YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
OCTOBER 2, 2007

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:00 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, Chief Deputy County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemyer. Chairman Stocker presided.

CLOSED SESSION

The Board retired into closed session at 6:03 p.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) – Linda Fire Protection District vs. County of Yuba

The Board returned from closed session at 6:21 p.m. with all Board and staff members present as indicated above.

Chief Deputy County Counsel Angil Morris-Jones made the following announcement:

"Yes, Mr. Chairman. Direction was given to staff regarding pending litigation Linda Fire Protection District versus the County and a motion on other such discussion is requested."

Upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and unanimously carried, the Board continued Community Development and Services item agendized rescinding Resolution 2007-102 to October 16, 2007.

CONTINUE TO 10/16/07

CONSENT AGENDA

Upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board took the following actions:
A. **Board of Supervisors**

1) Appointed H. Earl Parker, Al Lassaga, and William Baggett to Brophy Water District for terms to expire December, 2011 pursuant to Elections Code Section 10515.  

2) Appointed Brent Hastey, Tom Platter, and Rick Brown to Reclamation District No. 784 for terms to expire December, 2011 pursuant to Elections Section Code 10515.  

B. **Clerk of the Board of Supervisors:** Approved the minutes of the regular meeting of September 18, 2007, as written.  

C. **Community Development and Services:** Awarded a contract to Independent Construction, the apparent low bidder, for the Forty Mile Road Pavement Rehabilitation Project and authorized the Chairman to execute same upon submittal, review, and approval of County Counsel.  

D. **Library:** Adopted Resolution No. 2007-127, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION AUTHORIZING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE YUBA COUNTY LIBRARY AND FRED ANTHONY, THE OWNER OF THE CHALLENGE BUSINESS," and authorizing the Library Director to execute same.  

E. **Sheriff-Coroner:** Authorized a Budget Transfer in the amount of $26,002 from Account No. 108-0000-362-72-03 (Justice Assistance Grant) to Account No. 108-2700-422-23-00 (Professional Services) for various operating expenses.  

**SPECIAL PRESENTATION**  

A. **Domestic Violence Awareness Month:** Chairman Stocker read and presented a proclamation to Casa de Esperanza Representative Emma McConnell recognizing October as Domestic Violence Awareness Month.  

Ms. McConnell invited Board members to attend the Candlelight Vigil scheduled October 28th at Yuba City Towne Center at 5:00 p.m.  

B. **California Art Days:** Chairman Stocker read and presented a proclamation to Yuba Sutter Arts Council Executive Director Bob Reich recognizing October 5, 2007 as California Arts Day.  

Mr. Reich commended the Board and advised of upcoming activities throughout the month of October.
C. United Way Campaign: Chairman Stocker read and presented a proclamation to Interim Executive Director Kary Aldridge recognizing the 2007-2008 Yuba Sutter United Way Campaign.

PUBLIC COMMUNICATIONS

Mr. Ed Fleming, Marysville, urged unanimous Board support for Indian gaming within the County and supported the levee protection protecting for the citizens.

Mr. Torne Eres, representing Hofman Ranch, advised references of Hofman Ranch had not been removed from the Feather Creek Specific Plan as directed by the Board.

Ms. Karen Marotta, Marysville, discussed insurance coverage negotiations regarding In Home Supportive Services providers, lack of insurance coverage at this time, and expectation to uphold the approved agreement.

COUNTY ADMINISTRATOR

1) Yuba County Senior Center: Authorized a Budget Transfer in the amount of $5,000 from Account No. 101-6900-410-71-01 (Contingency fund) to Account No. 101-0101-411-5245 (Board of Supervisors Special) for equipment, supply, and project needs for Yuba County Senior Center.

2) Financial Plan/Levee Improvement Program/Phase 4: County Administrator Robert Bendorf and Financial Advisor Jeff Small provided a Power Point presentation which included the following:

- Phase 4 Levee Improvement Program
- Funding for Levee Improvements
- Local Match of $53.3 million
- $30 million landowner contribution
- $23.3 million County contribution
- Potential Certification of Participation structuring for County contribution and repayment terms
- Alternative Funding Mechanisms to augment the Financial Plan
- Formation of Communities Facilities and Assessment Districts
- Terms of Landowner and County Funding
- Financing Plan Risks to County
- Benefits of Financing Plan to County

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Following Board discussion, the following individuals spoke in opposition:

- Mr. Tom Eres, on behalf of Frances Hofman and Hofman Ranch
- Mr. Scott Witt, Wheatland

The following individuals spoke in support and commended Board members:

