YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

NOVEMBER 18, 2008

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:43 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 Bendorf, Chief Deputy County Counsel Angil Morris-Jones, 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 unanimously carried, the Board took the following actions:

A. Administrative Services: Approved Counties Annual Facilities Payment of $61,737 to the Administrative Office of the Courts and authorized the Chairman to execute the letter of acceptance.

B. Clerk of the Board of Supervisors

1) Reappointed Mr. Robert Bradshaw to the Wheatland Cemetery District for a term to expire November 18, 2012.

2) Appointed Ms. Ymelda Mendoza-Flores to the Child Care Planning Council as the Parent Consumer for a term to expire September 30, 2010.

3) Approved the minutes from the regular meetings of October 21 and October 28, and workshop of November 6, 2008, as written.

C. Community Development and Services: Approved an agreement with Wesley Dale Everett for caretaker services at Hammon Grove Park for a term of six months and authorized the Chairman to execute same.
D. **County Administrator**

1) Authorized a Budget Transfer in the amount of $777 from various line items to 101-1700-411-62-00 (Fixed Assets) for the purchase of one ergonomic chair. 

2) Approved a Memorandum of Understanding with Yuba-Sutter Chamber of Commerce for the Regional Tourism Program and authorized the Chairman to execute same.

3) Authorized out-of-state travel for County Administrator Robert Bendorf and Supervisor Mary Jane Griego to receive the 2008 Far West Deal of the Year Award in New York on December 3, 2008.

E. **Health and Human Services:** Adopted Resolution No. 2008-147, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "AUTHORIZE THE YUBA COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT TO ENTER INTO AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH) FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS AND PANDEMIC INFLUENZA FUNDS FOR THE PERIOD OF JULY 1, 2008 THROUGH AUGUST 8, 2009, AND AUTHORIZE THE CHAIRMAN TO EXECUTE DOCUMENTS AS REQUIRED BY THE AGREEMENT AND ANY PERTINENT DOCUMENTS RELATED TO THIS PROGRAM AND TO ACCEPT FUNDS."

F. **Personnel/Risk Management:** Approved an agreement with CSAC Excess Insurance Authority to extend participation in the Medical Malpractice Program to October 1, 2010 and authorized the Chairman to execute same.

G. **Sheriff/Coroner**

1) Approved an agreement with the United States Department of Agriculture, Tahoe National Forest to provide enforcement services to fight controlled substances on United States Forestland and authorized the Chairman to execute same.

2) Approved the Intergovernmental Service Agreement with the United States Department of Homeland Security Immigration and Customs Enforcement for the housing of federal detainees and authorized the Chairman to execute same.
SPECIAL PRESENTATION

A. District One Supervisor/Daniels Logue: Ms. Kim Davis, Office of Senator Aanestad, and Vice-Chairman Nicoletti presented a proclamation to Supervisor Logue commemorating his years of service to Yuba County and commended him for his achievements during a brief highlight of his career. Supervisor Logue expressed appreciation to the Board members for their working relationships and urged continued enthusiasm for progress in Yuba County.

B. University of California, Davis/Centennial Anniversary: Chairman Logue presented a proclamation commemorating their centennial celebration to University of California, Davis Director Gary Sandy.

PUBLIC COMMUNICATIONS

Mr. Buck Weckman, Yuba County Co-Chairman for the YES on 8 Campaign, briefly recapped the background of the proposition and urged Board support for an amendment to the United States Constitution defining marriage as only between a man and a woman.

BOARD OF SUPERVISORS

Three Rivers Levee Improvement Authority Representative: Upon motion of Supervisor Stocker to appoint Supervisor Nicoletti, seconded by Supervisor Schrader, and unanimously carried, the Board adopted Resolution No. 2008-148, which is on file in the Yuba County Resolution Book No. 39, which is entitled: “RESOLUTION APPOINTING A BOARD OF SUPERVISORS REPRESENTATIVE TO THE BOARD OF DIRECTORS FOR THREE RIVERS LEVEE IMPROVEMENT AUTHORITY.”

