

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

MARCH 25, 2008

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:31 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Dan Logue, John Nicoletti, Mary Jane Griego, Donald Schrader, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Logue presided.

CONSENT AGENDA

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

- A. Community Development and Services: Approved Second Amendment to agreement with David Evans and Associates, and Fee Credit Reimbursement Agreement with David Lanza, to facilitate completion of the project study report for Yuba River Parkway Interchange and authorized the Chairman to execute same. APPROVE AGREEMENT
- B. County Administrator: Adopted Resolution No. 2008-32, which is on file in Yuba County Resolution Book No. 39, which is entitled: "A RESOLUTION ADOPTING THE YUBA COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN." ADOPT RESOLUTION No. 2008-32
- C. Emergency Services: Adopted Resolution No. 2008-33, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION DESIGNATING AGENT FOR THE COUNTY OF YUBA," as it relates to submitting requests for financial assistance to the State and Federal government for disaster assistance. ADOPT RESOLUTION No. 2008-33
- D. Sheriff-Coroner: Approved the Cooperative agreement with the United States Forest Service to provide law enforcement services to fight controlled substance and authorized the Chairman to execute same. APPROVE AGREEMENT

PUBLIC COMMUNICATIONS

Ms. Frieda Calvert, Hammonton Road, advised of the Department of the Interior ruling regarding the lease of public land for the use of a training facility in the goldfields.

BOARD OF SUPERVISORS

Yuba County Fish and Game Advisory Commission/At-large Representative: Upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and unanimously carried, the Board appointed Clarence (Buck) Weckman to the Fish and Game Advisory Commission as the at-large representative for a term to expire April 19, 2009. APPOINT REP

COMMUNITY DEVELOPMENT AND SERVICES

1) Williamson Act Subcommittee: Assistant Planning Director Ed Palmeri recapped the Williamson Act and suggested members who have had previous experience with agriculture preservation, and responded to Board inquires.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the Board formed a subcommittee to further explore the Williamson Act consisting of the following representatives. CREATE SUB COMMITTEE

- Two (2) Board Members, Supervisor Logue and Schrader
- Two (2) members of the Farm Bureau, State and Local, to be appointed by Bureau
- One (1) representative from the Middle Mountain Foundation, Cory Wilkins
- One (1) representative from the Yuba County Resource Conservation District, to be appointed by the District
- Agricultural Commissioner, Louis Mendoza
- Staff from Community Development and Services Agency, the Assessor's Office, and County Counsel

2) County Service Area 66A/Landscape/Wheeler Ranch Subdivision: Following a brief recap from Assistant Planning Director Ed Palmeri and Board inquiries, upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the Board authorized the expenditure of County Service Area 66A funds for landscape maintenance along major roads in the Wheeler Ranch subdivision. APPROVE EXPEND

3) Park Development Agreements/Olivehurst Public Utilities District, Cresleigh Homes Corporation: At the request of County Administrator Robert Bendorf the matter was removed from the agenda. ITEM PULLED

COUNTY ADMINISTRATOR

First Amendment to and Reinstatement of the Second Agreement for Advanced Funding and Reimbursement of Costs for Levee Improvements: County Administrator Robert INFO ONLY

Bendorf recapped the Board approval of the First Amendment to the Second Funding Agreement, Landowner contribution, and participant execution by March 25, 2008.

Mr. Seth Merewitz, Counsel for Landowners Group, advised of the nine landowners, five had signed the agreements, two would not participate, and two needed more time for execution, and requested the Board extend the deadline to April 7, 2008.

Mr. Paul Brunner, Executive Director Three Rivers Levee Improvement, advised the state agreements are due next week and stressed in order to achieve construction timelines signed agreements are required.

Following Board discussion, Chairman Logue called a special board meeting on Thursday at 1:30 p.m. to discuss funding of the local match.

SPECIAL  
MEETING  
03/27/08  
1:30 PM

#### ORDINANCE AND PUBLIC HEARINGS

Chairman Logue read the disclaimer.

1) Ordinance/Repealing and Reacting Chapter 13.00.052 of the Yuba County Ordinance Code regarding Fees/Health Division of the Health and Services Department: Health and Human Services Director Suzanne Nobles recapped the proposed fees and responded to Board inquiries. Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and carried with Supervisor Logue voting in opposition, the public hearing was closed, the reading was waived, and the Board introduced an ordinance repealing and reenacting as amended section 13.00.052 of Chapter 13 of Title XIII of the Yuba County Code Relating to Fees for the Health Division of Health and Human Services Department.

WAIVE  
READING

2) Ordinance/Amending Chapter 4.20 of Title IV of the Yuba County Ordinance Code relating to the Establishment of the Disaster Council: Emergency Services Director Aaron Ward recapped proposed changes and responded to Board inquiries. Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, the reading was waived, and the Board introduced an ordinance amending Chapter 4.20 of the Yuba County Ordinance Code related to Emergency Services.

WAIVE  
READING

3) Public Hearing/Public Comment on the Final Products and Closeouts for the 05-PTAA-1721 – Feasibility Study for Harmony Health and E Center expansion: Community Services Director Debbie Phillips read the public notice. Chairman Logue opened the public hearing. INFO ONLY

Mr. David Wilkinson, Mercy Housing Consultant, recapped following:

- Mercy Housing projects
- Available grant funding
- Harmony Health Family Resource Center and Medical Clinic
- Holistic Birthing Center
- Daycare

Mr. Dean Albright, McCandless and Associates Architects, Inc. recapped the following:

- Architectural representation and square footage for the Resource Center
- Retail which would support the center
- Parking and Americans with Disabilities Act (ADA) requirements

Mrs. Rachel Farrell, Harmony Health, recapped the following:

- Small business development fostering entrepreneurship and job creation
- Revitalization of the North Beale Road corridor

Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the Board closed the public hearing.

