YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

MAY 12, 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 Andy Vasquez, 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 Vasquez, and carried with Supervisor Nicoletti being absent, the Board took the following actions:

A. Agricultural Commissioner: Approved an agreement with Applied Forest Management, Inc. for consultant services for the Yuba Watershed Protection and Fire Safe Council for Fiscal Year 2009/2010 and authorized the Chairman to execute same.

B. Clerk of the Board of Supervisors: Approved the minutes of the regular meeting of April 28, 2009, as written.

C. Community Development and Services

1) Authorized a Budget Transfer in the total amount of $85,605.87 from Trust Fund 255 to various line item accounts in recognition of work performed and revenues earned for January through March 2009.

2) Authorized the Auditor/Controller to disburse Measure D Funds to the County Road Fund for $666,964.89; to City of Marysville for $28,034.56; and City of Wheatland for $6,000.55.

3) Approved an agreement with Yuba Sutter United Way as the County’s agent to provide recreational services for families with children aged 0 – 3 years and authorized the Chairman to execute same.

4) Approved indemnity/hold harmless and software license agreements with Caltrans and authorized the Chairman to execute same.

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D. Health and Human Services

1) Adopted Resolution No. 2009-44, which is on file in Yuba County Resolution Book No. 40, which is entitled: “AUTHORIZE THE HEALTH AND HUMAN SERVICES DEPARTMENT TO EXECUTE MEMORANDUM OF UNDERSTANDING FOR ALTERNATE CARE SITE AS PART OF ITS PREPARATION IN THE EVENT OF A PUBLIC HEALTH EMERGENCY.”

7) Authorized a Budget Transfer in the amount of $8,020 from Account No. 106-4700-441-28-00 (Special Department Expense) to Account No. 106-4700-441-62-00 (Fixed Assets) for the purchase of two Deluxe Adjustable Medical Care Beds with Cart to utilize for patient care in an Alternate Care Site.

SPECIAL PRESENTATION

General Plan Update/Land Use Alternatives A and B: Following a brief recap by Community Development and Services Director Kevin Mallen, Project Planner Dan Cucchi presented a Power Point presentation and recapped the goals, processes and accomplishments for the General Plan Update.

Planning Director Wendy Hartman recapped the two Preliminary Land Use Alternatives A and B and responded to Board inquiries.

Following Board discussion, the following individuals spoke:
- Mr. Tom Eres, representing Hofman Ranch
- Mr. Peter Morrow, Oregon House
- Mr. Erik Johnson, 8203 Marysville Road
- Mr. Tom Richards, Rice's Crossing Road
- Ms. Frances Hofman, Wheatland
- Ms. Freda Calvert, Hammondton Road
- Mr. John Waskowitz, River Highlands Community Plan Advisory Committee
- Ms. Kathy Leblanc, Camptonville
- Mr. Roger Lahutski, Roseville

Following additional Board discussion, the following direction was provided to staff:
- Focus on infill development strive for jobs/housing balance
- Consult with Attorney General to confirm compliance with goals set forth by Assembly Bill 32 and Senate Bill 375 relating to air quality, greenhouse gas emissions, and vehicle miles traveled.

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The Board recessed at 10:54 a.m. and reconvened at 11:00 a.m. with all Board and staff members presented as indicated above.

PUBLIC COMMUNICATIONS

Mr. John Waskowitz, Smartsville Fire Protection District Chairman, provided a brief update on departmental activities, commended Board members and citizens that assisted with the Smartsville Cleanup, and invited the Board to attend a town hall meeting Wednesday, May 20, 2009, at 7:00 p.m. at Rose Bar School.

CLERK OF THE BOARD OF SUPERVISORS

First Five Yuba Commission/Commissioner Appointment: Following a brief recap and recommendation from Executive Director Jenney Sharkey, upon motion of Supervisor Stocker, seconded by Supervisor Vasquez and carried with Supervisor Abe voting in opposition and Supervisor Nicoletti being absent, the Board approved appointment of Ricardo A. Samayoa as Commissioner to the First Five Yuba Commission for a term to expire April 26, 2010.

