YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
APRIL 14, 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 John Nicoletti, Mary Jane Griego, Roger Abe, 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 Rachel Ferris. Chairman Nicoletti presided.

CONSENT AGENDA

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

A. Administrative Services: Approved plans and specification for Juvenile Hall and Library roof replacement and authorized Administrative Services to solicit bids, with a tentative bid opening date of May 15, 2009.

B. Board of Supervisors: Approved erecting a street sign and monument on County Library property in honor of Bing Ong.

C. Emergency Services: Approved cooperative services agreement with River Highlands Community Services District for administrative and operational services and authorized the Chairman to execute same.

D. Probation: Adopted Resolution No. 2009-31, which is on file in Yuba County Resolution Book No. 40, which is entitled: "A RESOLUTION AUTHORIZING THE CHIEF PROBATION OFFICER TO APPLY FOR A GRANT FUNDED BY AND ADMINISTERED THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM TO IMPLEMENT A PROGRAM COMPLYING WITH THE BUREAU OF JUSTICE ASSISTANCE WITH THE YUBA COUNTY CHIEF PROBATION OFFICER DESIGNATED AS THE AUTHORIZED COUNTY OFFICIAL TO EXECUTE THE GRANT APPLICATION AND AWARD AGREEMENT INCLUDING ANY AND ALL AMENDMENTS AND EXTENSIONS THERETO THAT MAY ARISE FROM THIS APPLICATION AUTHORIZING THE CHIEF PROBATION OFFICER TO ACCEPT AND ADMINISTER THE GRANT FUNDS ON BEHALF OF THE COUNTY IF AWARDED."

04/14/2009

MINUTE BOOK NO. 66 PAGE 79
CONSENT AGENDA DISCUSSION

Community Development and Services/Storage Cabinet and Computer Purchases: Following Director Kevin Mallen clarifying the necessity for a non-flammable storage cabinet for the storage of flammable materials, and Board inquiries, upon motion of Supervisor Stocker, seconded by Supervisor Abe, and unanimously carried the Board authorized the purchase of non-flammable storage cabinets for the Equipment and Automotive Maintenance Division and a computer for the Surveyors staff.

APPROVE PURCHASE

SPECIAL PRESENTATION

Botanica Landscapes and Sacramento Tree Foundation/Arbor Day: Following a brief recap from Community Development and Services Director Kevin Mallen, Supervisor Griego presented proclamations to Botanica Landscapes and Sacramento Tree Foundation for donating and planting trees at the Yuba County Airport in observation of Arbor Day.

PRESENT PROC

Sheriff's Department 2008 Annual Report: Sheriff Steve Durfor recapped the 2008 Annual Report, which included the following, and responded to Board inquiries.

INFO RECEIVED

- Strategic plan
- 2 full time Crime Prevention Officers
- Crime prevention booklet and door hangers
- Crime prevention through environmental design
- Clean up of Country Club Court Area

PUBLIC COMMUNICATIONS

Ms. Freda Calvert, Marysville, recapped the Smartsville Clean-up which was held Saturday, April 11, 2009.

Ms. Frances Hofman, Wheatland, advised of numerous sign pickets placed in the encroachment on both sides of Forty Mile Road, and urged the Board to stop the Levee Maintenance Assessment election until all the raw data had been collected.

COMMUNITY DEVELOPMENT AND SERVICES

Countywide Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps: Community Development and Services Director Kevin Mallen and Mr. Sean Minard, MHM Engineering, recapped FEMA’s multi-year national effort, outlined steps the County has taken and responded to Board inquiries.

Supervisor Griego left the meeting at 11:07 a.m. and returned at 11:13 a.m.

04/14/2009

MINUTE BOOK NO. 66 PAGE 80
The following individuals spoke:

- Ms. Frances Hofman, Wheatland
- Mr. Tom Eres, representing Hofman Ranch
- Mr. Don Schrader, Marysville
- Mr. Donald Rae, 826 Atherton Way
- Mr. Brent Hastey, Plumas Lake

The Board recessed at 11:56 a.m. and reconvened at 12:04 p.m.

ORDINANCE AND PUBLIC HEARINGS

The Clerk read the disclaimer.

A. Public Hearing/Ordinance/Resolution Adopting Mitigated Negative Declaration and Mitigation Monitoring Plan and Approving Change of Zone 2008-0011 and Tentative Parcel Map 2008-0011 (Ratliff) subject to Conditions of Approval. Associate Planner Kevin Perkins provided a Power Point presentation and responded to Board inquiries:

Chairman Nicoletti opened the public hearing. The following individuals spoke:

- Mr. Sean Minard, MIM Consulting
- Mr. Louie Mendoza, Agricultural Commissioner
- Mr. James Ratliff, property owner

Chairman Nicoletti closed public hearing. Following Board discussion, upon motion of Supervisor Griego, seconded by Supervisor Abe, and unanimously carried, the Board adopted Resolution No. 2009-32, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND APPROVING CHANGE OF ZONE 2008-0001 AND TENTATIVE PARCEL MAP 2008-0022 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL;" and adopted Ordinance No. 1470, which is on file in Yuba County Ordinance Book No. 21, which is entitled: "AN ORDINANCE REZONING CERTAIN PROPERTY IN THE COUNTY OF YUBA," from "AE-80" Exclusive Agricultural Zone (AE-80) to Agricultural Zone (AE-40) and Agricultural Zone (AE-10) identified as Assessor Parcel No. 006-060-033.

