The County of Yuba

BOARD OF SUPERVISORS

MAY 17, 2011 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in special 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 Andy Vasquez, John Nicoletti, Roger Abe, and Hal Stocker. Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Abe presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Stocker

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

A. Clerk of the Board of Supervisors

1. Approve minutes of the regular meetings of April 26 and May 3, 2011. (210-11) Approved as written.

2. Appoint Robert W. Gass to the Yuba County Fish and Game Advisory Commission as the Yuba County Water Agency South representative with a term ending December 31, 2014. (211-11) Approved.

B. Health and Human Services

1. Approve amendment to agreement with Yuba Community College for services for the Independent Living Program for the term of July 1, 2010 through June 30, 2011, and authorize the Chairman to execute same. (Human Services Committee recommends approval) (212-11) Approved.

IV. PUBLIC COMMUNICATIONS:

Mr. Sean Crabtree, Plumas Lake, urged consideration of regulating pit bulls for public safety.

V. COUNTY DEPARTMENTS

A. Board of Supervisors

1. Appoint one at-large representative to the Yuba County Fish and Game Advisory Commission with term ending May 17, 2015. (Five minute estimate) (213-11) Appointed Randy Davis.

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

B. Probation

1. Authorize Contingency Fund Transfer in the amount of $19,792 from Account No. 101-6900-410-7101 to various line item accounts to move grant funding back to the Family Resource budget. (Ten minute estimate) (214-11) Chief Probation Officer Jim Arnold recapped the need for the transfer due to grant funds not being encumbered back into the Trust Fund and responded to Board inquiries.

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

VI. ITEM OF PUBLIC INTEREST

A. Consider exemption from commercial status from Oregon House Farms, Jeanette Cavaliere, and take action as appropriate. (Fifteen minute estimate) (215-11) Ms. Jeanette Cavaliere, Oregon House Farms, recapped her farming operation and the request for exemption as commercial and open as a farm produce stand. Ms. Cavaliere offered assistance in developing policies to allow the use.

Counsel Angil Morris-Jones advised with the adoption of the General Plan and interim zoning ordinance would allow produce stands, however, the Board could not approve an exemption.

Community Development and Services Director Kevin Mallen responded to Board inquiries regarding the interim zoning ordinance which would allow produce stands and was scheduled for hearing before the Planning Commission on May 18, 2011, and outlined the process for Board approval following adoption of the updated General Plan.

Following Board discussion, Ms. Cavialiere advised she would work through Community Development for approval and Environmental Health clearance for an opening in July.

VII. CORRESPONDENCE - (216-11)

A. Letter from Pacific Gas and Electric regarding intent to file an application for a subsequent license for Narrows No. 2 Powerhouse Substation 60 Transmission Line Project. Received.

B. Letter from Pacific Gas and Electric regarding final license application for the Drum Spaulding Project. Received.

C. Letter from Nevada Irrigation District regarding final license application for the Yuba Bear Hydroelectric Project. Received.

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

Supervisor Vasquez: Area 4 Agency on Aging Governing Board of Directors meeting held May 13, 2011

Supervisor Nicoletti: AMGEN Race through Yuba County May 16, 2011

Supervisor Griego:
- AMGEN Race through Yuba County May 16, 2011
- Local Agency Formation Commission Directors meeting held May 4, 2011
- Sacramento Area Council of Governments (SACOG) Land Use and Energy Committee meeting held May 5, 2011
- Cap to Cap Conference May 6 - 11, 2011 regarding FEMA meeting on agricultural communities and floodplain mapping and meeting with Army Corps of Engineers regarding the Section 104 credit denial and the new Section 2003 credit process, and meeting with Domestic Policy Staff on SACOG issues

Supervisor Stocker:
- Memorial Adjournment - Mrs. Rosemary Hernandez
- 4 H Camp use and caretaker
- Dobbins School construction project
- Permitting of solar projects

Supervisor Abe:
- North Central Counties Consortium Directors meeting held May 10, 2011
- Yuba County Housing Authority meeting held May 11, 2011
- Wheatland Lions Club helped with traffic control on AMGEN on May 16, 2011

IX. CLOSED SESSION: The Board retired into closed session at 10:36 a.m. to discuss the following:

A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 016-350-003 Negotiating Parties: Kevin Mallen, Mike Lee, and Robert Bendorf Negotiation: Terms, Conditions and/or Purchase Price

B. Threatened litigation pursuant to Government Code 54956.9(b) - One Claim

C. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - DDA/DSA/MSA/YCEA/Unrepresented and County of Yuba

D. Personnel pursuant to Government Code §54957 - Public Appointment/Instructions/Library Director

The Board returned from closed session at 11:25 a.m. with all present as indicated above.

