

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

JUNE 24, 2003

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:30 a.m., within the Courthouse, Marysville, California, with a quorum being present as follows: Supervisors Dan Logue, Bill Simmons, Mary Jane Griego, Donald Schrader, and Hal Stocker. Also present were County Administrator Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Schrader presided.

CONSENT AGENDA

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

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| 1. <u>Auditor-Controller</u> : Authorized Budget Transfers totaling \$196,350 for health refunds for six month period ending June 30, 2003. | AUTHORIZE
BGT.
TRNSFRS. |
| 2. <u>Clerk of the Board of Supervisors</u> : Approved minutes of the regular meeting of June 10, 2003, as written. | APPROVE
MINUTES |
| 3. <u>Community Development</u> : Approved 2004/05 Community Services Block Grant Community Action Plan and authorized Chairman to execute same. | APPROVE
CSBG PLAN |
| 4. <u>County Counsel</u> : Authorized Budget Transfer in the amount of \$1,485 from Account No. 101-0700-413-2300 (Professional Services) to Account No. 101-0700-413-0103 (Extra Help) for \$415 and Account No. 101-0700-413-2900 (Travel) for \$1,070 to cover unanticipated expenditures. | AUTHORIZE
BGT. TRNSFR. |
| 5. <u>Fish and Game Advisory Commission</u> : Authorized fund expenditures totaling \$2,850 from the Fish and Game Trust Fund. | AUTHORIZE
EXPNDTRS. |
| 6. <u>Probation/Victim-Witness</u> : Authorized Budget Transfer in the amount of \$72,210 from Account No. 357-0000-371-9899 (Victim-Witness Trust Fund) to various line items to cover year-end shortfall. | AUTHORIZE
BGT. TRNSFR. |

7. Public Works: Approved agreement between Kleinfelder Inc. and County of Yuba for Spenceville Road Rehabilitation Project and authorized Chairman to execute same. APPROVE AGRMNT.
8. Risk Management/Personnel: Authorized General Fund Contingency Transfer in the amount of \$9,426 and Budget Transfers totaling \$3,900 from various lines items to various other line items to cover year-end shortfall. AUTHORIZE CONT. TRNSFR.
9. Superior Court: Authorized General Fund Contingency Transfer in the amount of \$17,460 to various line items to cover unfunded expenditures for Grand Jury. AUTHORIZE CONT. TRNSFR.

SPECIAL PRESENTATION

Preston, Barton: Chairman Schrader read and presented a proclamation to Mr. Barton “Bud” Preston for dedicated service to Marysville High School. PRESENT PROC.

PUBLIC COMMUNICATIONS

Mr. Dick Dahms, Oregon House, commended Yuba Sutter Disposal, Supervisors Stocker and Griego for their assistance at the Oregon House Community Cleanup and suggested including vehicle abatement at future events.

ADMINISTRATIVE SERVICES

Government Center/915 Eighth Street/Security Measures: Assistant Director Steve Androvich recapped security measures currently provided throughout County offices and further advised projected costs at the new Government Center for one unarmed security guard would be approximately \$32,000 and scanner and metal detector costs would be approximately \$20,000. Mr. Androvich responded to Board inquiries and requested Board direction regarding security measures.

Following Board discussion and upon motion of Supervisor Stocker, seconded by Supervisor Logue, and unanimously carried, the Board directed one security guard on duty and purchase of security equipment. DIRECT SECURITY MEASURES

COUNTY ADMINISTRATOR

Sacramento Area Council of Governments/Joint Powers Agreement: Chairman Schrader recapped proposed amendments which would change council membership and voting methods, advising approval of all membership cities and counties, except Sutter County which has not scheduled consideration as of this date. Chairman Schrader recommended approval.

Upon motion of Supervisor Schrader, seconded by Supervisor Simmons, and unanimously carried, the Board adopted Resolution No. 2003-96, which is on file in Resolution Book No. 34, and which is entitled: "RESOLUTION APPROVING AMENDMENTS TO THE JOINT POWERS AGREEMENT OF THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS (SACOG)." ADOPT RESOLUTION NO. 2003-96

(End of Tape No. 1640 Side B)

FISH AND GAME ADVISORY COMMISSION

Bylaw Amendment/Minor Expenditures: Associate Planner Scott Aaron recapped the proposed amendment which would authorize minor expenditures not to exceed \$600 for any single activity and discontinuing such expenditures when the trust fund account balance falls below \$5,000. Mr. Aaron responded to Board inquiries.

Upon motion of Supervisor Logue, seconded by Supervisor Griego, and unanimously carried, the Board adopted Resolution No. 2003-97, which is on file in Yuba County Resolution Book No. 34, and which is entitled: "RESOLUTION ADDING YUBA COUNTY FISH & GAME ADVISORY COMMISSION BY-LAW 92-120." ADOPT RESOLUTION NO. 2003-97

HEALTH AND HUMAN SERVICES

1. Local Public Health Preparedness and Response to Bioterrorism Grant: Upon motion of Supervisor Simmons, seconded by Supervisor Griego, and unanimously carried, the Board adopted Resolution No. 2003-98, which is on file in Yuba County Resolution Book No. 34, and which is entitled: "AUTHORIZE THE YUBA COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT TO ENTER INTO AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF HEALTH SERVICES, FOR THE PERIOD FO JULY 1, 2002-AUGUST 30, 2004; AND AUTHORIZE THE CHAIRMAN TO EXECUTE DOCUMENTS AS REQUIRED BY THE AGREEMENT AND ANY PERTINENT DOCUMENTS RELATED TO THIS PROGRAM." ADOPT RESOLUTION NO. 2003-98

2. Child Abuse Prevention, Intervention and Treatment Program/Memorandum of Understanding: Upon motion of Supervisor Stocker, seconded by Supervisor Logue, and unanimously carried, the Board approved Memorandum of Understanding between Yuba County Health and Human Services and Yuba County Community Development for administration of Child Abuse Prevention, Intervention and Treatment program and authorized Chairman to execute same. APPROVE MOU

BOARD OF SUPERVISORS

Marysville Swimming Pool: Supervisor Simmons requested Board approval to allocate funds not to exceed \$20,000 for capital improvement and maintenance and operation of Marysville Swimming Pool which would allow the pool to remain open during July and August 2003. Supervisor Simmons commented on the regional merits of the pool and requested unanimous support.

