YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

OCTOBER 27, 2009

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:37 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger Abe, and Hal Stocker. Supervisor Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Nicoletti presided.

CONSENT AGENDA

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

A. Clerk of the Board

1) Appointed Ruth Mikkelsen to the Browns Valley Cemetery District as Director for a term to end August 22, 2012. APPOINTED REP

2) Approved minutes of the regular meeting of October 13, 2009, as written. APPROVED

3) Authorized out-of-state travel for County Administrator Robert Bendorf, Community Development and Services Director Kevin Mallen, and Supervisor John Nicoletti to attend the 2009 Defense Community Conference Partnering for Success with travel, lodging, and per diem costs at Offense of Economic Adjustment expense. AUTH TRAVEL

B. Clerk Recorder: Adopted Resolution No. 2009-96, which is on file in Yuba County Resolution Book No. 40, which is entitled: "APPOINT MEMBERS IN LIEU OF ELECTION TO THE BOARD OF DIRECTORS FOR SPECIAL DISTRICTS" related to,

- District 10/Hallwood Community Services District
- Dobbins-Oregon House Fire Protection District
- Smartsville Fire Protection District

ADOPT RESOLUTION NO. 2009-96

10/27/2009 MINUTE BOOK NO. 66 PAGE 225
C. Community Development and Services

1) Authorized Budget Transfer in the amount of $78,141.73 from Planning Trust Fund 255 in recognition of work performed and revenues earned for July through August 2009.

2) Adopted Resolution No. 2009-97, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO RECEIVE, SIGN AND EXECUTE THE LETTER OF CONDITIONS FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT WASTE-WATER GRANT AND TO EXECUTE ALL DOCUMENTS AND/OR TO PERFORM ANY ACTS NECESSARY FOR THE FULFILLMENT OF THE GRANT WHICH INCLUDES BUT IS NOT LIMITED TO THE RECEIPT AND DISBURSEMENT OF THE GRANT FUNDS," related to River Highlands Community Service District.

D. County Administrator: Adopted Resolution No. 2009-98, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION REPEALING AND ENACTING CERTAIN SECTIONS OF THE YUBA COUNTY ADMINISTRATIVE POLICY AND PROCEDURES MANUAL."

CONSENT AGENDA DISCUSSION

Airport Lease Agreement/Forest Ranch Limited Partnership: Airport Manager Mary Hansen recapped the agreement and responded to Board inquiries.

Following additional discussion upon motion of Supervisor Abe, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board approved the Airport lease agreement with Foster Ranch Limited Partnership relating to Terminal Area Lease Site No. 11, and authorized the Chairman to execute same.

SPECIAL PRESENTATION

Master Gardener Proclamations: Following a recap provided by Supervisor Stocker and Master Gardener Supervisor Janine Hasey, Supervisor Nicoletti presented proclamations to Ellie Cary, Jan Eldridge, Laura Mullen, Jose Gutierrez, and Margaret Stelmok in recognition of dedicated County service.

PUBLIC COMMUNICATIONS

No one came forward.

10/27/2009
COMMUNITY DEVELOPMENT AND SERVICES

California Department of Transportation Grant/Environmental Justice/East Linda Reinvestment Plan: Planning Director Wendy Hartman recapped the proposed grant, match requirements, and responded to Board inquiries.

Upon motion of Supervisor Vasquez, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2009-99, which is on file in Yuba County Resolution Book No. 40, which is entitled: "AUTHORIZE THE PLANNING DEPARTMENT TO ACCEPT A CALIFORNIA DEPARTMENT OF TRANSPORTATION GRANT THROUGH THE ENVIRONMENTAL JUSTICE PROGRAM TO DEVELOP THE EAST LINDA REINVESTMENT PLAN AND 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."

COUNTY ADMINISTRATOR

United States Postal Service Marysville Processing and Distribution Facility: Economic Development Coordinator John Fleming recapped the potential closing of the Arboga Road United States Postal facility, associated impacts and responded to Board inquiries.

Mr. Rick Page, American Postal Workers Union President recapped the previous attempts to close the facility and those impacts.

Following additional Board discussion, upon motion of Supervisor Abe, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board approved letters of support for retention of the Marysville (Yuba County) Processing and Distribution Facility to be sent to Congressman Wally Herger and Senators Dianne Feinstein and Barbara Boxer.

First Quarter Financial Report for Fiscal Year 2009-2010: Assistant County Administrator Randy Margo recapped the First Quarter Financial Report advising General Fund expenditures came in below the appropriation levels for the first quarter and with continued trends throughout the fiscal year a General Fund short fall of approximately 1 million dollars would result and advised the following:

- An estimated $620,000 reduction in "triple flip" revenue pertaining to the swap of Property taxes for vehicle license fees
- Triple flip revenues pertaining to sales taxes are projected to drop by $93,000
• Declines in assessed valuation of property taxes
• County portion of the sales taxes approximately $100,000 less than budgeted
• State of California continues to experience revenue shortfalls in key areas and further cuts could affect County revenues
• Costs savings associated with the Early Retirement Incentive program

Supervisor Nicoletti responded to specific questions raised by Ms. Freda Calvert regarding reassessment of property taxes and traffic issues specific to the City of Marysville.

