

The County of Yuba

BOARD OF SUPERVISORS

OCTOBER 26, 2010 – MINUTES



The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:43 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. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – All Present
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve consent agenda MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Hal Stocker NOES: None ABSTAIN: None

A. Clerk of the Board of Supervisors

1. Approve minutes of October 12, 2010. (492-10) Approved as written.
2. Reappoint Robert Storm to the Yuba County Assessment Appeals Board No. II for a term to end September 2, 2013. (493-10) Approved

B. Community Development and Services

1. Approve Memorandum of Understanding with Yuba County Water Agency for drainage maintenance and storm water management plan compliance and authorize the Chair to execute same. (494-10) Approved
2. Adopt resolution accepting the California Fire Safe Council Grant 11USFS-SFA0106 for a fuel break along major evacuation routes project and authorizing the Public Works Director to execute the agreement and any and all documents related to the project. (495-10)
Adopted Resolution No. 2010-119, which is on file in Yuba County Resolution Book No. 41 entitled: "A RESOLUTION ACCEPTING THE CALIFORNIA FIRE SAFE COUNCIL GRANT 11USFS-SFA0106 FOR FUEL BREAK ALONG MAJOR EVACUATION ROUTES PROJECT AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SIGN."
3. Approving funding recommendations of the Yuba County Community Services Commission for 2011 Community Services Block Grant monies. (496-10) Approved
4. Approve amendment to agreement with Condor Earth Technologies Inc. for Beale Air Force Base Access Smartsville Road Project and authorize Chair to execute same. (497-10) Approved

C. Sheriff-Coroner

1. Approve agreement with Contract Pharmacy Services to provide pharmacy services to the Yuba County Jail and Juvenile Hall facilities and authorize Chair to execute same. (498-10) Approved

IV. SPECIAL PRESENTATION

- A. Present proclamation to Wildlife Services Specialist Mark Frederick. (Five minute estimate) (499-10) Postponed to November 9, 2010.
- B. Receive presentation on annual evaluation of First Five Yuba Commission. (Ten minute estimate) (500-10)
Executive Director Jenny Sharkey provided a brief update of First Five Yuba Commission annual evaluation. Evaluation Consultant Francesca Wright provided a Power Point presentation on the 2009-2010 evaluation findings in the four major areas of:
 - Improved Systems for Families
 - FY 09-10 the Commission served over 8,000 children, parents, and guardians in the area
 - Information on services available
 - Funding mechanism and leveraging funds
 - Family Functioning Programs
 - Ameri-corps Volunteers provide drop in family resource center and activities
 - Camptonville 1-2-3 Grow program
 - Improved Child Development and School Readiness
 - Child Development Behavior Specialist working with children with learning challenges
 - Focus on three local underachieving schools
 - 4 week Kinder Camp program which prepares children for the routines of school
 - Improved Child Health
 - Dental Van and Miles of Smiles having served over 2,500 children
 - Healthy Babies Healthy Parents program
 - Maternal, Child and Adolescent Health program
- C. Receive presentation on Yuba County Recreation Program success and status of second year. (Ten minute estimate) (501-10) Community Development and Services Director Kevin Mallen provided a background and history of the Parks Master Plan.

Recreation Program Coordinator Cheyenne Baldarama provided a brief recap of programs currently available including partnerships with local business to provide services and/or venues for activities and scholarships for families in need of financial assistance for participation in programs.

Parks and Landscape Coordinator Ryan McNally, provided statistical data demonstrating the increased interest and use of the programs from the year prior to its inception to the current year.

Following Board discussion Mr. McNally advised in an effort to improve satisfaction rating they were exploring ways to accommodate on line and credit card payments.

In response to inquiries on fee based self sustaining programs, Mr. Mallen advised approximately 175 children participated in activities that were fee based and they continue to explore other self sustaining programs and actively seek additional grant funding.

V. PUBLIC COMMUNICATIONS:

Mr. Nick Spalding, Oregon House, voiced concerns with restrictions in the General Plan Update.

Ms. Frances Hofman, Olivehurst, expressed concern regarding the County General Plan Update, recent FEMA maps, and funds Three River Levee Improvement Authority intends to use for a video documentary.

Ms. Kathy Barnholdt, Brophy Farming community, urged the Board to consider establishing provisions in the General Plan Update to regulate unlicensed group homes and boarding houses.

VI. COUNTY DEPARTMENTS

A. County Administrator

1. Adopt three resolutions authorizing the submittal of grant applications to pursue infrastructure funding for the Rancho Road corridor and authorizing the County Administrator and/or Community Development and Services Director to execute any and all required documents. (Ten minute estimate) (502-10) Community Development and Services Director Kevin Mallen recapped the background for Rancho Road infrastructure improvements and responded to Board inquiries.

Economic Development Coordinator John Fleming advised the County has partnered with Yuba Sutter Economic Development and is aggressively pursuing various state and federal grants, further advising Olivehurst Public Utilities District would be involved in the process for hook up of sewer lines.

