

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

AUGUST 17, 2004

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:00 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, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Simmons presided.

CONSENT AGENDA

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

- A. Administrative Services: Approved a Memorandum of Understanding with Yuba Sutter Economic Development Corporation for participation in the United States Department of Agriculture Intermediary Relending Program and authorized the Chairman to execute same. APPROVE MOU
- B. Agricultural Commissioner: Adopted Resolution No. 2004-116, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION AUTHORIZING DENNIS POOLER AGRICULTURAL COMMISSIONER TO EXECUTE COOPERATIVE AGREEMENT AND ANNUAL WORK/FINANCIAL PLANS FOR WILDLIFE SERVICES FOR FISCAL YEAR 2004/2005." ADOPT RESOLUTION NO. 2004-116
- C. Clerk of the Board of Supervisors: Appointed Joan Anderson to the Yuba County Commission on Aging as the District Five representative with a term to expire December 31, 2006. APPOINT REP.
- D. Clerk/Recorder-Elections: Authorized a limited term Election Supervisor position and hire effective October 1, 2004 through December 31, 2004. AUTHORIZE POSITION

E. Probation

1) Adopted Resolution No. 2004-117, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION AUTHORIZING THE CHAIR ON BEHALF OF THE BOARD TO APPLY FOR GRANT FUNDING TO IMPLEMENT A PROGRAM COMPLYING WITH THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT GUIDELINES." ADOPT RESOLUTION NO. 2004-117

2) Approved an agreement between Wheatland School District and County of Yuba for a Deputy Probation Officer II through the Probation and Schools Success Program and authorized the Chairman to execute same. APPROVE AGREEMENT

F. Public Works: Adopted Resolution No. 2004-118, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION APPROVING FINAL MAP OF TRACT MAP NO. 2004-19 RIO DEL ORO, VILLAGE 14," and authorized the Chairman to execute the Subdivision Map Improvement Agreement. ADOPT RESOLUTION NO. 2004-118 & APPROVE AGREEMENT

G. Risk Management/Personnel: Adopted Resolution No. 2004-119, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION ADOPTING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO.," as it relates to relates to the Fiscal Year 2004/2005 Budget. ADOPT RESOLUTION NO. 2004-119

H. Sheriff-Coroner: Received the Inmate Welfare Expenditure Summary for Fiscal Year 2003/04 pursuant to Penal Code §4025(e). RECEIVE SUMMARY

PUBLIC COMMUNICATIONS

Mr. Rickie Wilson, Oroville, expressed concern regarding intertribal disputes of Enterprise Rancheria and felt the County should set aside the memorandum of understanding until the matter is resolved.

Mr. Greg Crompton, Dobbins, expressed concern regarding notification practices on items coming before the Yuba County Planning Commission.

AUDITOR-CONTROLLER

Final Fiscal Year 2004/05 Budget: Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board adopted Resolution No. 2004-120, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION ADOPTING BUDGET FOR FISCAL YEAR 2004-05." ADOPT RESOLUTION NO. 2004-120

COUNTY ADMINISTRATOR

Immigration and Naturalization Service/Revenue Distribution: At the request of Sheriff Black and with concurrence of County Administrator Kent McClain, the Board continued the matter to September 7, 2004. CONTINUE TO 9/7/04

BOARD OF SUPERVISORS

Three Rivers Levee Improvement Authority/Revised Agreement: Following presentation by County Counsel Daniel Montgomery and Board inquiries, upon motion of Supervisor Logue, seconded by Supervisor Griego, and unanimously carried, the Board adopted Resolution No. 2004-121, which is on file in Yuba County Resolution Book No. 35, which is entitled: "RESOLUTION AUTHORIZING THE EXECUTION OF A REVISED JOINT EXERCISE OF POWER AGREEMENT CREATING THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AND APPOINTING ADDITIONAL BOARD MEMBER," with an amendment to require residency. ADOPT RESOLUTION NO. 2004-121

COMMUNITY DEVELOPMENT/PUBLIC WORKS

Environmental Assessment/Enterprise Rancheria: Following presentation of additional comments regarding the environmental assessment by Public Works Director Kevin Mallen, Community Development Director Tim Snellings, and County Administrator Kent McClain, Project Manager Chad Broussard, Analytical Environmental Services, briefly recapped the assessment and public comment process.

Following Board inquiries, the following individuals expressed concern regarding the environmental assessment, impacts, and ability to respond to the Bureau of Indian Affairs (BIA):

- Ms. Frances Hoffman, Marysville
- Mr. Lou Binninger, Marysville
- Mr. Greg Crompton, Dobbins
- Ms. Sandy Gilbert, Wheatland
- Mr. Sheldon Hadley, Marysville
- Mr. Rick Paskowitz, Wheatland

Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and carried with Supervisors Griego and Simmons voting in opposition, the Board authorized correspondence to the BIA stating non-acceptance of the Environmental Assessment for the Enterprise Rancheria and requesting a full Environmental Impact Statement be prepared. AUTHORIZE LETTER

Following Board discussion, upon motion of Supervisor Logue, seconded by Supervisor Schrader, and carried with Supervisor Griego voting in opposition, the Board authorized additional comments to BIA regarding the Environmental Assessment for the Enterprise Rancheria project with a copy of the recorded proceedings included with correspondence.

