

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

OCTOBER 28, 2008

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:31 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, Chief Deputy County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Logue presided.

CONSENT AGENDA

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

- A. Administrative Services: Approved Community Development Block Grant Program subrecipient agreement with the Yuba-Sutter Economic Development Corporation and authorized the Chairman to execute same. APPROVE AGREEMENT
- B. Clerk of the Board of Supervisors
- 1) Adopted Resolution No. 2008-141, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION REPEALING AND REINSTATING THE RULES AND PROCEDURES PROVIDING FOR THE GOVERNMENT OF THE BOARD OF SUPERVISORS PRESERVATION OF ORDER, AND TRANSACTION OF BUSINESS." ADOPT RESOLUTION NO. 2008-141
- 2) Approved the minutes of the regular meeting of October 14, 2008, as written. APPROVE MINUTES
- C. Clerk Recorder/Elections: Adopted Resolution No. 2008-142, which is on file in Yuba County Resolution Book No. 39, which is entitled: "APPOINT MEMBERS IN LIEU OF ELECTION TO THE BOARD OF DIRECTORS FOR SPECIAL DISTRICT," for the November 4, 2008 Special District Election. ADOPT RESOLUTION NO. 2008-142

D. Community Development and Services

- 1) Adopted Resolution No. 2008-143, which is on file in Yuba County Resolution Book No. 39, which is entitled: "APPROVE APPLICATION FOR PROPOSITION 84 GRANT FUNDS FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTIONS BOND ACT OF 2006 FOR ACQUISITION OF TWO PARCELS ALONG THE YUBA RIVER FOR THE DEVELOPMENT OF A RIVER PARKWAY," and authorizing the Public Works Director to conduct negotiations, execute, and submit all necessary documents including application, agreements and payment requests. ADOPT RESOLUTION NO. 2008-143
- 2) Adopted Resolution No. 2008-144, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION SUMMARILY VACATING ROAD RIGHT OF WAY AND OFFER OF DEDICATION FOR A PORTION OF PRIVATE ROAD," (Coffey/Coward). ADOPT RESOLUTION NO. 2008-144
- 3) Approved agreement with Olivehurst Public Utilities District for County to pay capacity charge of \$7,122 for a 1-inch water service at McGowan Parkway/Powerline Road Park and Ride Facility and authorized the Chairman to execute same. APPROVE AGREEMENT
- 4) Authorized a Budget Transfer from Trust Fund 255 in the amount of \$273,366.62 to various line items in recognition of work performed and revenues earned for July through September 2008. AUTHORIZE BUDGET TRANSFER
- 5) Approved maintenance agreement with Yuba County Water Agency for public improvements known as Yuba/Wheatland Canal Project and authorized the Chairman to execute same. APPROVE AGREEMENT
- E. Health and Human Services: Adopted Resolution No. 2008-145, which is on file in Yuba County Resolution Book No. 39, which is entitled: "AUTHORIZE THE DIRECTOR OF YUBA COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT TO ENTER INTO AND EXECUTE ON BEHALF OF THE COUNTY OF YUBA, AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES FOR REIMBURSEMENT OF INTERIM ASSISTANCE PAYMENTS MADE PURSUANT TO PUBLIC LAW 93-368 AND FURTHER AUTHORIZE DIRECTOR TO EXECUTE DOCUMENTS AS REQUIRED BY THESE AGREEMENTS." ADOPT RESOLUTION NO. 2008-145

F. Probation Department: Approved agreement with Wheatland School District providing services of one intervention counselor for the Probation and Schools Success program, authorized the Chairman to execute same, and authorized the Chief Probation Officer to fill position. APPROVE AGREEMENT

G. Sheriff-Coroner: Approved agreement with Foothill Fire Protection District for office space at the Foothill Fire Station, commonly referred to as the Brownsville Substation, and authorized the Chairman to execute same. APPROVE AGREEMENT

SPECIAL PRESENTATION

1) Gang Prevention Awareness Program: Sheriff Steve Durfor recapped strategies for gang awareness, prevention and enforcement and discussed the following: INFO ONLY

- Gang Unit formed and staffed in April 2007
- Community Oriented Policing and Problem Solving (COPPS)
- Gang member debriefings as a condition of plea agreements
- Ongoing training of deputies, jail staff and citizens resulted in 156 gang member/associates being identified this year

District Attorney Pat McGrath recapped efforts prosecuting criminal cases with enhancements for gang related crimes and specialized gang prosecution training.

