YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS

DECEMBER 13, 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. Madam Chair Griego presided.

CONSENT AGENDA

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

A. Administrative Services: Authorized participation in 2006 California State Fair
   Counties Exhibit.

B. Clerk of the Board: Appointed Mr. Gerald Rister to the Fish and Game Advisory
   Commission as the alternate for a term to expire August 6, 2006.

C. District Attorney: Adopted Resolution No. 2005-287, which is on file in Yuba
   County Resolution Book No. 36, which is entitled: "RESOLUTION AUTHORIZING
   THE AUDITOR/CONTROLLER OF YUBA COUNTY TO TRANSFER FUNDS
   FROM THE DNA IDENTIFICATION FUND TO REIMBURSE LOCAL LAW
   ENFORCEMENT AGENCIES FOR DNA COLLECTION COSTS RELATED TO
   THE DNA FINGERPRINT, UNSOLVED CRIME AND INNOCENCE PROTECTION
   ACT OF 2004."

D. Health and Human Services: Adopted Resolution No. 2005-288, which is on file
   in Yuba County Resolution Book No. 36, which is entitled: "AUTHORIZE THE
   DIRECTOR OF THE YUBA COUNTY HEALTH AND HUMAN SERVICES
   DEPARTMENT TO EXECUTE THE DECLARATION OF INTENT FROM THE
   CALIFORNIA DEPARTMENT OF HEALTH SERVICES TO REFLECT YUBA
   COUNTY'S INTENT NOT TO APPLY FOR ITS ALLOCATION OF RURAL
   HEALTH SERVICES (RHS) FUNDS AND ITS REQUEST THAT THE
   CALIFORNIA DEPARTMENT OF HEALTH SERVICES ADMINISTER YUBA
   COUNTY'S RHS FUNDS ON ITS BEHALF."
E. Public Works: Adopted Resolution No. 2005-289, which is on file in Yuba County Resolution Book No. 36, which is entitled: "RESOLUTION APPROVING FINAL MAP OF TRACT MAP NO. 2004-03."

F. Treasurer-Tax Collector

1) Received County of Yuba Statement of Investment Policy for 2006.

2) Adopted Resolution No. 2005-290, which is on file in Yuba County Resolution Book No. 36, which is entitled: "RESOLUTION DELEGATING INVESTMENT AUTHORITY TO THE YUBA COUNTY TREASURER."

CONSENT DISCUSSION

Health and Human Services/Approve funding recommendations for Child Abuse Prevention, Intervention and Treatment Program, the Community Based Child Abuse Prevention Program and Local Children’s Trust Funds for State Fiscal Years 2005-2008.

Upon motion of Supervisors Schrader, seconded by Supervisor Logue and carried with Supervisor Nicoletti abstaining, the Board approved funding recommendations for Child Abuse Prevention, Intervention and Treatment Program, the Community Based Child Abuse Prevention Program and Local Children’s Trust Funds for State Fiscal Years 2005-2008.

SPECIAL PRESENTATION

Economic Diversification Strategy: Economic Development Coordinator John Fleming and Yuba Sutter Economic Development Director Tim Johnson gave a Power Point presentation regarding Yuba County Economic Diversification Strategy to reduce and reverse economic reliance on defense spending.

Following board inquiries, Madam Chair referred the matter to Land Use and Public Works Committee for recommendations on funding infrastructures, manufacturing tax brackets, and retaining the Enterprise Zone.

PUBLIC COMMUNICATIONS

The following individuals spoke in support of medical marijuana dispensaries:

- Ms. Bonnie Metcalf, Martel Drive
- Mr. Clyde Chilton, Loma Rica
ADMINISTRATIVE SERVICES

Sheriff's Department/Courthouse: Administrative Services Director Robert Menini recapped the necessary enhancements to the air handling mechanical system in the courthouse and responded to Board inquiries.

Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board approved increase in scope to Sheriff's courthouse remodel project to allow necessary enhancements to air handling mechanical system.

AGRICULTURAL COMMISSIONER

Federal Forest Reserve HR 2389 Funds: Agricultural Commissioner Dennis Pooler recapped proposal for maximum spending limits and priorities for fund use and responded to Board inquiries. Upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and unanimously carried, the Board approved endorsement of Federal Forest Reserve HR 2389 – Title III project funding priorities.

BOARD OF SUPERVISORS

Cancel Meeting/January 10, 2006: Upon motion of Supervisor Nicoletti, seconded by Supervisor Schrader and unanimously carried, the Board approved to cancel the meeting of January 10, 2006 in order for members to attend the State Water Resources Control Board Hearing.

Metropolitan Statistical Area: Following presentation by Deputy Director of Health and Human Services Rob Shotwell, and Board inquiries, upon motion of Supervisor Schrader, seconded by Supervisor Logue and unanimously carried, the Board approved a letter of support to combine Yuba City-Marysville, CA Metropolitan Statistical area with the existing Sacramento-Arden-Arcade-Truckee, CA-NV Combined Statistical Area.

COMMUNITY DEVELOPMENT

Public Facility Fees, (Capital Facility Fees): Associate Planner Scott Greeley gave a Power Point presentation on current fee collection for modular units tied to temporary use permits, requested Board direction on continued fee collection, and responded to Board inquiries.
Following Board discussion, Madam Chair Griego referred the matter to Land Use and Public Works Committee for recommendations on fees and monitoring for the County in its entirety.

