

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

JULY 14, 2009

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:44 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger Abe, and Hal Stocker. Supervisor Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, Chief Deputy Counsel Pat Garamone, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Nicoletti presided.

At the request of Counsel Pat Garamone and County Administrator Robert Bendorf and upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board added to the agenda under County Departments to receive information regarding the issuance of registered warrants by the State of California to Yuba County and to provide direction as appropriate. ADD TO AGENDA

Following a moment of silence in memory of former County Counsel Dan Montgomery, Mrs. Sylvia Montgomery commended the Board for the support provided to Dan during his illness and at this time of loss.

CONSENT AGENDA

Upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Griego being absent, the Board took the following actions:

A. Administrative Services

- 1) Approved agreements with Best Contracting Services, Inc. and D7 Roofing Services, Inc. for the Juvenile Hall and Library roof replacements and authorized the Chairman to execute same. APPROVE AGRMNTS.
- 2) Approved an agreement with FusionStorm as consultant to provide Active Directory Migration Services related to updating the County's server and voice mail system and authorized the Chairman to execute same. APPROVE AGRMNT.

B. Clerk of the Board of Supervisors

- 1) Reappointed Ms. Leanna Beam to the Smartsville Cemetery District as a Director for a term to expire July 7, 2013. REAPPT. REP.
- 2) Approved the minutes of the regular meetings of June 9, 16, and 23, 2009, as written. APPROVE MINUTES

C. Community Development and Services: Approved reimbursement agreements with John Mourier Construction, Inc., and Woodside Montrose Inc., for eligible transportation facilities in the East Linda Specific Plan and authorized the Chairman to execute same. APPROVE AGRMNTS.

D. Emergency Services: Adopted Resolution No. 2009-56, which is on file in Yuba County Resolution Book No. 40, which is entitled: "SIGNATURE RESOLUTION AUTHORIZING THE COUNTY DIRECTOR OF EMERGENCY SERVICES OR ITS DESIGNEE TO SUBMIT GRANT APPLICATION FOR THE FISCAL YEAR 2009 HOMELAND SECURITY GRANT AND FOLLOW THROUGH THEREON." ADOPT RESOLUTION NO. 2009-56

E. Health and Human Services

1) Adopted Resolution No. 2009-57, which is on file in Yuba County Resolution Book No. 40, which is entitled: "AUTHORIZE THE YUBA COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT TO APPLY TO THE CALIFORNIA DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS FOR SUBSTANCE ABUSE OFFENDER TREATMENT PROGRAMS FUNDS FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2010, AND FURTHER AUTHORIZE CHAIRMAN TO EXECUTE DOCUMENTS AS REQUIRED BY THE APPLICATION, THE RESULTANT GRANT, AND ANY PERTINENT DOCUMENTS RELATED TO THIS PROGRAM, AND TO ACCEPT FUNDS." ADOPT RESOLUTION NO. 2009-57

2) Adopted Resolution No. 2009-58, which is on file in Yuba County Resolution Book No. 40, which is entitled: "AUTHORIZE CHAIRMAN TO EXECUTE DOCUMENTS AS REQUIRED BY THE CALIFORNIA DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS FOR SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000 FUNDS FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2010, AND ANY PERTINENT DOCUMENTS RELATED TO THIS PROGRAM, AND THE ACCEPTANCE OF FUNDS." ADOPT RESOLUTION NO. 2009-58

F. Local Agency Formation Commission: Approved Amendment No. 3 to the Agreement between the County and the Local Agency Formation Commission and authorized the Chairman to execute same. APPROVE AMNDMNT.

G. Probation: Approved an agreement with Sutter Yuba Mental Health for services at the Maxine Singer Youth Guidance Center and authorized the Chairman to execute same. APPROVE AGRMNT.

H. Sheriff-Coroner: Approved an agreement with the County of Los Angeles to continue services for statewide transportation of prisoners and authorized the Chairman to execute same. APPROVE AGRMNT.

#### SPECIAL PRESENTATION

Sexual Assault Prevention Month/July: Chairman Nicoletti read and presented a proclamation to Casa de Esperanza Counselor/Advocate Dina Weger proclaiming July 2009 as Sexual Assault Prevention month. PRESENT PRCLMTN.

