

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

DECEMBER 14, 2004

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, Bill Simmons, Mary Jane Griego, Donald Schrader, and Hal Stocker. Also present were County Administrator Kent McClain, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Cynthia Slayton. Chairman Simmons presided.

CONSENT AGENDA

Chairman Simmons pulled from consideration Public Works Item F 2 regarding Final Map for Tract No. 2003-19 (Riverside Meadows Village 1).

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

A. Administrative Services

- |  |   |
|--|---|
| 1) Declared surplus property and declared date of December 18, 2004 for public auction.  | DECLARE<br>PUBLIC<br>AUCTION            |
| 2) Approved Airport lease with ACE Composites, Inc. and authorized the Chairman to execute same.   | APPROVE<br>LEASE                        |
| 3) Authorized participation in 2005 California State Fair Counties Exhibit; authorized award of any premium monies to exhibit builder, Marysville Future Farmers of America; and appointed the Airport Manager as the official county representative.  | AUTH.<br>PARTICPTN.                     |
| B. <u>Clerk of the Board of Supervisors</u> : Adopted list of ongoing boards, commissions, and committees appointed by the Board of Supervisors.   | ADOPT<br>LIST                           |
| C. <u>Community Development</u> : Adopted Resolution No. 2004-170B, which is on file in Yuba County Resolution Book No. 35, and which is entitled: "AUTHORIZATION TO ACCEPT FUNDS FROM THE STATE WATER RESOURCES CONTROL BOARD TO REMEDIATE PETROLEUM CONTAMINATION AT THE IMLER SITE, 121 SIXTH | ADOPT<br>RESOLUTION<br>NO.<br>2004-170B |

STREET, MARYSVILLE, AND DELEGATION OF AUTHORITY TO EXECUTE RELATED TRANSACTIONS,” and adopted Resolution No. 2004-171, which is on file in Yuba County Resolution Book No. 35, and which is entitled: “AUTHORIZATION TO ACCEPT FUNDS FROM THE STATE WATER RESOURCES CONTROL BOARD TO REMEDIATE PETROLEUM CONTAMINATION AT THE FORMER NELSON SITE, 3260 FEATHER RIVER BOULEVARD, MARYSVILLE, AND DELEGATION OF AUTHORITY TO EXECUTE RELATED TRANSACTIONS.” and NO. 2004-171

D. County Administrator: Approved Amendment to Agreement with Planwest Partners for consulting services to complete an Olivehurst Community Action Plan and authorized the Chairman to execute all associated documents. APPROVE AMENDMENT

E. Health and Human Services: Approved Memorandum of Understanding with City of Marysville granting Community Development Block Grant funds for provision of services under Senior Nutrition Access Card Program and authorized the Chairman to execute same. APPROVE MOU

F. Public Works

1) Adopted Resolution No. 2004-172, which is on file in Yuba County Resolution Book No. 35, and which is entitled: “RESOLUTION VACATING A PORTION OF 1870 LOCATION OF “WHEATLAND ROAD” AND APPROVING THE FINAL MAP OF TRACT MAP NO. 2004-25 RIVER GLEN – UNIT 1.” ADOPT RESOLUTION NO. 2004-172

2) Adopted Resolution No. 2004-173, which is on file in Yuba County Resolution Book No. 35, and which is entitled: “RESOLUTION APPROVING FINAL MAP OF TRACT MAP NO. 2004-35 (EDGEWATER UNIT 9).” ADOPT RESOLUTION NO. 2004-173

G. Risk Management/Personnel: Approved a Catastrophic Leave Request for an employee within the Department of Child Support Services. APPROVE REQUEST

H. Sheriff-Coroner

1) Authorized appropriation of funds in the amount of \$34,000 to Account No. 108-2700-422-28-00 (Special Department Expense) and Account No. 108-2700-422-6200 (Fixed Assets) to purchase equipment for crime scene investigation. AUTHORIZE APPROP. OF FUNDS

2) Authorized Yuba County Office of Education to provide general adult education services to prisoners at Yuba County Jail and authorized the Chairman to execute Memorandum of Understanding upon approval of County Counsel. AUTHORIZE SERVICES

I. Sutter-Yuba Local Child Care Planning Council: Approved a Certificate Statement regarding composition of Local Planning Council membership and authorized the Chairman to execute same. APPROVE STATEMENT

SPECIAL PRESENTATIONS

A. Child Support Services: Director Michael Testerman provided a Power Point presentation recapping departmental functions, workload, staffing, and funding issues, and responded to Board inquiries. INFO ONLY

PUBLIC COMMUNICATIONS

No one came forward.

