YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
JANUARY 22, 2008

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 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 Logue presided.

CONSENT AGENDA

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

A. Administrative Services: Adopted Resolution No. 2008-09, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION IDENTIFYING AND APPROVING THE CENSUS TRACTS COMPRISING TARGETED EMPLOYMENT AREAS FOR THE YUBA-SUTTER ENTERPRISE ZONE."

ADOPT RESOLUTION NO. 2008-09

B. Board of Supervisors

1) Approved 2008 Board Standing Committee appointments as recommended by Chairman.

APPROVE COMMITTEE APPTS.

2) Approved a letter to the Resources Agency supporting River Partners acquisition of Boyer Road Ranch for habitat restoration and public recreation and authorized the Chairman to execute same.

APPROVE LETTER

C. Community Development and Services: Awarded contract to Sierra National Construction Inc., the apparent low bidder, for the Lindhurst Avenue Bike Lane and Drainage Project, and authorized the chairman to execute upon submittal and review of County Counsel.

AWARD CONTRACT

D. County Administrator: Approved amendment to a contract with Capitol Public Finance Group, I.I.C to June 30, 2009 for financial advisory services pertaining to flood control financing and authorized the chairman to execute same.

APPROVE AMNDMNT.
E. **County Cooperative Extension**: Approved a payment in the amount of $15,372.29 to Applied Forest Management from 4-H Hold Trust Fund 274 and postponed timber harvest until the market recovers.

F. **Health and Human Services**: Approved the California Department of Veteran Affairs Subvention and Medi-Cal Certificates of Compliance for Fiscal Year 2007/2008 and authorized the chairman to execute same.

G. **Library**: Approved an agreement cancelling the memorandum of understanding between Yuba County Library, Marysville Joint Unified School District, and Fred Anthony, and authorized the chairman to execute same.

**SPECIAL PRESENTATIONS**

A. **Lindhurst High School Varsity Football Team**: Board members and Chairman Logue congratulated and presented Certificates of Recognition to Lindhurst High School Varsity Football Team for the 2007 Sac-Joaquin Section Championship to the following:

- Kenderick Jones
- Joey Villasenor
- Rick Davis
- Az Sutton
- Brian Conejo
- Angel Vega
- Todd Bell
- James George
- James Williams
- Dean George
- David Terrases
- Kenny Teasley
- Victor Arroyo
- Jason Morse
- Wade Hardin
- Jose Villasenor
- Lurrell Johnson
- Mike Bush
- Luis Martinez
- Ryan Hodges
- Anthony Barrera
- Luis Espinoza
- Tyler Cornelius
- Bradley Hunter
- Chris Law
- Josh Conatser
- James Teasley
- Justin Hansen
- Mike Mason
- Dale Swift
- David Morris
- Jacob Prado
- Anthony Vega
- Moises Osquera
- Ricky Teasley
- Ricky Dalton
- David Jaimez
- John Po'o
- Steve Stanaland
- Torrey Harris
- Shane Bunn
- Josh Jackson
- Eric Arroyo
- Scott Albertson
- Dusty Escheman
- Jesse Burns

B. **Office of Education/Williams Lawsuit Settlement Act Annual Report**: Superintendent of Schools Richard Teagarden provided a copy of the Williams Report on facilities funding, instructional materials, teacher credentialing and public reporting, and advised Alicia School would be closed and students would be served at surrounding schools during building of a new facility which location has not been determined.
PUBLIC COMMUNICATIONS

No one came forward.

COMMUNITY DEVELOPMENT AND SERVICES

1) Environmental Justice Program Grant/North Beale Road Corridor Revitalization Plan: Following a brief recap from Assistant Planning Director Ed Palmeri and Board inquiries, upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2008-10, which is on file in Yuba County Resolution Book No. 39, which is entitled: "AUTHORIZE THE PLANNING DEPARTMENT TO ACCEPT A CALIFORNIA DEPARTMENT OF TRANSPORTATION GRANT THROUGH THE ENVIRONMENTAL JUSTICE PROGRAM TO DEVELOP THE NORTH BEALE ROAD CORRIDOR REVITALIZATION PLAN, AUTHORIZE THE DIRECTOR OF COMMUNITY DEVELOPMENT AND SERVICES AGENCY TO EXECUTE DOCUMENTS AS REQUIRED BY THE APPLICATION, AND ANY PERTINENT DOCUMENTS RELATED TO ADMINISTRATION OF THE GRANT."

