

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

AUGUST 28, 2007

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 Robert Bendorf, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Ellen DeLemos. Chairman Stocker presided.

CONSENT AGENDA

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

- A. Administrative Services: Approved the Vehicle Services Fund permanent vehicle assignment. APPROVE
ASSGNMNT
- B. Auditor-Controller
- 1) Adopted Resolution No. 2007-115, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION FIXING GENERAL COUNTY WIDE TAX RATE." ADOPT
RESOLUTION
NO. 2007-115
- 2) Adopted Resolution No. 2007-116, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION ADOPTING BUDGET FOR FISCAL YEAR 2007-08." ADOPT
RESOLUTION
NO. 2007-116
- 3) Adopted Resolution No. 2007-117, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION FIXING SPECIAL TAX RATES FOR COUNTY, SCHOOL DISTRICT INDEBTEDNESS." ADOPT
RESOLUTION
NO. 2007-117
- C. Clerk of the Board of Supervisors
- 1) Approved the minutes of the regular meetings of August 7 and 14, 2007 as written. APPROVE
MINUTES

- 2) Appointed Ms. Constance Wilson to the Area 4 Agency on Aging Advisory Council for a term to expire June 30, 2010. APPOINT
REP.
- D. Community Development and Services
- 1) Authorized fund expenditure in an amount not to exceed \$3,500 from the Fish and Game Trust Fund for the 2007 Junior/Women Pheasant Hunt. AUTHORIZE
EXPENDITURE
- 2) Authorized release of securities in accordance with the provisions of the escrow agreement between Yuba County and Teichert Construction and authorized Supervisor Griego to execute letter of release. AUTHORIZE
RELEASE
- E. County Administrator: Adopted Resolution No. 2007-118, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION PERTAINING TO TAX REVENUE EXCHANGE – LAFCo FILE NUMBER 2006-13," annexing certain property to North Yuba Water District. ADOPT
RESOLUTION
NO. 2007-118
- F. Probation: Approved an agreement with Wheatland School District for services of a Deputy Probation Officer in the Probation and Schools Success Program and authorized the Chairman to execute same. APPROVE
AGRMNT

CONSENT DISCUSSION

County Administrator: Following a brief recap by Supervisor Nicoletti, upon motion of Supervisor Nicoletti, seconded by Supervisor Schrader, and unanimously carried, the Board adopted Resolution No. 2007-119, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION OF THE BOARD OF YUBA COUNTY IN SUPPORT OF LOCATING THE NEW CYBERSPACE COMMAND CENTER TO BEALE AIR FORCE BASE." ADOPT
RESOLUTION
NO. 2007-119

SPECIAL PRESENTATION

Air Force Week 60th Anniversary: Chairman Stocker presented a proclamation to General Polumbo in recognition of Air Force Week. General Polumbo presented the Board with a flag commemorating their 60th Anniversary and provided a viewing commemorating Air Force Week. PRESENT
PROC.

PUBLIC COMMUNICATIONS

Mr. Lance Ayers, Marysville recapped the Yuba Sutter Veterans Stand Down held August 24 through 26, 2007 in Marysville, California.

Mr. Ed Fleming, Marysville, expressed concerns regarding employment for illegal immigrations.

ADMINISTRATIVE SERVICES

Declare Surplus Property/Child Support Services and Health and Human Services: DECLARE PROPERTY
Following a brief recap from Administrative Services Director Steve Androvich and Board inquiries, upon motion of Supervisor Griego, seconded by Supervisor Logue, and unanimously carried, the Board declared surplus property from Child Support Services and Health and Human Services and authorized the Purchasing Agent to dispose in accordance with Yuba County Ordinance Code 2.50.060.

CLERK-RECORDER/ELECTIONS

Yuba Highlands Area Plan/Referendum Petition: Clerk Recorder Terry Hansen recapped the petition process and associated election costs and responded to Board inquires.