COMMUNITY DEVELOPMENT AND SERVICES

Arboga Road Emergency Repair Project: Following a brief recap from Public Works Director Mike Lee and upon motion of Supervisor Griego, seconded by Supervisor Nicoletti, and unanimously carried, the Board awarded a contract to Knife River Construction, the apparent low bidder, for the Arboga Road Emergency Repair Project and authorized the Chairman to execute upon submittal and review of County Counsel.

COUNTY ADMINISTRATOR

1) California Innovation Center/$70,000: Assistant County Administrator Randy Margo recapped funding sources and responded to Board inquiries.
Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the Board approved an amount not to exceed $70,000 from the Economic Development Block Grant Loan Program towards the California Innovation Center as a joint share with Sutter County.

2) M. M. Rosenberg and Associates/Agreement: Following County Administrator Robert Bendorf recapping the agreement for professional services, upon motion of Supervisor Nicoletti, seconded by Supervisor Schrader, and unanimously carried, the Board approved an amendment to the agreement with M. M. Rosenberg and Associates to extend the contract for professional services relating to the development and coordination of the strategic planning process and authorized the Chairman to execute same.

Mr. Bendorf advised county employee contributions pledged for the 2009 United Way Campaign were $15,000, a 70 percent increase from last year.

HEALTH AND HUMAN SERVICES

1) Office of Emergency Services/Memorandum of Understanding: Health and Human Services Director Suzanne Nobles recapped the benefit of entering into a Memorandum of Understanding with the Office of Emergency Services and responded to Board inquiries.

Upon motion of Supervisor Griego, seconded by Supervisor Nicoletti, and unanimously carried, the Board adopted Resolution No. 2008-149, which is on file in the Yuba County Resolution Book No. 39, which is entitled: “A RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN YUBA COUNTY HEALTH AND HUMAN SERVICES AND YUBA COUNTY OFFICE OF EMERGENCY SERVICES FOR THE ADMINISTRATION OF HOSPITAL PREPAREDNESS PROGRAM FUNDS,” and requiring annual review by the Board of Supervisors beginning June, 2009.

2) Medicare Program Application: Health and Human Services Director Suzanne Nobles recapped the Department’s participation in the Medicare Program and Federal requirement for repayment of overpaid funds.

Upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and unanimously carried, the Board approved the application for county participation in the Medicare Program, a letter of legal and financial responsibility, and authorized the Chairman to execute same.
EMERGENCY SERVICES

Hospital Preparedness Program Grant Application/Budget Transfer/$59,915: Emergency Services Officer Scott Bryan briefly recapped the Hospital Preparedness Program, fund transfer, and the benefits for local use of funding.

Upon motion of Supervisor Stocker, seconded by Supervisor Nicoletti, and unanimously carried, the Board adopted Resolution No. 2008-150, 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 2008-2009 HOSPITAL PREPAREDNESS PROGRAM GRANT AND FOLLOW THROUGH THEREON," and authorized a Budget Transfer in the amount of $59,915 from Account No. 101-0000-361-58-06 to Account No. 101-4200-421-28-04 to facilitate the grant.

PERSONNEL/RISK MANAGEMENT

Fleet Services Coordinator/Management Analyst I/II/Principal Management Analyst I/II:
Following a recap from Director of Personnel Martha Wilson on the positions to be reclassified, upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the Board adopted Resolution No. 2008-151, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO. 2008-120;" and Resolution No. 2008-152, which is entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM BASIC SALARY SCHEDULE NO. 2008-80," as they relate to Fleet Services Coordinator, Management Analyst I/II, and Principal Management Analyst I/II, effective December 1, 2008.

ITEM OF PUBLIC INTEREST

Foothill Development Partners/Stoney Brooke: Community Development and Services Director Kevin Mallen recapped the recommendation to deny the request for a refund of permit fees in the amount of $15,417.50 for Tentative Subdivision Tract Map No. 2006-0010 and Planned Unit Development 2006-0001.

