YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
FEBRUARY 24, 2009

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 John Nicoletti, Roger Abe, and Hal Stocker. Supervisor Griego was absent. Also present were County Administrator Robert Bendorf, Chief Deputy 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 Abe, and carried with Supervisor Griego being absent, the Board took the following actions:

A. Administrative Services

1) Approved lease agreement with Heer Atwal Orchards to conduct farming activities on airport property and authorized the Chairman to execute same.

2) Adopted Resolution No. 2009-14, which is on file in Yuba County Resolution Book No. 40, which is entitled: “RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATIVE OFFICER TO EXECUTE SIGNATURE CARD FOR REQUEST OF FUNDS FROM THE ECONOMIC DEVELOPMENT ALLOCATION OF THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM GRANT 06-EDBG-2770.”

B. Agricultural Commissioner: Authorized out-of-state travel for the Agricultural Commissioner to attend the California Agricultural Commissioners and Sealers Association delegation in Washington, DC, March 8 through 11, 2009.

C. Clerk of the Board of Supervisors: Approved minutes for the regular meeting of February 10, 2009, as written.

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D. Community Development and Services

1) Approved agreement with Applied Engineering and Geology, Inc. for environmental consulting services under the approved Emergency, Abandoned and Recalcitrant (EAR) Grant received from the State Water Quality Control Board and authorized the Chairman to execute same.

2) Authorized advertisement of bids for La Porte Road Pavement Rehabilitation pending State and/or Federal approval of funding.

E. Personnel/Risk Management: Upon motion of Supervisor Abe, seconded by Supervisor Stocker and carried with Supervisor Griego being absent, the Board relieved Assistant County Administrator Randy Margo and appointed Assistant Personnel Director Teri Smith as a Board Member for CSAC-EIA.

PUBLIC COMMUNICATIONS

Mr. Tom Eres, representing Hoffman Ranch, expressed concern regarding Three Rivers Levee Improvement Authority not having the authority to conduct a proposition 218 election, and suggested the Authority be modeled after the Water Agency Board.

Ms. Frances Hofman, Wheatland, advised the water in the Western Interceptor Canal was rising and was concerned that water was being diverted from the Olivehurst Interceptor Canal causing her property to flood.

ADMINISTRATIVE SERVICES

1) Hampsac LLC/Peach Tree Clinic Expansion: Following a brief recap from Administrative Services Director Doug McCoy and Board inquiries, upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Griego being absent, the Board adopted Resolution No. 2009-15, which is on file in Yuba County Resolution Book No. 40, which is entitled: "A RESOLUTION APPROVING THE FIFTH AMENDMENT TO THE LEASE BETWEEN THE COUNTY OF YUBA AND HAMPAC, LLC IN ORDER TO AUTHORIZE THE CONSTRUCTION OF ADDITIONAL BUILDING SPACE FOR THE PEACH TREE CLINIC AND APPROVE THE CORRESPONDING INCREASE OF THE MONTHLY RENTAL AMOUNT FOR SUCH CONSTRUCTION AND RENTAL SPACE FOR CLINIC."

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1) **Smart Growth Conference:** County Administrative Officer Robert Bendorf requested the presentation be continued to a future date.

CONTINUE TO 3/03/09

COUNTY ADMINISTRATOR

1) **Midyear Budget Review Fiscal Year 2008/2009:** County Administrator Robert Bendorf recapped the elimination of various positions and advised of the eight filled positions that were eliminated, six of those employees have found other employment through the county.

Supervisor Griego joined the meeting at 9:47 a.m.

COUNTY ADMINISTRATOR CONTINUED

2) **Yuba County Planning Commission/District Three Representative:** Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board appointed Jim Rippey to the Yuba County Planning Commission as the District Three Representative for a term to expire January 10, 2013.