Counsel advised the Board unanimously authorized settlement regarding the claim and gave direction on real property and other matters.

X. RECESS TO 1:30 P.M.: The Board recessed at 11:27 a.m. and reconvened at 1:30 p.m. with all present as indicated above.

XI. COUNTY DEPARTMENTS

A. Receive update on Fiscal Year 2011/2012 Budget; approve layoff notices to employees with an effective date of June 30, 2011; approve restructuring Public Works department; and provide additional budget direction to staff as necessary. (217-11) (Thirty minute estimate) County Administrator Robert Bendorf advised of the following changes to the recommended Board action:
   - Issue layoff notices to employees no later than May 23rd
   - Attachment 1: Number of positions should be 21 to include County Counsel/Office Specialist, for a total of 21 positions with a net layoff of 18

   Mr. Bendorf recapped the following regarding the 2011-2012 budget:
   - Possibility of additional layoffs depending on State budget revise and realignment
   - Decrease in estimated revenues for next fiscal year
   - Budget development by departments and analysis
   - 900 allocated positions with approximately 812 filled
   - Reduction in staff due to layoffs over four years and management to staff ration of 1:15
   - Process for issuance of notices and meetings with effected employees
   - Proposed layoffs ratified with approval of proposed budget in June with an approximate net savings of $1 million
   - Reorganization of Public Works

   Mr. Bendorf responded to Board inquiries regarding the following:
   - Staff reductions due to layoffs at 67 positions to reduce structural deficit of $11 million
   - Early retirement incentives and associated payout costs
   - Layoff procedures and priority for rehiring
   - Tracking of expenditures and revenues
   - Use of Public Safety Fund Balance and not funding of 14 positions to avoid layoffs within the Sheriff's Department

   In response to Supervisor Griego, Health and Human Services Director Suzanne Nobles advised the public health nurse position was in the Child Welfare Services division and nurses were performing the services indicated at family resource centers, however, with Board direction the issue could be revisited.

   Supervisor Stocker left meeting at 2:32 p.m. and returned at 2:33 p.m.

   Assessor Bruce Stottlemeyer commented on staffing levels and property tax administration functions; advised further reduction in staff would negatively impact revenues produced; did not support the layoff of one auditor appraiser; and urged reinstatement of the position. Mr. Stottlemeyer responded to Board inquiries.

   Mr. Bendorf responded to Board inquiries, felt the underlying problem of revenue loss and the structural deficit emphasized the need for a response from county employees regarding concessions and further felt policy makers at the State level should be encouraged to provide funding to counties for the services it does on the State's behalf.

   Mr. Gary Stucky, Yuba County Employee Association, expressed concerns regarding the Federal and State budgets; advised meetings were set to discuss possible employee concessions to mitigate employee impact and maintain services to the public; and expressed concerns regarding Public Works.

Community Development and Services Director Kevin Mallen clarified proposed layoffs within the Planning Division and the reorganization of Public Works advising of further discussions with the union on efficiency of the organization.

In response to Board inquiry, Auditor Dean Sellers advised with the layoff of the Assistant Auditor position, he would contract for certain audit and financial statement functions.

MOTION: Move to approve issuing layoff notices by May 23 to employees with an effective date of June 30, 2011
MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: Mary Jane Griego, Hal Stocker, Andy Vasquez, John Nicoletti, Roger Abe
NOES: None ABSENT: None ABSTAIN: None

MOTION: Move to approve restructuring Public Works Department
MOVED: Mary Jane Griego SECOND: John Nicoletti
AYES: Mary Jane Griego, Hal Stocker, Andy Vasquez, John Nicoletti, Roger Abe
NOES: None ABSENT: None ABSTAIN: None

XII. ADJOURN: 3:28 p.m. in memory of Mrs. Rosemary Hernandez by Chairman Abe.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: June 7, 2011