The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:00 p.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 Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Simmons presided.

ORDINANCES AND PUBLIC HEARINGS

Public Hearing – Hold public hearing to consider appeal of Planning Commission denying Tentative Subdivision Tract Map No. 2003-0018 (Soto/Aldora) and take action as appropriate (continued from May 4, 2004): County Counsel Daniel Montgomery advised the Board may by motion return the matter back to the Planning Commission for further consideration and there would be no need for a public hearing, however, comment could be received on the motion.

Supervisor Simmons moved to return the matter to the Planning Commission for further consideration in light of Fish and Game concerns regarding Swainson’s hawk, for completion of the administrative record as needed, and adoption of findings to support any action that may be taken by the Planning Commission. Supervisor Logue seconded the motion.

Following Board discussion, Chairman Simmons inquired if anyone wished to address the Board regarding the motion.

Mr. Seth Merintz, counsel on behalf of Mr. Soto, advised his comments were in regards to the project and waived comment on the motion.

Mr. Jim Rippey, Avocet Drive, strongly opposed returning the issue to the Planning Commission for further consideration or rehearing of the project and felt the Commission made a proper decision based on the facts presented.

Chairman Simmons clarified the motion is to return the issue to the Planning Commission to adopt findings to support their decision to deny the project.
Mr. Marc Liebman, Marysville Joint Unified School District Superintendent, supported returning the matter to the Planning Commission and reopening the public hearing for further comment due to the school district not being advised of the hearing by the Planning Commission.

Following Board discussion, upon Chairman Simmons calling for the question, and by unanimous vote, the Board returned the matter to the Planning Commission for further consideration in light of Fish and Game concerns regarding Swainson’s hawk, for completion of the administrative record as needed, and adoption of findings to support any action that may be taken by the Planning Commission.

CONSENT AGENDA

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

A. Auditor-Controller: Authorized purchase of Canon Image Runner 1370F copy machine and Budget Transfer in the amount of $2,000 from Account No. 101-0000-371-9899 (Miscellaneous) to Account No. 101-0400-412-6222 (Fixed Assets).

B. Child Care Planning Council: Approved Local Planning Council County Priorities for General, Migrant, and State preschool child care as required under Education Code §8499.5 and authorized the Chairman to execute same.

C. Clerk of the Board of Supervisors: Approved minutes of the regular meeting of May 4, 2004, as written.

D. Public Works: Adopted Resolution No. 2004-55, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION ACCEPTING OFFER OF DEDICATION FOR PUBLIC ROAD,” as it relates to Lots FF and GG (River Oaks Boulevard).

SPECIAL PRESENTATION

Soper-Wheeler Company: Following reading of the proclamation, Supervisor Stocker presented the proclamation to Soper-Wheeler Company President Jim Holmes commemorating their 100th anniversary of tree farming.
PUBLIC COMMUNICATIONS

Ms. Jorgine Rogers, Child Care Planning Council, encouraged developing child care facilities in the Plumas Lake area to meet the needs of residents.

Mr. Pete Hanson, on behalf of Peoria Ridge subdivision residents, requested Board assistance in resolving issues surrounding the conditions of approval by the developer to form a community service area and installation of a fire hydrant system.

Chairman Simmons referred the issue to the County Administrator.

Mr. Richard Marion, Capitol Compassionate Care Co-op Company, commented on his desire to bring a facility for medical marijuana to the County and provided written material regarding his company.

EMERGENCY SERVICES

Coordinator IV Position Extension: Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and unanimously carried, the Board approved extending the limited term Emergency Services Coordinator IV position for the update and development of the Yuba County Multi Hazard Functional Plan.

RISK MANAGEMENT/PERSOONNEL


CORRESPONDENCE

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

A. Letter from California Department of Housing and Community Development dated April 29, 2004 advising of grant award from the 2004/05 General Native American Allocation in the amount of $500,000.

Referred to Community Development.
B. Letter from Pete Hanson dated May 3, 2004 regarding Peoria Ridge Estates Subdivision and compliance with the Conditions of Approval. Referred to Community Development, County Administrator and Public Works.


D. Letter from Department of Veteran Affairs dated April 30, 2004 regarding fiscal year 2002/03 local benefits. Copy to Veterans Office.


I. Letter from Yolo County District Attorney dated May 6, 2004 requesting support of AB 2474 (Extending mandated reporting of elder and dependent adult financial abuse to financial institutions.) No action.

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Supervisor Logue:
- Developers luncheon at Peach Tree Country Club May 20, 2004
- Ingress and egress into Marysville and Linda
Supervisor Schrader:
  • State Reclamation Board meeting of May 21, 2004
  • Senate Bill 1272 (Ortiz) relating to special districts and the Water Code
  • Status of railroad west of Marysville

Supervisor Stocker:
  • Memorial Adjournment in memory of Mr. Herbert C. Wheeler
  • San Joaquin Valley Water Tour held May 12-14, 2004

At the request of County Counsel and upon motion of Supervisor Stocker, seconded by Supervisor Logue, and unanimously carried, the Board moved to add the matter of threatened litigation – One Case to closed session as the need to take action arose subsequent to the agenda being posted.

CLOSED SESSION

The Board retired into closed session at 7:03 p.m. to discuss the following:

A. Personnel pursuant to Government Code §54957 – Public Employee Discipline/Dismissal/Release

B. Threatened litigation pursuant to Government Code §54956.9(b) – One Case

The Board returned from closed session at 7:45 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 7:45 p.m. in memory of Mr. Herbert C. Wheeler by Chairman Simmons.

/s/Bill Simmons, Chairman
ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

/s/ Donna Stottlemyer  Approved: June 1, 2004