The following individuals spoke in opposition of the project:

- Mr. Paul Baker, Browns Valley
- Mr. Siegfried Boss, Ostrom Road
- Mr. Greg Crompton, Dobbins
- Mrs. Sarah Pettis, Marysville
- Mr. Jim Pettis, Marysville
- Ms. Laurie Oberholtzer, Nevada City
- Mr. Norbert Van Heste, Loma Rica
- Ms. Darlene Van Heste, Loma Rica
- Mr. Terry Germany, Loma Rica
- Ms. Cathy LeBlanc, Camptonville
- Ms. Freda Calvert, Marysville
- Mr. Rex Archer, Linda
- Mr. Jim Wilson, Gridley
- Mr. Daniel Nicholson, Camptonville
- Mr. William Appleby, Loma Rica
- Mr. Ed Fleming, Marysville
- Ms. Kym Dupont, Camptonville
- Ms. Wanda Boone, Brownsville

Supervisor Griego left the meeting at 10:23 a.m. and returned at 10:24 a.m.

The following individual spoke in support of the project:

- Mr. Josh Cook, representing Yuba Highlands Partners

Following Board discussion, Supervisor Schrader moved to accept the Certificate of Sufficiency to Referendum Petition and place the referendum on the February 2008 ballot. Supervisor Logue seconded the motion. MOTION

Following Board discussion, Supervisor Griego amended the motion to include the Board take action to decline Resolution No. 2007-95. Supervisor Stocker seconded the motion. AMEND MOTION

Following Board discussion, Supervisor Schrader withdrew his motion, and the second concurred. WITHDRAW MOTION

Following Board discussion, upon motion of Supervisor Griego, seconded by Supervisor Stocker, and following a roll call vote with Supervisors Logue, Nicoletti and Schrader voting in opposition, and Supervisors Griego and Stocker voting in support, the motion to rescind the resolution to decline the Yuba Highlands project failed. MOTION FAILED

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and following a roll call vote with Supervisors Logue, Nicoletti, Griego, Schrader, and Stocker voting in support, the Board approved placing a Referendum Against An Ordinance Passed by the Board of Supervisors Resolution No. 2007-95 on the ballot of the next General Election. MOTION

RECESS

The Board recessed at 11:38 a.m. The Board reconvened at 11:50 a.m. with all Board and staff members present as indicated above.

COMMUNITY DEVELOPMENT AND SERVICES

Conditional Encroachment Permit/State Route 20/Kibbe Road: Public Works Director Mike Lee recapped issuance of an encroachment permit and responded to Board inquiries.

The following individuals spoke in opposition:

- Mr. Keith Wagner, Attorney representing Mr. and Mrs. Tull
- Mr. Charles Mathews, Hallwood

The following individual spoke in support:

- Ms. Lillie Noble, representing Teichert Aggregates

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Griego, and following a roll call vote with Supervisors Logue, Nicoletti, Griego, Schrader voting in support, and Supervisor Stocker voting in opposition, the Board approved the conditional encroachment permit for State Route 20/Kibbe Road project, adopted the Findings and Statement of Overriding Consideration, and authorized the Chairman to execute same.

APPROVE
PERMIT

COUNTY ADMINISTRATOR

1) Grand Jury Response Fiscal Year 2006/2007: Assistant County Administrator Randy Margo recapped Grand Jury report and responded to Board inquiries. Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the Board approved the Grand Jury responses to 2006/2007 Final Report and authorized the Chairman to execute same.

APPROVE
RESPONSE

2) Senate Bill 375/Greenhouse Gas Emissions: Following a brief recap from County Administrator Robert Bendorf and Board inquiries, Supervisor Schrader moved to oppose Senate Bill 375 regarding greenhouse gas emissions. Supervisor Nicoletti seconded the motion.

MOTION

Following Board discussion, Supervisor Griego amended the motion to include the language expressing participation in the restructuring of this bill or in any similar bills planned for the future of rural counties. Supervisor Logue seconded the motion.

AMEND
MOTION

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the Board approved opposing Senate Bill 375 regarding greenhouse gas emissions and authorized the Chairman to execute letter of opposition as amended.

