

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

JULY 6, 2004

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:15 p.m., within the Government Center, 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, Deputy County Counsel Martha Wilson, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Simmons presided.

CONSENT AGENDA

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

A. Board of Supervisors

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| 1) Authorized a tax advance to the Linda Fire Protection District in an amount not to exceed \$400,000 through December 2004. | AUTHORIZE
TAX ADVNC. |
| 2) Adopted Resolution No. 2004-88, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION APPROVING BYLAWS FOR BROPHY WATER DISTRICT." | ADOPT
RESOLUTION
NO. 2004-88 |

B. City of Marysville

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| 1) Adopted Resolution No. 2004-89, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION APPROVING REQUEST BY MARYSVILLE LEVEE DISTRICT TO CONSOLIDATE ELECTION." | ADOPT
RESOLUTION
NO. 2004-89 |
| 2) Adopted Resolution No. 2004-90, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION APPROVING REQUEST BY CITY OF MARYSVILLE TO CONSOLIDATE ELECTION." | ADOPT
RESOLUTION
NO. 2004-90 |

C. Clerk of the Board of Supervisors

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| 1) Approved minutes of the regular meetings of June 14 and 22, 2004 as written. | APPROVE
MINUTES |
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- 2) Appointed Ernest Wright to the Bi-County Solid Waste Independent Hearing Panel as the at-large representative with a term to expire November 6, 2005. APPOINT REP.
- D. Probation/Juvenile Hall: Adopted Resolution No. 2004-91, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION APPROVING WARD HOUSING AGREEMENT AND AUTHORIZING EXECUTION THEREOF BY THE CHIEF PROBATION OFFICER.” ADOPT RESOLUTION NO. 2004-91
- E. Public Works
- 1) Adopted Resolution No. 2004-92, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION APPROVING FINAL MAP OF TRACT MAP NO. 2002-602 HAWES RANCH ESTATES.” ADOPT RESOLUTION NO. 2004-92
- 2) Adopted Resolution No. 2004-93, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION APPROVING FINAL MAP OF TRACT MAP NO. 2004-15 (EDGEWATER UNIT 5).” ADOPT RESOLUTION NO. 2004-93
- 3) Adopted Resolution No. 2004-94, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION APPROVING FINAL MAP OF TRACT MAP NO. 2004-16 (EDGEWATER UNIT 6).” ADOPT RESOLUTION NO. 2004-94
- 4) Adopted Resolution No. 2004-95, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION APPROVING FINAL MAP OF TRACT MAP NO. 2004-17 (EDGEWATER UNIT 7).” ADOPT RESOLUTION NO. 2004-95
- F. Risk Management/Personnel
- 1) Approved agreement for Third Party Unemployment Claims Administration and Power of Attorney for Claims Administrator to represent County with Employment Development Department and authorized Chairman to execute same. APPROVE AGRMNT.
- 2) Approved correspondence regarding continuing efforts to maintain affordable health insurance options within Yuba County and authorized Chairman to execute same. APPROVE CORRSPND.
- 3) Adopted Resolution No. 2004-96, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION AMENDING THE CLASSIFICATION SYSTEM – BASIC SALARY SCHEDULE NO. 2004-08,” as it relates to the County. ADOPT RESOLUTION NO. 2004-96

SPECIAL PRESENTATION

Community Development: Director Tim Snellings gave a power point presentation highlighting departmental functions, workload, staffing, and funding issues, and responded to Board inquiries. *INFO ONLY*

PUBLIC COMMUNICATIONS

The following individuals addressed parking concerns at Wheatland Cemetery District:

- Mr. Rick Paskowitz, Hokan Lane
- Ms. Marilyn Waltz, Native Daughters of the Golden West
- Ms. Frances Hoffman, Forty Mile Road
- Mrs. Jane Paskowitz, Hokan Lane

Public Works Director Kevin Mallen recapped road improvements as a result of approved development by the City of Wheatland and the school district.

Chairman Simmons referred the issue to Mr. Mallen for resolution.

Mr. Lloyd Appleby, Oregon House, and Mr. Greg Crompton, Dobbins, expressed concern regarding Community Development permit approval and suggested constituents receive priority.

COMMUNITY DEVELOPMENT

Building Inspectors I/II (Limited Term): Upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board approved adding two limited term Building Inspectors I/II positions. *APPROVE
2 L/T
POSITIONS*

COUNTY ADMINISTRATOR/BOARD OF SUPERVISORS

Aggregate Advisory Committee/Resource Depletion Surcharge: County Administrator Kent McClain and Supervisor Logue recapped recent meetings with aggregate operators regarding contract negotiations imposing a surcharge. Supervisor Logue advised most operators supported the surcharge ballot measure and have offered to support the campaign and prepare the supporting argument.