Chief Probation Officer Dale Quinn recapped the following:

- Expanded services to the Wheatland School District
- Post weekly gang meetings with the Sheriff and District Attorney
- Non-traditional probation services
- Prevention and early intervention for youth

2) Wheatland Community Plan: City of Wheatland Mayor Enita Elphick provided a Power Point presentation for the City of Wheatland Community Plan and Community Vision. INFO ONLY

Supervisor Logue left the meeting at 9:56 a.m. and returned at 9:57 a.m.

Community Development Director Tim Rainey recapped the community vision and principles.

City Manager Steve Wright continued the presentation with a discussion on common goals and partnership between city and county which included:

- Land use planning beneficial to both city and county
- Service delivery and coordination of services

- Financial health, coordination of development impact fees, and tax sharing agreements

PUBLIC COMMUNICATIONS

Ms. Freda Calvert, Hammonton Road, expressed concern regarding the land use alternative for down-zoning River Highlands which may cause a decrease in property values.

ADMINISTRATIVE SERVICES

General Contingency Fund Transfer/\$140,000/South Annex Maintenance: Administrative Services Director Doug McCoy recapped the short-term maintenance issues for the County South Annex Building, the long-term plan, and responded to Board inquiries.

County Administrator Robert Bendorf advised alternatives for the building would be provided to the Board as developed.

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and carried with Supervisor Griego voting in opposition, the Board approved a General Contingency Fund Transfer in the amount of \$140,000 to various line items for short term maintenance related to the South Annex, and authorized the Director of Administrative Services to instigate repairs. AUTHORIZE CONTING. FUND TRANSFER

BOARD OF SUPERVISORS

1) California State Association of Counties (CSAC)/Board of Directors: Upon motion of Supervisor Logue, seconded by Supervisor Stocker, and unanimously carried, the Board appointed Supervisor Griego as the CSAC representative. APPOINT REP.

Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and unanimously carried, the Board appointed Supervisor Nicoletti as the CSAC alternate with both terms to commence the first day of the CSAC annual conference in San Diego, California on December 1, 2008. APPOINT ALT.

2) Out of State Travel/National Call America 2008: Upon motion of Supervisor Griego, seconded by Supervisor Schrader, and unanimously carried, the Board approved out-of-state travel for Supervisor Nicoletti to attend the National Call America 2008 - Coordinating America's Local Leaders conference held November 13 - 15, 2008 in Austin, Texas. AUTHORIZE OUT OF STATE TRAVEL

COUNTY ADMINISTRATOR

1) Federal Lobbyist: County Administrator Robert Bendorf recapped the County's interest in contracting with a federal lobbyist, potential scope of duties, and responded to Board inquiries.

The following Board direction was provided:

PROVIDE  
DIRECTION

- Continue research and prepare requests for proposals for lobbyist and schedule interview
- Provide updates to Federal Lobbyist Ad hoc committee

2) First Quarter Financial Report for Fiscal Year 2008/2009: Assistant County Administrator Randy Margo advised of lower anticipated revenues from the State due to the large deficit and advised General Fund expenditures are below appropriations at just over 18 percent. Mr. Margo stated preparation for a mock Fiscal Year 2009/2010 budget has begun with information to be brought forward in the coming months.

INFO  
ONLY

ORDINANCES AND PUBLIC HEARINGS

Chairman Logue read the disclaimer.

1) Ordinance/Repealing and Re-enacting Title X, Chapter 10.05, Section 10.05.095 of the Yuba County Ordinance Code relating to Administrative Provisions: Chief Building Official Martin Griffin recapped the ordinance and responded to Board inquiries. Chairman Logue opened the public hearing. No one came forward

Upon motion of Supervisor Nicoletti, seconded by Supervisor Schrader, and unanimously carried, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1464, 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 SECTION 10.05.095, CHAPTER 10.05 OF TITLE X RELATING TO ADMINISTRATIVE PROVISION."