B. Ordinance/Repealing and Re-enacting Chapters 13.00.030 et seq. and Chapters 13.20.100 et seq. of the Yuba County Ordinance Code relating to Departmental Fees: Assistant County Administrator Randy Margo recapprized the proposed fee schedules for County departments for Fiscal Year 2009-2010 and responded to Board inquiries. Chairman Nicoletti opened the public hearing. No one came forward.

04/14/2009

MINUTE BOOK NO. 66 PAGE 81
Upon motion of Supervisor Griego, seconded by Supervisor Abe, and unanimously carried, the public hearing was closed, the reading was waived, and the Board introduced an ordinance repealing and re-enacting as amended Chapters 13.00.030 et seq. and Chapter 13.20.100 et seq. of Title XIII of the Yuba County Code by providing fee schedule changes for each county department during Fiscal Year 2009-2010.

CLOSED SESSION

At the request of Chief Deputy County Counsel Angil Morris-Jones and upon motion of Supervisor Stocker, seconded by Supervisor Abe, and unanimously carried, one case of pending litigation regarding Van Velzer vs. County of Yuba was added to closed session as the need to act arose subsequent to the agenda being posted.

Supervisor Griego left the meeting at 12:56 p.m.

The Board retired into closed session at 12:57 p.m. to discuss the following:

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

County Administrator Robert Bendorf left closed session at 1:40 p.m. and returned at 1:46 p.m.

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

C. Threatened litigation pursuant to Government Code §54956.9(b) - Two Claims

D. Pending litigation pursuant to Government Code 54956.9(a) - Wolfenbarger vs. Black et al

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

F. Personnel pursuant to Government Code §54957 - County Counsel Appointment

G. Pending litigation pursuant to Government Code §54956.9(a) Van Velzer vs. County of Yuba

The Board returned from closed session at 2:05 p.m. with all Board and staff members present as indicated above including Supervisor Griego. Chairman Nicoletti made the following announcement:

04/14/2009
“Regarding items B and C, Potential and Threatened litigation were referred to Porter Scott. And with regards to our County Counsel appointment, Angil Morris-Jones has been appointed as County Counsel. Pending negotiations will continue to next board meeting.”

COUNTY ADMINISTRATOR

Actuarial Report/Retiree Health Benefit: Assistant County Administrator Randy Margo briefly recapped the status of Retiree Health Benefit cost obligations, current and projected costs, and responded to Board inquiries.

CORRESPONDENCE

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

A. Notice from California Fish and Game Commission advising of proposed emergency regulatory action relating to incidental take of Pacific fisher.

B. Notice from State Water Resources Control Board regarding petition and Pre Hearing Conferences Thursday, April 16, and Monday April 27, 2009 in Sacramento.

C. Notice from Tahoe National Forest regarding the progress of the Final Environmental Impact Statement for the Motorized Travel Management Process.

D. Letter from Olivehurst Fire Department regarding use of abandoned structures at Vinboy Mobil Home Park for training burns.

Referred to County Counsel.

E. Letter from United States Department of Forestry enclosing schedule of proposed action for Plumas National Forest for the period of April 1, 2009 to June 30, 2009.

F. Notification from U.S. Fish and Wildlife Service regarding 21 protected species under review and comment period.

G. Letter from Sonoma County Land Rights Coalition urging support of Assembly Bill 268 repealing Assembly Bill 885 State Onsite Water Management System.
BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:
- Smartville Clean Up held Saturday, April 11, 2009
- Pioneer Days April 25, 2009

Supervisor Abe:
- California State Association of Counties regarding recorded Board meetings available online
- Blues Star Moms fundraiser at Appleby's in Yuba City this week

Supervisor Griego:
- Memorial adjournment – Mr. Leroy “Butch” Tyler

Supervisor Nicoletti:
- Memorial adjournment – Mrs. Gertrude “Trudie” Speckert

County Counsel Angil Morris-Jones
- Available for public speaking events

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Nicoletti adjourned the meeting at 2:24 p.m. in memory of Mrs. Gertrude “Trudie” Speckert and Mr. Leroy “Butch” Tyler.

Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: April 28, 2009

04/14/2009

MINUTE BOOK NO. 66 PAGE 84