YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

AUGUST 12, 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, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Laura DeShazer. Chairman Logue presided.

CONSENT AGENDA

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

A. Administrative Services: Adopted Resolution No. 2008-99, which is on file in the Yuba County Resolution Book No. 39, which is entitled: “RESOLUTION APPROVING THE 2008-2009 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY REPORT AND PROGRAM PROJECTION FOR THE YUBA-SUTTER ECONOMIC DEVELOPMENT DISTRICT AS PREPARED AND RECOMMENDED BY THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE.”

B. Auditor-Controller: Approved the removal of fixed assets from inventory from various County Departments that were either lost or stolen.

C. Clerk of the Board of Supervisors: Approved the minutes of the regular meeting and workshop of July 22, 2008, as written.

D. Community Development and Services

1) Adopted Resolution No. 2008-100, which is on file in the Yuba County Resolution Book No. 39, which is entitled: “APPROVE APPLICATION FOR PROPOSITION 84 GRANT FUNDS FOR ROADSIDE FUEL REDUCTION AS DETAILED BY A STRATEGIC OPPORTUNITIES GRANT OFFERED BY THE SIERRA NEVADA CONSERVANCY” and Resolution No. 2008-101, which is entitled: “APPROVE APPLICATION FOR PROPOSITION 84 GRANT FUNDS FOR HAMMON GROVE PARK IRRIGATION AND LANDSCAPE IMPROVEMENTS AS DETAILED BY A

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STRATEGIC OPPORTUNITIES GRANT OFFERED BY THE SIERRA NEVADA CONSERVANCY.”

2) Authorized a Budget Transfer in the total amount of $280,074.62 from Planning Department Trust Fund 255 to various funds in recognition of work performed and revenues earned for April through June, 2008.

3) Approved a three year agreement for professional services with Botanica Landscapes for landscape maintenance located within Yuba County right of ways and authorized the Chairman to execute same.

E. Emergency Services: Adopt Resolution No. 2008-102, which is on file in the Yuba County Resolution Book No. 39, which is entitled: “SIGNATURE RESOLUTION AUTHORIZING THE COUNTY DIRECTOR OF EMERGENCY SERVICES OR ITS DESIGNEE TO SUBMIT FISCAL YEAR 2008 HOMELAND SECURITY GRANT AND FOLLOW THROUGH THEREON.”

F. Health and Human Services

1) Approved agreement with The Regents of the University of California to provide human and social services training for Health and Human Services Department staff and authorized the Chairman to execute same.

2) Adopted Resolution No. 2008-103, which is on file in the Yuba County Resolution Book No. 39, which is entitled: “RESOLUTION ADOPTING EMERGENCY MEDICAL SERVICES FUND TO BE KNOWN AS RICHIE’S FUND.”

G. Sheriff-Coroner: Accepted Inmate Welfare Expenditure Summary for Fiscal Year 2007/2008 pursuant to Penal Code Section 4025(e).

PUBLIC COMUNICATIONS

Ms. Freda Calvert, Hammonton Road, urged parcel sizes remain at 5-acre minimum if rezoning occurs in the River Highlands District and requested Board consideration for seniors attending the General Plan meetings to submit paperwork to the department at a later date to enable them to obtain copies prior to submittal.

Mr. Dave Munch, David and Son Drilling, Marysville, stressed concern for the financial impact and inconsistency between state and county regulations regarding the well water testing ordinance and urged formation of an advisory committee consisting of professionals in the field to work with the Environmental Health to consider standards for
the safety and health of the public.

Ms. Deborah Marr, licensed water well driller, concurred and urged the Board to consider financial costs to the drilling industry for testing due to mitigating factors.

Following Board discussion, Chairman Logue directed staff to provide a comparison of water testing costs in surrounding counties for Board review.

At the request of Supervisor Schrader, Public Information Officer Russ Brown played a CBS News video clip highlighting suburban living, bedroom communities, and the negative impact to commuters due to high gas prices which included footage of Yuba County.

Supervisor Griego joined the meeting at 9:43 a.m.

COMMUNITY DEVELOPMENT AND SERVICES

HOME Investment Partnership Program Application: Following a brief recap from Housing and Community Services Manager Debbie Phillips, Mr. Michael de la Torre, Global Premier Development, Inc., recapped proposed development of a 96-unit affordable housing apartment complex and urged Board support.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board adopted Resolution No. 2008-104, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "APPROVE AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM; AND IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM."

COUNTY ADMINISTRATOR

Siemens Water Technologies Wastewater Treatment Plant: Emergency Services Director Aaron Ward recapped the proposal for the treatment plant to serve Hammonton Gold Village and responded to Board inquiries.

Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the Board adopted Resolution No. 2008-105, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN AND ACCEPT A PROPOSAL SUBMITTED BY SIEMENS"
WATER TECHNOLOGIES FOR A WASTEWATER TREATMENT PLANT WHICH WILL SERVE THE RIVER HIGHLANDS COMMUNITY SERVICES DISTRICT.”

ORDINANCES AND PUBLIC HEARINGS

Chairman Logue read the disclaimer.

