YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
MAY 26, 2009

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:38 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. 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 Griego, and unanimously carried, the Board took the following actions:

A. Board of Supervisors: Approved Child Care Planning Council County Priorities Report From for general child care and development programs and state preschool programs and authorized the Chairman to execute same.

B. Clerk of the Board of Supervisors

1) Reappointed William Appleby to the Yuba County Trails Commission as the Bicyclist Representative for a term to end May 26, 2011.

2) Approved the minutes of the regular meeting of April 28, 2009, as written

C. Community Development and Services: Adopted Resolution No. 2009-45, which is on file in Yuba County Resolution Book No. 40, which is entitled: "ADOPT ENGINEER’S REPORT AND DECLARE INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN GLEDHILL LANDSCAPING AND LIGHTING DISTRICT"

D. County Administrator

1) Approved amendment to the Public Defender services contract with Benjamin Wirschbafter and authorized the Chairman to execute same.

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2) Approved amendment to the Public Defender Juvenile 602 services contract with Carl R. Lindmark and authorized the Chairman to execute same.

3) Approved amendment to the Public Defender Juvenile 602 services contract with Mark Woods and authorized the Chairman to execute same.

E. County Counsel: Approved first amendment to the agreement with First Five Yuba Commission and authorized the Chairman to execute same.

F. Emergency Services: Authorized Budget Transfer in the amount of $4,038 from Account No. 101-4200-427-2804 (Weapons of Mass Destruction) to Account No. 102-4200-427-2900 (Travel) to cover training expenses related to the grant.

PUBLIC COMMUNICATIONS

Ms. Freda Calvert, Hammonton Road, provided the Board a copy of a petition from 1993 relating to the Yuba River Parkway and urged Board review.

BOARD OF SUPERVISORS

2009 Standing Board Committee Appointments: Following Board discussion, upon motion of Supervisor Abe, seconded by Supervisor Griego, and unanimously carried, the Board approved the 2009 Standing Board Committee Appointments.

Following Board discussion, upon motion of Supervisor Vasquez, seconded by Supervisor Abe, and following a roll call vote with Supervisor Griego voting in opposition, the Board appointed Supervisor Abe as the Local Agency Formation Commission (LAFCO) Representative with a term to expire 2013.

Following Board discussion, upon motion of Supervisor Abe, seconded by Supervisor Stocker, and unanimously carried the Board appointed Supervisor Stocker as the Alternate LAFCO Representative with a term to expire 2013.

COMMUNITY DEVELOPMENT AND SERVICES

Transmission Agency of Northern California/Transmission Project: Assistant Planning Director Ed Palmeri recapped the town hall meeting held Monday, May 18, 2009, and responded to Board inquiries.

Following Board discussion and consensus, a letter to the Transmission Agency of Northern California was approved for execution by the Chairman.
COUNTY ADMINISTRATOR

Assembly Bill 1409/Public Contracts for County Highways: Legislative Affairs Coordinator Russ Brown recapped the proposed letter and responded to Board inquiries. Following Board discussion and consensus, a letter AB 1409 was approved for execution by the Chairman.

PERSONNEL/RISK MANAGEMENT

Side Letters of Agreement: Following a recap from Personnel Director Martha Wilson and Board inquiries upon motion of Supervisor Abe, seconded by Supervisor Stocker, and unanimously carried, the Board approved side letters of Agreement with Law Enforcement Management/Supervisory Association, Deputy District Attorneys’ Association, and authorized the Chairman to execute same.

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, Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1472, which is on file in Ordinance Book No. 21, which is entitled: “AN ORDINANCE AMENDING SUBSECTION (d) OF SECTION 6.20.020 OF CHAPTER 6.20 TO TITLE VI OF THE YUBA COUNTY ORDINANCE CODE RELATING TO INCREASING THE NUMBER OF PLAYERS AT A TABLE IN A CARD ROOM”.

CORRESPONDENCE

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

B. Letter from Dale Everett requesting to extend existing agreement for Caretaker services at Hammond Grove Park in Browns Valley.