ADOPT  
ORDINANCE  
NO. 1464

2) Ordinance/Repealing and Re-enacting/Chapter 11.25 of Title XI of the Yuba County Ordinance Code relating to Grading, Drainage and Erosion Control: Public Works Director Mike Lee recapped the grading ordinance and responded to Board inquiries. Following Board discussion, the Board requested an amendment to include language forbidding the practice of placing or burning agriculture debris piles at the toe of the levee within the 50 foot setback and continued the first reading to November 18, 2008.

CONT. TO  
NOV 18, 2008  
FOR FIRST  
READING

3) Ordinance/Amending Title XIII of the Yuba County Ordinance Code by adding Section 13.76 relating to Levee Fees. Following a recap from Assistant County Administrator Randy Margo and Board inquiries, Mr. Seth Wurzel, EPS provided a Power Point presentation on the following:

- Background on original levee impact fee
- Revised levee impact fee, rates and fee escalation
- Future considerations and periodic updates

Supervisor Stocker left the meeting at 11:37 a.m. and returned at 11:43 a.m.

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

Upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and unanimously carried, the public hearing was closed, the reading was waived, and the Board introduced an ordinance amending Title XIII, Chapter 13 of the Yuba County Ordinance Code by addition section 13.76 relating to levee fees.

WAIVE  
READING

4) Public Hearing/Findings of Fact, Conclusions of Law and Orders Authorizing the Assessment/1774 Baugh Street, Olivehurst: Following a brief recap by Supervising Building Official Jeremy Strang and Board inquiries, 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 costs and penalties in the amount of \$9,025.25 and the recording of a lien regarding property located at 1774 Baugh Street, Olivehurst (Comstock, Susan).

ADOPT  
FINDINGS OF  
FACT

5) Public Hearing/Findings of Fact, Conclusions of Law and Orders Authorizing the Assessment/5872 "E" Riverside Drive, West Linda: Following a brief recap by Supervising Building Official Jeremy Strang and Board inquiries, Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, and the Board adopted Findings of Facts, Conclusions of Law and Orders authorizing assessment of costs and penalties in the amount of \$11,560.50 and the recording of a lien regarding property located at 5872 'E' Riverside Drive, West Linda (Cozine, W.D. Jr. and Juanita).

ADOPT  
FINDINGS OF  
FACT

6) Public Hearing/Findings of Fact, Conclusions of Law and Orders Authorizing the Assessment/1805 Eighth Avenue, Olivehurst: Following a brief recap by Code Enforcement Officer John Rohrbach and Board inquiries, Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Griego, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, and the Board adopted Findings of Facts, Conclusions of Law and Orders authorizing assessment of costs and penalties in the amount of \$12,564 and the recording of a lien regarding property located at 1805 Eighth Avenue, Olivehurst (Seaton, Neoma). ADOPT FINDINGS OF FACT

7) Public Hearing/Findings of Fact, Conclusions of Law and Orders Authorizing the Assessment/5603 'E' South Gledhill Avenue, West Linda: Following a brief recap by Supervising Building Official Jeremy Strang and Board inquiries, Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Nicoletti, 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 costs and penalties in the amount of \$7,554 and the recording of a lien regarding property located at 5603 'E' South Gledhill Avenue, West Linda (Martin, Robert N. and Carole L./Harper, Roberta). ADOPT FINDINGS OF FACT

8) Public Hearing/Findings of Fact, Conclusions of Law and Orders Authorizing the Assessment/10452 Marysville Road, Dobbins: Following a brief recap by Code Enforcement Officer John Jacenich and Board inquiries, Chairman Logue opened the public hearing.

Mr. Jeff Hood, Dobbins disputed the billing and notification date.

