

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

AUGUST 26, 2008

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:35 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 Robert Bendorf, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Logue presided.

CONSENT AGENDA

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

A. Administrative Services

1) Approved Airport Lease Agreement with Federal Aviation Administration for a five year term commencing October 1, 2008 through September 30, 2013 and authorized the Chairman to execute same. APPROVE AGREEMENT

2) Adopted Resolution No. 2008-110, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "SIGNATURE RESOLUTION AUTHORIZING THE COUNTY DIRECTOR OF ADMINISTRATIVE SERVICES TO SUBMIT BLUE SKY GRANT AND FOLLOW THROUGH THEREON," as it relates to the purchase of an electric vehicle. ADOPT RESOLUTION NO. 2008-110

B. Board of Supervisors: Approved letter of support for High Sierra Resource Conservation and Development Council's application for grant funds from Sierra Nevada Conservancy for the Forbestown Fuel Break Project and authorized the Chairman to execute same. APPROVE LETTER OF SUPPORT

C. Clerk of the Board of Supervisors: Reappointed Mimi Mathews to the Yuba County Assessment Appeals Board No. II for a term to expire September 5, 2011. REAPPOINT REP.

D. Community Development and Services: Approved Third Amendment to the agreement with David Evans and Associates for services related to the State Route 70/Plumas Lake Boulevard Interchange Project and authorized the Chairman to execute same. APPROVE AMENDMENT

E. Health and Human Services: Approved Medi-Cal Data Privacy and Security Agreement with the California Department of Health Care Services and authorized the Chairman to execute same. APPROVE AGREEMENT

CONSENT DISCUSSION

Probation/Juvenile Hall Roof Replacement: Following Supervisor Schrader indicating today's actions would be the last official duty of Chief Probation Officer Steve Roper, Board members commended his efforts to be at the forefront of crime prevention, methodology, and programs which have benefited juveniles in Yuba County.

Mr. Steve Roper thanked the board and advised he enjoyed his 33 years of employment with the County.

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the Board authorized the Director of Administrative Services to develop specifications and pursue bids for Juvenile Hall roof replacement. AUTHORIZE BIDS

PUBLIC COMMUNICATIONS

No one came forward.

ADMINISTRATIVE SERVICES

1) 4H Camp Advisory Council: Director Doug McCoy provided a brief recap on necessity of establishing an Advisory Council and responded to Board inquires.

Upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and unanimously carried, the Board approved the formation of a 4H Camp Advisory Council and approved member representatives. APPROVE ADVISORY COUNCIL

- Chy Company
- Member of the local community
- Local 4H Council leadership
- Three County staff members (County Administrators Office, Administrative Services and Probation Department)

2) Disposal of Surplus County property: Administrative Services Director Doug McCoy and Assistant Director Tara Repka Flores provided a brief recap advising of contract for electronic waste recycler and items in working order would go to auction, and responded to Board inquires.

Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried the Board declared various county property as surplus property and authorized the Purchasing Agent to dispose of same in accordance with Yuba County Ordinance Code 2.50.060. AUTHORIZED DISPOSAL OF PROPERTY

COUNTY ADMINISTRATOR

Household Hazardous Waste Collection Facility: Following a brief recap from County Administrator Randy Margo and Board inquiries, upon motion of Supervisor Nicoletti, seconded by Supervisor Schrader, and unanimously carried, the Board reaffirmed Letter of Intent to lease a portion of proposed site (APN 013-410-105 to Regional Waste Management Authority (RMWA) for the development and operation of a household hazardous waste collection facility; and authorized (RMWA) application to California Integrated Waste Management Board for household hazardous waste collection facility. APPROVE LETTER

Mr. Keith Martin, Regional Waste Management Authority, advised the facility would open in 2010.

ORDINANCE AND PUBLIC HEARINGS

Chairman Logue read the disclaimer.

1) Ordinance/Amending Title XIII of the Yuba County Ordinance Code By adding Chapter 13.80 relating to Deferral of Certain Impact Fees (Second Reading) (Continued from August 19, 2008): Community Development and Services Director Kevin Mallen recapped the impact fees, and indicated Olivehurst Public Utilities District opposed freezing the rates on the PSLP/NASA Park Improvement Fee and the Olivehurst Fire Impact Fees.

Linda Fire Chief Rich Webb supported deferral of fees.

