YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

JULY 27, 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, Donald Schrader, and Hal Stocker. Supervisor Mary Jane Griego was absent. 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

Upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and carried with Supervisor Griego being absent, the Board took the following actions:

A. Board of Supervisors: Cancelled regular Board of Supervisors’ meeting for Tuesday, August 3, 2004 at 6:00 p.m.

B. Clerk of the Board of Supervisors: Approved minutes for the regular meeting of July 13, 2004 as written.

C. Community Development: Designated Health and Human Services Department as administrative public agency for Child Abuse Prevention, Intervention and Treatment program; Community Based Family Resource and Support program; and Children’s Trust Fund program.

D. District Attorney

1) Adopted Resolution No. 2004-106, which is on file in Yuba County Resolution Book No. 35, and which is entitled: “RESOLUTION AUTHORIZING THE DISTRICT ATTORNEY OF YUBA COUNTY, AS THE DESIGNATED PROJECT DIRECTOR, TO MAKE APPLICATION FOR FUNDS TO THE OFFICE OF THE ATTORNEY GENERAL, ON BEHALF OF THE COUNTY OF YUBA, PURSUANT TO THE CALIFORNIA SPOUSAL ABUSER PROSECUTION PROGRAM GRANT OF 1994.”
2) Adopted Resolution No. 2004-107, which is on file in Yuba County Resolution Book No. 35, and which is entitled: “RESOLUTION AUTHORIZING THE DISTRICT ATTORNEY OF YUBA COUNTY, AS THE DESIGNATED PROJECT DIRECTOR, TO MAKE APPLICATION FOR FUNDS TO THE OFFICE OF EMERGENCY SERVICES ON BEHALF OF THE COUNTY OF YUBA, PURSUANT TO THE CALIFORNIA VIOLENCE AGAINST WOMEN VERTICAL PROSECUTION PROGRAM.”

3) Adopted Resolution No. 2004-108, which is on file in Yuba County Resolution Book No. 35, and which is entitled: “RESOLUTION AUTHORIZING THE DISTRICT ATTORNEY OF YUBA COUNTY, AS THE DESIGNATED PROJECT DIRECTOR, TO MAKE APPLICATION FOR FUNDS TO THE GOVERNOR’S OFFICE OF EMERGENCY SERVICES ON BEHALF OF THE COUNTY OF YUBA, PURSUANT TO THE CALIFORNIA CHILD ABUSE VERTICAL PROSECUTION PROGRAM.”

SPECIAL PRESENTATIONS

A. Steven A. Speckert: Supervisor Schrader presented a proclamation to Steven A. Speckert for dedicated service on his departure from the Feather River Air Quality Management District.


C. Assessor: Assessor Dave Brown recapped departmental functions, workload, staffing, and funding issues, and responded to Board inquiries.

D. Emergency Services: Emergency Services Coordinator Pat Beecham recapped the Pre-Hazard Mitigation Grant and responded to Board inquiries.

PUBLIC COMMUNICATIONS

Mr. Robert Edwards, Paradise, California, urged the Board to reconsider the Memorandum of Understanding with Enterprise Rancheria due to intertribal conflicts and questionable financing.

Greg Crompton, Dobbins, requested the speed limit lowered on gravel roads currently set at 55 miles per hour due to excessive airborne dust.

Chuck Carver, Linda, commended Quality Education Services and Training efforts to create a one-stop senior center for information and activities.

**BOARD OF SUPERVISORS**

**Three Rivers Levee Improvement Authority:** Following presentation by County Administrator Kent McClain, upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board appointed Supervisor Logue to serve on the Three Rivers Levee Improvement Authority.

**COUNTY ADMINISTRATOR**

**Environmental Assessment/Enterprise Rancheria:** County Administrator Kent McClain recapped the review and comment process on the Enterprise Rancheria gaming facility and hotel environmental assessment. Mr. McClain, County Counsel Dan Montgomery, Public Works Director Kevin Mallen, and Assistant Community Development Director Pete Calarco responded to Board inquiries.

Chairman Simmons asked if anyone from the public wished to address this issue. The following individuals discussed their concerns regarding the content and availability of the report with the Board:

- Greg Crompton, Oregon House
- Sandra Gilbert, Wheatland

Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and carried with Supervisor Griego being absent, the Board directed staff comments, a request to extend the review period for thirty days, and a further request that corrections be made to the report with a provision for another thirty day review period for public comment be sent to the Bureau of Indian Affairs.

**ORDINANCES AND PUBLIC HEARINGS**

Public Hearing/Community Development Block Grant: Housing and Community Services Manager Debbie Phillips recapped the expenditures of the Community Development Block Grant program income and the revisions to the Program Income Reuse Plan and read the public notice into the record.
Chairman Simmons opened the public hearing and inquired if anyone wished to address this issue. No one came forward. Upon motion by Supervisor Schrader, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the public hearing was closed.

Following Board discussion, upon motion by Supervisor Schrader, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board adopted the revised Program Income Reuse Plan for the expenditures of the Community Development Block Grant program income.

**ITEM OF PUBLIC INTEREST**

Dance Permit/The Branding Iron: Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and carried with Supervisor Griego being absent, the Board approved a dance permit to be issued to KJ Lamb Investment, Inc. doing business as The Branding Iron.

Upon motion of Supervisor Logue, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board approved an expiration date of June 30, 2005 for the previously approved dance permit.

**CORRESPONDENCE**

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

A. Schedule from the United States Department of Agriculture regarding third quarter proposed actions for the Tahoe National Forest. No action

B. Study from the University of California, Davis pertaining to the Violence Prevention Research Program. No action

C. Notice from the California Department of Youth Authority advising of a public hearing for proposed regulatory action. No action

D. Letter from the Linda Fire Protection District requesting additional extended service provision for the County Service Area No. 52.

Referred to County Administrator and County Counsel
E. Letter from the Foothill Fire Protection District concerning the Terrorism Task Force Grant distribution of funds. No action

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Supervisor Logue:
- Refinement of building permit process for homeowners
- Enterprise Rancheria intertribal conflicts and potential effects on Memorandum of Understanding with County

Chairman Simmons referred permit prioritization to the County Administrator for consideration at a future Board meeting.

Chairman Simmons referred the intertribal conflicts issue to County Counsel.

Supervisor Stocker:
- Memorial Adjournment in memory of Shirley Ann Wilkins
- Article regarding West Nile virus and concerns for financing mosquito abatement
- Gravel road speed limit reductions

Chairman Simmons referred correspondence to Assemblyman Doug LaMalfa regarding abatement district financing to the County Administrator.

Supervisor Simmons:
- District responses regarding Mobile Command Communication Vehicle
- Letter regarding Concerned Citizens for Responsible Growth
- Received Board consensus authorizing letter of support for Mariani Packing Company

County Counsel Dan Montgomery:
- Received Board consensus on federal government agreement for right of entry to county property for necessary environmental work regarding unexploded ordnance

County Administrator Kent McClain:
- Yuba County website link regarding West Nile virus information

Assistant County Administrator Randy Margo:
- Received Board consensus authorizing grant submittal by Clerk Recorder for training pursuant to the Help America Vote Act
CLOSED SESSION

The Board recessed at 11:40 a.m. and reconvened in closed session at 11:55 a.m. to discuss the following:

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

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

The Board returned from closed session at 12:50 p.m. with all Board and staff members present as previously 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 12:50 p.m. in memory of Mrs. Shirley Ann Wilkins by Chairman Simmons.

/s/Bill Simmons, Chairman

ATTEST: DONNA STOTLLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

/s/Cynthia Slayton, Deputy Clerk   Approved: August 10, 2004