County Administrator Robert Bendorf stated Highway 65 corridor has been targeted for economic development and is zoned for light industrial.

Responding to Board questions, County Counsel Angil Morris-Jones advised the Board could approve a fourth resolution which would give authority to the County Administrator and/or the Community Development and Services Director to apply for and sign other grant applications and funding opportunities in relation to the Rancho Road corridor.

Following specific questions from Ms. Frances Hofman regarding the water and sewer line, Chair Griego directed the County Administrator to prepare a written response.

MOTION: Move to adopt Resolution No. 2010-120 MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker NOES: None ABSTAIN: None

Adopted Resolution No. 2010-120, which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ECONOMIC DEVELOPMENT ADMINISTRATION INVESTMENT FOR PUBLIC WORKS GRANT APPLICATION AND AUTHORIZING THE COUNTY ADMINISTRATOR AND/OR THE COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS AS REQUIRED BY THE APPLICATION OR RELATED TO THE ADMINISTRATION OF THE GRANT."

MOTION: Move to adopt Resolution No. 2010-121 MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker NOES: None ABSTAIN: None

Adopted Resolution No. 2010-121, which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION AUTHORIZING THE SUBMITTAL OF A CALIFORNIA WATER RECYCLING CONSTRUCTION GRANT APPLICATION AND AUTHORIZING THE COUNTY ADMINISTRATOR AND/OR THE COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS AS REQUIRED BY THE APPLICATION OR RELATED TO THE ADMINISTRATION OF THE GRANT."

MOTION: Move to adopt Resolution No. 2010-122 MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker NOES: None ABSTAIN: None

Adopted Resolution No. 2010-122, which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION AUTHORIZING THE SUBMITTAL OF A UNITED STATES DEPARTMENT OF AGRICULTURE TECHNICAL ASSISTANCE GRANT APPLICATION AND AUTHORIZING THE COUNTY ADMINISTRATOR AND/OR THE COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS AS REQUIRED BY THE APPLICATION OR RELATED TO THE ADMINISTRATION OF THE GRANT."

MOTION: Move to adopt Resolution No. 2010-123 MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker NOES: None ABSTAIN: None

Adopted Resolution No. 2010-123, which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND/OR THE COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR TO APPLY FOR ANY STATE, FEDERAL OR LOCAL GRANTS OR ANY OTHER REVENUE SOURCES WHICH BECOME AVAILABLE FOR FUNDING THE RANCHO ROAD INFRASTRUCTURE IMPROVEMENTS PROJECT AND AUTHORIZING THE ADMINISTRATOR AND DIRECTOR TO EXECUTE ANY DOCUMENTS REQUIRED BY THE APPLICATION PROCESS OR RELATED TO THE ADMINISTRATION, OVERSIGHT OR COORDINATION OF THE GRANT/PROGRAM WHICH INCLUDE BUT IS NOT LIMITED TO ACCEPTING AND EXPENDING THE FUNDS AWARDED TO FACILITATE THE PROJECT."

VII. ORDINANCES AND PUBLIC HEARINGS: The Clerk read the disclaimer.

- A. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and reenacting Chapter 10.05 of the Yuba County Ordinance Code as is relates to standards of building construction. (First Reading) (Land Use and Public Works Committee recommends approval) (Ten minute estimate) (503-10) Chief Building Official Martin Griffin recapped the ordinance, provided a summary of the major code changes that would affect county residents, and responded to Board inquiries. Chair Griego opened the public hearing. No one came forward.

MOTION: Move to close public hearing, waive reading, and introduce ordinance
MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Hal Stocker NOES: Roger Abe ABSTAIN: None

- B. Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing in its entirety section 8.80.040 of Chapter 8.80, Title VIII of the Yuba County Ordinance Code entitled Hallwood and relating to shooting prohibition and exemptions in Hallwood. (Second reading) (Continued from October 19, 2010) (Ten minute estimate) (489-10) Chair Griego opened the public hearing. No one came forward.

Adopted Ordinance No. 1500, which is on file in Yuba County Ordinance Book No. 22 entitled: "AN ORDINANCE REPEALING SECTION 8.80.040 OF CHAPTER 8.80, TITLE VIII OF THE YUBA COUNTY ORDINANCE CODE ENTITLED HALLWOOD AND RELATING TO SHOOTING PROHIBITIONS AND EXEMPTIONS IN HALLWOOD."

MOTION: Move to close the public hearing, waive reading, and adopt ordinance
MOVED: John Nicoletti SECOND: Roger Abe
AYES: John Nicoletti, Roger Abe, Andy Vasquez, Mary Jane Griego, Hal Stocker NOES: None ABSTAIN: None

VIII. CORRESPONDENCE - (504-10)

MOTION: Move to accept and file MOVED: Hal Stocker SECOND: John Nicoletti
AYES: Hal Stocker, John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe NOES: None ABSTAIN: None

- A. Schedule of Proposed Actions from the United States Forest Service regarding Plumas National Forest for the period of October 1, 2010 to December 31, 2010.