ADMINISTRATIVE SERVICES

E Street MX, Inc. Motocross Event: Following presentation by Administrative Services Assistant Director Steve Androvich, upon motion of Supervisor Logue, seconded by Supervisor Stocker, and unanimously carried, the Board approved an amendment to the agreement with E Street MX, Inc. allowing a motocross event prior to meeting conditional use permit requirements and authorized the Chairman to execute same. APPROVE AMENDMENT

SPECIAL PRESENTATIONS - CONTINUED

B. Treasurer-Tax Collector: Treasurer-Tax Collector Jim Kennedy recapped departmental functions, workload, and funding issues, and responded to Board inquiries. INFO ONLY

TREASURER-TAX COLLECTOR

1) Budget Transfer/\$22,000/Account Assistant I/II (Hire): Treasurer-Tax Collector Jim Kennedy recapped the transfer of monies for the hire of an Account Assistant I/II position to administer collection of the Resource Depletion Surcharge and responded to Board inquiries.

Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board authorized a Budget Transfer in the amount of \$22,000 from Account No. 101-0000-371-8000 (Fees) to various line items for the hire of an Account Assistant I/II position to administer collection of the Resource Depletion Surcharge. AUTHORIZE B/T

2) Proposed Ordinance Increasing Delinquent Cost Charge: Upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board recommended preparation of an ordinance to increase the current delinquent cost charge from \$10.00 to \$20.00 to maintain the current level of services. DIRECT STAFF

COUNTY ADMINISTRATOR

California Reclamation Board Levee Permit Special Conditions: County Administrator Kent McClain recapped on-going discussions with Reclamation Board staff regarding special permit conditions and responded to Board inquiries. Following Board discussion, upon consensus of the Board, County Administrator was directed to request a continuance of the December 17, 2004 Reclamation Board meeting to a date certain in the event the proposed permit conditions are not revised. DIRECT REQUEST OF CONTIN.

LIBRARY

Budget Transfer/\$79,697/Feldman Estate Funds: Library Director Loren MccRory recapped the Budget Transfer from the Auditor Suspense Fund to the Library Gift Trust Fund and responded to Board inquiries.

Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and unanimously carried, the Board authorized a Budget Transfer in the amount of \$79,697 from Auditor Suspense Fund No. 171 to Account No. 259-0000-371-98-99 (Library Gift Trust Fund) for the Library to benefit from accruing interest on Feldman Estate funds and implement enhancements for Library patrons access. AUTHORIZE B/T

PUBLIC WORKS

Algodon Road/State Route 70 Interchange Environmental Impact Report: Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and unanimously carried, the Board adopted Resolution No. 2004-174, which is on file in Yuba County Resolution Book No. 35, and which is entitled: "RESOLUTION CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ALGODON ROAD/STATE ROUTE 70 INTERCHANGE PROJECT." ADOPT RESOLUTION NO. 2004-174

ORDINANCE AND PUBLIC HEARINGS

Chairman Simmons read the disclaimer.

A. Public Hearing/Economic Development Block Grant 01-EDBG-820/Final Grantee Performance Report: Yuba Sutter Economic Development Corporation Loan Officer Steve Brammer recapped the use of funds from the Economic Development Block Grant 01-EDBG-820 and responded to Board inquiries. Chairman Simmons opened the public hearing and inquired if anyone wished to address this issue. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed and the Board approved submittal of the Final Grantee Performance Report and related documents relative to the Economic Development Block Grant 01-EDBG-820 and authorized the Chairman to execute same.

