

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

SEPTEMBER 23, 2003

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 10:24 a.m., within the Courthouse, 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 Schrader presided.

CONSENT AGENDA

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

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| 1. <u>Board of Supervisors</u> : Adopted Resolution No. 2003-137, which is on file in Yuba County Resolution Book No. 34, and which is entitled: "RESOLUTION OPPOSING THE REMOVAL OF ENGLEBRIGHT DAM." | ADOPT
RESOLUTION
NO. 2003-137 |
| 2. <u>Clerk of the Board</u> | |
| (a) Approved minutes of the regular meeting of September 9, 2003 as written. | APPROVE
MINUTES |
| (b) Reappointed Teresa Griffin and Margery Hubbard to the Substance Abuse Advisory Board for terms to expire September 23, 2007. | REAPPOINT
SAAB REPS. |
| (c) Appointed Tammy McFee to the Developmental Disabilities Area Board III for a term to expire September 23, 2007. | APPOINT
REP. |
| (d) Reappointed Maggie Kershaw to the Substance Abuse Advisory Board for a term to expire September 23, 2007. | REAPPOINT
SAAB REP. |
| (e) Reappointed Barbara Miles to the Child Care Planning Council as the public agency representative for a term to expire September 30, 2006. | REAPPOINT
CCPC REP. |

3. Community Development: Adopted Resolution No. 2003-138, which is on file in Yuba County Resolution Book No. 34, and which is entitled: "RESOLUTION INITIATING AN AMENDMENT OF THE LAND USE MAP OF THE YUBA COUNTY GENERAL PLAN AND CHANGE OF ZONE REGARDING CERTAIN PROPERTIES ADJACENT TO THE BROWNSVILLE AERO PINES AIRPORT." ADOPT RESOLUTION NO. 2003-138
4. County Administrator: Approved Grand Jury response for Fiscal Year 2002/03 and authorized the Chairman to execute same. APPROVE RESPONSE
5. District Attorney
- (a) Adopted Resolution No. 2003-139, which is on file in Yuba County Resolution Book No. 34, and which is entitled: "RESOLUTION AUTHORIZING THE DISTRICT ATTORNEY OF YUBA COUNTY, AS THE DESIGNATED PROJECT DIRECTOR, TO MAKE APPLICATION FOR FUNDS TO THE OFFICE OF THE ATTORNEY GENERAL ON BEHALF OF THE COUNTY OF YUBA PURSUANT TO THE CALIFORNIA SPOUSAL ABUSE PROSECUTION PROGRAM GRANT OF 1994." ADOPT RESOLUTION NO. 2003-139
- (b) Adopted Resolution No. 2003-140, which is on file in Yuba County Resolution Book No. 34, and which is entitled: "RESOLUTION AUTHORIZING THE DISTRICT ATTORNEY OF YUBA COUNTY, AS THE DESIGNATED PROJECT DIRECTOR, TO MAKE APPLICATION FOR FUNDS TO THE OFFICE OF CRIMINAL JUSTICE PLANNING, ON BEHALF OF THE COUNTY OF YUBA, PURSUANT TO THE CALIFORNIA VIOLENCE AGAINST WOMEN VERTICAL PROSECUTION PROGRAM." ADOPT RESOLUTION NO. 2003-140
6. Emergency Services
- (a) Authorized Budget Transfer in the amount of \$15,000 from Account No. 101-0000-371-9899 (Miscellaneous) to various line items for purchase of hardware and software equipment for permit tracking system. AUTHORIZE B/T \$15,000
- (b) Approved allocating one limited term Emergency Services Coordinator IV position effective September 1, 2003. APPROVE POSITION
7. Library: Approved amendment to agreement with the Yuba County Children and Families Commission and authorized the Chairman to execute same. APPROVE AGRMNT.
8. Public Works: Approved agreement with MHM Inc. for professional services and authorized the Chairman to execute same. APPROVE AGRMNT.

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| 9. | <u>Sheriff-Coroner</u> : Approved deleting one Sergeant position and adding two Deputy III positions effective January 1, 2004. | APPROVE
POSITIONS |
| 10. <u>Risk Management/Personnel</u> | | |
| (a) | Rescinded Grievance Procedures adopted on September 2, 2003 and cancelled Grievance Hearing scheduled for September 30, 2003. | RESCIND &
CANCEL HRG |
| (b) | Adopted Resolution No. 2003-141, which is on file in Yuba County Resolution Book No. 34, and which is entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO. 2003-126," as it relates to Emergency Services Coordinator IV position. | ADOPT
RESOLUTION
NO. 2003-141 |
| (c) | Adopted Resolution No. 2003-142, which is on file in Yuba County Resolution Book No. 34, and which is entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO. 2003-126," as it relates to Sheriff's Sergeant Operations and Deputy Sheriff III positions. | ADOPT
RESOLUTION
NO. 2003-142 |

PUBLIC COMMUNICATIONS

Chairman Schrader stated the issue of adult business zoning has been referred to the Land Use and Public Works committee and no action is before the Board at this time.

Ms. Mary Logan, Park Circle, addressed the problem of mold within her rental home and lack of county oversight.

Following Board discussion, County Counsel Daniel Montgomery advised this issue does not fall within the category of hazardous and would be a civil matter between the relative parties.