- B. Two Local Agency Biennial Notices advising no amendment is required to the conflict of interest code for Brophy Water District and Plumas Brophy Fire Protection District.
- C. Financial Statements and Independent Audit Report from Yuba County Auditor-Controller for Linda County Water District for year ended June 30, 2010.
- D. Resolution from County of Nevada regarding joint proclamation of support for the Bear-Yuba Partnership.
- E. Letter from Brophy Farming Community regarding The Joshua House located on Hammonton Smartsville Road.

IX. BOARD AND STAFF MEMBERS' REPORTS: Reports were received on the following:

Supervisor Vasquez:

- Yuba Sutter Transit Authority meeting held Thursday, October 21, 2010
- Attended Beale Day on Friday, October 22, 2010
- Trauma intervention fundraiser dinner held Saturday, October 23, 2010

Supervisor Nicoletti:

- Out of state next week on Three Rivers Levee Improvement Authority business
- Make a Difference Day Saturday, October 23, 2010
- Attended Beale Day on Friday, October 22, 2010
- Memorial Adjournment - Mr. Jay Palmquist

Supervisor Stocker:

- Memorial Adjournment - Mr. Thomas Arthur Beasley
- Memorial Adjournment - Ms. Burna Virginia Lewis
- Yuba County Water Agency trip to Shelby Ranch
- Funds for the purchase of new fire equipment provided by the Brownsville Fire Department Ladies Auxiliary
- Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan meeting held Monday, October 25, 2010
- Harvest Festival held Saturday, October 23, 2010 at the Alcouffe Community Center

Supervisor Abe:

- Emergency Medical Services Committee meeting held Wednesday, October 20, 2010
- Attended District 10 and Hallwood Fire District meeting held Wednesday, October 20, 2010 regarding plans for a fire station in Hallwood
- Candidates Night held at Rio Del Oro School in Plumas Lake held Wednesday, October 20, 2010
- Attended Beale Day on Friday, October 22, 2010
- Butte County local business preference ordinance
- Regional Council of Rural Counties article regarding Fire Safe Councils and available funding
- SACOG Metropolitan Transportation Plan meeting held Monday, October 25, 2010

Supervisors Griego:

- Yuba Sutter Transit Authority meeting held Thursday, October 21, 2010
- Yuba County Water Agency Women's Tour held October 22, 2010
- Make a Difference Day Saturday, October 23, 2010
- SACOG Metropolitan Transportation Plan meeting held Monday, October 25, 2010
- South County Economic and Image Improvement Candidates Night meeting held October 21, 2010
- Olivehurst Christmas Parade and Festival planning meeting Thursday, October 28, 2010 at 6:00 p.m. at Dukes Diner
- Yuba First Five Commission meeting Thursday, October 28, 2010

County Administrator Robert Bendorf:

- Significant winter storm Sunday, October 24, 2010
- Attended County Administrators Annual conference
- Quarterly report to be presented to the Board November 9, 2010
- Brown Bag Lunch, Monday, October 25, 2010 at Health and Human Services
- State Controller website regarding salary information for city and county employees

X. CLOSED SESSION: The board retired into closed session at 11:56 a.m.

At the request of Counsel, one case of pending litigation regarding Lindsay vs. Fryson et al was added to closed session as the need to take action arose subsequent to the agenda being posted.

MOTION: Move to add to the agenda as the need to take action arose subsequent to the agenda being posted.

MOVED: Hal Stocker SECOND: John Nicoletti

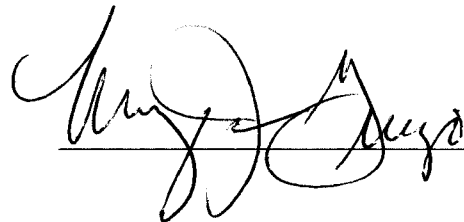
AYES: Hal Stocker, John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe NOES: None ABSTAIN: None

- A. Conference with Real Property Negotiator Kevin Mallen pursuant to Government Code §54956.8 to receive instruction and direction
- B. Pending litigation pursuant to Government Code §54956.9(a) - Lindsay vs. Fryson et al

The Board returned at 12:30 p.m. with all members present as indicated above.

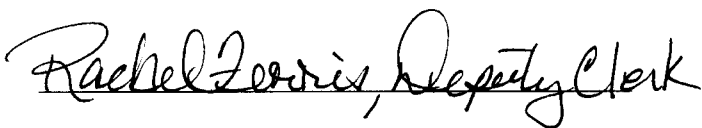
Counsel Angil Morris-Jones advised staff was given direction in regards to the property negotiation matter and in the matter of the Lindsay vs. Fryson, et al, the Board authorized referral to Porter and Scott for representation.

XI. ADJOURN - at 12:31 p.m. by Chair Griego in honor of Ms. Burna Lewis, Mr. Jay Palmquist and Mr. Thomas Beasley.



Chair

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS



Approved: November 9, 2010