A. Ordinances/Title XIII Pertaining to Community Development and Service Agency Feasibility Studies and Deferral of Certain Impact Fees and Title XI Pertaining to Timelines for Map Approvals: Community Development and Services Director Kevin Mallen recapped the ordinances and fee structure to meet costs and remain competitive with surrounding jurisdictions and responded to Board inquiries.

Following Board discussion, pursuant to Board direction, Mr. Mallen amended section 13.80.050 to read: “Deferred fees shall be paid at the rate for rates applicable at the time of issuance of the permit.”

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

Upon motion of Supervisor Schlader, seconded by Supervisor Stocker, the public hearing was closed.

Following Board discussion, Mr. Mallen advised letters of support from special district Boards would be provided to the Board.

B. Public Hearing/Community Development Block Grant Applications for Fiscal Year 2009/2010: Housing and Community Services Manager Debbie Phillips read the notice of public hearing. Chairman Logue opened the public hearing.

Mr. Doug Binderup, Dobbins Oregon House Improvement Foundation Chairman, requested grant funding in the amount of $35,000 to assess viability and sustainability of a medical clinic at the community center and responded to Board Inquiries.

Following Board discussion, at the request of County Counsel Dan Montgomery and upon motion of Supervisor Gregor, seconded by Supervisor Stocker and unanimously carried, the public hearing was closed, the readings were waived, and the Board introduced ordinances, with the exception of 13.80, related to Title XIII of the Yuba County Ordinance Code pertaining to Community Development and Services Agency Fees and an ordinance related to Title XI pertaining to timelines for map approvals.

In response to Board inquiry, Mr. Montgomery confirmed the action to close the public hearing was for the Community Development Block Grant Application.

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C. Public Hearing/Community Development Block Grant Annual Grantee Performance Reports: Housing and Community Services Manager Debbie Phillips read the Notice of Public Hearing. Chairman Logue opened the public hearing. No one came forward.

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

CLOSE
PB. IHRG.

CORRESPONDENCE

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

A. Notice from State of California Fish and Game Commission of proposed emergency regulatory action relating to incidental take of long fin smelt.

B. Two Letters from Senator Sam Aanestad regarding proposed budget cuts to Child Welfare Services and Adult Protective Services and opposing Senate Bill 1560, Senate Bill 1617 and Assembly Bill 2447.

C. Memorandum from State of California, Department of Fish and Game enclosing notice of Intent to Adopt a Negative Declaration for the proposed amendment to Section 670.5 pertaining to California Brown Pelican.

D. Resolution from the Board of Trustees of Reclamation District 784 authorizing the Central Valley Flood Protection Board to repair critical erosion sites.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:
- Memorial adjournment in memory of Mrs. Elizabeth Coppola and Mr. Michael Allis
- Requested abatement proposal for Robins Mini Mart in Dobbins
- Zoning for wind turbines in Loma Rica
- Assembly Bill 375 regarding transportation planning

Chairman Logue directed the Planning Department to bring forward a pilot program for wind turbines to the Land Use and Public Works Committee for consideration.
Supervisor Nicoletti:
- Marysville City/County Liaison meeting of August 7, 2008 regarding wastewater treatment plant
- Opposed Area 4 on Aging’s process of determining eligibility for program participation, exclusion of service for congregate meal sites, and Medi-van transportation
- Fellowship of Friends and Yuba College book store tax producers
- Urged support for developing a warehouse and maintenance depot at Beale Air Force Base for the Global Hawk
- Out of state August 19 through 22, 2008

Supervisor Schrader:
- Senator Steinberg legislation (AB 375) regarding smart growth and negative impact to Yuba County

County Administrator Robert Bendorf:
- August 13, 2008 meeting with Managers of City of Wheatland and Marysville, Linda Water District and Olivehurst Public Utilities District regarding regional wastewater planning and Board workshop to be scheduled for September
- CBS news article regarding Sacramento suburb and smart growth

At the request of County Counsel Dan Montgomery and upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and unanimously carried, the Board added two items of pending litigation to closed session regarding *Broughton versus County of Yuba* and *Miranda versus County of Yuba* as the need to take action arose subsequent to the agenda being posted.

**CLOSED SESSION**

The Board retired into closed session at 11:20 a.m. to discuss the following:

A. Pending litigation pursuant to Government Code 54956.9(a) - *State of California Ex rel. etc. vs. River Highlands Community Services District*

B. Threatened litigation pursuant to Government Code §54956.9(b) - Three Cases

C. Pending litigation pursuant to Government Code 54956.9(a) - *Cunningham vs. County of Yuba*

D. Pending litigation pursuant to Government Code 54956.9(a) - *Hernandez vs. County of Yuba*
E. Pending litigation pursuant to Government Code 54956.9(a) - Broughton vs. County of Yuba

F. Pending litigation pursuant to Government Code 54956.9(a) - Miranda vs. County of Yuba

The Board returned from closed session at 12:15 p.m. with all Board and staff members present as indicated above, including Supervisor Griego.

County Counsel Dan Montgomery made the following announcement:

"The Board unanimously approved defending the matter of Hernandez versus the County and seeking outside counsel. There are no further announcements."

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 12:16 p.m. in memory of Mrs. Elizabeth Coppola and Mr. Michael Allis by Chairman Logue.

[Signature]
Chairman

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

Laura DeShazer, Deputy Clerk

Approved: 9-9-2008