YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS

May 6, 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, Mary Jane Griego, and Hal Stocker. Supervisor Donald Schrader was absent. Also present were County Administrator Robert Bendorf, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors Donna Stottlemeier. Chairman Logue presided.

CONSENT AGENDA

At the request of Supervisor Nicoletti, the appointment of David Hantusch to the In-Home Supportive Services Advisory Committee was tabled for two weeks.

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

A. **Administrative Services:** Authorized a Budget Transfer in the amount of $85,000.00 from Account No. 131-0000-371-98-99 (Revenues) to Account No. 130-9500-432-18-00 (Maintenance of Structures) for Construction Improvements at the Yuba County Airport.

B. **Clerk of the Board of Supervisors**

1) Approve minutes of the regular meeting of April 15, 2008 as written.


3) Reappointed Ms. Barbara Warren to the First Five Yuba Commission for a term to expire April 29, 2011.

4) Appointed Gaurav (Shiv) Trehan to the Substance Abuse Advisory Committee for a term to expire April 4, 2012.
5) Approved removal of at-large representative Christa Hastey and District Two representative Terry Oaks from the Fish and Game Advisory Commission and directed posting of vacancies.

C. Community Development and Services

1) Authorized the Public Works Director to hire an Associate Civil Engineer at Step 3 of the Salary Index Schedule.

2) Adopted Resolution No. 2008-47, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION REQUIRING ENGINEER'S REPORT FOR GLEDHILL LANDSCAPING AND LIGHTING DISTRICT."

3) Adopted Resolution No. 2008-48, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT FUNDS ADMINISTERED BY THE FIRST FIVE OF YUBA FOR THE DEVELOPMENT OF PARKS AND RECREATIONAL FACILITIES IN YUBA COUNTY," related to POW/MIA Park, and Resolution No. 2008-49, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT FUNDS ADMINISTERED BY THE FIRST FIVE OF YUBA FOR THE DEVELOPMENT OF PARKS AND RECREATIONAL FACILITIES IN YUBA COUNTY," related to establishing a recreation coordinator pilot program.

D. Health and Human Services: Authorized a Budget Transfer in the amount of $7,655 from Account No. 106-4700-441-28-00 (Special Department Expense) to Account No. 106-4700-441-62-00 (Fixed Assets) for the purchase of portable dental equipment.

E. Probation: Approved an agreement with Yuba Community College to implement the Independent Living Skills Program (ILP) funded through Senate Bill 81 and authorized the Chairman to execute same.

F. Sheriff-Coroner: Adopted Resolution No. 2008-50, which is on file in Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AUTHORIZING THE YUBA COUNTY SHERIFF TO EXECUTE OPERATING AGREEMENT WITH YUBA COUNTY WATER AGENCY," for law enforcement services.
SPECIAL PRESENTATION

Youth Encouraging Safe Streets Project: Health Education Specialist Melissa Gianelli recapped the program participants projects and presented the top three teams consisting of the following:

1st Place: Safe Turn
- Bailey Jenks
- Paula Kreider

2nd Place: Risky Business
- Eli Butcher
- Elan Goldman
- Sean Lubbers
- Jesse Deneweth
- Ryan Coney
- Damien Lambert

3rd Place: Chicklets
- Amber Gurrola
- Sierra Blackford
- Samantha Barker

Following presentation from Team Safe Turn, Board members commended participants and their projects.

PUBLIC COMMUNICATIONS

Planning Director Ed Palmeri recapped Senate Bill 155 regarding fire protection in state responsibility areas.

Ms. Freda Calvert, Hammonton Road, commended Supervisors Griego and Stocker for their support regarding Hammonton Road.

Mr. Jim Wilson, Gridley, recapped decision of Bureau of Land Management approving lease for a heavy equipment operator training center in the Yuba Goldfields.

Ms. Stephanie Ruscigno and Mr. Marvin Bottom, Disabled American Veterans Organization, commended Board members for their support of Veterans, presented a plaque to Supervisor Nicoletti, and advised a Noon Time Rally would be held on Friday, May 9, 2008 at Yuba City Veterans Center.

Assistant Agricultural Commissioner Kevin Roush requested a memorial adjournment in memory of former Agricultural Commissioner Bernic Engle and advised of $23 million losses during April 20th freeze and status of employee bitten by rattle snake while on duty making inspections.
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Yuba County Trails Commission: Upon motion of Supervisor Gregio, seconded by Supervisor Stocker, and carried with Supervisor Schrader being absent, the Board appointed Mr. Richard Leighty to the Yuba County Trails Commission as the at-large representative for a term to expire May 6, 2010.