- Mr. and Mrs. David Clark, Brookglen Drive
- Mr. Chris White, Broken Drive
- Ms. Erick Trujillo, Sheridan Ranch Court
- Mr. Tom Erickson, Plumas Lake
- Ms. Carla Wilcoxen, Plumas Lake
- Mr. Gary Bradford, Roy Ranch
- Ms. Amanda Blackwook, Tanana Court

Upon motion of Supervisor Nicoletti, seconded by Supervisor Griege and following a roll call vote with all Supervisors voting in support, the Board took the following actions:

- Approved terms between private landowners and the County that would amend the Second Funding Agreement between participating Landowners and the County of Yuba;

- Authorized staff to initiate the process to form a Community Facilities District within the Plumas Lake Specific Plan and North Arboga Study Area; and authorized staff to continue its work with the Three Rivers Levee Improvement Authority to form an assessment district within the boundaries of Reclamation District 784; and

- Adopted Resolution No. 2007-128, which is on file in Resolution Book No. 38, which is entitled: "RESOLUTION APPROVING PROPOSAL TO AMEND SECOND AGREEMENT FOR ADVANCED FUNDING AND REIMBURSEMENT OF COSTS FOR LEVEE IMPROVEMENTS, AND DIRECTING RELATED ACTIONS," to initiate process for issuing debt not to exceed $50.7 million through the sale of Certificates of Participation.

RECESS

The Board recessed at 7:50 p.m. and reconvened at 8:08 p.m. with all Board and staff members present as indicated above.
3) **Flood Risk/Yuba County**: Upon motion of Supervisor Grego, seconded by Supervisor Logue, and unanimously carried, the Board adopted Resolution No. 2007-129, which is on file in Resolution Book No. 38, which is entitled: "IN REGARD TO GRANT FUNDS UNDER PROPOSITIONS IE AND 84 AND ACKNOWLEDGEMENT OF FLOOD RISK," for Three Rivers Levee Improvement Authority.

4) **Flood Risk/Reclamation District 2103**: Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board adopted Resolution NO. 2007-130, which is on file in Resolution Book No. 38, which is entitled: "IN REGARD TO GRANT FUNDS UNDER PROPOSITIONS IE AND 84 AND ACKNOWLEDGEMENT OF FLOOD RISK," for Reclamation District 2103.

**ORDINANCES AND PUBLIC HEARINGS**

Chairman Stocker read the disclaimer

**Public Hearing - Resolution calling Special Election within Improvement Areas A, B, and C of the County of Yuba Community Facilities District No. 2005-1 (Orchard/Montrose Public Improvements):** Assistant County Administrator Randy Margo recapped the improvement areas, proposed rates, and method of apportionment of special taxes and limits for each improvement area. Mr. Margo responded to Board inquiries.

Chairman Stocker opened the public hearing. No one came forward.

Upon motion of Supervisor Logue, seconded by Supervisor Grego, and unanimously carried, the Board adopted Resolution No. 2007-131, which is on file in Resolution Book No. 38, which is entitled: "RESOLUTION CALLING SPECIAL ELECTION WITHIN IMPROVEMENT AREAS A, B AND C OF THE COUNTY OF YUBA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (ORCHARD/MONTROSE PUBLIC IMPROVEMENTS)."

**CORRESPONDENCE**

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

A. **Letter from National Association of Counties announcing the 8th Annual Energy Star Change a Light, Change the World Campaign kick off beginning October 3, 2007.**

B. **Letter to Community Development from Barbara Conley regarding lot line adjustment fees.**

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C. Letter from Eli Lilly and Company enclosing new publication entitled "Mind Your Health."

D. Letter from Dana Hubbard regarding preserving Yuba County history and genealogical museum.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Schrader: Memorial Adjournment in memory of Mr. Gordon Cinnamond

Supervisors Logue and Nicoletti: Tour of Jail Facilities

Supervisor Nicoletti: Construction of new homes on Beale Air Force Base

Supervisor Stocker:
- Memorial adjournment in memory of Mrs. Anemone Corman
- Community meetings on proposed Quail Valley Development project

Chief Deputy Counsel Angil Morris-Jones: Comprehensive ordinance regarding noise and residential parking of diesel and commercial vehicles to be brought forward in November

County Administrator Robert Bendorf: Recommendations for handling of blight caused by foreclosures to be brought forward at the committee level in two weeks

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 8:30 p.m. in memory of Mrs. Anemone Corman and Mr. Gordon Cinnamond by Chairman Stocker.

[Signature]
Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

[Signature]
Approved: 10/11/07