YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
MAY 16, 2006

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 Stocker. Supervisor Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, Chief Deputy Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemyer. 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: Authorized a Budget Transfer in the total amount of $7,000 from Account No. 101-0900-417-1703 (Courthouse Equipment) for $3,000, Account No. 101-0900-417-1801 (Annex Building Maintenance) for $2,000, and Account No. 101-0900-417-1804 (Library Building Maintenance) for $2,000 to Account No. 101-0900-417-6200 (Buildings and Grounds Fixed Assets) to purchase an electric lift.

B. Agricultural Commissioner: Authorized a Budget Transfer in the total amount of $74,559 from Account No. 101-0000-361.53-01 (Unclaimed Gas Tax) for $59,600 and Account No. 101-0000-361.53-05 (Pesticide Use Enforcement) for $14,959 to appropriate departmental expenses.

C. Clerk of the Board of Supervisors

1) Reappointed Mr. Dennis Travis to the Strawberry Valley Cemetery District for a term to expire May 16, 2010.

2) Approved the minutes of the regular meeting of May 2, 2006, as written.

D. County Administrator: Authorized a Budget Transfer in the amount of $2,000 from Account No. 101-1700-411-28-00 (Special Department Expense) to Account No. 101-1700-411-29-00 (Travel) for Economic Development conference and travel expenses.

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E. District Attorney

1) Adopted Resolution No. 2006-58, which is on file in Yuba County Resolution Book No. 37, 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 ABUSER VERTICAL PROSECUTION PROGRAM."

ADOP

T RESOLUTION NO. 2006-58

2) Authorized the District Attorney to destroy closed misdemeanor case files older than three years and closed felony files older than five years.

AUTHORIZE

DESTRUCT.

F. Health and Human Services

1) Approved an agreement between Coolidge Public Relations and County of Yuba for professional services for public awareness and authorized the Chairman to execute same.

APPROVE

AGRMNT.

2) Approved an agreement between Yuba College and County of Yuba for Independent Living Program and authorized the Chairman to execute same.

APPROVE

AGRMNT.

G. Risk Management/Personnel

1) Adopted Resolution No. 2006-59, which is on file in Yuba County Resolution Book No. 37, which is entitled: "RESOLUTION AMENDING YUBA COUNTY RULES GOVERNING COVERAGE AND COMPENSATION, BENEFITS AND WORKING CONDITIONS OF EMPLOYEES OF THE COUNTY OF YUBA RESOLUTION 2005-113, ARTICLE SEVEN."

ADOPT

RESOLUTION NO. 2006-59

2) Approved an employment agreement between Three Rivers Levee Improvement Authority, County of Yuba, and Paul Brunner and authorized the Chairman to execute same.

APPROVE

AGRMNT.

3) Adopted Resolution No. 2006-60, which is on file in Yuba County Resolution Book No. 37, which is entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO. 2006-26," as it relates to County Administrative Office effective May 1, 2006.

ADOPT

RESOLUTION NO. 2006-60
4) Adopted Resolution No. 2006-61, which is on file in Yuba County Resolution Book No. 37, which is entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM - BASIC SALARY SCHEDULE NO. 2006-107," as it relates to County Administrative Office effective May 1, 2006.

PUBLIC COMMUNICATIONS

Mr. Ed Fleming, Marysville, commented on monetary contributions provided to the County from the City of Marysville.

Mr. Chuck Smith, Marysville, provided a copy of minutes from the Beale Air Force Base Military Base Retention Committee meeting of January 13, 2003.

BOARD OF SUPERVISORS

National Association of Counties Board Representatives: Following recommendation of Chairman Schrader and upon motion of Supervisor Logue, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board appointed the Chairman to serve as representative and the Vice-chairman to serve as alternate.

COUNTY ADMINISTRATOR

1) Local Government Household Hazardous Waste Grant: Upon motion of Supervisor Stocker, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board authorized the County Administrator to execute correspondence supporting Regional Waste Management Authority 2006-2007 Local Government Household Hazardous Waste grant application on behalf of the County.

2) Used Oil Recycling Program Grant: Upon motion of Supervisor Stocker, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board authorized the County Administrator to execute correspondence supporting Regional Waste Management Authority 2006-2007 Used Oil Recycling Program Grant application on behalf of the County.

3) Three Rivers Levee Improvement Authority Joint Powers Agreement: Upon motion of Supervisor Nicoletti, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2006-62, which is on file in Yuba County Resolution Book. No. 37, which is entitled: "RESOLUTION APPROVING AN AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY."

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HEALTH AND HUMAN SERVICES

Elder Adult Abuse Awareness Month/May 2006: Upon motion of Supervisor Stocker, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2006-63, which is on file in Yuba County Resolution Book No. 37, which is entitled: "RESOLUTION OF THE YUBA COUNTY PROCLAIMING MAY 2006 AS ELDER ADULT ABUSE AWARENESS MONTH IN YUBA COUNTY."

PUBLIC WORKS

Countywide Draining Complaints: Assistant Director Ani Bhattacharyya recapped drainage complaints received by Public Works between 2001 and 2006 and recommendation for a county-wide drainage study and responded to Board inquiries.

ORDINANCES AND PUBLIC HEARINGS

Chairman Schrader read the disclaimer.

1) Ordinance/Ordinance Amending Chapter 2.50/Purchasing (Second Reading): Chairman Schrader opened the public hearing. No one came forward.

Upon motion Supervisor Stocker, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1370, which is on file in Yuba County Ordinance Book No. 19, which is entitled: "AN ORDINANCE AMENDING CHAPTER 2.50 OF THE YUBA COUNTY ORDINANCE CODE PERTAINING TO PURCHASING."