Mr. Frank Stockton, Arboga Road, opposed lowering the amount below twenty-five cents and felt it should be higher.

Mr. Jim Liddiard, Western Aggregates, expressed concern regarding the term of the aggregate contract and felt operators using the railway should be excluded.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board adopted Resolution No. 2004-97, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD TUESDAY, NOVEMBER 2, 2004," as it relates to imposing a resource depletion surcharge in the amount of fifteen cents per ton to be adjusted annually based on the consumer price index and rescinding Resolution No. 2004-86.

ADOPT
RESOLUTION
NO. 2004-97

RISK MANAGEMENT/PERSONNEL

Building Inspector I/II/Two Limited Term Positions: Upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board adopted Resolution No. 2004-98, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO. 2003-126," as it related to Community Development effective July 1, 2004.

ADOPT
RESOLUTION
NO. 2004-98

ORDINANCES AND PUBLIC HEARINGS

Chairman Simmons read the disclaimer.

A. Ordinance/Chapter 9.20.010/Dark Day Road: Chairman Simmons opened the public hearing and inquired if anyone wished to address this issue. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and unanimously carried, the public hearing was closed, the second reading was waived, and the Board adopted Ordinance No. 1328, which is on file in Yuba County Ordinance Book No. 18, which is entitled: "ORDINANCE AMENDING TITLE VIII OF THE YUBA COUNTY ORDINANCE CODE RELATING TO BOATING REGULATIONS," as it relates to parking restrictions on Dark Day Road.

ADOPT
ORDINANCE
NO. 1328

B. Ordinance/Chapter 10.45/Safety Assessment Placards: Chief Building Inspector Martin Griffin recapped the proposed ordinance and responded to Board inquiries.

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

Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the public hearing was closed, the first reading was waived, and the Board introduced an ordinance adding Chapter 10.45 to Title X of the Yuba County Ordinance Code relating to safety assessment placards.

WAIVE
FIRST
READ

ITEM OF PUBLIC INTEREST

Dance Permit/Long Branch Saloon: Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the Board approved a dance permit to be issued to Marcy Kelley doing business as The Long Branch Saloon with an expiration date of July 6, 2005.

APPROVE
DANCE
PERMIT

CORRESPONDENCE

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

A. Letter from California Office of Emergency Services advising of disaster designation due to damages caused by unseasonable rainfall for Placer County and contiguous counties, including Yuba. No action.

B. Two News Releases from United States Department of Agriculture regarding Advisory Committee meeting, and Burn Ban and Woodcutting Restrictions. No action.

C. Letter from Pine Tree Boat and RV Storage Inc. regarding Conditional Use Permit fees and processing timelines.

REFER
TO STAFF

Referred to County Administrator and Community Development

D. Letter from California Environmental Protection Agency regarding Certified Unified Program Agency Final Evaluation Report and Program Improvement Agreement.

REFER
TO STAFF

Referred to County Administrator and Office of Emergency Services

E. Notice from State Water Resources Control Board advising of water transfer from Placer County Water Agency to Department of Water Resources' Environmental Water Account. No action.

F. Letter from Richard A. Paskowitz, M.D. regarding parking at Wheatland Cemetery.

REFER
TO STAFF

Referred to County Administrator and Public Works

G. Two Letters from Cox, Castle & Nicholson, LLP protesting fees imposed on KB Home for Tentative Subdivision Tract Map TSTM 2001-592 (River Glen).

REFER
TO STAFF

Referred to County Administrator, County Counsel, Public Works, and Community Development

H. Notice from California Department of Health Services advising of award for Children's Dental Disease Prevention Program.

REFER
TO STAFF

Referred to Health and Human Services

I. Letter from City of Wheatland regarding maintenance of roads accessing Beale Air Force Base.

REFER
TO STAFF

Referred to County Administrator

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:

- Memorial adjournment in memory of Mr. George Lucas
- West Nile Virus and possibility of ballot measure

Supervisor Griego:

- Yuba County Training Walls

Supervisor Schrader:

- Memorial adjournment in memory of Mr. Fernando Flores
- Out of office July 13 – 23, 2004

Supervisor Logue:

- Aggregate Advisory Committee meeting held July 2, 2004

CLOSED SESSION

The Board retired into closed session at 7:58 p.m. to discuss the following:

Threatened litigation pursuant to Government Code §54956.9(b) – One Claim and One Case

The Board returned from closed session at 8:02 p.m. with all Board and staff members present as indicated above.

Deputy County Counsel Martha Wilson made the following announcement:

“In the matter of the first claim in closed session the claim was denied unanimously by the Board. The addendum of one case was continued over to July 13, 2004.”

CONTINUE
TO 7/13/04

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 8:03 p.m. in memory of Mr. Fernando Flores and Mr. George Lucas by Chairman Simmons.

/s/Bill Simmons, Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

/s/Donna Stottlemeyer

Approved: July 20, 2004