Following Board discussion, Chairman Logue recessed the meeting at 10:35 a.m. and reconvened at 10:54 a.m. with all Board and staff members present as indicated above.

Chairman Logue postponed consideration of the item.

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MINUTE BOOK NO. 65 PAGE 260
ORDINANCES AND PUBLIC HEARINGS

1) Public Hearing/Findings of Fact, Conclusions of Law and Orders Authorizing the Assessment/3183 Bradshaw Road, Wheatland (Rasul, Bashir Mohammad): Following a brief recap by Supervising Building Official Jeremy Strang and responding to Board inquiries, Chairman Logue opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Grego and unanimously carried, the public hearing was closed, and the Board adopted Findings of Fact, Conclusions of Law and Orders authorizing assessment of costs and penalties in the amount of $15,722.14 and the recording of a lien regarding property located at 3183 Bradshaw Road, Wheatland (Rasul, Bashir Mohammad).

2) Ordinance/Repealing and Re-enacting as Amended Chapter 11.25 of Title XI of the Yuba County Ordinance Code relating to Grading, Drainage and Erosion Control: Public Works Director Mike Lee recapped language revised to address a fifty-foot setback adjacent to the levees and advised notification was forwarded to the Yuba-Sutter Association of Realtors.

Chairman Logue opened the public hearing.

Mr. Tom Eres, representing Hofman Ranch, opposed the wording in the ordinance regarding the fifty-foot setback adjacent to the levees.

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, the first reading was waived, and the Board introduced an ordinance repealing and re-enacting as amended Title XI, Chapter 11.25 of the Yuba County Ordinance Code relating to Grading, Drainage and Erosion Control.

3) Ordinance Adding Section 13.76 to Title XII of the Yuba County Ordinance Code relating to Levee Fees/Credit and Reimbursement Policy: Assistant County Administrator Randy Margo and Financial Consultant Seth Wurzel provided a Power Point presentation highlighting the revised Three Rivers Levee Fee Nexus Study and responded to Board inquiries.

Chairman Logue opened the public hearing.

Mr. Tom Eres, representing Hofman Ranch, suggested completion of the Three Rivers audit before approval of the ordinance and stated a need for better integration of fees and understanding of the 200 year flood protection standards.
Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the public hearing was closed. Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the reading was waived, and the Board adopted Ordinance No. 1465, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE AMENDING TITLE XIII, CHAPTER 13 OF THE YUBA COUNTY ORDINANCE CODE BY ADDING SECTION 13.76 RELATING TO LEVEE FEES."

Assistant County Administrator Randy Margo provided a Power Point presentation outlining the Credit and Reimbursement Policy and responded to Board inquiries.

Upon motion of Supervisor Griego, seconded by Supervisor Nicoletti, and unanimously carried, the Board adopted Resolution No. 2008-153, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "A RESOLUTION ESTABLISHING THE THREE RIVERS LEVEE FEE CREDIT AND REIMBURSEMENT POLICIES AND AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH THE AFFECTED LANDOWNERS."

RECESS

The Board recessed at 12:07 p.m. and reconvened at 12:13 p.m. with all Board and staff members present as indicated above.


Assistant Planning Director Ed Palmeri and Consultant Jose Bodipo-Memba provided a Power Point presentation highlighting:
- Surrounding land uses
- Project location
- Project alternatives
- Intent of the EIR
- EIR Process
- EIR Impacts and Areas of Public Concern

CONTINUE PROJECT CONSIDERATION TO 12/9/08
- Significant and unavoidable Impacts
  - Air Quality
  - Land Use and Agricultural Resources
  - Noise
  - Transportation and Circulation
  - Climate Change

Attorney Seth Merewitz, representing JTS Communities, stated the record adequately supports the EIR and additional studies have been done to address the sufficiency of the EIR for certification.

The following members of the public spoke in opposition of the certification:

- Mr. Tom Eres, representing Hofman Ranch felt the EIR was inadequate.