#### PUBLIC COMMUNICATIONS

Mr. Tom Eres, on behalf of Hofman Ranch – items for consideration and role of Three Rivers Levee Improvement Authority advisory committee

Ms. Frances Hofman, Olivehurst – indemnification of County regarding Bear River Setback levee and maintenance

Mr. Monty Ahern, Linda - medicinal marijuana and opening of establishment for disbursement

#### COUNTY ADMINISTRATOR

Yuba County Draft Strategic Plan: County Administrator Robert Bendorf presented a Power Presentation including the vision, statement of commitment, guiding principles and strategic priorities included in the Draft Strategic Plan for Yuba County. INFO ONLY

#### TREASURER-TAX COLLECTOR

1) Tax and Revenue Anticipation Note/Yuba County/\$16 million: Following a brief recap from Assistant Treasurer Dan Mierzwa, upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2009-59, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF YUBA COUNTY AUTHORIZING THE ISSUANCE OF 2009-2010 TAX AND REVENUE ANTICIPATION NOTES," in an aggregate amount not to exceed \$16 million. ADOPT RESOLUTION NO. 2009-59

2) General Obligation Bonds, Election 2008, Series 2009/Marysville Joint Unified School District/\$47 million: Following a brief recap from Assistant Treasurer Dan Mierzwa, upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2009-60, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION AND ORDER AUTHORIZING THE ISSUANCE AND SALE OF THE MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT, YUBA COUNTY, CALIFORNIA, GENERAL OBLIGATION BONDS, ELECTION OF 2008, SERIES 2009; PRESCRIBING THE TERMS OF THE BONDS AND THEIR SALE; APPROVING FORMS OF THE PAYING AGENT AGREEMENT AND BOND PURCHASE AGREEMENT; APPOINTING PAYING AGENT; AND AUTHORIZING EXECUTION OF NECESSARY CERTIFICATES." ADOPT RESOLUTION NO. 2009-60

3) Issuance of Registered Warrants by State to County: Treasurer-Tax Collector James Kennedy and Auditor-Controller Dean Sellers advised the county received first registered warrant and requested authority to receive and "book as investment" at 3.75 percent interest received from the State through October 2, 2009 and responded to Board inquiries.

Upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board gave authority to the Treasurer-Tax Collector and Auditor-Controller to accept registered warrants from the State of California and book as investment through October 2, 2009. ACCEPT WARRANTS

#### ORDINANCES AND PUBLIC HEARINGS

The Clerk read the disclaimer.

1) Ordinance/Approving Minor County Boundary Adjustment between Placer and Yuba Counties related to Bear River Hop Farm: Assistant Planning Director Ed Palmeri recapped the proposed boundary change and responded to Board inquiries. Chairman Nicoletti opened the public hearing.

The following individual spoke:

- Mr. Braiden Chadwick, on behalf of applicant

Upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Griego being absent, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1480, which is on file in Ordinance Book No. 40, which is entitled: "AN ORDINANCE APPROVING A MINOR COUNTY BOUNDARY ADJUSTMENT BETWEEN PLACER COUNTY AND YUBA COUNTY RELATED TO THE BEAR RIVER HOP FARM."

ADOPT  
ORDINANCE  
NO. 1480

2) Public Hearing/Resolution Confirming Report of Delinquent Solid Waste Collection Charges and Order of Assessment related to Yuba Sutter Disposal, Inc. (YSDI): Assistant County Administrator Randy Margo and YSDI Manager Dave Vaughn recapped the purpose of the hearing and responded to Board inquiries.

The following individuals spoke:

- Mr. Antonio Campino, 1699 Shoreline Drive
- Mr. Daniel Kane, 2219 August Way
- Ms. Virginia Frizzell, 4017 Mary Avenue
- Mr. Charley Smith, 4599 Arboga
- Ms. Jeannette Biddle, 3607 Indian Clover Place
- Mr. Cory Hatchinger, 1284 Kingston Drive
- Mr. Jerry Rackley, 5950 Redburn Avenue

Upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Abe voting in opposition and Supervisor Griego being absent, the public hearing was closed and the Board adopted Resolution No. 2000-61, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION CONFIRMING REPORT OF DELINQUENT SOLID WASTE COLLECTION CHARGES AND ORDER OF ASSESSMENT."