2) State Transportation Improvement Plan/Reprogram Savings (Continued from January 15, 2008): County Administrator Robert Bendorf recapped efforts for the full amount to be returned to the county, and urged Board support for programming $2.8 million to the Yuba River Parkway Interchange.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board authorized funding the full amount towards the Yuba River Parkway Interchange and if that is not possible to demand CalTrans to use the funds in Yuba County on a County CalTrans project.

COUNTY ADMINISTRATOR

1) Budget Transfer/$85,000/Local Agency Formation Commission (LAFCO)/Municipal Services Reviews: Assistant County Administrator Randy Margo recapped the agreement purpose, fund transfer, and responded to Board inquiries.

Mr. Matthew Crider, LAFCO Counsel, recapped the purposes of the municipal services reviews and providing one comprehensive report of the county which will include more participation by the County and assist coordination of the General Plan Update.
Mr. Tom Eres, on behalf of Ms. Frances Hofman, requested an audit of expenditures regarding Burr Consulting and felt there should be more accountability within the agreements proposed.

Upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and carried with Supervisor Griego being absent, the Board approved a memorandum of understanding with Local Agency Formation Commission and an appropriation in an amount not to exceed $85,000 to fund an amended consulting services agreement with Burr Consulting to complete its municipal services reviews and sphere of influence updates, and authorized a Contingency Fund Transfer in the amount of $85,000 from Account No. 101-6900-410-07101 (General Fund Contingency) to Account No. 101-1010-411-2334 (LAFCO-County Share) to cover costs.

2) Employment Agreement/Paul Brunner/Three Rivers Levee Improvement Authority: Following a brief recap from Assistant County Administrator Randy Margo, upon motion of Supervisor Logue, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board approved an extension to employment agreement among Three Rivers Levee Improvement Authority, the County of Yuba, and Paul Brunner from June 30, 2008 to December 31, 2009 and authorized the chairman to execute same.

PERSONNEL-RISK MANAGEMENT

1) Bryce Consulting Classification Studies: Following a brief recap from Personnel Director Martha Wilson and County Administrator Robert Bendorf, upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2008-11, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO. 2007-86;" and Resolution No. 2008-12, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM – BASIC SALARY SCHEDULE NO. 2007-87," as they relate to various County departments.

2) Short Term Disability Program: Following a brief recap from Personnel Director Martha Wilson, upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2008-13, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AMENDING YUBA COUNTY RULES GOVERNING COVERAGE AND COMPENSATION, BENEFITS AND WORKING CONDITIONS OF EMPLOYEES OF THE COUNTY OF YUBA RESOLUTION NO. 2006-59, ARTICLE
TWENTY-EIGHT,” as related to deleting Article 28 and adopting a short term disability program policy; and authorized the Personnel Director to implement changes and execute all necessary documents.

3) **Associate Civil Engineer/Principal Engineer:** Following a brief recap from Personnel Director Martha Wilson, upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2008-14, which is on file in Yuba County Resolution Book No. 39, which is entitled: “RESOLUTION AMENDING THE CLASSIFICATION SYSTEM – BASIC SALARY SCHEDULE NO. 2007-87,” as it relates to the Associate Civil Engineer and Principal Engineer classifications.

**EMERGENCY SERVICES**

Emergency Managers Mutual Aid Agreement/San Diego County: Following a brief recap from Emergency Services Director Aaron Ward regarding reimbursement of expenses incurred for providing emergency management support during the wildfires of October, 2007, upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and carried with Supervisor Griego being absent, the Board approved a memorandum of agreement between the County of Yuba and County of San Diego pertaining to assistance under the Emergency Managers Mutual Aid agreement and authorized the Chairman to execute same.

**ORDINANCES AND PUBLIC HEARINGS**

Chairman Logue read the disclaimer.

A) **Public Hearing/Resolution Certifying Final Environmental Impact Report and Findings of Fact for the Yuba Sutter Enterprise Zone:** Following a brief recap from Airport Manager Mary Hansen and Board inquiries, Chairman Logue 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 adopted Resolution No. 2008-15, which is on file in Yuba County Resolution Book No. 39, which is entitled: “A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND FINDINGS OF FACT FOR THE YUBA-SUTTER ENTERPRISE ZONE (STATE CLEARINGHOUSE NO. 2006092031).”

