YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
NOVEMBER 28, 2006

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:43 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 County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Ellen DeLemos. Chairman Schrader presided.

CONSENT AGENDA

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

A. Administrative Services

1) Authorized a Budget Transfer in the amount of $18,000 from Account No. 130-0000-371-98-99 (Estimated Revenue) to Account No. 130-9500-432-62-00 (Fixed Assets - Equipment) for purchase of airport light regulator.

2) Authorized disposal of a IBM AS/400 iSeries Model 730 for trade-in to IBM for $60,000, and authorized funds received returned to Account No. 101-1900-410-6001 (Reserve for Replacement) to offset purchase of replacement system.

B. Agricultural Commissioner: Approved a contract between Sutter County Resource Conservation District and County of Yuba Agricultural Commissioner to develop and refine Geographic Information Systems maps and authorized the Chairman to execute same.

C. Board of Supervisors

1) Appointed Mr. Mark Harrison to the Fish and Game Advisory Commission as the District Four representative for a term to expire December 31, 2008.
2) Adopted Resolution No. 2006-145, which is on file in Yuba County Resolution Book No. 37, which is entitled: “RESOLUTION APPOINTING JERRY CRIPPEN AS THE AT-LARGE DIRECTOR TO THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY.”

D. Clerk of the Board of Supervisors: Approved the minutes of the regular meeting of November 14, 2006 as written.

E. Community Development/Environmental Health: Adopted Resolution No. 2006-146, which is on file in Yuba County Resolution Book No. 37, which is entitled: “RESOLUTION AUTHORIZING THE DIRECTOR OF ENVIRONMENTAL HEALTH TO APPLY FOR WASTE TIRE ENFORCEMENT GRANT FUNDING FOR FISCAL YEAR 2007/2008.”

F. County Administrator: Approved the Juvenile 602 and First Conflict Juvenile 602 Public Defender Attorney Contracts with Carl R. Lindmark and Mark Woods and authorized the Chairman to execute same.

G. Health and Human Services

1) Adopted Resolution No. 2006-147, which is on file in Yuba County Resolution Book No. 37, which is entitled: “AUTHORIZE THE YUBA COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT TO APPLY TO THE CALIFORNIA DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS FOR SUBSTANCE ABUSE OFFENDER TREATMENT PROGRAMS FUNDS FOR THE PERIOD OF JULY 1, 2006 THROUGH JUNE 30, 2007, AND AUTHORIZE CHAIRMAN TO EXECUTE DOCUMENTS AS REQUIRED BY THE APPLICATION, THE RESULTANT GRANT, AND ANY PERTINENT DOCUMENTS RELATED TO THIS PROGRAM, AND THE ACCEPTANCE OF FUNDS.”

2) Approved a Memorandum of Understanding between Sutter-Yuba Mental Health Services and County of Yuba for therapeutic services and authorized the Chairman to execute same.

3) Adopted Resolution No. 2006-148, which is on file in Yuba County Resolution Book No. 37, which is entitled: “AUTHORIZE THE CHAIR OF THE BOARD TO ACCEPT CHILD WELFARE SERVICES OUTCOME IMPROVEMENT PROJECT (CWSOIP) FUNDS FROM CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ON BEHALF OF THE YUBA COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT FOR THE PERIOD OF JULY 1, 2006 THROUGH JUNE 30, 2007 AND AUTHORIZE THE TRANSFER OF SAID FUNDS; AND FURTHERMORE,
H. **Probation**: Approved a Memorandum of Understanding between Sutter-Yuba Mental Health and Yuba County Probation for mental health services provided at Maxine Singer Youth Guidance Center and authorized the Chairman to execute same.

I. **Public Works**

1) Approved an amended Memorandum of Understanding with High Sierra Resource Conservation and Development Council for a roadside clearing project and authorized the Chairman to execute same.

2) Received final maps under review pending approval of County Surveyor:
   - Tract Map No. 2005-34, Gary J. and June Miller, 2 Lots
   - Tract Map No. 2002-606, Dantonio Ranch Estates No. 1, 37 Lots
   - Tract Map No. 2005-52, Ross Ranch, 14 Lots
   - Tract Map No. 2004-57, Plumas Lake Phase 2B-1, 32 Lots
   - Tract Map No. 2005-27, Country Club Townhomes, 42 Lots

J. **Treasurer-Tax Collector**: Authorized a position allocation of Assistant Treasurer and Tax Collector.

K. **Risk Management/Personnel**

1) Adopted Resolution No. 2006-149, which is on file in Yuba County Resolution Book No. 37, which is entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO. 2006-114," as it relates to the Assistant Treasurer and Tax Collector effective December 1, 2006.

