YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
MAY 20, 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, Donald Schrader, and Hal Stocker. Also present were County Administrator Robert Bendorff, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Laura DeShazer. Chairman Logue presided.

CONSENT AGENDA

At the request of the Emergency Services department, Chairman Logue pulled from consideration the matter of the Emergency Services Management Performance Grant application.

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

A. **Board of Supervisors:** Adopted Resolution No. 2008-56, which is on file in the Yuba County Resolution Book No. 39, which is entitled: “RESOLUTION APPROVING THE APPLICATION AND AUTHORIZING EXECUTION OF A GRANT CONTRACT WITH THE CALIFORNIA ARTS COUNCIL”.

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

1) Approved the minutes of the regular meeting of May 6, 2008, as written.

2) Appointed Mr. David Hantsch to the In-Home Supportive Services Advisory Committee for a term to expire May 6, 2010.

C. **Community Development and Services:** Adopted Resolution No. 2008-57, which is on file in the Yuba County Resolution Book No. 39, which is entitled: “RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF YUBA AND THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS (SACOG) REGARDING UPDATES OF THE BEALE AIR FORCE BASE AND YUBA COUNTY AIRPORT LAND USE COMPATIBILITY PLANS” and any amendments to the MOU which do not exceed a total anticipated expenditure of $350,000.
D. Health and Human Services

1) Approved an agreement with Yuba Community College for Independent Living Program services in the amount of $121,055 for the term of January 1, 2008 through June 30, 2009 and authorized the Chairman to execute same.

2) Adopted Resolution No. 2008-58, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AUTHORIZING THE EXECUTION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN YUBA COUNTY AND THE PEACH TREE CLINIC FOR THE PROVISION OF MEDICAL SERVICES TO THE POOR AND INDIGENT POPULATION OF YUBA COUNTY."

E. Probation

1) Adopted Resolution No. 2008-59, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AUTHORIZING THE CHIEF PROBATION OFFICER OF YUBA COUNTY AS THE DESIGNATED PROJECT DIRECTOR, TO MAKE APPLICATION FOR FUNDS TO THE OFFICE OF EMERGENCY SERVICES ON BEHALF OF THE COUNTY OF YUBA, PURSUANT TO THE FEDERAL CRIME ACT OF 1994" for Fiscal Year 2008/2009 for Anti-Drug Abuse grant funds and authorizing execution of grant award including extensions or amendments thereof.

2) Authorized a Budget Transfer in the amount of $29,400 from Account No. 101-0000-371-98-99 (Revenue and Recovery Restitution Fund) to Account No. 101-3110-412-62-00 (Fixed Assets) for the purchase of software to enhance the delinquent account collections.

F. Sheriff/Coroner: Adopted Resolution No. 2008-60, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AUTHORIZING THE PROJECT DIRECTOR TO EXECUTE STATE APPLICATION FOR FINANCIAL AID FOR THE BOATING PROGRAM, FISCAL YEAR 2008-2009"; and approved a contract with the Department of Boating and Waterways and authorized the Chairman to execute same.

PUBLIC COMMUNICATIONS

Ms. Freda Calvert, Hammonston Road, requested information regarding being removed from the River Highlands Community Services District and urged the Board to consider a solution to resolve the condition of Hammonston Road.
County Administrator Robert Bendorf advised the Local Agency Formation Committee is the jurisdictional agency for removal from a CSD.

Community Development and Services Director Kevin Mallen recapped current water and sewer issues and pending closure of Vinboy Trailer Park.

Following Board discussion, Chairman Logue directed recommendations be brought forward for future Board action.

Mr. Doug Nicholson, Laurel Lane, expressed concern regarding the condition of Laurel Lane and Tulley Road.

COUNTY ADMINISTRATOR

Public Defender Services/Benjamin Wirtschafter: Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimous carried, the Board approved the agreement with Benjamin Wirtschafter for public defender services and authorized the Chairman to execute same.

APPROVE AGRMNT.

COMMUNITY DEVELOPMENT AND SERVICES

Levee Fee Exemption/Retail-Commercial Development: Community Development and Services Director Kevin Mallen recapped the exemption provided within the ordinance and responded to Board inquiries.

Mr. Brent Hasty, Olivehurst, recapped fiscal impacts to projects in progress.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board approved July 15, 2008 the date of expiration for the two year levee fee exemption authorized in Ordinance No. 1372 for commercial retail development.

APPROVE DATE

ORDINANCES AND PUBLIC HEARINGS

Chairman Logue read the disclaimer.

A. Ordinance/Repealing and Re-enacting Chapter 10.20 of Title X of the Yuba County Ordinance Code/Regulating the Emplacement of Travel Trailers and Motor Homes: Chief Building Inspector Martin Griffin recapped proposed changes for the placement of temporary residences. Chairman Logue opened the public hearing. No one
came forward.