COUNTY ADMINISTRATOR

Third Quarter Financial Report/Fiscal Year 2008/2009: Assistant County Administrator Randy Margo advised sales tax and property tax revenues are below estimates due to downturn in economy and further advised expenditures are below estimates. Mr. Margo further recapped County impacts due to state budget projections and responded to Board inquiries.

ORDINANCES AND PUBLIC HEARINGS

Chairman Logue read the disclaimer.

A) Ordinance/Repealing and Re-enacting Chapter 13.00.030 to 13.00.060 of Title XIII of the Yuba County Ordinance Code/County Departmental Fees: Chief Probation Officer Steve Roper and Sheriff Steve Dufor recapped proposed fee increases and responded to Board inquiries. Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and carried with Supervisor Schrader being absent, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1444, which is on file in Yuba County Ordinance Book No. 65, which is entitled: "AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 13.00.030 TO CHAPTER 13.00.060 OF THE YUBA COUNTY CONSOLIDATED FEE ORDINANCE CODE," as it relates to various County Departments.

B) Ordinance/Repealing and re-enacting/Chapter 2.123 of Title II of the Yuba County Ordinance Code relating to the Yuba County Library Advisory Commission: Library Director Loren McRory recapped the proposed ordinance. Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and carried with Supervisor Schrader being absent, the public hearing was closed, the reading was waived, and the Board introduced ordinance repealing and re-enacting as amended Chapter 2.123 of Title II of the Yuba County Ordinance Code relating to the Yuba County Library
Commission.

C. Public Hearing/Application submittal to the U.S. Department of Agriculture, Rural Development, Waste and Wastewater Loan and Grant program: County Administrator Robert Bendorf recapped the application for grant funds for the replacement of the River Highlands Community Services District failed wastewater treatment plant and responded to 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 Schrader being absent, the Board closed the public hearing.

CORRESPONDENCE

Upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and carried with Supervisor Schrader being absent, the Board accepted the following:

A. Letter from A. Terichert & Son, Inc. advising a claim had been filed against the subdivision improvement security for the Wheeler Ranch Property.

Referred to County Counsel

B. Schedule of Proposed Actions from the United States Forest Service regarding Plumas National Forest for April 1, 2008 to June 30, 2008.

C. Letter from Yuba County Library Advisory Commission seeking Board support for a non-profit foundation for the California Room at the library.

Referred to Clerk of the Board


E. Resolution from Reclamation District 784 appointing Jeff Phinney trustee to fill the vacancy from the resignation of Thomas Platter.

F. Letter from Yuba Local Agency Formation Commission (LAFCO) John Benoit regarding a Memorandum of Understanding for Special District Representation on LAFCO.

Referred to County Counsel and County Administrator
G. Notice from Wheatland Union High School District announcing a public hearing on May 6, 2008 regarding a proposal to implement developer fees.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:
- Memorial adjournments in memory of Mrs. Aileen B. Stevens, Mr. Timothy L. Northup, and Mr. Matt Stine
- Dobbins preschool job shadow operation
- Bullards Bar restaurant facility
- Sacramento Bee article on global warming

Supervisor Griego:
- District Three Community Cleanup statistics
- Levee Improvement project funding

Supervisor Nicoletti:
- Annual United Way dinner on May 16, 2008 at Bonanza Inn Convention Center
- Beale Air Force Base Child Development Center
- Yuba Sutter Chamber of Commerce Government Affairs Committee support of Proposition 98 and opposition to Proposition 99 regarding eminent domain
- Peach Tree Clinic services

County Administrator Robert Bendorf:
- Borrowing for County share of levee improvements
- Received consensus for correspondence to Governor opposing funding cuts to Child Welfare and Protective Services

At the request of County Counsel and upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and carried with Supervisor Schrader being absent, the Board added to closed session one case of threatened litigation and pending litigation case regarding Day versus County of Yuba as the need to take action arose subject to the agenda being posted.

CLOSED SESSION

The Board retired into closed session at 7:30 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) - County of Yuba vs. Gilberto L. Briones/Case No. 08-41167LT13

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

The Board returned from closed session at 8:18 p.m. with all Board and staff members present as indicated above. There was no announcement from closed session.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 8:18 p.m. in memory of Mrs. Aileen B. Stevens, Mr. Timothy L. Northup, and Mr. Matt Stine by Chairman Logue

Chairman

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

Approved: May 20, 2008