B) **Public Hearing/Findings of Fact, Conclusions of Law and Orders authorizing the Assessment of Administrative and Abatement costs/Recording of Lien/4900 Powerline**
Road, Olivehurst (Plumas Lake Center LLC): Following a recap from Code Enforcement Officer John Jacenich, Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Nicoletti, seconded by Supervisor Schrader, and carried with Supervisor Griego being absent, the public hearing was closed and the Board adopted findings of fact, conclusions of law and orders authorizing the assessment of administrative and abatement costs in the amount of $3,406.50, and the recording of a lien located at 4900 Powerline Road, Olivehurst (Plumas Lake Center LLC).

C) Public Hearing/Resolution Denying Change of Zone CZ2007-0004 (Ratliff) and Proposed Tentative Parcel Map: Assistant Planning Director Ed Palmieri recapped project inconsistencies with the General Plan, recommended denial of project, and responded to Board inquiries. Chairman Logue opened the public hearing.

Applicant James Ratliff, Hardwood Unlimited, recapped property history and purpose for rezoning property to Rural Residential/20.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and carried with Supervisor Nicoletti voting in opposition and Supervisor Griego being absent, the Board adopted Resolution No. 2008-16, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION TO DENY CHANGE OF ZONE CZ 2007-004 AND A PROPOSED TENTATIVE PARCEL MAP," for property identified as Assessor's Parcel Number 006-060-033.

Supervisor Griego joined the meeting at 11:52 a.m.

D) Ordinances/Approve Development Agreements for the Purposes of Extending Entitlements for up to Twenty Years in Exchange for Participation in the Levee Funding Program: Community Development and Services Agency Director Kevin Mallen and County Administrator Robert Bendorf recapped purposes of development agreements and responded to Board inquiries. Special Counsel William Abbott provided information regarding minor revisions and responded to specific inquiries with regards to enforcement and provisions of agreement.

Mr. Seth Merewitz, Counsel for developers, responded to Board inquiries regarding provisions for the financing program.

Chairman Logue opened the public hearing. No one came forward.
Upon motion of Supervisor Nicoletti, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1428, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND PLUMAS LAKE HOLDINGS, LLC RELATIVE TO THE DEVELOPMENT KNOWN AS THREE RIVERS AT PLUMAS LAKE."

Upon motion of Supervisor Nicoletti, seconded by Supervisor Griego, and unanimously carried, the reading was waived, and the Board adopted Ordinance No. 1429, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND CRESLEIGH HOMES CORPORATION RELATIVE TO THE DEVELOPMENT KNOWN AS CRESLEIGH BLUFF, CRESLEIGH MEADOWS AND CRESLEIGH RIVERSIDE."

Upon motion of Supervisor Griego, seconded by Supervisor Nicoletti, and unanimously carried, the reading was waived, and the Board adopted Ordinance No. 1430, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND WESTERN PACIFIC HOMES RELATIVE TO THE DEVELOPMENT KNOWN AS WHEELER RANCH PHASE 1, UNIT 5 - PRAIRIE MEADOWS."

Upon motion of Supervisor Griego, seconded by Supervisor Nicoletti, and unanimously carried, the reading was waived, and the Board adopted Ordinance No. 1431, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND K. HOVNANIAN FORECAST HOMES, INC. RELATIVE TO THE DEVELOPMENT KNOWN AS WHEELER RANCH."

Upon motion of Supervisor Griego, seconded by Supervisor Nicoletti, and unanimously carried, the reading was waived, and the Board adopted Ordinance No. 1432, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND KB HOME SACRAMENTO, INC. RELATIVE TO THE DEVELOPMENT KNOWN AS HAWES RANCH ESTATES/ MAPLETON AND PLUMAS LAKE COBBLESTONE."
Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the reading was waived, and the Board adopted Ordinance No. 1433, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND LANDSOURCE HOLDING COMPANY, LLC, LENNAR RENAISSANCE, INC., AND MS RIAL TO RIVER OAKS, CA LLC RELATIVE TO THE DEVELOPMENTS KNOWN AS RIVER OAKS EAST, RIVER OAKS NORTH, AND RIO DEL RIO VILLAGE."

Upon motion of Supervisor Griego, seconded by Supervisor Nicoletti, and unanimously carried, the reading was waived, and the Board adopted Ordinance No. 1434 which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND PLUMAS LAKE RIVERSIDE MEADOWS, LP RELATIVE TO THE DEVELOPMENT KNOWN AS RIVERSIDE MEADOW VILLAGE."

Upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and unanimously carried, the reading was waived, and the Board adopted Ordinance No. 1435, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND MERITAGE HOMES RELATIVE TO THE DEVELOPMENT KNOWN AS DRAPER RANCH NORTH."

Upon motion of Supervisor Nicoletti, seconded by Supervisor Griego, and unanimously carried, the reading was waived, and the Board adopted Ordinance No. 1436, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND TOWNE DEVELOPMENT OF PLUMAS LAKE, LLC RELATIVE TO THE DEVELOPMENT KNOWN AS RIVER LANDING."

E) Ordinance/Levying Special Taxes within Improvement Areas A, B, and C of Community Facilities District No. 2005 (Orchard/Montrose Public Improvements) (Second Reading): Following a brief recap from Assistant County Administrator Randy Margo, Chairman Logue opened the public hearing. No one came forward.
Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the public hearing was close, the reading was waived, and the Board adopted Ordinance No. 1437, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AMENDED ORDINANCE LEVYING SPECIAL TAXES 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 Nicoletti, seconded by Supervisor Stocker, and unanimously carried, the Board accepted the following correspondence:

A. Bulletin from United States Forest Service/Plumas National Forest regarding schedule of proposed actions for January through March 2008.

B. Letter from James Coward regarding the condition of Virginia Avenue. Referred to Public Works

C. Letter from Cordua Irrigation District dated December 31, 2007 regarding alternate vehicular route over Cordua Irrigation District Canal for vehicles seeking access to Teichert Construction.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Griego:
- Article regarding Yuba Highlands development project and cost of election going to developer rather than to the taxpayers

Supervisor Nicoletti:
- Memorial adjournment in memory of Mr. William J. Bremmer
- Out-of-state February 8 - 18, 2008

County Administrator Robert Bendorf:
- Plumas Lake landowners meeting January 22, 2008
- FEMA remapping community outreach meeting February 6, 2008

01/22/08
Supervisor Schrader:
  • Memorial adjournment in memory of Ms. Helen Rose

CLOSED SESSION

The Board retired into closed session at 12:14 p.m. to discuss the following:

A. Potential litigation pursuant to Government Code §54956.9(b) - One Case
B. Threatened litigation pursuant to Government Code §54956.9(b) - Two Cases

The Board returned from closed session at 12:32 p.m. with all Board and staff members present as indicated above, including Supervisor Griego.

There was no announcement from closed session.

RECESS

The Board recessed at 12:33 p.m. and reconvened at 1:30 p.m. with all Board and staff members present as indicated above including Supervisor Griego.

RECORD APPEAL

Tentative Parcel Map 2006-0018 (Smith) and 2006-0020 (Ashmore)/Conditions of Approval: Planner Kevin Perkins provided a Power Point presentation and responded to Board inquiries which recapped:
  • Project location
  • Project timeline and draft conditions of approval
  • Basis of appeal

County Surveyor Gary Lippencott recapped the process and timeline for determining estimated cost of improvements for frontage of Hammonton-Smartville Road and responded to Board inquiries.

Following Board discussion, Chief Deputy Counsel Angil Morris-Jones advised of the legal process for impact studies to develop fees and fees which are triggered during review of a project to address impacts which are included in the conditions of approval to offset impacts.  Ms. Morris-Jones further advised all conditions are tentative until approved by the Planning Commission.
Ms. Pam Clifton, Von Geldern Engineering Company on behalf of appellants, recapped the short notice of added condition of $5,090 per new parcel for frontage improvements to Hammonton-Smartville Road and advised of other county projects handled by her firm which had not had the condition imposed.

Supervisor Stocker moved to waive the in lieu fee of $5,090. Motion died for lack of a second.

Mr. Raymond Smith and Ms. Debbie Ramey, appellants, commended staff for keeping them updated through the entire process, however did not understand the last minute addition of the fee which they did not oppose, however, felt it was a poor business practice.

Ms. Ashley Ashmore, appellant, felt professional procedures should be developed to prevent recurrences.

Following Board discussion, Chairman Logue continued the matter to February 12, 2008.

CONTINUE TO 2/12/08

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 3:12 p.m. in memory of Ms. Helen Rose and Mr. William J. Bremmer by Chairman Logue.

Chairman

ATTEST: DONNA STOTTLEMeyer
CLERK OF THE BOARD OF SUPERVISORS

approved: 2-12-08