YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
JULY 10, 2007

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 Robert Bendorf, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Ellen DeLemos. Chairman Stocker presided.

Upon motion of Supervisor Griego, seconded by Supervisor Logue, and unanimously carried, the Board pulled for discussion the Consent Agenda items regarding amendments to agreements under Community Development.

CONSENT AGENDA

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

A. Clerk of the Board of Supervisors

1) Approved the removal of three Fish and Game Advisory Commissioners pursuant to Section 92-070 of the Yuba County Fish and Game Commission bylaws due to lack of attendance.

2) Reappointed Ms. Lucille Bryant to the In-Home Supportive Services Advisory Committee for a term to expire July 10, 2009.

3) Approved the minutes of the regular meetings of June 19 and 26, 2007 and Budget Hearings of June 12, 2007 as written.

B. Community Development: Approved the 2008-2009 Community Services Block Grant Community Action Plan and authorized the Chairman to execute same.

C. Emergency Services: Approved the Yuba-Sutter Emergency Medical Care Committee bylaws.

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E. Public Works: Approved the plans and specifications for paving work in County Service Area 15 and authorized solicit of bids.

F. Risk Management/Personnel: Approved catastrophic leave for an employee in Community Development and Services Agency.

COMMUNITY DEVELOPMENT - CONSENT DISCUSSION

Agreement Amendment/Sailsbery, Nancy:

1) Interim Planning Director Wendy Hartman recapped the amendment and responded to specific inquiries regarding outstanding projects.

Following Board discussion, upon motion of Supervisor Griego, seconded by Supervisor Schrader, and unanimously carried, the Board approved an amendment to agreement with Nancy Sailsbery for professional services and authorized the Chairman to execute same.

Agreement Amendment/Yeager, Fred:

2) Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and carried with Supervisor Griego voting in opposition, the Board approved Amendment No. 2 to agreement with Fred Yeager for professional services and authorized the Chairman to execute same.

PUBLIC COMMUNICATIONS

Ms. Freda Calvert, Marysville, presented the Board with petitions opposing the Yuba Highlands Project.

Ms. Wendy Hartman advised of the town hall meeting schedule for the General Plan Update.

Mr. John Apedalle, Linda, expressed concerns over loud planes from the air show and suggested residents should be notified in the future and requested California Fire Departments be notified regarding dry vegetation in the ditches in Linda.
ADMINISTRATIVE SERVICES

1) **Pre Hazard Mitigation Grant Extension/Consultant Agreements:** Assistant County Administrator Randy Margo recapped the grant extension, Emergency Services Coordinator position, and consultant agreements, and responded to Board inquiries.

Following Board discussion, upon motion of Supervisor Griego, seconded by Supervisor Logue, and unanimously carried, the Board accepted the time extension of Pre Hazard Mitigation Grant to September 21, 2007, approved the Emergency Services Coordinator IV – Limited Term allocation through September 21, 2007; and approved the amendments to consultant agreements and authorized the Chairman to execute same.

2) **Office of Education Lease/Office Space at One Stop:** Administrative Services Director Steve Androvich recapped lease agreement and responded to Board inquiries.

Following Board discussion, upon motion of Supervisor Logue, seconded by Supervisor Griego, and unanimously carried, the Board approved the lease with Yuba County Office of Education for space at the One Stop and authorized the Chairman to execute upon review and approval of County Counsel.

RISK MANAGEMENT/PERSONNEL

1) **Departmental Position Allocation/Emergency Services Coordinator:** Interim Personnel Director Martha Wilson recapped the resolution and responded to Board inquiries. Upon motion of Supervisor Griego, seconded by Supervisor Logue, and unanimously carried, the Board adopted Resolution No. 2007-89, which is on file in Yuba County Resolution Book No. 38, which is entitled: “RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO. 2007-87,” as it relates to Administrative Services.

2) **Basic Salary/Hourly Schedule/Emergency Services Coordinator:** Upon motion of Supervisor Nicoletti, seconded by Supervisor Griego, and unanimously carried, the Board adopted Resolution No. 2007-90, which is on file in Yuba County Resolution Book No. 38, which is entitled: “RESOLUTION AMENDING THE CLASSIFICATION SYSTEM – BASIC SALARY SCHEDULE NO. 2007-86,” as it relates to Administrative Services.

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Peach Tree Festival Sponsorship: Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and carried with Supervisor Nicoletti abstaining, the Board approved sponsorship in the amount of $5,000 for the Peach Tree Festival and authorized General
Contingency Fund Transfer in the amount of $5,000 to Account No. 101-0101-411-5236 (Board Special Miscellaneous).

