YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
MAY 24, 2005

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, John Nicoletti, Donald Schrader, and Hal Stecker. Supervisor Mary Jane Griego was absent. Also present were County Administrator Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors Donna Stottlemyer. Vice-chairman Schrader presided.

CONSENT AGENDA

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

A. Administrative Services

1) Awarded contract to Hudspeth Corporation, low responsive and responsible bidder, for Government Center Remodel Project, and authorized the Chair to execute contract upon submittal of required bonds and insurance document upon review and approval of County Counsel.

2) Authorized the Public Works Director to close Arboga Road from Skyway Drive to Butterfly Lane and close Skyway Drive from 2 - 3 p.m. on June 4 and 5, 2005 to allow jet performance at the 2005 Golden West EAA Regional Fly-in and Air Show.

B. Agricultural Commissioner

1) Approved County of Yuba Internet Presence (Website) Policy.

2) Authorized Budget Transfer to allocate unanticipated State revenue in the total amount of $67,222 to various line items for services and equipment.

C. Clerk of the Board of Supervisors: Appointed David Allen to the Fish and Game Advisory Commission as the at-large representative for a term to expire April 17, 2007.
D. Community Development

1) Approved Environmental Impact Report (EIR) Preparation Agreement with Raney Planning and Management and EIR Reimbursement Agreement with Teichert for the Teichert Marysville Plant Surface Mining Permit and authorized the Chair to execute same.

2) Appointed Tim Stellings to the Community Development Block Grant Loan Committee.

3) Authorized Appropriation of Funds in the amount of $70,000 allocating the 2004 Home Program Grant.

4) Authorized Budget Transfer in the amount of $188,877 from various line items to other various line items for recognition of revenue earned and reimbursement for expenditures incurred.

E. County Administrator: Authorized Regional Waste Management Authority to submit grant application on County's behalf for used oil recycling program and submittal of County Administrator letter.

F. County Counsel: Adopted Resolution No. 2005-72, which is on file in Yuba County Resolution Book No. 36, which is entitled: "RESOLUTION AND NOTICE OF INTENTION TO SELL COUNTY REAL PROPERTY," located at 8785/8787 Mystic Mine Trail.

G. District Attorney: Authorized District Attorney to submit grant application for federal funding through the Justice Assistance Grant Program.

H. Probation

1) Authorized Budget Transfer in the total amount of $15,311 reallocating funds due to unanticipated grant reduction.

2) Authorized Budget Transfer in the total amount of $74,193 reallocating funds to reflect actual expenditures due to a reduction in grant funding from the Child Abuse Treatment Program.

3) Authorized Budget Transfer in the total amount of $22,116 from various salary and benefits line items to reflect staffing changes due to a reduction in grant funds.
I. Public Guardian: Authorized Budget Transfer in the total amount of $3,591 from various line items to other various line items to cover year end deficits.

J. Risk Management/Personnel: Authorized catastrophic leave request for Community Development Department employee.

PUBLIC COMMUNICATIONS

No one came forward.

ORDINANCES AND PUBLIC HEARINGS

Vice-chairman Schrader read the disclaimer.

Ordinance/Children and Families Commission/Chapter 4.45 (Second Reading): Vice-chairman Schrader opened the public hearing. No one came forward.

Upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and carried with Supervisor Griego being absent, the public hearing was closed, the second reading was waived, and the Board adopted Ordinance No. 1349, which is on file in Yuba County Ordinance Book No. 18, which is entitled: "AN ORDINANCE AMENDING CHAPTER 4.45 OF THE YUBA COUNTY ORDINANCE CODE RELATING TO FIRST FIVE YUBA COMMISSION," as it relates to changing the name from Children and Families Commission.

CORRESPONDENCE

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

A. Letter from Sutter-Yuba Mental Health Services advising of Mental Health Services Act funding and requesting public input. No action.

B. Letter from Legal Affairs Secretary Peter Siggins dated May 10, 2005 regarding Enterprise Rancheria. No action.

C. Letter from EnerPower, Inc. dated May 10, 2005 regarding energy savings proposal. REFER TO STAFF

Referred to Administrative Services.
D. Letter from Area 4 Agency on Aging advising of upcoming appointment and mileage reimbursement. No action.

E. Agenda from California Fish and Game Commission for special meeting of May 23, 2005. No action.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Agricultural Commissioner Dennis Pooler:
- Agricultural Crop Report for 2004

Supervisor Logue:
- Vietnam Moving Wall Opening Ceremony on May 28 at 9:00 a.m. at Calvary Temple Campus
- Requested meeting with Quest Director and Marysville Fire Chief
- Regional Transportation meeting on May 23, 2005

Supervisor Nicoletti:
- Yuba River flow and Bullards Bar
- Memorial Day Weekend Rodeo at Cotton Rosser Arena in Riverfront Park

Supervisor Stocker:
- Memorial adjournment in memory of Mr. Elmer Miller
- Appeal Democrat articles regarding parks for south Yuba County area and Yuba City growth
- Yuba Sutter Arts Council meeting of May 23, 2005

Supervisor Schrader:
- Vietnam Moving Wall on display May 27 through June 2, 2005

County Administrator Kent McClain:
- Oliveturst Public Utility District oversight for parks within south Yuba County area
- Receipt of Reclamation Board Permit for Three Rivers Levee Improvement Authority levee repair projects
CLOSED SESSION

The Board retired into closed session at 9:50 a.m. to discuss the following:

A. Labor negotiations pursuant to Government Code §54957.6(a) - Management Sheriff's Association/Deputy Sheriff's Association and County of Yuba/Beverly Capaci

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

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

The Board returned into open session at 10:05 a.m. with all Board and staff members present as indicated above.

County Counsel Daniel Montgomery made the following announcement:

"Mr. Chairman, in the two pending litigation matters of Her versus the County and Xiong versus the County, your Board has by a 4/0 vote, authorized the retention of Porter, Scott, Wybert, and Delehant to defend the County. No further announcement."

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 10:06 a.m. in memory of Mr. Elmer N. Miller by Vice-chairman Schrader.

Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: June 7, 2005