Following Board discussion, and upon motion of Supervisor Logue, seconded by Supervisor Stocker and unanimously carried, the Board allocated up to \$20,000 to the City of Marysville for the Swimming Pool. APPROVE POOL FUNDS

Following Board discussion regarding funding source, Supervisor Simmons moved to allocate \$20,000 from the Contingency Fund. Supervisor Logue seconded the motion.

After further discussion regarding reimbursement to Marysville for improvement and operational expenditures, Supervisor Simmons amended his motion to establish a line item expense of \$20,000 in the Board of Supervisor Special Budget for Fiscal Year 2003/2004 with funds available to the City of Marysville for reimbursement costs. The second concurred and the motion carried unanimously. ESTABLISH ACCOUNT

ORDINANCES AND PUBLIC HEARINGS

Chairman Schrader read the disclaimer.

Ordinance – Hold public hearing, waive first reading, and introduce ordinance repealing and re-enacting Title XIII of the Yuba County Ordinance Code relating to fees: County Counsel Daniel Montgomery advised all references to “Title XIII” should be “Chapter XIII.”

Assistant County Administrator Randy Margo briefly recapped the proposed fee schedules which reflect cost of services provided and have been reviewed and consolidated into one ordinance. Mr. Margo responded to Board inquiries.

(End of Tape No. 1641 Side A)

Chairman Schrader opened the public hearing and inquired if anyone wished to address this issue. No one came forward.

Upon motion of Supervisor Simmons, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed and the Board waived first reading of an ordinance repealing and re-enacting Chapter XIII of the Yuba County Ordinance Code relating to fees. WAIVE FIRST READING

ITEM OF PUBLIC INTEREST

Easter, Jack and Marilyn/Conditional Use Permit: County Administrator Kent McClain recapped request of Mr. and Mrs. Easter for a “multiple dwelling permanent use permit” on Parcel Number 048-030-014 which is 5.96 acres, zoned Agricultural/Rural Residential and currently maintains a mobile home and permitted secondary mobile with a temporary use permit. Mr. McClain advised the property owner is interested in disposing of the property, however, wants to maintain the secondary use permit because of an existing agreement with a family member. Mr. McClain further advised of no allowable land use permit or zoning within the ordinance code to accommodate the request and if the Board were to authorize the request, amendments to the ordinance code would be required. Mr. McClain responded to Board inquiries. NO ACTION TAKEN

Mr. Easter advised the temporary use permit is for his former mother-in-law who is 84 years old and has lived at this location for 30 years. Mr. Easter further recapped his lease agreement with the mother-in-law and responded to Board inquiries.

In response to an inquiry by Supervisor Stocker regarding a hardship and legality of granting a waiver, County Counsel Daniel Montgomery advised staff is unable to allow continued use under the current ordinance and if the Board makes an exception or interpretation to allow continued use, then the interpretation would be applicable county-wide in the future. Mr. Montgomery further advised the land use ordinance is permissive which means if an ordinance does not permit a particular use it cannot be allowed.

Mrs. Easter clarified the request was to determine if there is a conditional permit which would allow the continued use and sale of their property and thanked the Board for their time.

Board consensus was this is a legal matter and no action was forthcoming.

CORRESPONDENCE

A. Two letters from California Office of Emergency Services dated June 10, 2003, regarding updated information for disaster designation caused by drought, and rain and wind which includes Yuba County. No action.

B. Letter from California Oak Foundation dated June 10, 2003, urging support of Senate Bill 711 amending the Forest Practice Act. No action.

C. Bulletin from United States Forest Service enclosing draft Supplemental Environmental Impact Statement for the Sierra Nevada Forest Plan Amendment. No action.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Griego:

- Yuba County Air Show held June 20-22, 2003
- Attending Smart Growth Conference June 26-28, 2003 in San Diego

Supervisor Simmons:

- Requested letter regarding funding allocation reduction to the Workforce Investment Act, Yuba County Program

Chairman Schrader so directed.

Supervisors Logue and Schrader:

- Advised Senator Boxer's legislation would not include the Strawberry Valley Tribe, would not be pursued without local support, and would require no further Board action

Supervisor Stocker:

- Memorial adjournment in memory of Mr. Russell Paris
- Successful Dobbins/Oregon House Community Cleanup held June 21, 2003

CLOSED SESSION

County Counsel Daniel Montgomery advised the closed session matter scheduled regarding Western Aggregates requires no Board discussion.

The Board retired into closed session at 11:16 a.m. to discuss threatened litigation pursuant to Government Code §59456.9(b) – One Case.

The Board returned from closed session at 11:37 a.m. with all Board and staff members present as indicated above. There was no announcement from closed session.

RECESS

The Board recessed at 11:37 a.m. to June 24, 2003, at 1:30 p.m.

/s/Donald Schrader, Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

/s/Donna Stottlemeyer

Approved: July 8, 2003