COUNTY ADMINISTRATOR CONTINUED

2) **Deferrals of Employee Salary and Benefit Increases/Fiscal Year (FY) 2009/2011:** County Administrator Robert Bendorf advised the expected budget expenditure increases for salaries and benefits were $4 million with tax revenue declines estimated at $2.9 million, together amounting to a short fall of approximately $7 million dollars, with the proposed actions affecting approximately 215 county employees and amount to $1.3 million in deferrals. Following board discussion, upon motion of Supervisor Griego, seconded by Supervisor Abe, and unanimously carried, the Board approved the following:

- Deferred the FY 2009-2010 PERS Employer Paid Member Contribution of 7%, and expressed intent to defer the Cost of Living Adjustment as set by County Ordinance No. 1307, as it relates to the Board of Supervisors;
- Deferred the FY 2009-2010 Cost of Living Adjustment of 3% for members of the Deputy Sheriff’s Association, approved a Side Letter of Agreement, and authorized the Chairman to execute same;
- Deferred the FY 2009-2010 scheduled Cost of Living Adjustment of 3% for unrepresented Sheriff’s Department Managers;
- Deferred the FY 2009-2010 scheduled PERS Employer Paid Member Contribution of 7% for unrepresented Miscellaneous Managers;

APPROVE DEFERRAL BOS DSA AND SIDE LETTER SHERIFF MGR. DEFERRAL UNREP. MISC.
• Deferred the FY 2009-2010 scheduled PERS Employer Paid Member Contribution of 7% for elected officials;
• Deferred the FY 2009-2010 scheduled Cost of Living Adjustment of 3% for safety category elected official(s); and
• Deferred the FY 2009-2010 scheduled PERS Employer Paid Member Contribution of 7% for unrepresented Confidential Employees.

Deferral of State Funding for County Programs and Services Assistant County Administrator Randy Margo reaped the State Controllers’ deferral of certain payments for Health and Human services, and Road and Transportation services, the possible impacts to the County, and responded to Board inquiries.

Auditor-Controller Dean Sellers expressed concern regarding area schools and advised that discussions with the schools indicate they are fiscally sound through the end of Fiscal Year 2008/2009.

Upon motion of Supervisor Griego, seconded by Supervisor Abe, and unanimously carried the Board adopted Resolution No. 2009-16, which is on file in Yuba County Resolution Book No. 40, which is entitled: “RESOLUTION PERMITTING AUDITOR-CONTROLLER TO ALLOW NON-GENERAL FUNDS TO OPERATE WITH A DEFICIT CASH BALANCE AND TO PERMIT THE TREASURER-TAX COLLECTOR TO TEMPORARILY TRANSFER FUNDS TO COVER ANY DEFICIENT CASH BALANCES AS PROVIDED FOR UNDER ARTICLE XVI SECTION 6 OF THE CALIFORNIA CONSTITUTION.”

CORRESPONDENCE

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


Referred to County Administrative Office

B. Letter from State of California Department of Veterans Affairs commending County Veterans Service Officer Marvin King and his administration of the local Veterans Office.

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C. Letter from Sungard Public Sector Inc., commending Tonya Johnson’s service as President Elect of the 2007/2008 West SunGard Public Sectors Users’ Group Association Board of Directors.

D. Memo from Three Rivers Levee Improvement Authority regarding the comment period for the Proposed Mitigated Negative Declaration for Feather River Erosion Site 2 Repair Project.

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Supervisor Stocker:
- Request to speak cards
- Business to Business Journal article from November 1996 - General Plan and Fiscal Analysis
- Changing road name of Road 169 to Burton Road at Bullards Bar Marina

Supervisor Griego:
- Yuba Sutter Transit meeting of February 19, 2009
- Rite Aid and Tower Mart opening
- Award for the Bear River Setback project from American Society of Civil Engineers (ASCE)

Supervisor Nicoletti:
- Memorial adjournment in honor of Mrs. Pui K. Young
- Bok Kai Parade at 11:00 a.m. February 28, 2009
- Commended Veterans Services Officer Marvin King
- Representative Wally Herger visit to the County
- Providing necessary services for our residents

Assistant County Administrator Randy Margo: Sacramento Bee article relating to the State budget summarizing tax increases, spending cuts, special election, and borrowing

CLOSED SESSION

The Board retired into closed session at 10:37 a.m. to discuss the following:

A. Personnel pursuant to Government Code §54957 - Labor Negotiations - DSA/MSA/YCEA/Unrepresented and County of Yuba

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B. Conference with Real Property Negotiator pursuant to Government Code §54956.8
   Property Location: Corner of Erle Road and Griffith Avenue
   Negotiating Parties: County of Yuba Negotiation

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

The Board returned from closed session at 11:30 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, Chairman Nicoletti adjourned the meeting at 11:30 a.m. in memory of Mrs. Pui King Young.

[Signature]
Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

[Signature]
By: Rachel Ferris, Deputy Clerk

Approved: March 10, 2009