Upon motion of Supervisor Stocker, and seconded by Supervisor Schrader, and unanimously carried, the public hearing was closed, the reading was waived, and the Board introduced an ordinance amending the Yuba County Ordinance Code by repealing and re-enacting Chapter 10.20 of Title X relating to the emplacement of travel trailers and motor homes as temporary residences.

B. Ordinance/Repealing Ordinance Nos. 1428 through 1436 to terminate development agreement for the purposes of extending entitlements for up to twenty years in exchange for participation in the levee funding program with the following: Community Development and Services Director Kevin Mallen advised the proposed ordinance is for administrative purposes.

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

Upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and unanimously carried, the public hearing was closed, the reading was waived, and the Board adopted the following ordinances, which are on file in Yuba County Ordinance Book No. 20:

- Ordinance No. 1446 which is entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 1428 WHICH THEREBY TERMINATES 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."

- Ordinance No. 1447 which is entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 1429 WHICH THEREBY TERMINATES 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."

- Ordinance No. 1448 which is entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 1430 WHICH THEREBY TERMINATES 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."

- Ordinance No. 1449 which is entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 1431 WHICH THEREBY TERMINATES THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND K. HOVANIAN FORECAST HOMES, INC. RELATIVE TO THE DEVELOPMENT KNOWN AS WHEELER RANCH."
• Ordinance No. 1450 which is entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 1432 WHICH THEREBY TERMINATES 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."

ADOPT ORDINANCE NO. 1450

• Ordinance No. 1451 which is entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 1433 WHICH THEREBY TERMINATES THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND LANDSOURCE HOLDING COMPANY, LLC, LENNAR RENAISSANCE, INC., AND MS RIALTO RIVER OAKS, CA LLC RELATIVE TO THE DEVELOPMENTS KNOWN AS RIVER OAKS EAST, RIVER OAKS NORTH, AND RIO DEL RIO VILLAGE 15."

ADOPT ORDINANCE NO. 1451

• Ordinance No. 1452 which is entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 1434 WHICH THEREBY TERMINATES 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."

ADOPT ORDINANCE NO. 1452

• Ordinance No. 1453 which is entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 1435 WHICH THEREBY TERMINATES THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA AND MERITAGE HOMES RELATIVE TO THE DEVELOPMENT KNOWN AS DRAPER RANCH NORTH."

ADOPT ORDINANCE NO. 1453

• Ordinance No. 1454, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 1436 WHICH THEREBY Terminates 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."

ADOPT ORDINANCE NO. 1454

CORRESPONDENCE

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

A. Letter from Reclamation District No. 784 enclosing letter of resignation from Brent Hastey.

B. Letter from Dobbins-Oregon House Fire Protection District advising of appointment of Michael Lee to replace Rick Brown.
C. Letter from Downey Brand Attorneys LLP regarding notice for claim on payment bonds by A. Teichert & Son, Inc.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:
- Memorial adjournment in memory of Mr. H.F. Matecki

Supervisor Schrader:
- Memorial adjournment in memory of Mr. John F. Brannon

Supervisor Nicoletti:
- Beale AFB and location of Cyber Command Unit
- Beale Community Leadership Meeting
- Peach Tree Clinic discussions regarding opening of a pharmacy
- Transit Authority findings regarding increased service to Peach Tree Clinic
- Yuba Accord final public hearing

County Administrator Robert Bendorf:
- Commended Economic Development Strategic Planning Ad Hoc Committee

At the request of County Counsel Daniel Montgomery and upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and unanimously carried, one case of pending litigation regarding Three Rivers Levee Improvement Authority vs. H & H Trenching was added to closed session as the need to take action arose subsequent to the agenda being posted.

CLOSED SESSION

The Board retired into closed session at 10:20 a.m. to discuss the following:

A. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Empire Global Holdings, L.P.

B. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Empire Land, L.L.C.

C. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Empire Residential Construction, L.P.

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D. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Empire Construction, L.P.

E. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Aviat Homes, L.P.

F. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Empire Residential Sales, L.P.

G. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Prestige Homes L.P.

H. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Wheeler Land, L.P.

I. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Andrea Nakaishi

J. Pending litigation pursuant to Government Code §54956.9(a) - In Re: John D. and Judith M. Reynen

K. Pending litigation pursuant to Government Code §54956.9(a) - In Re: Dunmore Homes, Inc.

L. Pending litigation pursuant to Government Code §54956.9(a) - Three Rivers Levee Improvement Authority vs. H & H Trenching

The Board returned from closed session at 10:27 a.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 10:27 a.m. in memory of Mr. H.F. Matecki and Mr. John F. Brannon by Chairman Logue.
ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Laura DeShazer, Deputy Clerk

Approved: 6/10/08

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