YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

FEBRUARY 10, 2009

The Honorable Board of Supervisors of the County of Yuba met in regular session on the
above date, commencing at 9:45 a.m., within the Government Center, Marysville,
California, with a quorum being present as follows: Supervisors Mary Jane Griego, Roger
Abe, and Hal Stocker. Supervisor John Nicoletti was absent. Also present were County
Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of
the Board of Supervisors Rachel Ferris. Vice Chair Griego presided.

CONSENT AGENDA

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

A. Administrative Services

1) Adopted Resolution No. 2009-08, which is on file in Yuba County Resolution
   Book No. 40, which is entitled: "RESOLUTION AUTHORIZING THE COUNTY
   ADMINISTRATOR TO FILE AN APPLICATION WITH THE FEDERAL AVIATION
   ADMINISTRATION ON BEHALF OF THE AIRPORT FOR A GRANT UNDER THE
   AIRPORT IMPROVEMENT PROGRAM," in an amount not to exceed $276,000.

2) Approved Amendment No. 3 to the agreement with Master Van and Storage for
   Yuba County Elections Drayage services and authorized the Chairman to execute same.

B. Board of Supervisors: Appointed Mr. Gary Arlington to the Yuba County
   Commission on Aging as the District Four Representative for a term to expire on
   December 31, 2012.

C. Clerk of the Board of Supervisors

1) Appointed Mr. Frank Allen to the Fish and Game Advisory Commission as the
   Yuba County Water Agency (YCWA) North Representative for a term to expire on
   December 31, 2012.

2) Approved minutes for the regular meeting of January 27, 2009, as written.
D. Community Development and Services: Adopted Resolution No. 2009-09, which is on file in Yuba County Resolution Book No. 40, which is entitled: “A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN YUBA COUNTY AND THE OLIVEHURST PUBLIC UTILITY DISTRICT WHICH ESTABLISHES A CHANGE IN THE SHARE OF PROPERTY TAX AS IT APPLIES TO COUNTY SERVICE AREA NO. 48, CALIFORNIA HEARTLANDS SUBDIVISION, WHEREIN THE DISTRICT ASSUMES THE RESPONSIBILITY FOR THE OPERATION AND MAINTENANCE, INCLUDING THE PAYMENT OF ELECTRICAL BILLS,” and authorizing County Administrator to execute same.

E. Emergency Services: Approved Memorandum of Understanding with Sierra Sacramento Valley Emergency Medical Services for local agency coordination; authorized the Chairman to execute same; and authorized a Budget Transfer in the amount of $10,530 from Account No. 101-0000-361-58-06 to Account No. 101-4200-421-28-04 to facilitate Hospital Preparedness Program Grant.

CONSENT AGENDA DISCUSSION

Community Development and Services/Technical Comments Draft Flood Insurance Rate Maps (FEMA): Following a brief recap from Community Development and Services Director Kevin Mallen and Board inquires the following individual spoke:

- Mr. Tom Eres, representing Hofman Ranch

Following Board discussion, upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Nicoletti being absent, the Board approved the technical comments for submission.

PUBLIC COMMUNICATIONS

No one came forward.

COMMUNITY DEVELOPMENT AND SERVICES

A. Yuba Sutter United Way/Recreational Program Services for Children 0 to 3: Community Development and Services Director Kevin Mallen recapped the Parks Master Plan, the grant process and staff selection of Yuba Sutter United Way.

Ms. Kary Aldridge, Yuba Sutter United Way, provided a presentation on United Ways background and qualifications to administer this program and advised of the following:
• Proposed budgets and programs for 2009-2011
• Recreation Coordinator position
• Implementation timelines
• Program office location

Following Board discussion Mr. Mallen advised workshops determining and selecting youth programs would be offered.

Upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Nicoletti being absent, the Board approved the selection of United Way as the County’s agent to provide recreational services for families with children aged 0 to 3 years.

B. Scales Road Bridge at Slate Creek: Following a brief recap from Public Works Director Mike Lee and responding to Board inquiries, upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Nicoletti being absent, the Board adopted Resolution No. 2009-10, which is on file in Yuba County Resolution Book No. 40, which is entitled: “AUTHORIZE BRIDGE CLOSURE OF SCALES ROAD BRIDGE AT SLATE CREEK (BRIDGE No. 16C-023).”

ORDINANCE AND PUBLIC HEARINGS

The Deputy Clerk read the disclaimer.