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, and the Board adopted Findings of Facts, Conclusions of Law and Orders authorizing assessment of costs and penalties in the amount of \$8,541 and the recording of a lien regarding property located at 10452 Marysville Road, Dobbins (Hood, Jeff). ADOPT FINDINGS OF FACT

9) Public Hearing/Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring Plan and Adoption of the Yuba County Airport Master Plan Report: Airport Manager Mary Hansen and Engineer Consultant Ken Brody provided a Power Point presentation on the following and responded to Board inquiries:

- Air-field development/future of development
- Proposed major improvements

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

Supervisor Griego left the meeting at 12:15 p.m. and did not return.

Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2008-146, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND ADOPTION OF THE YUBA COUNTY AIRPORT MASTER PLAN REPORT." ADOPT RESOLUTION NO. 2008-146

CORRESPONDENCE

Upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and carried with Supervisor Griego being absent, the Board accepted the following correspondence:

A. Letter from Mr. James Harmon requesting a waiver of fees charged by Yuba County Code Enforcement.

B. Letters from Ms. Lillian Ravneri, Mr. Roland Knapp and Mr. Edward Voorhees urging support of a village center in the Oregon House/Dobbins community. REFER TO STAFF

Referred to Community Development and Services Agency

C. Letter from American Public Works Association (APWA) enclosing a resource toolkit and compact disk titled "Reinvesting in America's Transportation System." REFER TO STAFF

Referred to Community Development and Services Agency

D. Letter from Area 4 Agency on Aging extending their appreciation for a Fiscal Year 2008-2009 contribution.

E. Letter from Wheatland Water District advising Mr. Jerry J. Garcia was appointed to the Board of Directors.

F. Letter from Ms. Mimi Cary tendering resignation from the Yuba County Resources Conservation District Board effective immediately. REFER TO STAFF

Referred to Clerk of the Board for posting of vacancy

G. Report from State of California Governor's Office of Planning and Research entitled "Beale Joint Land Use Study (JLUS)."

H. Notice from State of California Wildlife Conservation Board for the November 20, 2008 meeting to consider acquisition of approximately 529 acres located near Collins Lake.

I. Notice from United States Department of Agriculture advising the Secure Rural Schools and Community Self-Determination Act 2000 was amended and reauthorized for fiscal years 2008 through 2011. REFER TO STAFF

Referred to Agricultural Commissioner

#### BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Schrader:

- Memorial adjournment in memory of Mr. William Baggett

Supervisor Nicoletti:

- Marysville Police Association fundraiser on Saturday, October 25, 2008
- Senior Expo held at Olivehurst Community Center on October 24, 2008
- Senior Meals Program in Brownsville
- Sutter County Social Host Ordinance
- Pink October event held October 27, 2008

County Administrator Robert Bendorf:

- Update on regional wastewater treatment and request for proposal
- Working with entities to include County of Yuba in the Transportation funding from the Self Help Portion in AB 268 of Proposition 1B.

At the request of Chief Deputy County Counsel Angil Morris-Jones and upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and carried with Supervisor Griego being absent, the Board added two items of threatened litigation and one pending litigation regarding *Araujo vs. Debra Lewis and County of Yuba YCSVPO 080000900* as the need to take action arose subsequent to the agenda being posted. ADD TO CLOSED SESSION

CLOSED SESSION

The Board retired into closed session at 12:37 p.m. to discuss the following:

- A. Personnel pursuant to Government Code §54957 - Performance Evaluations - Agricultural Commissioner/Sealer of Weights and Measure and Library Director
- B. Pending litigation pursuant to Government Code §54956.9(a) - Cooper vs. County of Yuba
- C. Threatened litigation pursuant to Government Code §54956.9(b) - Four Claims
- D. Pending litigation pursuant to Government Code §54956.9(a) - Araujo vs. Debra Lewis and County of Yuba YCSVPO 080000900

The Board returned from closed session at 2:07 p.m. with all Board and staff members present as indicated above except for Supervisor Griego.

County Administrator Robert Bendorf advised the Board authorized the County to defend one case of threatened litigation and referred the matter to Porter Scott. There were no further announcements.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Logue adjourned the meeting at 2:07 p.m. in memory of Mr. William Baggett.



Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS



By: Rachel Ferris, Deputy Clerk

Approved: 11-18-08