TREASURER-TAX COLLECTOR

1) Purchase and Sale Agreements for County of Yuba/Linda Street Lighting and Maintenance District/County Service Area #2: Following a brief recap from Assistant Treasurer Dan Mierzwa, upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board adopted the following Resolutions, which are on file in Yuba County Resolution Book No. 40, which is entitled:

• “A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH”; as it relates to the County of Yuba; and

ADOPT RESOLUTION NO. 2009-100

• A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH,” as it relates to County Service area #2; and

ADOPT RESOLUTION NO. 2009-101

• A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH,” as it relates to the Linda Street Lighting District.

ADOPT RESOLUTION NO. 2009-102

2) Letter of Resignation/Effective December 31, 2009/Treasurer and Tax Collector James S. Kennedy: Treasurer James Kennedy recapped recommendations to appoint Assistant Dan Mierzwa to fill the remainder term of office and responded to Board inquiries.

The following individuals spoke in support of Mr. Dan Mierzwa:
• County Administrator Robert Bendorf

10/27/2009 MINUTE BOOK NO. 66 PAGE 228
Gift of Books: Following a brief recap from Management Analyst Grace Mull and Board inquiries, upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Griego, being absent the Board adopted Resolution No. 2009-103, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION OF THE YUBA COUNTY BOARD OF SUPERVISORS AUTHORIZING ACCEPTANCE OF A GIFT OF BOOKS PURSUANT TO GOVERNMENT CODE SECTION 25355 AND DELEGATING TO THE LIBRARIAN THE AUTHORITY TO ACCEPT THIS GIFT AND FUTURE GIFTS OF BOOKS.

ORNIDANACE AND PUBLIC HEARING

Public Hearing/Adopt Findings of Fact, Conclusions of Law and Order Authorizing the Assessment/10376 Old Dobbins Road: Following a brief recap by Jeremy Strang, and Board inquiries, Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board adopted findings of facts, conclusions of law and orders authorizing assessment of administrative and abatement costs and penalties in the amount of $57,754.50 and the recording of a lien located at 10376 Old Dobbins Road, Dobbins (Ramirez, Santiago).

CORRESPONDENCE

Upon motion of Supervisor Abe, seconded by Supervisor Vasquez, and carried with Supervisor Griego being absent, the Board accepted the following correspondence:


B. Letter from Ariel Castro regarding late fees charged by Yuba County Library. Refer to County Administrators Office and Library

C. Notice from Fish and Game Commission regarding location change for adoption hearing on proposed emergency regulatory action for 2010-2012 sport fishing regulations.
D. Letter from Lothar S. Klug regarding repaving Lambert Road.
   Referred to County Administrators Office and Community Development and Services

E. Letter from Mercy Housing California regarding Sierra Vista Subdivision, HOME funds disencumbering of funds.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:
- Memorial adjournment – Ms. Alice Daniel
- Levee Ribbon Cutting Ceremony held October 26, 2009
- Dobbins School – Just Say No to Drugs program
- Sacramento meeting regarding urban planning
- Schools to provide a baseline for Childhood Obesity Study

Supervisor Abe:
- Incident Command Systems and National Incident Management Systems training
  November 5 and 6, 2009
- Sutter County Flood Preparedness Awareness October 31, 2009
- Health vaccinations available at Sutter Health Department October 27 to 30, 2009
- Bi-County Transportation has acquired a 24 foot trailer and 100 backboards
- North Central Counties Consortium evaluation of One Stop Providers

Supervisor Vasquez:
- Juvenile Justice Commission meeting held, October 20, 2009, related to nomination
  of Jim Arnold as Chief Probation Officer and appointment by Judge Buckley
- Addressed Mr. Ledford's Civic class on Wednesday, October 21, 2009
- Yuba Sutter Economic Development Corporation Board meeting
- Substance Abuse Collation lobbying for a smoke free park
- Pathway Drug Awareness Program at Feather River Center
- Beale's Citizen Volunteer of the Quarter was awarded to Jeannie Vasquez
- Tip fundraiser at the Elks Lodge, October 31, 2009
- Levee Ribbon Cutting Ceremony held October 26, 2009
- TRLIA Ad Hoc Committee had no findings

Supervisor Abe left the meeting at 11:06 a.m. and returned at 11:08 a.m.
Supervisor Nicoletti:
- Yuba Sutter Economic Development Corporation meeting held October 22, 2009
- Irmler lot in Marysville needs to be cleaned up and possibly paved
- Marysville Downtown Halloween celebration
- Marysville Joint Unified School District bonds and facility
- Speaking at various High School Civics classes on the County’s General Plan Update
- Levee Ribbon Cutting Ceremony held October 26, 2009
- Rodeo Historical Society Hall of Fame induction of Cotton Rosser
- Commended Robert Bendorf and Russ Brown on the levee improvement documentary

Chairman Nicoletti: Disbanded Three Rivers Levee Improvement Authority Ad Hoc committee to address benefit assessment, which had no findings

At the request of County Counsel Angil Morris-Jones and upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Grego being absent, one claim of potential litigation 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 11:20 a.m. to discuss the following:

A. Personnel pursuant to Government Code § 54957 - Public Appointment/Public Guardian

B. Potential litigation pursuant to Government Code §54956.9(b) - One Claim

The Board returned from closed session at 11:43 a.m. with all Board and staff members present as indicated above. Counsel advised the Board unanimously appointed the new Public Guardian as Suzanne Nobles, Director of Health and Human Services.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Nicoletti adjourned the meeting at 11:44 a.m. in memory of Ms. Alice Daniel.

Chairman

10/27/2009
ATTEST: DONNA STOTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: November 10, 2009