YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
JUNE 8, 2004

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:40 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 Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Simmons presided.

CONSENT AGENDA

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

A. Administrative Services/Airport: Authorized Budget Transfer in the amount of $1,203.83 from Account No. 105-8300-432-6201 (Fixed Assets) to Account No. 105-8300-432-2800 (Special Departmental Expense) for use of remaining annual grant funds.

B. Board of Supervisors: Removed one member of the Sutter-Yuba Mental Health Board pursuant to Article IV, Section G of the Mental Health Board Bylaws.

C. County Administrator: Approved amendment to the Public Defender contract and authorized the Chairman to execute same.

D. Probation

1) Approved agreement between Marysville Joint Unified School District and County of Yuba for continuation of the Truancy Program and authorized the Chairman to execute same.

2) Approved agreements between Marysville Joint Unified School District and County of Yuba to operate the Probation and Schools Success Program and authorized the Chairman to execute same.
E. **Public Works:** Adopted Resolution No. 2004-72, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION CONCERNING THE COUNTY MAINTAINED MILEAGE.”

SPECIAL PRESENTATIONS

A. **Marysville Joint Unified School District:** Superintendent Marc Liebman was not present to make presentation.

B. **Production of Affordable Housing:** Sacramento Area Council of Governments Associate Planner Greg Chew briefly outlined the Sacramento Regional Compact for production of affordable housing and urged county participation.

C. **Camp Beal Ordnance and Explosives Cleanup Project:** Corps of Engineers Project Manager Peter Broderick gave a power point presentation which included a project update and schedule, rights of entry and planned field activities scheduled for 2004.

PUBLIC COMMUNICATIONS

Mr. Lee Pliscou, Marysville, expressed concern regarding the Sacramento Regional Compact for affordable housing and felt a program should meet the transportation and housing needs of the community.

AUDITOR-CONTROLLER

**Countywide Audit Services:** Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board awarded the contract for audit services to apparent low bidder, Carlos E. Soler, CPA, and authorized the Chairman to execute contract upon approval of County Counsel.

LIBRARY

**Hours of Operation:** Following presentation by Library Director Loren MccRory, upon motion of Supervisor Logue, seconded by Supervisor Schrader, and unanimously carried, the Board adopted Resolution No. 2004-74, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION AMENDING THE RULES GOVERNING COVERAGE AND COMPENSATION, BENEFITS AND WORKING CONDITIONS OF EMPLOYEES OF THE COUNTY OF YUBA SCHEDULE NO. 2001-202,” as it relates to office hours for the Yuba County Library.
1. **Proposed Budget Fiscal Year 2004/2005**: Following presentation by County Administrator Kent McClain and Assistant County Administrator Randy Margo, upon motion of Supervisor Logue, seconded by Supervisor Schrader, and unanimously carried, the Board accepted Fiscal Year 2004/2005 Proposed Budget, set Budget Hearings for June 22 through July 2, 2004, directed copies of the proposed budget be made available for public inspection, and directed the Clerk of the Board to publish a notice of hearing no later than June 8, 2004.

2. **Permitting Incentives**: Following presentation by Economic Development Director John Fleming, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board adopted Resolution No. 2004-73, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION BY THE COUNTY OF YUBA TO PROVIDE PERMITTING INCENTIVES FOR SIGNIFICANT JOB CREATION ACTIVITIES.”

3. **Funding Law Enforcement Services/County Service Area (CSA) No. 66**: Assistant County Administrator Randy Margo recapped funding recommendations, prepared by Economic Planning Systems, for law enforcement services within the CSA at $221 per lot annually with a five percent annual increase and, if approved, the total assessment would be $521 per year. Mr. Margo responded to Board inquiries.

   Ms. Randi Knott, Director of Local Government Affairs for KB Homes, advised KB Homes is working to bring sales tax revenue and services to the area, would like exclusion from annexation of property being proposed June 15, 2004 into the CSA and requested a three-month delay on the annexation.

   Sheriff Black advised without additional funding patrol services could not be provided.

   Local Agency Formation Commission Executive Director Chuck Thistlethwaite and Public Works Director Kevin Mallen recapped the CSA formation process, annexation of additional property, and assessment of taxes for services which include operation, road and drainage maintenance, and Linda Fire Department fees and responded to Board inquiries.

   Mr. Kent MacDiarmid, Plumas Lake Owners Group, supported the proposed amount; however, felt the fee should be applied to all new development within the County.

   Following Board discussion, Supervisor Griego moved to proceed with the $380 fee and return the proposed $221 back to the Finance and Administration Committee for further recommendation. Supervisors Stocker seconded the motion.
Supervisor Simmons requested an amendment to the motion to consider formation of a county-wide CSA or sales tax increase for law enforcement services.