**COUNTY ADMINISTRATOR**

**Flood Control Projects:** Upon motion of Supervisor Schrader, seconded by Supervisor Stocker and unanimously carried, the Board approved the Chair to execute a letter to state legislators requesting funds for flood control projects.

**COUNTY COUNSEL**

**Law Library Fees:** Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board adopted Resolution No. 2005-291, which is on file in Yuba County Resolution Book No. 36, which is entitled: “RESOLUTION INCREASING COUNTY LAW LIBRARY FEE.”

**PUBLIC WORKS**

**Resource Depletion Surcharge Fund Distribution:** Public Works Director Kevin Mallen recapped three possible scenarios for fund distribution and responded to Board inquiries.

The following individuals spoke in support of funds being distributed to the City of Marysville:

Mr. Steve Casey, City Manager, City of Marysville  
Mr. Bill Simmons, Marysville  
Mr. Lee Bright, Olivehurst  
Mr. Ed Fleming, Marysville  
Ms. Christine Bellesi, Marysville, City Council  
Mr. Chuck Smith, Marysville

The following individuals spoke in support of funds being distributed throughout the County and aggregate haul routes:

Mr. John Mulligan, Marysville  
Mr. Ross Rohleder, Linda

Mr. Ross Patterson, Marysville, spoke in support of funds being distributed only to aggregate haul routes.
Supervisor Nicoletti moved to approve Scenario No. 3.

Motion failed for lack of a second.

Upon motion of Supervisor Schrader, seconded by Supervisor Griego and following a roll call vote with Supervisor Nicoletti, Griego, Schrader, Stocker voting in the affirmative and Supervisor Logue voting in opposition, the Board approved Scenario No. 1 based on 3 percent for Administration, 48.5 percent for aggregate haul routes, 48.5 percent for street maintenance by mileage for Marysville, Wheatland, and the County.

RESOURCE CONSERVATION DISTRICT

Yuba County Voluntary Oak Woodland Management Plan: Yuba County Resource Conservation District Board Chair Jeannette Brown and Watershed Coordinator Ryan Bonea recapped the Woodland Management Plan and the Landowner Guidelines and responded to Board inquiries.

Upon motion of Supervisor Schrader, seconded by Supervisor Stocker the Board adopted Resolution No. 2005-292, which is on file in Yuba County Resolution Book No. 36, which is entitled: “RESOLUTION ADOPTING THE YUBA COUNTY VOLUNTARY INDIVIDUAL OAK AND OAK WOODLAND MANAGEMENT PLAN AND LANDOWNER GUIDELINES.”

ORDINANCES AND PUBLIC HEARINGS

The Clerk read the disclaimer.

A. Public Hearing - Hold public hearing and adopt resolution approving engineer's report and imposing an assessment of $243 for County Service Area 71 (Normandy 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 Stocker, seconded by Supervisor Nicoletti and unanimously carried, the public hearing was closed and the Board adopted Resolution No. 2005-293, 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 71 – NORMANDY ESTATES.”
B. Ordinance/Amending Title 13/Community Development Fees (Second Reading): 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, the second reading was waived and the Board adopted Ordinance No. 1358-A, which is on file in Yuba County Ordinance Book No. 18 which is entitled: “ORDINANCE AMENDING TITLE 13, CHAPTERS 13.00.020, 13.00.048 AND 13.00.062 OF THE YUBA COUNTY ORDINANCE CODE RELATING TO COMMUNITY DEVELOPMENT DEPARTMENT FEES.”

C. Ordinance/Special Taxes/Community Facilities District 2005-1 (Second Reading): 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, the second reading was waived and the Board adopted Ordinance No. 1359, 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. 2005-1 (ORCHARD/MONTROSE PUBLIC IMPROVEMENTS).”

CORRESPONDENCE

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

A. Letter from Ashley Darnell regarding road conditions on New York House Road.
   No action.

B. Letter from Sleep Train Amphitheatre regarding potential residential development plans near the Amphitheatre.

   Referred to Community Development

C. Letter from Stella Hart requesting waiver of $5,000 in Capital Facilities fee.

   Referred to Community Development

BOARD AND STAFF REPORTS

Reports were received on the following:

Supervisor Stocker:
- Memorial adjournment in memory of Mrs. Louise Zbinden

Supervisor Schrader:
- Memorial adjournment in memory of Gladys Breedlove

Supervisor Logue:
- Memorial adjournment in memory of Mr. George Pace

Assistant County Administrator Randy Margo:
- Out-of-Country December 19, 2005 returning after the first of the year.

County Counsel Dan Montgomery
- Introduced new Chief Deputy Counsel Angil Morris-Joans

CLOSED SESSION

The Board retired into closed session at 12:35 a.m. to discuss the following:

A. Personnel pursuant to Government Code §54957 - Public Employment - County Administrator

B. Labor negotiations pursuant to Government Code §54957.6(a) - Bargaining Units 8, 10, 11 and Yuba County Employees Association and County of Yuba/Beverly Barnes

C. Threatened litigation pursuant to Government Code §54956.9(b) - One Case

The Board returned into open session at 2:12 p.m. with all Board and staff members present as indicated above.
County Counsel Daniel Montgomery made the following announcement:

"Madam Chair, the Board has unanimously voted to retain the Law Firm of Diepenbrock in the threatened litigation matter that was heard in closed session today. No further announcements."

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 2:12 p.m., in memory of Mrs. Louise Zhinden, Mrs. Gladys Goodlove and Mr. George Pace by Madam Chair Griego.

[Signature]
Chairman

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

By: Ellen DeLemos, Deputy Clerk

Approved: January 3, 2006