

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

June 28, 2005

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 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 Kent McClain, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Ellen DeLemos. Chairman Griego presided.

CONSENT AGENT

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

A. Administrative Service

- 1) Approved Amendment No. 2 to Agreement with Mead and Hunt, Inc. as it relates to engineering services and authorized the Chair to execute same. APPROVE AGREEMENT
- 2) Approved amendment to lease between the Yuba County Airport and the County of Yuba as it relates to the Yuba County Public Works Department and authorized the Chair to execute same. APPROVE LEASE

B. Clerk of the Board of Supervisors

- 1) Reappointed Mr. Robert Mathews to Fish and Game Advisory Commission as the Fourth District Representative for a term to expire December 31, 2008. APPOINT REP.
- 2) Approved the minutes of the regular meetings of June 7 and 14, 2005, as written. APPROVE MINUTES

C. Community Development

- 1) Authorized a Budget Transfer of Planning Trust 255 monies to the General Fund in the amount of \$118,967 for recognition of revenue earned and reimbursement for expenditures incurred. AUTHORIZE B/T

- 2) Approved 2006/2007 Community Services Block Grant Community Action Plan and authorized the Chair to execute same. APPROVE PLAN
- D. County Counsel: Authorized a Budget Transfer in the amount of \$15,000 from Account No. 101-0000-371.98-99 (Miscellaneous) to Account No. 101-0700-413.23-00 (Professional Services) AUTHORIZE B/T
- E. Probation
- 1) Authorized Budget Transfers in the total amount of \$30,031 from and to various line items for increased revenues and staffing changes. AUTHORIZE B/T
- 2) Adopted Resolution No. 2005-89, which is on file in Yuba County Resolution Book No. 36, which is entitled: "RESOLUTION AUTHORIZING THE CHAIR, ON BEHALF OF THE BOARD, TO EXECUTE A GRANT AUGMENTATION AWARD FOR FUNDING FOR 2004/2005 YUBA COUNTY JUVENILE JUSTICE CRIME PREVENTION PROGRAM ALLOCATION." ADOPT RESOLUTION NO. 2005-89
- F. Public Works
- 1) Authorized transfer of County Vehicle from Automotive Service Fund to Road Fund. AUTHORIZE TRANSFER
- 2) Adopted Resolution No. 2005-90, which is on file in Yuba County Resolution Book No. 36, which is entitled: "RESOLUTION AUTHORIZING THE AUDITOR TO FUND EXPENDITURES FOR PARK GRANTS TRUST FUND 204, UP TO THE AMOUNT OF \$50,000 FROM IMPACT FEES-PARK IMPROVEMENT TRUST 187 FLOATING LOAN." ADOPT RESOLUTION NO. 2005-90
- G. Sheriff-Coroner: Approved an agreement with Pacific Bell Telephone Company, dba SBC, for inmate telephone services at the Yuba County Jail and authorized the Chair to execute same. APPROVE AGREEMENT

SPECIAL PRESENTATION

- Nightingale, Kenneth: Vice-Chairman Schrader read and presented a proclamation to Kenneth J. Nightingale for 37 years of service to Yuba County. PRESENT PROC.

PUBLIC COMMUNICATIONS

Sandy Fonley, Victim Witness Manager briefly recapped the Dan Avenue School Summer Program and the following students introduced themselves to their District Supervisor:

- Chue Xiong – District One
- Dustin Mason – District Five
- Emily Hardin – District Two
- Ashley Viera – District Two
- Ivan Cortez – District Two
- Justin Sorrell – District Three

COUNTY ADMINISTRATOR

Yuba Sutter Legal Center: County Administrator Kent McClain briefly summarized an agreement with Yuba Sutter Legal Center and responded to Board inquiries.

Following Board discussion, upon motion of Supervisor Logue, seconded by Supervisor Schrader and unanimously carried, the Board approved an agreement between Yuba Sutter Legal Center and Yuba County for Small Claims Court Litigant Assistance. APPROVE AGREEMENT

PUBLIC WORKS

Public Necessity Eminent Domain: Madam Chair Griego advised of procedures during the consideration of the resolution of necessity involving three parties.

Public Works Director, Kevin Mallen, advised only one resolution regarding Parcel No.014-270-070 would be considered, as the other matters have been settled. Mr. Mallen recapped the Olivehurst Detention Basin Project as the drainage master plan which prevents back water flow and removes the area from the flood plain. Mr. Mallen also recapped the subject property as an 8 acre strip of land which is currently a drainage ditch, advising the property is owned by 8 family members, and 6 have reached agreement.

Ms. Vera Herrell Houk, property owner, stated she did not oppose the County obtaining the property, but disagreed with the value offered. Ms. Houk advised of an adjacent 12 acre parcel which is not a ditch, and urged the Board to postpone decision to another hearing.

In response to Board inquiries, Special Counsel, Stacey Sheston, advised the purpose of this hearing is whether the County should proceed with eminent domain and not property value.

Mr. Ron Michaels, Right of Way Agent, advised of numerous attempts to contact Ms. Houk since April of 2005 and no contact had been made.