APPROVE
LETTER

3) Community Facilities District No. 2005-1 (Orchard/Montrose Public Improvements): Assistant County Administrator Randy Margo recapped staff report regarding Community Facilities District No. 2005-1 (Orchard/Montrose) and responded to Board inquiries.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried the Board adopted Resolution No. 2007-121, which is on file in Yuba County Resolution Book No. 38, which is entitled:

ADOPT
RESOLUTION
NO. 2007-121

“RESOLUTION DESIGNATING IMPROVEMENT AREAS WITHIN THE COUNTY OF YUBA COMMUNITIES FACILITIES DISTRICT NO. 2005-1 (ORCHARD/MONTROSE PUBLIC IMPROVEMENTS), AND OF CONSIDERATION TO ALTER THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES, THE BONDED INDEBTEDNESS LIMITS AND THE APPROPRIATIONS LIMITS FOR SUCH AREAS.”

4) Multi Hazard Mitigation Plan Update: Project Coordinator Pat Beecham recapped current project status advising the plan was received by Federal Emergency Management Agency on August 17, 2007 and is currently being reviewed, and responded to Board inquiries. *INFO ONLY*

5) Personnel Director/Risk Management Agreement: County Administrator Robert Bendorf introduced Ms. Martha Wilson as the Personnel-Risk Management Director.

Upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and unanimously carried, the Board approved appointment of Ms. Martha Wilson as the Personnel-Risk Manager Director effective September 1, 2007; approved employment agreement, and authorized the Chairman to execute same. *APPROVE AGRMNT*

EMERGENCY SERVICES

Memorandum of Understanding/Storage of Disaster Related Items: Following a brief recap from Emergency Services Officer Scott Bryan and Board inquiries, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board approved the Memorandum of Understanding between Yuba County Health and Human Services, Wheatland City Police Department, and Wheatland High School for storage of disaster related items for Yuba County Operational Area and authorized the Chairman to execute same. *APPROVE MOU*

PROBATION/SUPERIOR COURTS

Memorandum of Understanding/Shasta County: Following a brief recap from Superior Courts Assistant Court Executive Officer Ms. Evelyn Allis and Board inquiries, upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and unanimously carried, the Board approved a Memorandum of Understanding between Shasta County and Yuba County Probation for purpose of collections and authorized the Chairman to execute same. *APPROVE MOU*

Mr. Dick Boyd, Browns Valley, expressed concern regarding collecting from individuals who skip bail.

ORDINANCES AND PUBLIC HEARINGS

Chairman Stocker read the disclaimer.

A) Ordinance Repealing Chapter 8.76, 8.77 and 8.78, and Re-enacting Chapter 8.76 relating to County Parks and Recreation Areas: Following a brief recap from Public Works Director Mike Lee, Chairman Stocker opened the public hearing. No one came forward.

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1418, which is on file in Yuba County Ordinance Book No. 19, which is entitled: "AN ORDINANCE REPEALING CHAPTERS 8.76, 8.77 AND 8.78 OF THE YUBA COUNTY ORDINANCE CODE AND RE-ENACTING CHAPTERS 8.76 OF THE YUBA COUNTY ORDINANCE CODE RELATING TO COUNTY PARKS AND RECREATION AREAS."

ADOPT
ORDINANCE
NO. 1418

B) Ordinance Repealing and Re-enacting Chapter 8.79 and Amending Chapter 8.80 relating to Hammon Grove Park/Resolution relating to reservation process and establishing fees/Use of Caretaker Maintenance Agreement: Following a brief recap from Public Works Director Mike Lee, Chairman Stocker opened the public hearing. No one came forward.

Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and unanimously carried, the public hearing was closed, the reading was waived, the Board adopted Ordinance No. 1419, which is on file in Yuba County Ordinance Book No. 19, which is entitled: "AN ORDINANCE REPEALING CHAPTER 8.75, REPEALING AND RE-ENACTING CHAPTER 8.79, AND AMENDING CHAPTER 8.80 OF THE YUBA COUNTY ORDINANCE CODE RELATING TO HAMMON GROVE PARK."

