

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

OCTOBER 7, 2008

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:05 p.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 Assistant County Administrator Randy Margo, Chief Deputy County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Logue presided.

CONSENT AGENDA

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

A. Board of Supervisors

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|---|-------------------------------------|
| 1) Adopted Resolution No. 2008-123, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION DECLARING THE MONTH OF OCTOBER FIREFIGHTER APPRECIATION MONTH."  | ADOPT<br>RESOLUTION<br>NO. 2008-123 |
| 2) Authorized out-of-state travel for Supervisors Griego and Stocker to attend the 8th Annual New Partners for Smart Growth Conference held January 22-24, 2009 in Albuquerque, New Mexico. | APPROVE<br>TRAVEL                   |
| 3) Cancelled the regular Board of Supervisors meeting scheduled December 2, 2008.   | CANCEL<br>MTG.                      |

B. Clerk of the Board of Supervisors

- |  |                      |
|--|----------------------|
| 1) Approved the minutes of the regular meetings of September 16 and 23, 2008, as written.                    | APPROVE<br>MINUTES   |
| 2) Appointed Ruth Criddle to the Area 4 Agency on Aging Advisory Council for a term to expire June 30, 2011. | APPOINT<br>A4AA REP. |

C. Community Development and Services

1) Adopted Resolution No. 2008-124, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AUTHORIZING SUBMISSION OF REVISED TRANSPORTATION CLAIM FOR FUNDS FROM THE TRANSPORTATION AND DEVELOPMENT ACT OF 1971 AS AMENDED," to Sacramento Area Council of Governments. ADOPT RESOLUTION NO. 2008-124

2) Adopted Resolution No. 2008-125, which is on file in Yuba County Resolution Book No. 39, which is entitled: "A RESOLUTION ADOPTING FINDINGS OF PUBLIC PURPOSE AS THE GROUNDS FOR THE REDUCTION OF THE COUNTY'S ROAD CLOSURE FEE IN THAT THE RECONSTRUCTION AND ROAD IMPROVEMENTS OF POWERLINE ROAD IS PUBLIC BENEFIT AND MORE SIGNIFICANTLY THE PROJECT IS WITHIN THE COUNTY REDEVELOPMENT AREA AND THEREBY FULFILLS THE MISSION AND PUBLIC PURPOSE OF THE AGENCY TO PROMOTE AND FURTHER COMMERCIAL DEVELOPMENT PROJECTS THAT ENCOURAGE ECONOMIC GROWTH AND DEVELOPMENT, JOB CREATION, AND FINANCIAL INVESTMENT WITHIN REDEVELOPMENT AREA WHICH WILL SERVE TO PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS OF THE COUNTY." ADOPT RESOLUTION NO. 2008-125

D. Emergency Services

1) Approved a Memorandum of Agreement with the County of Butte pertaining to assistance under the Emergency Managers Mutual Aid Agreement and authorized the Chairman to execute same. APPROVE MOA

2) Approved a Memorandum of Understanding with the American Red Cross, Three Rivers Chapter, for emergency shelter operations and authorized the Chairman to execute same. APPROVED MOU

E. Health and Human Services: Authorized a Contingency Fund Transfer in the amount of \$4,000 to Account No. 100-5200-451-2303 (Extraneous Expenditures) to assist in the interim solution for congregate bi-county senior meals. AUTHORIZE CNTNGNCY. TRNSFR.

SPECIAL PRESENTATIONS

1) Firefighter Appreciation Month/October: Board members presented proclamation in recognition of their bravery and dedication to the citizens of Yuba County to the following fire organizations: PRESENT PROCLMS.

- Beale Air Force Base Fire Department
- Camptonville Community Services District
- California Department of Fire and Forestry/Nevada-Yuba-Placer Unit
- Dobbins-Oregon House Fire Protection District
- Foothill Fire Protection District
- Linda Fire Department
- Loma Rica/Browns Valley Community Services District
- Marysville Fire Department
- Olivehurst Fire Department
- Smartsville Fire Protection District
- Wheatland Fire Authority
- United States Forest Services/Tahoe and Plumas National Forest

RECESS

The Board recessed at 6:14 p.m. and reconvened at 6:20 p.m. with all Board and staff members present as indicated above.