ORDINANCES AND PUBLIC HEARINGS

Chairman Simmons read the disclaimer.

A. Public Hearing/2004/2005 Economic Development Enterprise Fund Grant Application: Following presentation by Airport Manager Mary Hansen, Chairman Simmons opened the public hearing and inquired if anyone wished to address this matter. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2004-122, which is on file in Yuba County Resolution Book No. 35, which is entitled: "A RESOLUTION APPROVING AN APPLICATION AND CONTRACT EXECUTION FOR FUNDING FROM THE ENTERPRISE FUND COMPONENT OF THE ECONOMIC DEVELOPMENT ALLOCATION OF THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO WITH THE STATE OF CALIFORNIA FOR THE PURPOSES FO THIS GRANT."

ADOPT
RESOLUTION
NO. 2004-122

B. Public Hearing/Appeal of Planning Commission/Tentative Subdivision Tract Map TSTM 2004-001 (Soto/Aldora): Principal Planner Charles Thistlethwaite recapped the subject subdivision tract map known as Fairway West and responded to Board inquiries.

Ms. Carol Spangler, Mr. Jim Rippey, and Mr. Greg Sraolzini, of the Fairway Downs Mutual Water Company, gave a power point presentation, identified as Exhibit "A" of the administrative record, outlining the basis of the appeal which included:

- Lack of the developer to obtain a "will serve" letter from Fairway Downs Mutual Water Company, presenting permit and application from the Department of Corporations, which are identified as Exhibit "B" and "C" of the administrative record respectively, and requesting first right of refusal; and
- Lack of improvement to Dye Road, safety issue, egress and ingress to subdivision, school bus stop and student safety, and presented photographs and maps, which are identified as Exhibit "D" and "E" of the administrative record; requesting improvements be made.

Differences between original and current proposed map regarding flow of traffic and continuity of subdivision appearance.

Following Board inquires, Mr. Seth Merewitz, Counsel on behalf of the developer, responded to the following points and Board inquiries:

- Appellants two points of appeal;
- Presented a letter from Marysville Joint Unified School District expressing no opposition to the tentative subdivision map, which is identified as Exhibit “1” of the administrative record respectively;
- Requested Board approval of subject map as recommended by the Planning Commission

The following individuals spoke in support of Fairway Downs Mutual Water Company position :

- Mr. Larry Wilkins, Fairway Drive
- Ms. Tammy Straolzini, Avocet Drive
- Ms. Carol Kenning, Marysville
- Mr. Doug Secord, Marysville

Following Board discussion, Supervisor Griego moved to deny the Tentative Subdivision Map. Supervisor Stocker seconded the motion.

Following further Board discussion, Supervisor Griego rescinded the motion with Supervisor Stocker concurring.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and carried with Supervisor Schrader voting in opposition, the Board approved its intent to reverse the findings of the Planning Commission decision approving TSTM 2004-001(Soto/Aldora) and directed County Counsel to prepare findings of fact to be brought forward for Board approval on September 7, 2004, with the added amendment to allow negotiations between the parties to reconcile issues before the Board.

CORRESPONDENCE

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

- A. Letter from State Water Resource Control Board enclosing order approving petition for temporary changes from Placer County Water Agency. No action.
- B. Notice from California Regional Water Quality Control Board for scoping meeting on August 19, 2004 regarding amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins. No action.

C. Flyer from Water Education Foundation announcing the Northern California Tour September 15-17, 2004. No action.

BOARD AND STAFF MEMBERS' STAFF

Reports were received on the following:

Supervisor Logue:

- Resource Depletion Fee Advisory Committee update

Chairman Simmons disbanded the advisory committee.

Supervisor Schrader:

- Memorial adjournment in memory of Mr. Blair T. Butler, Mr. Jesse M. Ohrt, Mr. Edmond Starr and Mr. Donald Baker

Supervisor Griego:

- Veterans Stand Down held September 11 and 12, 2004

Supervisor Stocker:

- Memorial adjournment in memory of Mr. Edmond Starr

Supervisor Simmons:

- Memorial adjournment in memory of Mr. Donald Baker

CLOSED SESSION

County Counsel Daniel Montgomery advised the agendaized closed session regarding pending litigation *Calvert vs. County Yuba* is not needed for discussion at this time.

The Board retired into closed session at 9:33 p.m. to discuss pending litigation pursuant to Government Code §54956.9(a) – *John Floyd vs. County of Yuba*.

The Board returned from closed session at 9:37 p.m. with all Board and staff members present as indicated above.

County Counsel Daniel Montgomery announced: “In the matter of John Floyd, the Board unanimously authorized retention of outside counsel.”

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 9:37 in memory of Mr. Blair T. Butler, Mr. Jesse M. Ohrt, Mr. Edmond Starr and Mr. Donald Baker by Chairman Simmons.

/s/Bill Simmons, Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

/s/Donna Stottlemeyer

Approved: September 14, 2004