Madam Chair Griego opened the public hearing. No one came forward.

Following Board discussions, upon motion of Supervisor Logue, seconded by Supervisor Stocker, and following a unanimous roll call vote, the Board Adopted Resolution No. 2005-91, which is on file in Yuba County Resolution Book No. 36, which is entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY FOR CONSTRUCTION, INSTALLATION AND MAINTENANCE OF THE SOUTH OLIVEHURST DETENTION BASIN;" and directed County Counsel and Special Counsel to proceed with one action in eminent domain to acquire the necessary property for the construction, installation and maintenance of the South Olivehurst Detention Basin.

ADOPT
RESOLUTION
NO. 2005-91

BOARD OF SUPERVISORS

Cancel Meeting: In response to Board inquiries, County Counsel Dan Montgomery advised cancellation of a meeting does not need to be agendized. Upon motion of Supervisor Schrader, seconded by Supervisor Stocker and unanimously carried, the regular meeting of July 5, 2005 was cancelled.

CANCEL
7/5/05
MEETING

ORDINANCES AND PUBLIC HEARINGS

The Clerk read the disclaimer.

A. Ordinance/Meetings of the Board of Supervisors/Section 2.25.010 (Second Reading): Madam Chair Griego opened the public hearing. No one came forward.

Upon motion of Supervisor Logue, seconded by Supervisor Schrader and carried with Supervisor Griego voting in opposition, the public hearing was closed and the Board adopted the Ordinance No. 1351, which is on file in Yuba County Ordinance Book No. 18, which is entitled: "ORDINANCE REPEALING AND RE-ENACTING SECTION 2.25.010 OF THE YUBA COUNTY ORDINANCE CODE RELEATING TO MEETINGS OF THE BOARD OF SUPERVISORS."

ADOPT
ORDINANCE
NO. 1351

B. Public Hearing/Final Grantee Performance Report and Closeout for the 2002 Community Development Block: Community Services Manager Debra Phillips read the public notice. Chairman Griego opened the public hearing and inquired if anyone wished to address this issue. No one came forward. Upon motion of Supervisor Stocker,

CLOSE
PUBLIC
HEARING

seconded by Supervisor Logue, and unanimously carried, the public hearing was closed.

CORRESPONDENCE

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

- A. Proclamation signed by Governor Schwarzenegger calling for special election November 8, 2005. No action
- B. Letter from Auditor enclosing financial statements from Upham Cemetery District for Fiscal Years 2000 through 2003. No action
- C. Invitation and Agenda from California Mental Health Planning Council to attend Public Meeting on July 20, 21 and 22, 2005. No action
- D. Letter from Federal Emergency Management Agency regarding Letter of Map Revision for Edgewater Unit 10 Subdivision.

REFER
TO STAFF

Referred to Community Development.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:

- Memorial adjournment in memory of Mr. Norman Johnson
- Sacramento Bee articles regarding Placer County Nature Friendly Community and Public Policy Institute of California "California 2025: Taking on the Future"

Supervisor Schrader:

- Memorial adjournment in memory of Robert H. Coe, Sr.
- Emphasis needed for campus maintenance and program retention at Yuba Community College

Supervisor Nicoletti:

- Memorial adjournment for Major Duane Dively
- Presentation of Proclamation to Sheila Mathews at honorary dinner on Saturday, June 25, 2005

Supervisor Logue:

- Proclamation for Major Dively and having his name engraved on the Marysville Veteran Memorial
- Requested County Council opinion on re-zoning Sports and Entertainment to a mix-use. Madam Chair so directed request to County Counsel.

County Administrator Kent McClain:

- Voting system demonstrations on Thursday, July 7, 2005 and Wednesday, July 20, 2005.

CLOSED SESSION

The Board retired into closed session at 10:42 a.m. to discuss the following:

- A. Labor negotiations pursuant to Government Code §54957.6(a) – Management Sheriff’s Association/Deputy Sheriff’s Association and County of Yuba/Beverly Capaci
- B. Pending litigation pursuant to Government Code §54956.9(a) – Allan vs. County
- C. Conference with Real Property negotiations pursuant to Government Code §54956.8 – Property 1114 Yuba Street, Marysville; Negotiating parties; Office of Education and County of Yuba (Bob Feld and Suzanne Nobles) Negotiation; Price and Terms.

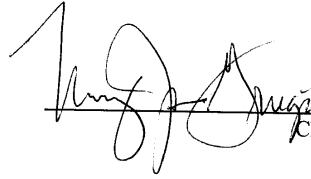
The Board returned into open session at 11:40 a.m. with all Board and staff members present as indicated above.

County Counsel Daniel Montgomery made the following announcement:


“Madam Chair, the Sheriff’s Law Enforcement Management Supervisors Association and the County have successfully entered into a two year agreement that will handle labor matters with the Association and County. No further announcements.”

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 11:42 a.m., in memory of Mr. Robert Coe Sr., Major Duane Dively and Mr. Norman Johnson by Madam Chair Griego.


Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS


By: Ellen DeLemos, Deputy Clerk

Approved: July 21, 2005