Following a request from Supervisor Griego regarding a sponsorship to the Yuba County Air Show for 2008, with Board consensus the matter was directed to be brought back before the Board for consideration.

COMMUNITY DEVELOPMENT

Hazardous Materials Emergency Preparedness Grant: Environmental Health Manager Tejinder Maan recapped the resolution and responded to Board inquiries. Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried the Board adopted Resolution No. 2007-91, which is on file in Yuba County Resolution Book No. 38, which is entitled: “RESOLUTION AUTHORIZING THE DIRECTOR OF ENVIRONMENTAL HEALTH TO APPLY FOR A HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT FISCAL YEAR 2007/2008.”

ORDINANCES AND PUBLIC HEARINGS

A) Public Hearing/Dispute of Arrearages/Yuba Sutter Disposal Incorporated: Assistant County Administrator Randy Margo recapped the resolution and responded to Board inquiries. Treasurer/Tax Collector Jim Kennedy requested the liens not be recorded.

Chairman Stocker opened the public hearing.

Mrs. Sherry Hoffman, Lever Avenue, requested the opportunity to pay debt due to the bill being sent to wrong address.

Mr. Bruce Rongey, 5705 Alicia Avenue, advised the charges had been paid.

Mr. Dave Vaughn, Yuba Sutter Disposal advised payments would be accepted through July 27, 2007.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the public hearing was closed, and the Board adopted Resolution No. 2007-92, which is on file in Yuba County Resolution Book No. 38, which is entitled: “RESOLUTION CONFIRMING REPORT OF DELINQUENT SOLID WASTE COLLECTION CHARGES AND ORDER OF ASSESSMENT,” as amended to exclude recordation of liens.
B) Ordinance/Amending Chapter 9.15 relating to Vehicle Traffic Speed Limits: Public Works Director Mike Lee recapped ordinance to reduce speeding on County roads and responded to Board inquiries. Chairman Stocker opened the public hearing. No one came forward.

Following Board discussion, upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, the first reading was waived, and the Board introduced an ordinance amending Chapter 9.15 of the Yuba county Ordinance Code as it relates to vehicle traffic speed limits on Kimberly Road and Brandie Drive.

ITEM OF PUBLIC INTEREST

Pacific West Communities/HOME Application: Mr. William Spann, Pacific West Communities and Housing Community Services Manager Debbie Phillips provided a Power Point presentation seeking support for a grant home application for an affordable rental housing project in Linda, and responded to Board inquiries.

Following Board discussion, upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and unanimously carried, the Board approved supporting Pacific West Communities' HOME application submittal for an affordable rental housing development in East Linda and directed to bring the matter before the Board on August 7, 2007.

CORRESPONDENCE

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

A. Letter from Stewardship Council regarding draft Land Conservation Plan available for public review and comments from June 18 through August 21, 2007.

B. Letter from Governor's Office of Planning and Research enclosing Beale Joint Land Use Study Executive Summary.

C. Letter from State of California/Fish and Game Commission regarding notice of proposed changes in regulations relating to waterfowl hunting.

D. Letter from Jim and Debbie Luckinbill expressing opposition to the Yuba Highlands Project.
E. **Letter from County Medical Services Program Governing Board** regarding various proposals to reform California’s health care system.

F. **Two New Releases from United States Forest Services/Plumas National Forest** regarding fire restrictions effective July 2, 2007 and available funding for Natural Resource Projects.

G. **Letter from Sutter-Yuba Mental Health Services** enclosing Year End reports for Fiscal Year 2006-2007 for Mental Health Board and Substance Abuse Advisory Board.

H. **Financial Statements and Independent Audit Report** from Jensen Smith for Loma Rica-Brown’s Valley Community Services District for year end June 30, 2006.

I. **Letter from State of California/Department of Justice** regarding local agencies mitigation of global warming impacts.

**BOARD AND STAFF MEMBERS’ REPORTS**

Reports were received from the following:

**Supervisor Schrader:**
- Sacramento Area Council of Government meeting regarding a redrawing and new ACLUS study or Beale Air Force Base and Yuba County Airport
- Ribbon cutting ceremony held July 4, 2007 for new Community Center in Wheatland

**Supervisor Griego:**
- Memorial adjournment in memory of Mrs. Goldie Skibbe

**Supervisor Nicoletti:**
- Memorial adjournment in memory of Mr. Arthur Chick

**Supervisor Logue:**
- Future ribbon cutting ceremony on levees celebrating certification and possibility of Governor attending

**Supervisor Stocker:**
- Memorial adjournment in memory of Mr. Dennis Needham
- Suggested letter to legislature regarding funding for fire protection
At the request of County Counsel Daniel Montgomery, and upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and unanimously carried, one case of pending litigation pursuant to Government Code §54956.9(a) – *Imler vs. County of Yuba* was added to closed session as the need to take action arose subsequent to the agenda being posted.