No concurrence was received from the maker of the motion.

Following further Board discussion, Supervisor Griego added July 6, 2004 as a time certain to return to committee. The second concurred.

Following further discussion, Supervisor Griego amended the motion to accept recommendation to include the full amount of $221 as proposed for the CSA with the caveat that a sunset clause be developed if there is a county wide sales tax initiative or CSA for law enforcement services. Amendment died for lack of concurrence from the second.

RECESS

The Board recessed at 12:38 p.m. and reconvened at 12:50 p.m. with all Board and staff members present as indicated above.

Supervisor Griego withdrew the motion and the second concurred.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board directed staff to request Land Use and Public Works Committee approval of a petition to initiate proceedings to establish a County Service Area for law enforcement services for new parcel and tentative subdivision tract maps in the unincorporated area.

ORDINANCE AND PUBLIC HEARINGS

Chairman Simmons read the disclaimer.

Ordinance/Community Facilities District No. 2004-1/Special Taxes/Second Reading: Chairman Simmons opened the public hearing and inquired if anyone in the audience wished to address this issue. No one came forward.

Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the public hearing was closed, the second reading was waived, and the Board adopted Ordinance No. 1327, which is on file in Yuba County Ordinance Book No. 18, which is entitled: “AN ORDINANCE LEVYING SPECIAL TAXES WITHIN COUNTY OF YUBA COMMUNITY FACILITIES DISTRICT NO.2004-1 (EDGEWATER).”
CORRESPONDENCE

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

A. Notice from California Regional Water Quality Control for public hearings June 8 and 9, 2004 regarding Basin Plan Amendments. No action.

B. Letter from Sutter-Yuba Mosquito and Vector Control District dated May 24, 2004, regarding annexation request by foothill property owners. REFER TO STAFF

Refereed to County Administrator.

C. Copy of Child Care Planning Council letter to Governor Schwarzenegger regarding budget modifications issued in May. No action.

D. Executive Officer Report from Yuba County Local Agency Formation Commission for Fiscal Year 2004/05 Proposed Budget. No action.

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Supervisor Logue:
  • Conversion of apartment into condominiums and related cost
  • Requested a special presentation regarding sales tax revenue and benefits to the community to “buy local”

Referred to County Administrator.

At the request of Supervisor Logue, Chairman Simmons formed the Swainson Hawk Advisory Committee to review and provide mitigation alternatives and appointed Supervisor Logue and himself as representatives.

At the request of Supervisor Logue, the Board held a moment of silence in memory of President Ronald W. Reagan

Supervisor Schrader:
  • State and Federal Day of Mourning in honor of President Ronald W. Reagan
Following Board discussion, upon motion of Supervisor Logue, seconded by Supervisor Stocker, and unanimously carried, the Board added to the agenda, consideration of a county holiday on Friday, June 11, 2004 in memory of President Ronald W. Reagan as the need to take action arose prior to the agenda being posted.

Upon motion of Supervisor Logue, seconded by Supervisor Stocker, and unanimously carried, the Board resolved that Friday, June 11, 2004, be declared a holiday in memory of President Ronald Wilson Reagan.

Supervisor Stocker:
- Requested proclamation for Shirley DicKard

Supervisor Simmons:
- Memorial adjournment in memory of Mr. Willard A. Fry and President Ronald W. Reagan
- Received consensus to support the Local Government Budget Package

CLOSED SESSION

At the request of County Counsel and upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the Board added to closed session the matter of pending litigation Calvert vs. County of Yuba.

County Counsel requested the personnel matter regarding Public Employee Discipline/Dismissal/Release be continued to June 15, 2004.

RECESS

The Board recessed at 1:20 p.m. and reconvened at 1:50 p.m. with all Board and staff members present as indicated above. The Board retired into closed session to discuss the following:

A. Threatened litigation pursuant to Government Code §54956.9(b) – Two Cases

B. Pending litigation pursuant to Government Code §54956.9(a) – Calvert vs. County of Yuba

Supervisor Logue left closed session at 2:52 p.m. and returned into closed session at 2:54 p.m.
The Board returned from closed session at 2:56 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 2:56 p.m. in memory of Mr. Willard A. Fry and President Ronald W. Reagan by Chairman Simmons.

/s/ Bill Simmons, Chairman

ATTEST: DONNA STOTTIMEYER
CLERK OF THE BOARD OF SUPERVISORS

/s/ Donna Stotllemeyer Approved: June 22, 2004