YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

JULY 12, 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, Mary Jane Griego, Donald Schrader, and Hal Stocker. Also present were County Administrator Kent McClain, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Ellen DeLemos. Chairman Griego presided.

CONSENT AGENDA

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

A. Administrative Services

1) Approved Memorandum of Understanding between the Feather River Air Quality Management District and the County of Yuba and authorized the Chair to execute same. APPROVE MOU

B. Agricultural Commissioner

1) Approved an agreement with Applied Forest Management, Inc. for consultant services and authorized the Chair to execute same. APPROVE AGREEMENT

C. Clerk of the Board of Supervisors

1) Appointed Supervisor Logue as Representative and Supervisor Schrader as Alternate to Bi-County Transportation Board Standing Committee for 2005. APPOINT REP.

2) Appointed Mrs. Lucille Bryant to In-Home Supportive Services Advisory Commission as a Representative for a term to expire July 5, 2007. APPOINT REP.

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D. **PROBATION**

1) Approved six agreements with Marysville Joint Unified School District and one agreement with Wheatland School District for service of Deputy Probation Officers in the Probation and Schools Success Programs and authorized the Chair to execute same.

E. **Public Works**

1) Adopted Resolution No. 2005-92, which is on file in Yuba County Resolution Book No. 36, which is entitled: “RESOLUTION DETERMINING AND IMPOSING ASSESSMENT WITHIN LINDA STREET LIGHTING MAINTENANCE DISTRICT.”

2) Adopted Resolution No. 2005-93, which is on file in Yuba County Resolution Book No. 36, which is entitled: “ADOPT ENGINEER’S REPORT AND DECLARE INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN GLEDHILL LANDSCAPING AND LIGHTING DISTRICT.”

3) Approved plans and specifications for road rehabilitation in Edgewater Subdivision and authorized Public Works to solicit bids with a tentative bid opening date of August 12, 2005.

4) Approved Spenceville Road Rehabilitation Project for advertisement of bids with a tentative bid opening date of July 28, 2005, subject to Caltrans approval.

5) Approved agreement with Reyren and Bardis (Edgewater Ranch) LP and authorized the Chair to execute same.

6) Approved North Beale Road Public Lands Highway Discretionary Paving Project for advertisement of bids with a bid opening date of July 28, 2005, subject to Caltrans approval.

7) Approved North Beale Road Pavement Rehabilitation Project for advertisement of bids with a tentative bid opening date of July 28, 2005, subject to Caltrans approval.

**PUBLIC COMMUNICATIONS**

Mr. Greg Crompton, Dobbins, urged careful consideration of Yuba Highlands Environmental Impact Report review comments from Beale Air Force Base and expressed concerns regarding building permits issuance and recapped a recent occurrence.
County Administrator Kent McClain suggested any complaints of this nature be forwarded to his office for resolution.

ORDINANCES AND PUBLIC HEARINGS

A. Public Hearing – Hold public hearing and adopt resolution establishing Zone of Benefit D within County Service Area 66 and imposing an assessment of $300.00 per parcel (Hawes Ranch): Public Works Director Kevin Mallen recapped the resolution and responded to Board inquiries. Madam Chair Griego opened the public hearing. No one came forward.

Upon motion of Supervisor Schrader, seconded by Supervisor Stocker and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2005-94, which is on file in Yuba County Resolution Book No. 36, which is entitled: “RESOLUTION ESTABLISHING ZONE OF BENEFIT D WITHIN COUNTY SERVICE AREA NO. 66 AND IMPOSING AN ASSESSMENT (HAWES RANCH)”

B. Public Hearing – Hold public hearing and adopt resolution approving Engineer’s Report and imposing an assessment of $80.00 for County Service Area 66 (Plumas Lake): Public Works Director Kevin Mallen recapped the resolution and responded to Board inquiries. Madam Chair Griego opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2005-95, which is on file in Yuba County Resolution Book No. 36, which is entitled: “RESOLUTION APPROVING AN ENGINEER’S REPORT AND IMPOSING AN ASSESSMENT IN CSA 66 – PLUMAS LAKE SPECIFIC PLAN.”

C. Public Hearing – Hold public hearing and adopt resolution approving Engineer’s Report and imposing an assessment of $225.47 for County Service Area 69 (Summerfield Estates): Public Works Director Kevin Mallen recapped the resolution and responded to Board inquiries. Madam Chair Griego opened the public hearing. No one came forward.

Upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2005-96, which is on file in Yuba County Resolution Book No. 36, which is entitled: “RESOLUTION APPROVING AN ENGINEER’S REPORT AND IMPOSING AN ASSESSMENT IN CSA 69 – SUMMERFIELD ESTATES.”

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D. Public Hearing – Hold public hearing and adopt resolution establishing Zone of Benefit within County Service Area 70 and imposing an assessment of $80.00 in Zone of Benefit A (Edgewater Subdivision Units 5 and up): Public Works Director Kevin Mallen recapped the resolution and responded to Board inquiries. Madam Chair Griego opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Schrader and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2005-97, which is on file in Yuba County Resolution Book No. 36, which is entitled: "RESOLUTION ESTABLISHING A ZONE OF BENEFIT WITHIN COUNTY SERVICE AREA NO. 70 AND IMPOSING AN ASSESSMENT IN ZONE OF BENEFIT A (EDGEEWATER SUBDIVISION UNITS 5 AND UP)."