- Mr. Don Graham, Olivehurst, submitted a written statement identified as Exhibit “A” which is attached to and made a part of these minutes.

Mr. Rob Aragon, JTS Communities, advised approval for Anderson Avenue predated the current project and is working with Public Works to identify interim access to avoid encroachment on Mr. Graham’s property.

Upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed. Upon motion of Supervisor Griego, seconded by Supervisor Stocker, with Supervisor Nicoletti voting in opposition, and Supervisor Schrader abstaining, the Board adopted Resolution No. 2008-154, which is on file in the Yuba County Resolution Book No. 39, which is entitled: “RESOLUTION GRANTING APPEAL FROM PLANNING COMMISSION’S DENIAL OF CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT AT A HEARING HELD AS A RECORD APPEAL AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING A MITIGATION MONITORING PLAN PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE COUNTRY CLUB ESTATES PROJECT,” as amended.

CORRESPONDENCE

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

A. Five 2008 Local Agency Biennial Notices advising no change is required to conflict of interest codes for Yuba Land Agency Formation Committee (LAFCO),
Reclamation District 10, Reclamation District 2103, Ramirez Water District, and Wheatland Cemetery District.

B. Two letters urging support of a village center in the Oregon House/Dobbins community.

Referred to Planning Department

C. Final Environmental Impact Statement on the 408 Permission and 404 Permit to Three Rivers Levee Improvement Authority for the Feather River Levee Repair Project, Segment 2.

D. Notification from the James Irvine Foundation regarding 2009 Foundation Leadership Awards.

E. Letter from Mayisbikemonth.com urging Board sponsorship for “May is Bike Month 2009” campaign.

F. Notification letter from the California Department of Public Health regarding allocation for the Fiscal Year 2008-2009 State Public Health Subvention funds.

G. Notification from United States Department of Agriculture regarding implementation of the Sugarberry Project on the Feather River Ranger District, Plumas National Forest.

H. Letter from the Foothill Fire Protection District regarding compromised access for emergency vehicles due to the deterioration of roads along portions of Ponderosa Way.

I. Letter from State of California Office of Emergency Services declaring Butte, Monterey and Santa Cruz and contiguous counties which includes Yuba disaster areas due to dry lightning wild fires beginning June 8, 2008, through August 20, 2008.

J. Notice from State of California Fish and Game Commission of proposed emergency regulatory action relating to incidental take of longfin smelt.

Referred to Fish and Game Commission

REFER TO STAFF

11/18/08
K. **Letter from Orange County Board of Supervisors regarding change in state policy related to financial assurance for habitat mitigation projects.**

Referred to Community Development

**BOARD AND STAFF MEMBERS’ REPORTS**

Reports were received on the following:

Supervisor Stocker:
- Memorial adjournment in memory of Mr. Eddie Rose
- Attended conference in Long Beach regarding global warming

Supervisor Nicoletti: Governor’s resolution regarding global warming

County Administrator Robert Bendorf: Commended Supervisor Logue for accomplishments during his term and working relationship that benefited the county

Community Development and Services Director Kevin Mallen: Economic Recovery Act of 1998 provided that $4 billion be set aside for Housing and Urban Development (HUD) to develop Neighborhood sustainable programs. Yuba County did not receive funds from the first round of funding, however, a proposal to give the county over one million dollars from future funding is possible.

**RECESS**

The Board recessed at 12:54 p.m. and reconvened at 3:31 p.m. with all Board and staff members present as indicated above, with the exception of Supervisor Griego who arrived at 3:34 p.m.