At the request of County Administrator Robert Bendorf, and upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and unanimously carried, the closed session matter of Performance Evaluation/County Administrator was continued to July 17, 2007.

**CLOSED SESSION**

The Board retired into closed session at 11:34 a.m. to discuss the following:

A. Threatened litigation pursuant to Government Code §54956.9(b) – *Two Cases*

B. Pending litigation pursuant to Government Code §54956.9(a) – *Broughton versus County of Yuba et al*

C. Labor negotiation pursuant to Government Code §54956.6(a) – *DSA/MSA and County of Yuba/Martha Wilson*

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

The Board returned from closed session at 12:45 p.m. with all Board and staff members present as indicated above.

County Counsel Daniel Montgomery made the following announcement:

“Your Board by unanimous vote authorized the tenure of the matter of Broughton versus the County to Porter, Scott, Weiberg, and Delehant. No further announcements.”

**RECESS**

The Board recessed at 12:46 a.m.
RECONVENE

The Honorable Board of Supervisors of the County of Yuba reconvened in regular session on the above date, commencing at 6:08 p.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 Robert Bendorf, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors Donna Stutlemeyer. Chairman Stocker presided.

COMMUNITY DEVELOPMENT

Yuba Highlands Project: Interim Planning Director Wendy Hartman and Associate Planner Dan Cucchi recapped the resolution denying the appeals and uphold the Planning Commission and responded to Board inquiries.

Upon motion of Supervisor Nicoletti, seconded by Supervisor Logue, and carried following a roll call vote with Supervisors Logue, Nicoletti, and Schrader voting in support and Supervisors Griego and Stocker voting in opposition, the Board adopted Resolution No. 2007-93, which is on file in Yuba County Resolution Book No. 38, which is entitled: “RESOLUTION DENYING THE RECORD APPEAL OF THE CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE YUBA HIGHLANDS PROJECT (STATE CLEARINGHOUSE NO. 200132070).”

ORDINANCES AND PUBLIC HEARINGS

The clerk read the disclaimer.

Public Hearing/Yuba Highlands Project – Consideration of resolution certifying Final Environmental Impact (FIR) Report for Yuba Highlands Project; Resolution adopting Findings of Fact and Statement of Overriding Consideration approving River Highlands Community Plan Amendment and Yuba Highlands Area plan; Ordinances adopting the Yuba Highlands Zone; Rezoning Certain Properties, and approving the Development Agreement with Yuba Foothills Associates, LLC; and resolution referring Yuba Highlands Project and Entitlements to Ballot for Consideration by voters: Associate Planner Dan Cucchi provided a Power Point presentation recappping the project location within River Highlands Community Plan, significant and unavoidable impacts, and advised of two changes to the development agreement.

Chairman Stocker outlined the procedure and timeline for comments from the developer and organized opposition.
Mr. Craig Sandberg, Mr. Richard Floch, Mr. John Murphy, and Dr. Albert Beck, on behalf of Yuba Foothill Associates and River Highlands Estates, provided a Power Point presentation recapping the following:

- Yuba Highlands Area Plan
- Benefits to Yuba County
- Housing, education, retail and recreation
- Transportation and road improvements
- Water and waste water system
- Beale Air Force Base
- Spenceville Wildlife Area

Chairman Stocker opened the public hearing.

Mr. Richard Thomas, Friends of Spenceville, provided a Power Point presentation recapping adverse and significant impacts to Spenceville Wildlife Area and various aspects of phase development.

Ms. Lonnie Rhode, Wheatland, commented on traffic impacts to Wheatland.

Mr. William Kopper, attorney representing various individuals, United Association of Plumbers and Pipefitters and Brotherhood of Electrical Workers 340, commented on the lack of various analysis within the EIR and aspects of the statement of overriding consideration, and urged Board opposition.