Mr. Robert Wilson, Linda, urged stronger enforcement of code violations for both residential and commercial properties within the Linda community.

Mr. Chuck Carver, Linda, concurred.

(End of Tape No. 1657 Side A)

Mr. Enoch Lawrence, Mr. Benny Madrid, Ms. Carmel Garcia, and Ms. Gabi Tanguay, opposed sexually oriented businesses locating on North Beale Road and urged adoption of an ordinance to address this issue.

Mr. Jeffrey Girard, Olivehurst, disagreed and felt individuals should have the freedom to enjoy this type of entertainment if they so choose.

COMMUNITY DEVELOPMENT

Junior Pheasant Hunt: Upon motion of Supervisor Simmons, seconded by Supervisor Griego, and unanimously carried, the Board authorized funds from the Fish and Game Trust fund in the amount of \$3,843.75 for the Yuba County Junior Pheasant Hunt. AUTHORIZE FUNDS

PUBLIC WORKS

FEMA Hazard Mitigation Grant Program Projects: Public Works Director recapped the proposed changes to various projects and responded to Board inquiries.

Upon motion of Supervisor Logue, seconded by Supervisor Simmons, and unanimously carried the Board authorized the following:

- (a) Authorized the Public Works Director to submit a change in scope request to FEMA to include additional culvert improvements on the Olivehurst Interceptor as eligible costs and submit Letter of Map Revision to FEMA after culvert improvements are completed; AUTHORIZE CHANGE IN SCOPE
- (b) Authorized the Public Works Director to submit a request to Yuba County Water Agency to transfer the approved \$75,000 grant for the Olivehurst Detention Basin to the Olivehurst Interceptor to provide the local match for the additional culvert work; AUTHORIZE REQUEST TO YCWA
- (c) Authorized the suspension of work on the Detention Basin and Clark Lateral Projects due to current financial constraints; AUTHORIZE SUSPENSION
- (d) Authorized staff to request redirection of FEMA funds for the Olivehurst Detention Basin and Clark Lateral projects to problem identification, engineering, and environmental studies for the levees on the Bear River and Western Pacific Interceptor Canal. AUTHORIZE REQUEST TO FEMA

SHERIFF-CORONER

Animal Care Services/9th Reconnaissance Wing, Beale Air Force Base: Captain Long recapped the proposed agreement to provide animal shelter services and responded to Board inquiries.

Upon motion of Supervisor Simmons, seconded by Supervisor Stocker, and unanimously carried, the Board approved agreement with 9th Reconnaissance Wing, Beale Air Force Base and authorized the Chairman to execute same. APPROVE AGRMNT.

ORDINANCES AND PUBLIC HEARINGS

Chairman Schrader read the disclaimer.

Ordinance – Hold public hearing, waive second reading, and adopt ordinance amending Chapter 4.55 of the Yuba County Ordinance Code relating to the In-Home Supportive Services Public Authority (second reading): Chairman Schrader opened the public hearing and inquired if anyone wished to address this issue. No one came forward.

Upon motion of Supervisor Logue, seconded by Supervisor Stocker, and unanimously carried, the public hearing was closed.

Upon motion of Supervisor Stocker, seconded by Supervisor Logue, and unanimously carried, the second reading was waived and the Board adopted Ordinance No. 1319, which is on file in Yuba County Ordinance Book No. 17, and which is entitled: "ORDINANCE AMENDING CHAPTER 4.55 OF THE YUBA COUNTY ORDINANCE CODE RELATING TO THE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY." ADOPT ORDINANCE NO. 1319

CORRESPONDENCE

A. Pamphlet from Water Education Foundation announcing Southern California Groundwater Tour October 15-17, 2003. No action.

B. Letter from South Feather Water and Power dated September 1, 2003 regarding South Feather Power Project relicensing. No action.

C. Resolution from Nevada County Board of Supervisors opposing removal of Englebright Dam. No action.

D. Letter from California Department of Parks and Recreation dated September 5, 2003 regarding Proposition 40 grant programs. No. action.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:

- Sacramento Bee article regarding providing services in unincorporated areas

Supervisor Simmons:

- Requested County Counsel to research adding to the Planning Commission an ex-officio member from Beale Air Force Base

Supervisor Schrader:

- Requested County Administrator analyze creation of a County position with regards to water, levee, and flood planning management issues

County Administrator Kent McClain:

- Advised out of office on September 25 and 26, 2003
- Pulled from closed session discussion labor negotiations regarding a Code Enforcement Coordinator and recommended employment as extra hire without benefits, with salary to be negotiated in the \$20 - \$25 hourly range.

Supervisors Logue, Simmons, and Griego concurred.

CLOSED SESSION

The Board recessed at 11:30 a.m. and reconvened at 12:10 p.m. in closed session to discuss the following:

A. Labor negotiations pursuant to Government Code §54957.6(a) – Yuba County Employees Association/County of Yuba/Beverly Capaci

B. Personnel pursuant to Government Code §54957 - Public Employment – Community Development Director

The Board returned from closed session at 12:28 p.m. with all Board and staff members present as indicated above.

There was no announcement from closed session.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 12:28 p.m. by Chairman Schrader.

/s/Donald Schrader, Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

/s/Donna Stottlemeyer

Approved: October 14, 2003