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.

CONSENT AGENDA

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

A. Administrative Services

1) Approved Airport restaurant lease renewal with Alma and Daniel McCullah and authorized the Chairman to execute same.

2) Approved implementation of Senate Bill 1097 requirement assessing a state fee for enterprise zone hiring credit vouchering services.

B. Clerk of the Board of Supervisors

1) Reappointed Patricia Stutte to the Sutter Yuba Mental Health Board as the consumer representative with a term to expire October 16, 2007.

2) Approved the minutes of the regular meeting of September 21, 2004, as written.

C. Probation: Authorized adding one Deputy Probation Officer II position and filling position.

D. Public Works: Awarded contract for the Simpson Lane Reconstruction and Resurfacing Project to the apparent low bidder, Baldwin Contracting Company Inc., and authorized the Chairman to execute same.
SPECIAL PRESENTATION

Domestic Violence Awareness Month: Chairman Simmons presented a proclamation to Casa de Esperanza Executive Director Marsha Krouse-Taylor recognizing October as Domestic Violence Awareness Month. Ms. Krouse-Taylor recapped planned activities including the Candlelight Vigil Sunday, October 10, 2004.

Health and Human Services: Chairman Simmons advised the departmental presentation has been continued to October 26, 2004.

PUBLIC COMMUNICATIONS

Mr. Dan Garcia, Walnut Avenue, commented on a sand pit located two hundred feet from the Yuba River.

COMMUNITY DEVELOPMENT

Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP): Senior Project Manager Jean Carr, Jones and Stokes Consultants, presented a Power Point presentation on the Yuba Sutter Natural Community Conservation Plan/Habitat Conservation Plan and responded to Board inquiries.

Upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the Board approved the Public Participation Plan and informational flyer.

Upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board authorized the Yuba-Sutter NCCP/HCP Advisory Committee and formation.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board directed the Clerk of the Board to post committee vacancies.

BOARD OF SUPERVISORS

1) California State Association of Counties (CSAC): Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board appointed Supervisor Simmons as the CSAC representative for a one year term commencing the first date of the CSAC Annual Conference 2004.
Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the Board appointed Supervisor Griego as the CSAC alternate for a one year term commencing the first date of the CSAC Annual Conference 2004.

2) Proposition 68 (Gaming Revenue Act of 2004): Following Board discussion and upon motion of Supervisor Logue, seconded by Supervisor Schrader, with Supervisors Griego, Simmons, and Stocker voting in opposition, the motion failed to adopt the proposed resolution as written in opposition of Proposition 68.

Mr. Greg Crompton, Dobbins, supported the resolution with the omitted language.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board adopted Resolution No. 2004-152, which is on file in Yuba County Resolution Book No. 35, which is entitled: ‘RESOLUTION OPPOSING PROPOSITION 68 (GAMING REVENUE ACT OF 2004),’ with the following language removed: “because the huge, new gambling casinos would increase crime and traffic thereby straining already-thin local public safety budgets.”

Chairman Simmons read the disclaimer.

A. Public Hearing/2004 HOME Investment Partnership Program: Following presentation on the 2004 HOME Investment Program by Mercy Housing Community Development Specialist Justin Scripps, Chairman Simmons opened the public hearing and inquired if anyone wished to address this issue. No one came forward.

Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board adopted Resolution No. 2004-153, which is on file in Yuba County Resolution Book No. 35, which is entitled: “APPROVE AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM; AND IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM.”

B. Public Hearing/Planning Commission Appeal/Tentative Subdivision Tract Map No. 2004-0005/Planned Unit Development No. 2004-0001 (Messick/Genesis Engineering): Principal Planner Chuck Thistlethwaite advised the matter is not an appeal but a discretionary action due to the Planned Unit Development application request with a
recommendation of approval from the Planning Commission. Contract Associate Planner Joe Prutch recapped the proposed project, and Mr. Prutch and Mr. Thistlethwaite responded to Board inquiries.

Registered Environmental Health Specialist Paul Donoho responded to Board inquiries regarding septic systems.

The following individuals spoke in opposition to the project location and lot size:
- Mr. Charles Cook, Walnut Avenue
- Mr. Terry Dennis, Walnut Avenue
- Mr. Dan Garcia, Walnut Avenue
- Mr. Tim Broneck, Walnut Avenue

Mr. Ken Odum, Browns Valley, spoke in support of the project and dedication of open space.

Mr. Jon Messick, Project Developer, recapped the project, concurred with condition of Community Service Area 811 requirement, and offered to add a condition requiring the base elevation of structures to be one foot above the 100-year floodplain.

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

Following Board discussion, upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the matter was continued to October 19, 2004 and staff directed to contact the Department of Water Resources regarding requirements for base elevation within a floodplain.

CORRESPONDENCE

A. Letter from Joseph and Diana Dollar requesting change to Ordinance Code regarding discharge of firearms.

Referred to County Administrator, County Counsel, and Sheriff

B. Letter from Robert and Tina Lavy inviting the Board to the Family of the Year event on November 18, 2004.

D. Notice from Three Rivers Levee Improvement Authority announcing public meeting on October 6, 2004 on the Draft Environmental Impact Report for the Feather-Bear Rivers Levee Setback Project.

E. Letter from County Clerk Recorder advising December 15, 2004 is the last day to submit completed maps for recording in 2004.

F. Two News Releases from the Plumas National Forest regarding woodcutting and traffic survey within the Plumas National Forest.

G. Letter from Marie Davis regarding Economic Development Loan, foreclosure, and trustee sale.

Referred to County Counsel, Administrative Services, and Yuba Sutter Economic Development Corporation

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Supervisor Schrader:
- Requested status report on Andina Village Mobile Home Park
- North Tree Fire District meeting on September 30, 2004 regarding mobile command communication

Supervisor Stocker:
- Memorial Adjournment in memory of Mrs. Denise Golisano
- Newspaper article on Sacramento Regional Blueprint and Sprawl link to chronic ailments

Supervisor Simmons:
- Goldfields Training Center

County Administrator Kent McClain:
- Formation of Three Rivers Community Facilities District and Special Election

CLOSED SESSION

At the request of County Counsel, upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried the Board added to closed session pending litigation regarding Imler vs. County of Yuba.
The Board retired into closed session at 8:56 p.m. to discuss the following:

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

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

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

The Board returned at 9:20 p.m. from closed session with all Board and staff members present as indicated above.

County Counsel Daniel Montgomery made the following announcement:

“On the public employee discipline matter, your Board unanimously adopted the findings of the administrative law judge on two matters. And on a third matter involving public employee discipline, your Board unanimously continued the matter to October 19th for consideration and action. No further announcements.”

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 9:21 p.m. in memory of Mrs. Denise L. Golisano by Chairman Simmons.

/s/Bill Simmons, Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

/s/Donna Stottlemyer  Approved: October 19, 2004