2) Domestic Violence Awareness Month: Following Chairman Logue presenting a proclamation declaring October 2008 Domestic Violence Awareness Month, Shelter Manager Emma Gee, Casa de Esperanza, recapped upcoming events to further awareness and prevention of domestic violence. PRESENT  
PROCLAM.

PUBLIC COMMUNICATIONS

Ms. Rachel Farrell, Harmony Health Resource Center, recapped the Make a Difference Day project scheduled October 25, 2008, to add park benches, flowers, and a walking path at Fernwood Park.

Mr. Tony Yocum, Ash Way, urged Board support for park improvements at Fernwood Wood Park.

Ms. Gloria Figuhr, Harmony Health Leadership Council, provided a petition to save Fernwood park.

Ms. Cathy LeBlanc, Coloma Way, urged recreation and follow-through of the parks Master Plan.

Mr. Ralph Bradwell, Grove Avenue, expressed opposition to housing "taking over Fernwood Park."

Chief Building Official Martin Griffin advised clean up of Dobbins Mini Mart would be approximately \$30,000 which did not include fuel tank contamination costs if applicable.

### COMMUNITY DEVELOPMENT AND SERVICES

1) October Community Planning Month: Following Assistant Planner Kelly McNally recapping upcoming workshops for local high school students focused on the General Plan Update process and building green communities, upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the Board adopted Resolution No. 2008-126 which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION APPROVING COMMUNITY PLANNING MONTH PROCLAMATION." ADOPT RESOLUTION NO. 2008-126

2) Johnson Rancho and Hop Farm Project/Notice of Preparation/City of Wheatland: Assistant Planning Director Ed Palmeri briefly recapped the propose project, site location proposed annexation, and departmental comments to be included.

The Board directed comments to be included for analysis on the following:

- Sustainable goals and impacts on transportation, energy use, and reductions in heat masses
- Compliance with AB 32(Nunez) Global Warming Issues
- Regional transportation planning and specific land use strategies to reduce carbon impact
- Cumulative impacts of project in relationship to recently approved projects
- Job/housing balance in region
- Potential impact of Beale Air Force Base operations
- Identify infrastructure improvements and costs

PROVIDE DIRECTION

### EMERGENCY SERVICES

Catastrophic Conditions of State's National Forests: Following presentation by Emergency Services Director Aaron Ward, upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the Board adopted Resolution No. 2008-127, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION ACKNOWLEDGING THE CATASTROPHIC CONDITIONS WHICH EXIST IN OUR STATE'S NATIONAL FORESTS, INCLUDING THOSE WHICH EXTEND INTO THE COUNTY OF YUBA, AND REQUEST FEDERAL ASSISTANCE TO MITIGATE THE CURRENT RISK." ADOPT RESOLUTION NO. 2008-127

ORDINANCES AND PUBLIC HEARINGS

Chairman Logue read the disclaimer.

1) Public Hearing/Yuba County Conflict of Interest Code: Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Nicoletti, seconded by Supervisor Schrader, and unanimously carried, the Board closed the public hearing and adopted the 2008 Yuba County Conflict of Interest Code. ADOPT  
COI  
CODE

2) Ordinance/Repealing and Reenacting Title X, Chapter 10.15 of the Yuba County Ordinance Code related to Firebreaks (Second Reading) (Continued from September 23, 2008): Following a recap from Chief Building Official Martin Griffin, Chairman Logue opened the public hearing.

Ms. Cathy LeBlanc, Columa Way, felt the requirements within the ordinance would be cost prohibitive for the low income, disabled, and elderly.

