

The County of Yuba

BOARD OF SUPERVISORS

JUNE 7, 2011 - MINUTES



The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 6:03 p.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 Vasquez
- 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: Andy Vasquez

AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe

NOES: None ABSENT: None ABSTAIN: None

A. Auditor-Controller

1. Receive Treasurer's statement of assets for quarter ending March 31, 2011. (227-11) Received.

B. Board of Supervisors

1. Adopt resolution proclaiming June 23 as International Olympic Day. (218-11) Adopted Resolution No. 2011-45 which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION PROCLAIMING JUNE 23 AS INTERNATIONAL OLYMPIC DAY."

C. Clerk of the Board of Supervisors

1. Approve the minutes from the regular meetings of May 10 and 17, 2011. (219-11) Approved as written.
2. Appoint Elden Fowler to the Area 4 Agency on Aging Advisory Commission for a term ending June 30, 2013. (220-11) Approved.
3. Appoint Elden Fowler to the Brownsville Cemetery District for a term ending June 7, 2015. (221-11) Approved.

4. Reappoint William Appleby as the Bicycle Representative to the Yuba County Trails Commission for a term ending June 7, 2013. (222-11) Approved.

D. Community Development and Services

1. Accept Alcouffe Community Park project as complete and release the performance bond for the project, contract number 2010-5064C. (223-11) Approved.

E. Sheriff-Coroner

1. Approve agreement with Yuba County Water Agency for law enforcement services and authorize Chairman to execute same. (228-11) Approved.

IV. PUBLIC COMMUNICATIONS:

Mr. Karl Warmuth, Highway 20, expressed concern about the agricultural noise from adjacent property and urged relief from noise.

Ms. Jaenalyn Jarvis, on behalf of YuGAG, commented on hearing and technical representative appointment of Bi-county Solid Waste Independent Hearing Panel and supplied written comments.

Chairman Abe requested Counsel respond to the Board regarding basis for appointee qualification pursuant to the code.

V. COUNTY DEPARTMENTS

A. Board of Supervisors

1. Cast ballots for Olivehurst Public Utility District Levy of Fire Suppression Assessment. (224-11) Supervisor Griego recused herself due to a financial conflict and left the Board Chambers.

Clerk Donna Stottlemeyer and Administrative Services Director recapped ballots received, estimated costs, and responded to Board inquiries.

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

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

- A. Public Hearing - Hold public hearing and adopt resolution certifying Environmental Impact Report (EIR), approving a mitigation monitoring plan, adopting California Environmental Quality Act findings, adopting statement of overriding considerations, and adopting the Yuba County 2030 General Plan. (30 minute estimate) (225-11) Community Development and Services Director Kevin Mallen and Consultant Matthew Gerken, AECOM, provided a Power Point presentation recapping the following and responded to Board inquiries:

- Vision and Strategic Priorities
- Release of Final EIR
- Substance of comments and responses on Draft EIR
- Final EIR - Responses and Mitigation Monitoring
- Findings and Statement of Overriding Considerations

- Significant and Unavoidable Impacts
- Findings

Planning Director Wendy Harman responded to Board inquiries and recommended changes to the following:

- Policy NR7.10 and NR7.12
- Action NR7.1R7.12
- Policy CD9.7, CD9.9, and CD9.10

Counsel responded to specific Board inquiries regarding legal compliance with state regulations and significant and unavoidable impacts.

Following Board discussion, Chairman Abe opened the public hearing.

The following individuals spoke:

- Ms. Debra Gaylord, Yuba City
- Ms. Sheryl Hott, Dobbins
- Mr. Buck Weckman, Brownsville
- Mr. John Lairmer, Jr., Frakes Way
- Mr. Elden Fowler, Brownsville
- Mr. Tom Richards, Oregon House
- Mr. Nick Spaulding, Oregon House
- Mr. John Taylor, Plumas Lake
- Mr. Don Rae, Plumas Lake
- Mr. Ron Erny, Karlshoej Properties
- Mr. Charles Sharp, Oregon House
- Ms. Marcia Cecil, Browns Valley
- Mr. Greg Forest, Magnolia Project
- Ms. Debbie Byrne, Fish and Game Advisory Commission
- Ms. Carmel Garcia, College Way

The Board recessed at 9:07 p.m. and reconvened at 9:17 p.m. with all present as indicated above.

