seniors and Sheriff facilities and commended participating staff Positive impacts of current and past decisions when planning for the future

CLOSED SESSION

The Board retired into closed session at 7:04 p.m. to discuss the following:

- A. Pending litigation pursuant to Government Code §54956.9(a) - Ybarra vs. County of Yuba
- B. Potential litigation pursuant to Government Code §54956.9(b) - Two cases

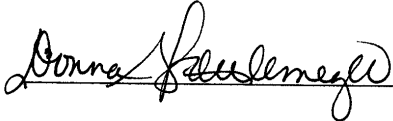
The Board returned from closed session at 7:53 p.m. with all Board and staff members present as indicated above. Chairman Nicoletti advised the Board authorized referral of two cases of potential litigation to Porter Scott for representation and direction was provided to staff on the pending litigation matter.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Nicoletti adjourned the meeting at 7:54 p.m.

  
Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS



Approved: October 20, 2009