Chairman Logue opened the public hearing. No one came forward.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed and the Board amended the ordinance to defer certain impact fees with the exception of the PSLP/NASA Park Improvement Fee and the Olivehurst Fire Impact Fees which shall be paid at the rate or rates applicable at the time of payment, and continued the first reading to September 9, 2008. CONTINUE TO SEPT 9, 2008

2) Public Hearing/Adopt findings of facts, conclusions of law and orders authorizing assessment: Following a brief recap by Code Enforcement Officer John Rohrbach, and Board inquires, Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the public hearing was closed and the Board adopted findings of facts, conclusions of law and orders authorizing assessment of administrative and abatement costs and penalties in the amount of \$13,567, and recording of lien located at 4347 Evelyn Drive, Olivehurst (Barbour, John and Laura). ADOPT FINDINGS OF FACT

3) Public Hearing/Adopt findings of facts, conclusions of law and orders authorizing assessment: Following a brief recap by Code Enforcement Officer Debee McNally, and Board inquires, Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed and the Board adopted findings of facts, conclusions of law and orders authorizing assessment of administrative and abatement costs and penalties in the amount of \$8,994.64, and recording of lien located at 5045 Olivehurst Avenue, Olivehurst (Yuba Street Ventures). ADOPT FINDINGS OF FACT

4) Public Hearing/Vacation of portions of First Avenue, Second Avenue and Third Avenue within the Magnolia Park Tract, Subdivision No. 1: County Surveyor Gary Lippincott provided background on the request for vacation of portions of First Avenue, Second Avenue and Third Avenue within the Magnolia Park Tract, Subdivision No. 1. Chairman Logue opened the public hearing. No one came forward.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2008-111, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION ADOPTING ORDER OF VACATION OF PORTIONS OF FIRST AVENUE, SECOND AVENUE AND THIRD AVENUE WITHIN THE MAGNOLIA PARK TRACT SUBDIVISION NO. 1." ADOPT RESOLUTION NO. 2008-111

CORRESPONDENCE

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

A. Resolution of the Wheatland School District ordering an election to authorize the issuance of school bonds, establishing specifications of the election order, and requesting consolidation with other elections occurring on November 4, 2008.

B. Letter from David Soares regarding alleged code, zoning, and health violations at APN 060-240-051/052 (Brown).

Referred to County Administrator, Community Development, County Counsel, Code Enforcement/Environmental Health REFER TO STAFF

C. Letter from Matt and Katie Tucker regarding rezoning of properties located on Hammonton-Smartsville Road. REFER TO STAFF

Referred to Community Development and County Administrator

D. Four 2008 Local Agency Biennial Notices advising no change is required to conflict of interest code for South Yuba Water District, Marysville Joint Unified School District, Reclamation District 817, and Keystone Cemetery District.

E. Two letters from Governor's Office of Emergency Services advising primary county of Placer and contiguous counties disaster areas due to agricultural losses by drought from March 1, 2008 through June 1, 2008.

F. Letter from Governor's Office of Emergency Services advising disaster designation for the county of Sutter and the contiguous counties due to agricultural losses by drought from March 1, 2008 through April 30, 2008.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:

- Memorial adjournment in honor of Mr. Ben Frank Rorie and Mr. Vladimir Mancl
- Yuba Highlands project developer interested in selling a portion of property

Supervisor Schrader:

- Memorial adjournment in honor of Mrs. Julie Garcia Tyler
- Urged support of an ordinance creating a 25 foot easement along levees to prohibit Agriculture waste accumulation
Referred to Staff
- Out of state August 31 to September 5, 2008

Following Board consensus, County Counsel received direction to prepare ordinance for Board consideration.

Supervisor Griego:

- California Local Agency Formation Commissions conference September 2, 2008

Supervisor Nicoletti:

- Potential funding from Beale Air Force Base in consideration of California Innovation Center

Supervisor Logue:

- Department of Fish and Game flat rate fee on lot splits

County Administrator Robert Bendorf:

- Senate Bills 1500 and 1617 regarding fire protection in State responsibility areas were pulled from consideration

At the request of County Counsel and upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and unanimously carried, the Board added of one case of pending litigation to closed session regarding *Cunningham versus County* as the need to take action arose subsequent to the agenda being posted.

Deputy Clerk of the Board Rachel Ferris

- Clerk of the Board Donna Stottlemeyer will be out of state August 28 through September 7, 2008
- September 2, 2008 Board of Supervisors meeting has been cancelled

Supervisor Nicoletti left the meeting at 10:35 a.m.

CLOSED SESSION

The Board retired into closed session at 10:45 a.m. to discuss the following:

- A. Threatened litigation pursuant to Government Code §54956.9(b) – One Claim
- B. Pending litigation pursuant to Government Code §54956.9(a) Cunningham vs. County of Yuba

The Board returned from closed session at 10:51 a.m. with all Board and staff members present as indicated above with the exception of Supervisor Nicoletti.

At the request of County Counsel and upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried the Board added of one claim of threatened litigation to closed session as the need to take action arose subsequent to the agenda being posted.

The Board retired into closed session at 10:52 a.m. to discuss the following:

- C. Threatened litigation pursuant to Government Code §54956.9(b) – One Claim

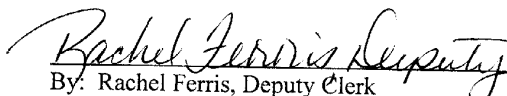
The Board returned from closed session at 10:56 a.m. with all Board and staff members present as indicated above with the exception of Supervisor Nicoletti. There were no announcements.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 10:57 a.m. in memory of Mrs. Julie Garcia Tyler, Mr. Ben Frank Rorie and Mr. Vladimir H. Mancl by Chairman Logue.


Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS


By: Rachel Ferris, Deputy Clerk

Approved: Sept 16, 2008