ADOPT ORDINANCE NO. 1370

2) Ordinance/Ordinance amending Chapter 11.15/Final Map Approval (Second Reading): 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 reading was waived, and the Board adopted Ordinance No. 1371, which is on file in Yuba County Ordinance Book No. 19, which is entitled: "AN ORDINANCE AMENDING CHAPTER 11.15 OF THE YUBA COUNTY ORDINANCE CODE RELATING TO DEPARTMENT HEAD TITLE, FINAL MAP APPROVALS AND DEDICATIONS AND SUBDIVISION IMPROVEMENT AGREEMENT."

ADOPT ORDINANCE No. 1371

3) Ordinance/Ordinance Adding Chapter 13.20/Levee Fees (Second Reading): Chief Deputy Counsel Angil Morris-Jones recapped minor language amendments to the proposed ordinance. Chairman Schrader opened the public hearing. No one came forward.
Upon motion of Supervisor Nicoletti, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1372, which is on file in Yuba County Ordinance Book No. 19, which is entitled: "ORDINANCE ADDING CHAPTER 13.20 OF THE YUBA COUNTY ORDINANCE CODE ESTABLISHING LEVEE FEES."

4) Ordinance/Urgency Ordinance Establishing Interim Levee Fees (Second Reading): County Administrator Robert Bendorf recapped minor language changes to the proposed ordinance. Chairman Schrader opened the public hearing. No one came forward.

Upon motion of Supervisor Nicoletti, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1373, which is on file in Yuba County Ordinance Book No. 19, which is entitled: "AN INTERIM URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA ESTABLISHING INTERIM LEVEE FEES."

CORRESPONDENCE

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

A. **Notice from United States Federal Energy Regulatory Commission** regarding Order Approving As-Built Exhibit R Drawings for recreation improvements submitted by Yuba County Water Agency. No action.

B. **Letter from Northern California Water Association** enclosing their quarterly "Conveyance" publication of water issues affecting Northern California. No action.

C. **Letter from California Department of Community Services and Development** advising the single agency-wide audit report for Yuba County Community Services Commission is delinquent.

Referred to County Administrator and Community Development

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

ADOPT ORDINANCE NO. 1372

ADOPT URGENCY ORDINANCE NO. 1373
Supervisor Stocker:
- Memorial adjournment in memory of Ms. Edythe Battley, Ms. Dehorea Silva-Johnson, Mr. John Moss Jr., and Mr. Gabe Wright

Supervisor Nicoletti:
- Memorial adjournment in memory of Mr. Jerry McCrory
- Sister City/County Delegation trip to Taiwan to make presentation at an upcoming Board meeting

Supervisor Schrader:
- Memorial adjournment in memory of Mr. Chester C. Baldwin
- Association of California Water Agencies Conference held May 9-12, 2006

CLOSED SESSION

The Board retired into closed session at 10:15 a.m. to discuss the following:

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

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

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

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

E. Labor negotiation pursuant to Government Code §54957.6(a) - Yuba County Employees Association and County of Yuba/Beverly Barnes

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

The Board returned from closed session at 11:05 a.m. with all Board and staff members present as indicated above. There was no announcement from closed session.
RECESS

The Board recessed at 11:05 a.m. and reconvened at 6:00 p.m. with all Board and staff members present as indicated above included Supervisor Griego.

ORDINANCES AND PUBLIC HEARINGS

Chairman Schrader read the disclaimer.

Public Hearing/Consider Appeal of Planning Commission Decision Approving State Route 20 Kibbe Road Environmental Impact Report (EIR): Interim Community Development Director Kent McClain briefly recapped the proposed project and requirements for an environmental impact report.

Project Consultant Cindy Gnos, Raney Planning and Management, recapped the process and preparation of the EIR and recommendation for approval.

Mr. Keith Wagner, Counsel for appellant, highlighted the following appeal:
- Sequence of approval after EIR Certification
- Failure to consider alternative route along Cordua ditch
- Significant adverse effects on neighborhoods
- Rejection of environmentally superior alternative route
- Determination of vested right at Hallwood site

Mr. Steve Pettyjohn, Acoustics and Vibration Group, spoke on behalf of the appellant as it related methodology for determining noise impacts.

Mr. Forest Tull, appellant, recapped traffic safety issues associated with the site location.

Mr. Paul Holland, noise project consultant, recapped noise analyses contained within the EIR.

Ms. Natalie Porter, transportation project consultant, addressed the turn pocket lane on State Route 20.

The following individuals spoke in opposition of the project location:
- Ms. Louise Ahart, Iowa Ranch Road
- Mr. Ted Lowe, Marysville
- Ms. Debbie Wennberg, Kibbe Road
Mr. Jack Osburn, Hallwood Boulevard, spoke in support of certification of the EIR.

With no further public comments, Chairman Schrader closed the public hearing.

Following Board discussion, upon motion of Supervisor Nicoletti, seconded by Supervisor Schrader, and a roll call vote with Supervisors Logue, Nicoletti, Griego, and Schrader voting in support and Supervisor Stocker voting in opposition, the motion of intent to approve the Environmental Impact Report for State Route 20/Kibbe Road and directing staff to prepare written findings of fact.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 7:10 p.m. in memory of Ms. Edythe Battley, Ms. Deborha Silva-Johnson, Mr. Chester C. Baldwin, Mr. Jerry McCory, Mr. John Moss Jr., and Mr. Gabe Wright by Chairman Schrader.

Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: June 13, 2006