2) Adopted Resolution No. 2006-150, which is on file in Yuba County Resolution Book No. 37, which is entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM – BASIC SALARY SCHEDULE NO. 2006-124," as it relates to the Assistant Treasurer and Tax Collector effective December 1, 2006.

**CONSENT DISCUSSION**

**Public Works/Digital Speed Limited Warning Sign**: Mrs. Rose Baldwin provided a brief recap regarding a warning sign to maintain safer roads and responded to Board inquiries.
Upon motion of Supervisor Stocker, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2006-151, which is on file in Yuba County Resolution Book No. 37, which is entitled: “ACCEPT DONATION OF APPROXIMATELY $3,500 FROM ROSE BALDWIN AND AUTHORIZE UP TO $2,500 FROM THE ROAD FUND FOR THE PURCHASE OF A DIGITAL SPEED LIMIT WARNING SIGN.”

SPECIAL PRESENTATION

Williams Lawsuit Settlement Act: Yuba County Office of Education Superintendent Richard Teagarden recapped the 2006-2007 Williams Lawsuit Settlement Act Annual Report regarding adequate resources for teaching and learning in local schools and responded to Board inquiries.

PUBLIC COMMUNICATIONS

Mr. Tom Eres, representing Hofman Ranch, expressed concerns regarding drainage and wastewater treatment plans for farms and ranches in Yuba County and urged support for comprehensive agriculture policies.

BOARD OF SUPERVISORS

CANCEL MEETING

Cancel meeting/January 2, 2007: Upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and carried with Supervisor Griego being absent, the Board approved canceling the Board meeting of January 2, 2007.

COMMUNITY DEVELOPMENT

1) Yuba-Sutter Habitat Conservation Plan/Natural Community Conservation Planning: Associate Planner Daniel Cucchi and Consultant Joyce Hunting provided a Power Point presentation regarding area boundary for Yuba-Sutter Habitat Conservation Plan and responded to Board inquires.

Upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and carried with Supervisor Griego being absent, the Board approved the plan area boundary for the Yuba County component of the Yuba-Sutter Habitat Conservation Plan/Natural Community Conservation Planning.
2) Planning Commission Appeal/Tentative Subdivision Tract Map 2005-0030 (Bumpus): Assistant Planning Director Wendy Hartman provided a Power Point presentation regarding Tentative Subdivision Tract Map 2005-0030 (Bumpus) subdividing a 14.77 acre parcel into 59 lots currently zoned R4 located within the East Linda Specific Plan and responded to Board inquires.

Supervisor Logue recused himself at 10:50 a.m. due to a conflict of interest.

Mr. Michael Barrett, Counsel for Luis Dairy, expressed concerns that the project is adjacent to a working dairy and did not incorporate a 300 foot buffer zone, and discussed the possibility of nuisance claims and dairy closure. Mr. Barrett responded to Board inquiries.

Ms. Donna Peter, Counsel for Mr. Bumpus, advised the project is within requirements and willingness to negotiate developing adjacent lots to the dairy as the last phase and responded to Board inquiries.

Following Board discussion, upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and carried with Supervisors Oriego and Logue being absent, the Board adopted Resolution No. 2006-152, which is on file in Yuba County Resolution Book No. 37, which is entitled: "RESOLUTION DENYING AN APPEAL DATED AUGUST 29, 2006 OF THE APPROVAL OF TENTATIVE SUBDIVISION TRACT MAP TSTM 2005-0030 (BUMPUS) SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL," as amended.

Supervisor Logue rejoined the meeting at 11:25 a.m.

3) Affordable Housing Task Force: Community Development Director Kevin Mallen recapped available options for addressing affordable housing needs and responded to Board inquiries.

The following individuals spoke:
- Ms. Ilene Jacobs, California Rural Legal Assistance
- Mr. Steve Daues, Mercy Housing
- Mrs. Claudia Hollis, FREED

Following Board discussion, through Board consensus the matter was referred back to the Affordable Housing Task Force for further consideration and inclusion of mobile homes, high density condominiums, surrounding community's success, and developer's participation.
ORDINANCES AND PUBLIC HEARINGS

Chairman Schrader read the public hearing.