ADOPT  
RESOLUTION  
NO. 2009-61

#### CORRESPONDENCE

Upon motion of Supervisor Abe, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board accepted the following correspondence:

A. Letter from Freedom Advocates enclosing pamphlet entitled *Sustainable Development: Global to Local Action Plans*.

B. Pamphlet from Sacramento Area Council of Governments entitled *Outreach Public Participation Plan*.

C. Letter from Yuba Community College District enclosing Fiscal Year 2007-2008 Financial Statements.

- D. Four Notices from California Fish and Game Commission regarding proposed regulatory actions related to live fish transportation, marine protected areas, Pacific herring fishing regulations, and the American peregrine falcon.
- E. Letter from Sutter County Board of Supervisors regarding pursuing the concept of consolidating dispatch centers.
- F. Notice from California Department of Fish and Game regarding petition and comment period regarding listing the Pacific fisher as threatened or endangered.
- G. Letter from the Dobbins/Oregon House Action Committee regarding expansion of the Oregon House community boundary.
- H. Annual Report from the State Board of Equalization dated 2007/2008.
- I. Notice from California Water Resources Control Board regarding temporary water transfer petition from the City of Sacramento to the 2009 Drought Water Bank.
- J. Notice from the Plumas National Forest regarding schedule of proposed actions for July through September 2009.
- K. Two Memorandums from Sutter Yuba Mental Health Services enclosing the annual reports for Fiscal Year 2008-2009 for the Mental Health Board and Substance Abuse Advisory Board.

#### BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following;

Supervisor Stocker:

- Memorial adjournment – Ms. Mary Ann Dickenson
- Presence of farmer markets within County
- Retirement of County Surveyor Gary Lippencott
- Certification of Appreciation for Planning Commissioner Terri Flanagan
- Dredging of river ways
- TANC electrical line project

Supervisor Abe: Memorial adjournment – Mr. John B. Sohrakoff

Supervisor Vasquez:

- Fundraiser for veterans
- Juvenile justice seminar
- Linda Community cleanup scheduled October 3, 2009 at the Feather River Center

Supervisor Nicoletti:

- Comstock magazine article regarding life span and entering care center age expectancy
- Memorial adjournment – Mr. Daniel Montgomery Jr. and Mr. Al Fortino
- Marysville Peach Festival scheduled July 17 – 19, 2009

At the request of Chief Deputy Counsel and upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board added to closed session one case of threatened litigation and real property negotiations on the Jolson property as the need to take action arose subsequent to the agenda being posted.

ADD  
CLOSED  
SESSION  
MATTERS

County Administrator Robert Bendorf: Budget Workshops scheduled July 20 and 21, 2009

CLOSED SESSION

The Board retired into closed session at 11:41 a.m. to discuss the following:

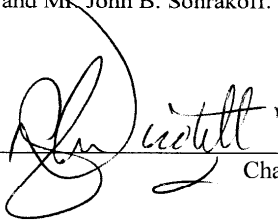
- A. Personnel pursuant to Government Code §54957 - Personnel Appeal in the matter of S.H.
- B. Personnel pursuant to Government Code §54957 - Public Appointment/Public Guardian
- C. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - DDA/DSA/MSA/YCEA/Unrepresented and County of Yuba
- D. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 015-790-023-000 (Jolson) Negotiating Parties: County of Yuba/Mike Lee Negotiation: Price and Terms
- E. Threatened litigation pursuant to Government Code §5496.9(b) - One Case

The Board returned from closed session at 12:35 p.m. with all Board and staff members present except Supervisor Vasquez.

Chairman Nicoletti advised the Board provided staff direction regarding property negotiations; the Board denied the personnel appeal in the matter of S.H.; and the Board appointed Ms. Asha Davis Interim Public Guardian.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Nicoletti adjourned the meeting at 12:36 p.m. in memory of Ms. Mary Ann Dickenson, Mr. Daniel Montgomery Jr., Mr. Al Fortino, and Mr. John B. Sohrakoff.

  
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Chairman

ATTEST: DONNA STOTTEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

  
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Approved: 