E. Public Hearing – Hold public hearing and adopt resolution declaring summary vacation of offer of dedication for road right of way portion of Peggy Lane – Avenue 2560: Public Works Director Kevin Mallen recapped the resolution and responded to Board inquiries. Madam Chair Griego opened the public hearing. No one came forward.

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2005-98, which is on file in Yuba County Resolution Book No. 36, which is entitled: "RESOLUTION SUMMARILY VACATING OFFER OF DEDICATION FOR A PORTION OF PEGGY LANE (AVENUE 2560)."

F. Public Hearing/Potential Community Development Block Grant: Airport Manager Mary Hansen read the public notice. Chairman Griego opened the public hearing and inquired if anyone wished to address this issue. No one came forward. Upon motion of Supervisor Logue and seconded by Supervisor Stocker, and unanimously carried, the public hearing was closed.

G. Public Hearing/Annual Grantee Performance Reports for Economic Development and Community Development Block: Community Services Manager Debra Phillips read the public notice and responded to Board inquiries. Chairman Griego opened the public hearing and inquired if anyone wished to address this issue. No one came forward. Upon motion of Supervisor Logue and seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed.

H. Public Hearing/Dispute of arrearages owed Yuba Sutter Disposal Incorporated and adopt resolution: County Administrator Kent McClain recapped the resolution. County Counsel Dan Montgomery requested the liens not be recorded pending further direction from the Board.
Madam Chair Griego opened the public hearing. The following individuals came forward opposing the liens:

- Ms. Susan Garrett, 4724 Western Ave.
- Ms. Laura Shoemaker on behalf of Mr. David Moore, 1551 2nd Ave.
- Mr. Richard Gates, 4832 Beaver Lane
- Ms. Maria Espinoza on behalf of Vincent Espinoza, 2210 Gold Leaf Way

Following Board discussion, upon motion of Supervisor Schrader and seconded by Supervisor Nicoletti and unanimously carried, the public hearing was closed and adopted Resolution No. 2005-99, which is on file in Yuba County Resolution Book No. 36, which is entitled: “RESOLUTION CONFIRMING REPORT OF DELINQUENT SOLID WASTE COLLECTION CHARGES AND ORDER OF ASSESSMENT;” and directed liens not be recorded.

ITEM OF PUBLIC INTEREST

Linda Fire Protection District: Upon motion of Supervisor Schrader and seconded by Supervisor Stocker and unanimously carried, the Board authorized a tax advance in an amount not to exceed $400,000 through December 2005.

CORRESPONDENCE

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

A. Letters from Lake Francis Grange #745 and Dobbins/Oregon House Action Committee regarding their regular meeting of June 24 and Beale Air Force Base comments on the Yuba Highlands Draft Environmental Impact Report.

Referred to Community Development.

B. Letter from Marysville Joint Unified School District regarding Subdivision developments dedicating land for elementary school sites.

Referred to Community Development.


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ADDITIONAL CORRESPONDENCE

D. Letter from Housing Alternatives, Inc. requesting support of tax credits for projects located in Olivehurst.

Referred to County Counsel, County Administrator and Community Development.

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Supervisor Stocker:
- Brownsville Spring Clean Up Project

Supervisor Schrader:
- Memorial adjournment in memory of Ms. Faith Carlock and Navy Seal Petty Officer 2nd Class Matthew Axelson
- Out of state week of July 18, 2005

Supervisor Nicoletti:
- Marysville Peach Festival July 15 and 16, 2005
- Independence Day celebration at Sacramento Valley Amphitheatre and commend Community Director Tim Snellings for a successful turnout
- Deputy Probation Officers on school campuses

Supervisor Stocker left at 10:45 a.m. and returned at 10:48 a.m.

Supervisor Logue:
- Suggested Land Use and Public Works Committee consider process to converge permitting
- St. Mary’s University looking at possibly building a campus in the area
- August luncheon to debut Yuba Sutter Tourism video

Supervisor Griego:
- Memorial adjournment in memory of Mr. Arson Sewell, Olivehurst
- Olivehurst Public Utility District Liaison Committee

County Administrator Kent McClain:
- Notice to Proceed for levee repair project
Assistant County Administrator Randy Margo:
- State Budget and effects for County of Yuba

Clerk of the Board Donna Stottlemyer:

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. - Henderson vs the County of Yuba as the need to take action arose subsequent to the agenda being posted.

The Board retired into closed session at 10:58 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) - Cheema vs. County of Yuba

C. Potential litigation pursuant to Government Code §54956.9(e) - One Case

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

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

Supervisor Stocker left closed session at 12:17 p.m. and did not return.

The Board returned from closed session at 12:35 p.m. with all Board and staff members present as indicated above, except Supervisor Stocker.

County Counsel Daniel Montgomery made the following announcement:

"Madam Chair, in the matter of Teel vs. the County your Board has authorized unanimously, the retention of Porter, Scott, Weiberg, and Delehant to represent the County’s interest. In the matter of Cheema vs. the County, your Board authorized Porter, Scott, Weiberg, and Delehant to represent the County’s interest. No further announcements."

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ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 12:37 p.m., in memory of Mr. Arsen Sewell, Mrs. Faith Carlock and Petty Officer 2nd Class Matthew Axelson by Madam Chair Griege.

Chairman

ATTEST: DONNA STOTTMER
CLERK OF THE BOARD OF SUPERVISORS

By: Ellen DeLemos, Deputy Clerk

Approved: Aug. 2, 2005