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the Board closed the public hearing, waived reading, and adopted Ordinance No. 1462, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE AMENDING THE YUBA COUNTY ORDINANCE CODE BY REPEALING AND RE-ENACTING AS AMENDED CHAPTER 10.15 OF TITLE X RELATING TO FIREBREAKS." ADOPT  
ORDINANCE  
NO. 1462

3) Ordinance/Adding Chapter 7.45, Title VII, of the Yuba County Ordinance Code related to Firebreak Maintenance: Following a recap from Chief Building Official Martin Griffin and Board inquiries, Chairman Logue opened the public hearing.

Upon motion of Supervisor Griego, seconded by Supervisor Nicoletti, and unanimously carried, the Board closed the public hearing, waived reading, and adopted Ordinance No. 1463, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE AMENDING THE YUBA COUNTY ORDINANCE CODE BY ADDING CHAPTER 7.45 TO TITLE VII, RELATING TO FIREBREAK MAINTENANCE." ADOPT  
ORDINANCE  
NO. 1463

CORRESPONDENCE

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

A. Nine 2008 Local Agency Biennial Notices advising no change is required to conflict of interest codes for River Highlands Community Services District, Wheatland Fire Authority, Wheatland Water District, Linda County Water District, Three Rivers Levee Improvement Authority, Linda Fire Protection District, Cordua Irrigation District, Wheatland School District, and Yuba Resource Conservation District.

B. Letter from Yuba Sutter Economic Development Corporation regarding the Yuba City Small Business Expo and Matchmaking Fair on Thursday, November 13, 2008, in Yuba City.

C. Letter from State of California Fish and Game Commission regarding various proposed changes to Title 14 related to recreational fishing regulations for federal ground fish and associated species for 2009 and 2010.

D. Letter from Orange County Board of Supervisors urging Governor veto of Senate Bill 375 related to land use.

E. Letter from the United States Department of Agriculture Tahoe National Forest announcing release of the Draft Environmental Impact Statement for Motorized Travel Management in the Tahoe National Forest.

#### BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker: Memorial adjournment in memory of Ms. Kathryn Weeks

Supervisors Nicoletti and Schrader: Memorial adjournment in memory of Mrs. Kathleen Lim

Supervisor Nicoletti:

- Tour of old Marysville Tower Theatre reconfiguration
- Yuba County Children's Council meeting held in Dobbins
- Area 4 Agency on Aging award of contract to Butte County agency for congregate meal sites within Yuba County
- Governor's correspondence to Senate regarding
- Out of country October 8 through 13, 2008

Supervisor Logue: Memorial adjournments in memory of Mr. Jack Wallace and Mr. Milton J. LaMafla

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Assistant County Administrator Randy Margo: Special session regarding state budget shortages

CLOSED SESSION

The Board retired into closed session at 7:34 p.m. to discuss the following:

- A. Pending litigation pursuant to Government Code §54956.9(a) - State of California et. al. vs. Infineon Technologies et. al.
- B. Pending litigation pursuant to Government Code §54956.9(a) - Crawford vs. City of Marysville, County of Yuba, and CalTrans

The Board returned from closed session at 7:41 p.m. with all Board and staff members presented as indicated above.

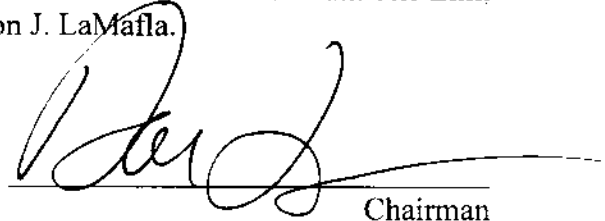
Chief Deputy Counsel Angil Morris-Jones made the following announcement:

"Your Board authorized the State of California to represent the County in the first matter listed on the agenda. The Board also authorized Porter, Scott to represent the defendant in the other matter discussed. No other announcements."

CLOSED  
SESSION  
ANNOUNC.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Logue adjourned the meeting at 7:43 p.m. in memory of Mrs. Kathleen Lim, Ms. Kathryn Weeks, Mr. Jack Wallace and Mr. Milton J. LaMafla.



Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS



Approved: October 21, 2008