A. Public Hearing/Olivehurst Public Utility District (OPUD)/Fire Mitigation Fees: Assistant County Administrator Randy Margo recapped the necessity of increasing Fire Mitigation fees and responded to Board inquiries. Vice Chair Greigo opened the public hearing.

Mr. Tim Shaw, General Manager of Olivehurst Public Utilities District, recapped the revised mitigation fees and annual adjustments for increased costs.

Upon motion of Supervisor Stocker, seconded by Supervisor Abe, with Supervisor Nicoletti being the absent, the public hearing was closed, and the Board adopted Resolution No. 2009-11, which is on file in Yuba County Resolution Book No. 40, which is entitled: “RESOLUTION ADOPTING INCREASE IN FIRE MITIGATION FEES FOR THE OLIVEHURST PUBLIC UTILITIES DISTRICT.”

B. Public Hearing/Conflict of Interest Code/Reclamation District No. 784: Following a recap form County Administrator Robert Bendorf and responding to Board inquiries the public hearing was opened. No one came forward.

02/10/2009
Upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Nicoletti begin absent, the public hearing was closed, and the Board adopted Resolution No. 2009-12, which is on file in Yuba County Resolution Book No. 40, which is entitled: "A RESOLUTION APPROVING AN AMENDMENT TO THE RECLAMATION DISTRICT NO. 784 CONFLICT OF INTEREST CODE AND DIRECTING THE CLERK OF THE BOARD TO NOTIFY THE DISTRICT OF THE BOARD’S APPROVAL."

C. Public Hearing/Opportunities for Neighborhood Stabilization Program (NSP): Housing and Community Development Director Debbie Phillips read the public hearing notice and indicated an increase in the allotments from the State as follows:

- County of Yuba $1,478,151
- City of Marysville $231,244

Mr. David Wilkins, Community Development Director of Mercy Housing of California recapped the processes, limitations, approved uses, and advised that due to the City of Marysville allotment being less than 1 million, the county could apply on behalf of the city if desired. Following Board discussion, the public hearing was opened.

The following individual spoke:

- Ms. Freda Calvert, Hammonton Road

Following additional Board discussion, upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Nicoletti being absent, the public hearing was closed.

CORRESPONDENCE

Upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Nicoletti being absent, the Board accepted the following correspondence.


BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Supervisor Stocker:

- Memorial adjournment in honor of Mr. Roger Edward Narducci
Supervisor Griego:
  - Memorial adjournment on behalf of Supervisor Nicoletti in memory Mr. William Sparkes
  - Sacramento Area Council of Governments Transportation Committee meeting regarding funding allocation formula
  - Inclusion of levee projects in economic stimulus package

Assistant County Administrator Randy Margo: State Controller’s office has deferred all payments for the month of February

At the request of County Counsel and upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Nicoletti being absent, the Board added to closed session two cases of pending litigation regarding MicroMedia Filtration versus County of Yuba and Commercial Trade Inc. versus County of Yuba et al, as the need to take action arose subject to the agenda being posted.

CLOSED SESSION

The Board retired into closed session at 11:40 a.m. to discuss the following:

A. Threatened litigation pursuant to Government Code §54956.9(b) – Late Claim Application

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

C. Potential litigation pursuant to Government Code §54956.9(b) – Two Cases

D. Personnel pursuant to Government code §54957 – Labor Negotiations – DSA/MSA/YCEA/Unrepresented and County of Yuba

E. Pending litigation pursuant to Government Code §54956.9(a) MicroMedia Filtrations vs. County of Yuba

F. Pending litigation pursuant to Government Code §54956.9(a) Commercial Trade Inc. vs. County of Yuba

The Board returned from closed session at 12:41 p.m. with all Board and staff members present as indicated above.
Counsel Angil Morris-Jones made the following announcement:

"Staff was given direction on matters discussed. One of which was for the County Counsel’s office to initiate defense in the matter of Commercial Trade Incorporated versus the County of Yuba pending litigation which was added after the agenda was posted. And direction was also given to authorize Carl Fessenden of Porter Scott to sign a release in the settlement of the MicroMedia Filtrations matter."

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Vice-chair Griego adjourned the meeting at 12:42 p.m. in memory of Mr. Robert Narducci and Mr. William Sparkes.

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

Approved: 02-24-2009
By: Rachel Ferris, Deputy Clerk