A) Ordinance Amending Chapter 6.20 relating to Regulation of Card Rooms (First Reading): Chief Deputy County Counsel Angil Morris-Jones recapped proposed ordinance and responded to Board inquiries. Chairman Schrader opened the public hearing. No one came forward. Upon motion of Supervisor Logue, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the public hearing was closed, the first reading was waived, and the Board introduced an ordinance amending Chapter 6.20 of the Yuba County Ordinance Code related to Regulation of Card Rooms.

B) Ordinance Adding Section 2.25.050 relating to Appeals to the Board of Supervisors (First Reading): County Administrator Robert Bendorf recapped proposed ordinance and responded to Board inquiries. Chairman Schrader opened the public hearing. No one came forward. Upon motion of Supervisor Stocker, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the public hearing was closed, the first reading was waived, and the Board introduced an ordinance adding Section 2.25.050 to the Yuba County Ordinance Code related to Appeals to the Board of Supervisors.

C) Public Hearing/Approve Amendment to River Highland Community Services District Conflict of Interest Code: Chairman Schrader opened the public hearing. No one came forward. Upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the public hearing was closed, and the Board approved the amendment to River Highland Community Services District Conflict of Interest Code.

D) Public Hearing/Approve Amendment to Wheatland Cemetery District Conflict of Interest Code: Chairman Schrader opened the public hearing. No one came forward. Upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and carried with Supervisor Griego being absent, the public hearing was closed, and the Board approved the amendment to Wheatland Cemetery District Conflict of Interest Code.

E) Public Hearing/Approve Amendment to District 10 Hallwood Community Services District Conflict of Interest Code: Chairman Schrader opened the public hearing. No one came forward. Upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the public hearing was closed, and the Board approved the amendment to District 10 Hallwood Community Services District Conflict of Interest Code.
F) Public Hearing/Adopt Resolution/General Plan Amendments: Assistant Planning Director Wendy Hartman provided a Power Point presentation regarding the general plan, and resolution and responded to Board inquiries.

Chairman Schrader opened the public hearing.

The following individuals spoke:

- Mr. Sam Neasham, Gold River
- Mr. Ray Forest, represents land owners

Upon motion of Supervisor Stocker, seconded by Supervisor Logue, with no Board support and Supervisor Griego being absent, the motion to adopt a resolution making the determination the County will not accept or process applications for General Plan Amendments or Specific/Area Plan until such time as the General Plan has been updated failed.

Following Board discussion, through Board consensus the matter was continued to December 12, 2006.

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 Mr. Michael Nusick regarding denial for refund of building department fees from Board meeting of November 14, 2006.


C. Five Letters from Mr. Williams Appleby regarding changing bicycle parking requirements in the Yuba County Parking Ordinance Code.

Referred to Community Development

D. Notice from Camptonville School District advising no amendment is required to their conflict of interest code.
E. Letter from City of Wheatland requesting County to lobby for Proposition 1E funding for Reclamation District 817 and 2103 levees.


G. Letter from Nevada County Board of Supervisors regarding Yuba Highland Draft Environmental Impact Report.

Referred to Community Development

Supervisor Schrader suggested comments to Nevada County on projects occurring in their County that could have a possible effect to Yuba County

H. Notice of Preparation of Draft Environmental Impact Report regarding the Bear River Project.

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received from the following:

Supervisor Stocker:
- Memorial adjournment in memory of Mrs. Elizabeth “Betty” Lawson

Supervisor Logue:
- Consider a designated name for the Enterprise Zone

Supervisor Nicoletti:
- Urged presentation on enforcing underage drinking laws
- Senior Center update, November 28, 2006 at Center

Supervisor Schrader:
- Advised Beale Air Force military under the rank of E5 qualify as “low income”
- Assemblywoman Wolk to discuss flood control, December 6, 2006 in Sacramento

Assistant County Administrator Randy Margo:
- California State Association of Counties Conference November 29 through November 30, 2006
County Administrator Robert Bendorf:
  • Training on National Incident Management System for Board members

Chief Deputy County Counsel Angil Morris-Jones:
  • Brown Act training for Special Districts and Board members

CLOSED SESSION

The Board retired into Closed Session at 1:17 p.m. to discuss the following:

A. Threatened litigation pursuant to Government Code §54956.9(b) – One Case

B. Public Employee Discipline/Dismissal/Release pursuant to Government Code §54957

The Board returned from closed session at 2:22 p.m. with all Board and staff members present as indicated above. There was no announcement.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 2:23 p.m. in memory of Mrs. Elizabeth Lawson by Chairman Schrader.

[Signature]
Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Ellen Delamos, Deputy Clerk

Approved: [Signature]

11/28/06