APPROVE  
REPORT

B. Public Hearing/General Plan Amendment TSTM 2003-0007, Tentative Subdivision Tract Map TSTM 2003-0041, Change of Zone CZ 2003-0006, and Conditional Use Permit CUP 2003-0022 (Ryan): Community Development Director Tim Snelling, Principal Planner Chuck Thistlethwaite, and Contract Associate Planner Zack Thomas recapped the subject subdivision and with Public Works Director Kevin Mallen and developer Richard Ryan responded to Board inquiries.

Chairman Simmons opened the public hearing and inquired if anyone wished to address this issue.

Linda Fire Department Chief Richard Webb voiced concerns regarding no parking enforcement and access to the gated community.

Gerald Richter, Vierra Lane, voiced concerns regarding drainage controls and traffic congestion on Linda Avenue.

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

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board adopted Resolution No. 2004-175, which is on file in Yuba County Resolution Book No. 35, and which is entitled: "RESOLUTION APPROVING GENERAL PLAN AMENDMENT TSTM 2003-0007; TENTATIVE SUBDIVISION TRACT MAP TSTM 2003-0041 AND CONDITIONAL USE PERMIT CUP 2003-0022 (Richard Ryan) SUBJECT TO CONDITIONS," as amended to include a four way stop to be installed at the intersection of the main entrance of College Circle, Linda Avenue, and Dunning Avenue.

ADOPT  
RESOLUTION  
NO. 2004-175

CORRESPONDENCE

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

- A. Six Conflict of Interest Statements from various agencies for 2004 Local Biennial Notice pursuant to Government Code Section 87302. No action.
- B. Letter from Federal Emergency Management Agency dated November 23, 2004 enclosing a Letter of Map Revision Based on Fill Determination Document (Removal) document. REFER TO STAFF

Referred to County Administrator and Community Development

- C. Letter form Quality Education Services & Training (QuEST) regarding sublease of office space to two local businesses. No action.
- D. Report from California Department of Water Resources regarding Lower Feather River Floodplain Mapping Study. No action.
- E. Independent Audit from Yuba County Auditor-Controller for Sacramento Area Council of Government Local Transportation Fund for Fiscal Years ending June 30, 2003 and June 30, 2004. No action.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:

- Memorial adjournment in memory of Mr. Marvin Frank
- Article regarding transportation funding

Supervisor Griego:

- Olivehurst parade December 11, 2004
- Memorial adjournment in memory of Ms. Karen Ann Harmon

Supervisor Simmons:

- Memorial adjournments in memory of Mr. David Roloff and Mr. George Iles
- Received Board consensus from Board approving ballot choice of Kings County Supervisor Alene Taylor for County Medical Services Program Governing Board as the medium county designee

Assistant County Administrator Randy Margo:

- Attending a Sacramento Area Council of Government meeting December 15, 2004 regarding Blueprint fiscal impact

RECESS

The Board recessed at 12:05 p.m. and reconvened at 12:52 p.m. with all Board and staff members present as indicated above.

CLOSED SESSION

At the request of County Counsel Dan Montgomery, and upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board added to closed session two items of pending litigation, Noda vs. County of Yuba and Calvert vs. County of Yuba, as the need to take action arose subsequent to the agenda being posted.

The Board retired into closed session at 12:55 p.m. to discuss the following:

- A. Personnel pursuant to Government Code §54957 - Department Head Evaluation/ Clerk of the Board of Supervisors
- B. Personnel pursuant to Government Code §54957 - Department Head Evaluation/ Health Officer
- C. Personnel pursuant to Government Code §54957 - Department Head Evaluation/ Library Director
- D. Pending litigation pursuant to Government Code §54956.9(a) – Calvert vs. County of Yuba
- E. Pending litigation pursuant to Government Code §54956.9(a) – Noda vs. County of Yuba

The Board returned from closed session at 1:57 p.m. with all Board and staff members present as indicated above.

Chairman Simmons made the following announcement:

“The Board has completed the evaluation of staff.”

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 1:58 p.m. in memory of Mr. Marvin Frank, Mrs. Karen Ann Harmon, Mr. David Roloff and Mr. George Iles, by Chairman Simmons.

/s/Mary Jane Griego, Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

/s/Cynthia Slayton, Deputy Clerk

Approved: January 4, 2005