The following individuals spoke in opposition of the project:

- Mr. Greg Crompton, Dobbins
- Ms. Sarah Pettis, Marysville
- Mr. Rex Archer, Linda
- Mr. Ken Odom, Browns Valley
- Mr. William Appleby, Loma Rica
- Mr. Dan Crosbie, Spenceville Road
- Mr. Siegfried Boss, Ostrom Road
- Mr. Jim Flurry, Hammonton-Smartsville Road
- Ms. Claudia Hollis, FREED Manager
- Mr. Jim Lewis, Penn Valley
- Ms. Michelle Olson, Penn Valley

Supervisor Logue left the meeting at 8:21 p.m. and return at 8:27 p.m.
The following individual spoke in support of the project:
- Mr. Clay Maynard, Yuba City
- Ms. Sherry Fancher, El Serenott Court
- Mr. Lew Hudspeth, Yuba City
- Mr. Brett Malech, Euroka Lane
- Mr. Terry Lowell, River Highlands Community Services District

The Board recessed at 8:42 p.m. and reconvened at 8:50 p.m. with all Board and staff members present as indicated above.

The following people spoke in opposition:
- Mr. Jim Pettis, Nadene Drive
- Mr. Robert Carr, Plumbers and Pipefitters Union 218
- Mr. Norm Van Heste, Wheatland
- Mr. Tim Smith, Sheridan
- Mr. Pete Hanson, Browns Valley
- Mr. Tomas Foley, Yuba City
- Mr. James Shirts, Helen Avenue
- Ms. Pat Kirby, Penn Valley
- Mr. Matt Heilmann, Penn Valley

In response to an inquiry from Ms. Laurie Oberholzer, Nevada County, Special Counsel Bill Abbott advised if adopted, proposed resolutions and ordinances on the project would be taken as a whole to enact the project.

The following people spoke in support:
- Mr. Paul Laino, Kapaka Lane
- Ms. Mary Knapp, Yuba City, Project Consultant
- Ms. Karen Tabler, Loma Rica
- Mr. Kelly Purdom, Marysville
- Mr. Leonard Jones, Pleasant Grove
- Mr. Mark Doll, Lincoln, Yuba County landowner
- Mr. Paul Whatley, Loomis, Yuba County landowner
- Ms. Janet Siller, Yuba City, Yuba County landowner
- Mr. Josh Cook, Chico, Project Partner

Upon motion of Supervisor Griege, seconded by Supervisor Schrader, and unanimously carried, the public hearing was closed.

CLOSE PB. HEARING
Following Board discussion, upon motion of Supervisor Nicoletti, seconded by Supervisor Logue, and carried following a roll call vote with Supervisors Logue, Nicoletti, and Schrader voting in support and Supervisors Grego and Stocker voting in opposition, the Board adopted Resolution No. 2007-94, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT TO THE YUBA HIGHLANDS PROJECT (STATE CLEARINGHOUSE NO. 200132070)."

Upon motion of Supervisor Nicoletti, seconded by Supervisor Logue, and carried following a roll call vote with Supervisors Logue, Nicoletti, and Schrader voting in support and Supervisors Grego and Stocker voting in opposition, the Board adopted Resolution No. 2007-95, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION ADOPTING FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE YUBA HIGHLANDS AREA PLAN AND RELATED APPROVALS, APPROVING AN AMENDMENT TO THE RIVER HIGHLANDS COMMUNITY PLAN (FILE REF: GPA 2004-002), AND APPROVING THE YUBA HIGHLANDS AREA PLAN (FILE REF: SP2003-001) AS AMENDED."

Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and carried following a roll call vote with Supervisors Logue, Nicoletti, and Schrader voting in support and Supervisors Grego and Stocker voting in opposition, the reading was waived and the Board adopted Ordinance No. 1411, which is on file in Yuba County Ordinance Book No. 19, which is entitled: "AN ORDINANCE ADDING CERTAIN SECTION TO TITLE 12, YUBA COUNTY ZONING ORDINANCE," adopting the Yuba Highlands zone.


Upon motion of Supervisor Nicoletti, seconded by Supervisor Logue, and carried following a roll call vote with Supervisors Logue, Nicoletti, and Schrader voting in support and Supervisors Grego and Stocker voting in opposition, the reading was waived and the Board adopted Ordinance No. 1413, which is on file in Yuba County Ordinance Book No. 19, which is entitled: "AN ORDINANCE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN YUBA FOOTHILL ASSOCIATES AND THE COUNTY OF YUBA PERTAINING TO THE YUBA HIGHLANDS PROJECT UNDER
GOVERNMENT CODE SECTION 65867.5 AND SECTION 11.40.080 OF THE YUBA COUNTY ORDINANCE CODE.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 10:49 p.m. in memory of Mrs. Goldie Skibbe, Mr. Arthur Chick, and Mr. Dennis Needham by Chairman Stocker.

[Signature]
Chairman

ATTEST: DONNA STOTTLEMeyer
CLERK OF THE BOARD OF SUPERVISORS

[Signature]
Approved: 7-24-07

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