Public Comments Continued:

- Ms. Stephanie Ruscigno, Sharon Way

MOTION: Move to close public hearing; approve recommended changes as listed above; and adopt resolution

MOVED: Mary Jane Griego

SECOND: John Nicoletti

AYES: Mary Jane Griego, John Nicoletti, Roger Abe, Hal Stocker

NOES: Andy Vasquez ABSENT: None ABSTAIN: None

Adopted Resolution No. 2011-46 which is on file in Yuba County Resolution Book No. 41, entitled: "A RESOLUTION CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (EIR), APPROVING A MITIGATION MONITORING PLAN, ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE YUBA COUNTY 2030 GENERAL PLAN."

VII. CORRESPONDENCE - (226-11)

- A. Memorandum from Planning Director Wendy Hartman relating to Sacramento Area Council of Governments (SACOG) sustainable communities regional planning grant memorandum of understanding. County Administrator Robert Bendorf recapped the MOU which creates a regional collaborative and execution of the document.

The following individuals spoke:

- Ms. Debra Gaylord, Yuba City
- Mr. John Lairmer, Jr. Eagles Way
- Mr. Nick Spaulding, Oregon House
- Mr. Don Rae, Plumas Lake
- Ms. Debbie Byrne, Marysville

Data Services Manager Joe Concannon, SACOG, responded to Board inquiries regarding the MOU for planning study, resources, and participants in the study.

The matter was referred to the full Board at a future Board meeting.

- B. Certificate of Appreciation from California Citizens Redistricting Commission. Accepted.
- C. Letter from Veterans' Day Parade 2011 Committee requesting financial assistance to City of Marysville to defray costs. Referred to proposed budget hearing. Accepted.
- D. Five notices from the State of California Fish and Game Commission relating to upland game hunting, waterfowl hunting, the American pika, Alameda Creek, and facilities inspection. Accepted.
- E. Memorandum from National Association of Counties regarding voting credentials for the 2011 Annual Conference. Accepted.

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

Supervisor Stocker:

- Memorial Adjournment - Mrs. Betty Fletcher
- Camptonville meetings on emergency services and teacher retirements
- Forbestown Museum event held June 4, 2011
- Oregon House Cleanup day held June 4, 2011
- Redistricting Town Hall meeting at the Lions Club in Loma Rica on June 9, 2011

Supervisor Nicoletti:

- California Medical Services Program Directors meeting May 26,, 2011
- Feather River Air Quality Management Directors meeting June 6, 2011
- California Water Service suit against CalTrans
- Water Agency staff presently in DC meeting with Corps of Engineers on 104 credits
- CalChamber Host breakfast held June 2, 2011
- Memorial Day tree planting and other services held
- County Administrator Brown Bags state of the County address
- Yuba County Air Show June 10 - 12, 2011

Supervisor Griego left the meeting at 10:23 p.m. and did not return.

Supervisor Stocker left the meeting at 10:28 p.m. and did not return.

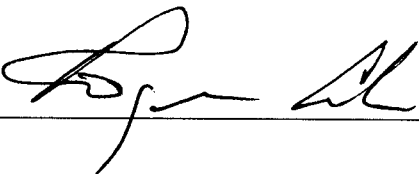
Supervisor Vasquez: Reopening Board support of Feather River Floodway approved April 5, 2010

Chairman Abe directed Board consideration of support of Feather River Floodway to the meeting of June 14, 2011.

IX. CLOSED SESSION: Pulled from consideration.

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

X. ADJOURN: 10:29 p.m. by Chairman Abe in memory of Mrs. Betty Fletcher.



Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS



Approved: June 21, 2011