COMMUNITY DEVELOPMENT AND SERVICES

Parks and Recreation Grants: Community Development and Services Director Kevin Mallen and Parks and Recreation Coordinator Ryan McNally provided a recap on improvements to Yuba County Parks, project status on POW/MIA Spray Park, Recreation Coordinator Pilot Program, and responded to Board inquiries.

ORDINANCES AND PUBLIC HEARINGS

The Deputy Clerk read the disclaimer.

Ordinance/Amending subsection (d) of Section 6.20.020 of Chapter 6.20 of Title VI of the Yuba County Ordinance Code relating to increasing the number of players at a table in a card room: Following a brief recap from County Counsel Angil Morris-Jones and Board inquiries, Vice Chair Grego opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Nicoletti being absent, the public hearing was closed, the first reading was waived, and the Board introduced an ordinance amending subsection (d) of Section 6.20.020 of Chapter 6.20 of Title VI of the Yuba County Ordinance Code relating to increasing the number of players at a table in a card room.
ITEM OF PUBLIC INTEREST

Three Rivers Levee Improvement Authority (TRLIA) 218 election and Federal Emergency Management Agency (FEMA) Mapping: Ms. Frances Hofman and Mr. Tom Eres, Hofman Ranch, voiced concerns regarding property assessments and valuations, the processes and procedures used to establish the 218 election, and requested the Board reconsider their vote on the county ballots.

TRLIA Executive Director Paul Brunner and Reclamation District 784 General Manager Steve Fordice, responded to specific questions from Ms. Hofman, Mr. Eres, and Board members.

Following additional Board discussion, Vice Chair Griego formed an advisory committee to end December 31, 2009, appointing Supervisors Abe and Vasquez as representatives to examine Three Rivers Levee Improvement Authority assessment district election process, determine mistakes, inaccuracies or other actions which invalidate or potentially invalidate election.

CORRESPONDENCE

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

A. Notice from California Fish and Game Commission of proposed regulatory action relating to Marine protected areas.

B. Notice from United States Fish and Wildlife Service reopening the public comment period to May 28, 2009, for proposed California red-legged frog critical habitat.

C. Notice from the State Water Resources Control Board regarding petition for temporary water transfer of up to 10,000 acre feet of water from the South Sutter Water District.

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Supervisor Stocker:

- Attended Childhood Obesity conference held in Washington DC, May 6 – 9, 2009
- Vegetation removal on New York House Road

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Vice Chair Griego formed an advisory committee to end December 31, 2009, appointing Supervisors Stocker and herself as representatives to address childhood obesity issues.

Supervisor Abe:
- Commended Aaron Ward and Office of Emergency Services on Oroville Dam emergency exercise

Supervisor Griego:
- Yuba Sutter Transit Authority Budget for Fiscal Year 2009/2010
- Sacramento Area Council of Governments Transportation Committee “American Recovery and Investment Act”

County Administrator Robert Bendorf:
- Governor release of State revised budgets based on the results of the May 19, 2009 Special Election
- State Controller released 3rd Quarter Revenues Report
- Meeting with all Departments to review initial budgets for Fiscal Year 2009-2010

At the request of County Counsel Angil Morris-Jones and upon motion of Supervisor Stocker, seconded by Supervisor Abe, and carried with Supervisor Nicoletti being absent, one case of potential litigation was added to closed session as the need to take action arose subsequent to the agenda being posted.

The Board retired into closed session at 1:31 p.m. to discuss the following:

A. Personnel pursuant to Government Code §54957 - Labor Negotiations - Deputy District Attorney Association and County of Yuba

B. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 021-425-002-000 (Yuba Garden Assoc.) Negotiating Parties: County of Yuba/Mike Lee Negotiation: Terms of Payment

C. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 015-790-023-000 (Jolson) Negotiating Parties: County of Yuba/Mike Lee Negotiation: Terms of Payment

D. Threatened litigation pursuant to Government Code §54956.9(b)(3)(E) - Two Cases
E. Potential litigation pursuant to Government Code §54956.9(b) – One Case

The Board returned from closed session at 2:10 p.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, Vice Chair Griego adjourned the meeting at 2:10 p.m.

[Signature]
Chairman

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

[Signature]
Approved: May 26, 2009
By: Rachel Ferris, Deputy Clerk

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