**COMMUNITY DEVELOPMENT AND SERVICES**

General Plan Update/Land Use Alternatives: Community Development Director Kevin Mallen provided a Power Point presentation which included:
- Summary and Background
- Sacramento Area Council of Governments/Department of Finance Growth Projections review
- Alternative A
  - Joint Planning Areas with Marysville and Wheatland
  - Village 1 - Linda and Olivehurst/Joint planning with City of Marysville
- Alternative B
  - Village 1 - Linda and Olivehurst/Joint planning with City of Marysville (smaller footprint than Alternative A)
  - Highway 65 corridor/uses that compliment the current sports/entertainment zone
  - Linda - Intensification/Revitalization/less expansive growth (smaller footprint)
  - Plumas Lake area/Town Center at north end of Plumas Lake
  - Linda area - Corridor 1/unchanged from Alternative A
  - Corridor 2 - Improve on Olivehurst existing plan
  - Foothills, River Highlands Community Plan/similar to Alternative A/1 unit/5 acres
  - Boundary cleanups unchanged from Alternative A
  - Total build-out total to 205,000

Planning Director Wendy Hartman concluded the presentation identifying the following:
• Mixed compatible uses
• Small scale economic centers
• Sense of place
• Promote multi-modal transportation
• Increase in housing options
• Regional Employment District
• Corridor Plan

Following Board discussion, Mr. Mallen advised revisions for development reflecting alternative growth levels for the Highway 65 corridor would be drafted. Ms. Hartman estimated the analysis would be presented to the Board for review in six to eight weeks.

Supervisor Gregor left the meeting at 4:44 p.m.
The following individuals spoke:

- Mr. Tom Eres, representing Hofman Ranch
- Mr. Mike Spencer, CDI Engineer, Chippewa Project
- Mr. Darin Gale, North State Building Industries Association
- Mr. Greg Forest, Magnolia Ranch
- Mr. Jim Taylor, Real Estate Developer

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 5:11 p.m.

Chairman

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

Laura DeShazer, Deputy

Approved: Dec. 9, 2008

Laura DeShazer, Deputy Clerk
Date: November 18, 2008  
From: Don L. Graham  
To: Yuba County Board of Supervisors:  
   Don Schrader, John Nicolletti, Hal Stocker, Mary Jane Griego, Daniels Logue  
Re: Country Club Estates Project  

I am Don L. Graham and I live at 1049 Anderson Ave. in Olivehurst. Thank you, Mr. Chairman, for this opportunity to address the Yuba County Board of Supervisors this morning regarding the proposed Country Club Estates Project.

I have two issues for your consideration.

1. The proposed wastewater infrastructure, as depicted on Figure 4.11-3 and Figure 4.11-2 of the Final EIR, appears to cross my property right where my shop is located and no one has said "hey or nay" to me about it.

2. The second issue regards Anderson Avenue proposed to become a collector on the north side of the project. I have objected to this proposal for years, since before the Plumas Lake Specific Plan was adopted. My wife and I purchased our property in 1970. At that time Anderson Ave. had a 40 ft. right of way which allowed for my palm tree, shop, house well, outside row of walnut trees and front porch steps to be preserved intact. If the 90 ft. proposal is implemented, it would take my shop with its photo voltaic system, my front porch steps, my palm tree and 20% of my walnut orchard from which I harvested 2.5 tons of nuts this year. In addition to taking my tangible assets, the expanded roadway and traffic would encroach upon my peace and quiet. It would decrease the value of my property. It would invade my privacy. To increase the volume of traffic on Anderson Ave. from
10 vehicles a day to 3000, as stated in the Final EIR on page 4-77, would be unconscionable!

What I am asking the Board to do is to require the JTS people to keep the increased traffic to themselves. The northern access between Feather River Blvd. and Links Parkway can be accomplished by bending the northern access to the south after it crosses Clark Slough and run parallel to Anderson Ave. This would provide northern access and preserve the peace and quiet which currently exists.

It occurs to me that Links Parkway was dealt with in this manner early on, thus preserving the quiet and privacy for my neighbors, Platter and Bagley. If in planning Links Parkway can be altered, as is depicted on Maps of the FEIR Fig. 3-5 and Fig. 3-6, to preserve the country quiet, I see no good reason, under the rules of fairness, for not doing the same to Anderson Ave.

Thank you, Mr. Chairman, for this opportunity to appear before you today.