HELD  
PUBLIC  
HEARING

4) Public Hearing/Resolution Approving Submission of 2008 Community Development Block Grant (CDBG) Application under the General Allocation of the State CDBG Program: Housing and Community Services Director Debbie Phillips provided a brief recap and read the public notice. Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2008-34, which is on file in Yuba County Resolution Book No. 39, which is entitled: "APPROVE AN APPLICATION AND CONTRACT EXECUTION FOR FUNDING FROM THE 2008 GENERAL ALLOCATION OF THE STATE CDBG PROGRAM; AUTHORIZE THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO WITH THE STATE OF CALIFORNIA FOR THE PURPOSES OF THIS GRANT."

ADOPT  
RESOLUTION  
NO. 2008-34

CORRESPONDENCE

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried the Board accepted the following correspondence:

A. Letter from The Fremont-Rideout Health Group expressing appreciation to Emergency Services for their prompt response to request for assistance during the January 2008 power outage.

B. Letter from Terry and Ada Flanagan regarding audio quality in the Board of Supervisors Chambers. REFER TO STAFF

Referred to the Clerk of the Board of Supervisors

C. Letter from the United States Department of Homeland Security, Federal Emergency Management Agency regarding Flood Insurance Rate Map and the Flood Insurance Study report for the unincorporated areas of Yuba County. REFER TO STAFF

Referred to County Counsel

D. Letter from Paul Whatley regarding the quality and availability of ground water in the River Highlands area.

BOARD AND STAFF MEMBERS' REPORTS

Supervisor Schrader:

- Memorial adjournment in memory of Mrs. Lillian K. Rehermann

Supervisor Stocker:

- Memorial adjournment in memory of Ms. Cynthia E. Gerber

Supervisor Griego:

- Ad Hoc committee report regarding Social Worker I/II Classification
- Requested staff to work with Bureau of Land Management and Operating Engineers in regards to the training center in the goldfields REFER TO STAFF

Referred to County Administrator

Supervisor Nicoletti:

- Beale Air Force Base Restoration Advisory Board regarding clean up of soils

Chairman Logue formed the following Advisory Committees:

- Economic Development and Strategic Planning, appointing Supervisor Griego and himself as representatives
- Goldfields/Bureau of Land Management (BLM), appointing Supervisors Stocker and Griego as representatives regarding Operating Engineers training center

FORM  
AD HOC  
COMMITTEE

Supervisor Logue:

- Requested information for Board consideration on Propositions 98 and 99 regarding eminent domain reform

REFER  
TO STAFF

Referred to County Administrator

#### CLOSE SESSION

The Board retired into closed session at 11:58 a.m. to discuss the following:

- 1) Pending litigation pursuant to Government Code §54956.9(a) – Saechao vs. County of Yuba
- 2) Pending Litigation pursuant to Government Code §54956.9(a) – Day vs. County of Yuba

The Board returned from closed session at 12:06 p.m. with all Board and staff members present as indicated above.

There was no announcement from closed session.

County Counsel Daniel Montgomery received Board consensus to have comments prepared on the draft environmental impact study regarding Enterprise Rancheria.

#### RECESS

The Board recessed at 12:08 p.m. and reconvened at 1:32 p.m. with all Board and staff present as indicated above except for County Administrator Robert Bendorf, County Counsel Daniel Montgomery, and Deputy Clerk of the Board Rachel Ferris. Deputy Counsel Pat Garamone and Clerk of the Board Donna Stottlemeyer were present.

#### DE NOVO HEARING

Final Subsequent Environmental Impact Report and Project/Surface Mining Permit Modification 2004-0001 and PG&E Infrastructure Improvements Project/Teichert

Marysville Aggregate Facility: Planning Director Wendy Hartman recapped the following:

- Planning Commission Decision
- Conditions of approval

Mr. John Taylor, Attorney for Teichert, recapped the following regarding:

- Project location
- Increase aggregate extraction from 1 to 3 million tons per year
- Traffic impacts to Cities of Marysville and Wheatland and Hammonton-Smartsville Road
- Safety measures
- Groundwater monitoring condition

Chairman Logue opened the public hearing.

The following individuals spoke on aspects listed:

- Ms. Kathy Barnholdt, Hammonton-Smartsville Road; traffic impacts monitoring program of residents groundwater
- Mr. Gerald White, Hammonton Smartsville Road; safety, rebuilding of school, well water
- Mr. Russ Rohleder, Hammonton Road; increase of truck traffic, rebuilding of school

Mr. Taylor rebutted the comments of the individuals who spoke regarding traffic, corrective mitigating purpose, and offered the following additional condition:

"Should any adverse water quality impacts occur to any property owner on Hammonton-Smartsville Road as a result of Teichert activities, Teichert shall be responsible for all appropriate remediation program to be approved by the Yuba County Environmental Health Department and Regional Water Quality Control Board."


Following Board discussion, upon motion of Supervisor Nicoletti, seconded by Supervisor Griego, and unanimously carried, the Board adopted Resolution No. 2008-35, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION IN SUPPORT OF THE APPEAL TO CERTIFY THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND APPROVE THE PROJECT FOR THE TEICHERT MARYSVILLE SURFACE MINING PERMIT MODIFICATION AND PG&E INFRASTRUCTURE IMPROVEMENTS PROJECT."

ADOPT  
RESOLUTION  
NO. 2008-35

Supervisor Griego requested staff to meet with the aggregate producers to address community impacts and development of a spur conveyance system which would be county operated.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 2:34 p.m. in memory of Mrs. Lillian K. Rehermann, and Cynthia E. Gerber by Chairman Logue.

  
Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

*By: Rachel Ferris, Deputy* Approved: *April 15, 2008*