ADOPT
ORDINANCE
NO. 1419

CORRESPONDENCE

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

A. Letter from United States Department of Commerce regarding upcoming training for the Local Update of Census Addresses Program for 2010 Census.

B. Newsletter from Del Norte Clinics, Inc. regarding programs in and around Yuba County.

- C. Letter from Yuba-Sutter Healthcare Council introducing new local Healthcare Council to assist Yuba County residents.
- D. Letter from State Water Resources Control Board regarding petition filed by Merced Irrigation District for temporary change to facilitate transfer of water under Water Code Section 1725.
- E. Letter from Hamilton, Rabinovitz & Associates, Inc. regarding national search for a president of the Great Valley Center at the University of California, Merced.
- F. Letter from University of California Agriculture and Natural Resources regarding Sierra Foothill Field Station and Charlie Mathews rice operation tour to be held September 21, 2007.
- G. Letter from Citizens Against Lawsuit Abuse requesting proclamation declaring October 1-5, 2007 as Lawsuit Abuse Awareness Week.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received from the following:

Supervisor Schrader:

- Urged support opposing Jones legislation regarding Sacramento Area Flood Control Agency purchasing flood easements outside their region.

Following Board consensus, Chairman Stocker directed staff to compose letter of opposition and requesting language in that bill that will allow county to have right of refusal.

Supervisor Griego:

- Memorial adjournment in memory of Mrs. Deborah Hawes

Supervisor Stocker:

- Memorial adjournment in memory of Mrs. Vivian Johnson
- Ordinance preventing individuals putting garbage in County dumpsters
- Planned Unit Development in the foothills in conflict with land use zoning

County Administrator Robert Bendorf:

- Department of Water Resources to conduct levee surveys by helicopter beginning early September
- Out of town September 4 through 16, 2007

Assistant County Administrator Randy Margo:

- Requested special meeting to be held September 6, 2007 to award contract for the Plumas Arboga interchange

Following Board consensus a special meeting of the Board of Supervisors was scheduled for September 6, 2007 at 9:00 a.m.

CLOSED SESSION

The board retired into closed session at 1:24 p.m. to discuss the following:

- A. Threatened litigation pursuant to Government Code §54956.9(b) – Seven Cases
- B. Pending litigation pursuant to Government Code §54956.9(a) – Padgett versus County of Yuba
- C. Pending litigation pursuant to Government Code §54956.9(a) – Marciano Plata and Ralph Coleman versus Arnold Schwarzenegger
- D. Pending litigation pursuant to Government Code §54956.9(a) – Gholson et al. versus County of Yuba et al
- E. Pending litigation pursuant to Government Code §54956.9(a) – Friends of Spenceville et al versus County of Yuba et al
- F. Pending litigation pursuant to Government Code §54956.9(a) – Hudson versus County of Yuba
- G. Pending litigation pursuant to Government Code §54956.9(a) – PG&E versus State Board of Equalization

Supervisor Logue left closed session at 2:03 p.m. and did not return.

Supervisor Griego left closed session at 2:08 p.m. and did not return.

The Board returned from closed session at 2:53 p.m. with all Board and staff members present as indicated above, except Supervisors Logue and Griego.

County Counsel Daniel Montgomery made the following announcement:

"In the matter of Gholson versus the County and Spenceville versus County by unanimous vote the Board authorized to tenure the defense to the real party and interest. There are no further announcements."

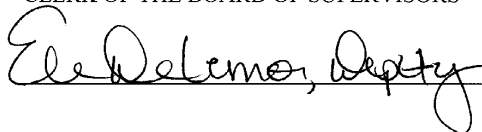
Chairman Stocker announced the special meeting scheduled for September 6, 2007 for 9:00 a.m. was changed to 12:30 p.m.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 2:55 p.m. in memory of Mrs. Deborah Hawes and Mrs. Vivian Johnson.


Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

 Approved: 