Referred to Community Development

C. Notice from the State Water Resources Control Board regarding a petition for temporary change involving the transfer of up to 39,018 acre feet of water from twelve Sacramento Valley water right holders to the 2009 drought water bank.

D. Notice from State Mining and Geology Board regarding a Pending Determination in reference to Notice of Vested Rights Determination for Western Aggregates LLC Surface Mining Operation and public hearing scheduled August 6, 7, and 8, 2009 at 9:00 a.m. at Yuba County Government Center Board of Supervisors Chambers.

E. Notice from United States Department of Agriculture, Tahoe National Forest closing a special-use permit issued to the County of Yuba in August 1959 for the purpose of storing explosives.


Referred to Community Development and Services

G. Notice from California Fish and Game Commission of proposed changes in regulations relating to animals declared to be endangered or threatened.

Referred to Fish and Game Commission

H. Notice from Agricultural Commissioner enclosing the Yuba County Agricultural Crop Report for 2008.


BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:
Supervisor Stocker:
- Impromptu poll showed a general dissatisfaction with the Special Election held May 19, 2009

Supervisor Abe:
- Dissatisfied with Sacramento Area Commerce and Trade Organization (SACTO) membership, reporting, and dues

Supervisor Vasquez:
- Received consensus to amend Yuba County Ordinance Code 9.35 relating to travel on the levees
- First Five Yuba Commission appointment regarding possible conflict of interest

Supervisor Griege:
- Shoei Foods hosting a 10 year Anniversary celebration of the Cultural Museum Tuesday, May 26, at 3:00 p.m.
- Possible reduction of Sacramento Area Council of Government fees
- Yuba Sutter Transit Authority reviewing transit tax fees
- Three Rivers Levee Improvement Authority assessment district election for maintenance passed
- New signage at local schools promote safety
- Hot dog and ice cream event, Thursday, May 28, 2009 at 6:00 p.m. at Dukes Diner, guest speaker Sheriff Durfor

Supervisor Nicoletti:
- ACWA Conference held May 19 – May 22, 2009 in Sacramento regarding discussions on water conveyance, storage, recycling, and reuse
- Marysville Joint Unified School District School Bond Advisory Board regarding 2nd phase bonding
- Marysville Farmers Market begins Friday May 29, between 1st and 3rd Streets from 8 to 5 p.m.
- Memorial adjournment – Ms. Mary Jane Cohiles and Mr. James Ewing Howard

County Administrator Robert Bendorf:
- Participated in a County Administrators conference call last week regarding provisions of enacting Proposition 1a, borrowing provisions, the current and projected state deficit and the impacts to counties
• Concluded initial draft of the Yuba County Budget for Fiscal Year 2009/2010

Supervisor Abe left the meeting at 11:21 a.m. and returned at 11:24 a.m.

Assistant County Administrator Randy Margo: Interviews for the California Innovation Center Executive Director

At the request of County Counsel Angil Morris-Jones and upon motion of Supervisor Stocker, seconded by Supervisor Griego, and carried with Supervisor Abe being absent, one case of threatened 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 11:43 p.m. to discuss the following:

A. Pending litigation pursuant to Government Code §54956.9(a) - Donaho vs. Vang et al

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

C. Pending litigation pursuant to Government Code §54956.9(b)(3)(C) - One Claim/Wilkens

D. Threatened litigation pursuant to Government Code §54956.9(b) – One Case

Supervisor Abe left closed session at 12:27 p.m. during the discussion of one case of potential litigation.

The Board returned from closed session at 12:30 p.m. with all Board and staff members present as indicated above. Chairman Nicoletti advised the Board authorized settlement on the Wilkens' claim and given direction on other items.
ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Nicoletti adjourned the meeting at 12:31 p.m. in memory of Ms. Mary Jane Cohiles and Mr. James Ewing Howard.

[Signature]
Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

[Signature]       Approved: 6-9-09
By: Rachel Ferris, Deputy Clerk

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