YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
JUNE 2, 2009

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:00 p.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 Clerk of the Board of Supervisors Donna Stottlemyer. Chairman Nicoletti presided.

CONSENT AGENDA

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

A. Community Development and Services

1) Approved a Floodplain Development Variance for a storage building at Peach Tree Golf Course.

2) Approved plans and specifications for the Marysville Road turn lane project, authorized the Chairman to execute same, and authorized the advertisement of bids with a tentative bid opening date of June 24, 2009.

3) Awarded a contract to McNabb Construction Inc., the apparent low bidder, for the POW/MIA Spray Park, Restroom and Flagpole; authorized the Chairman to execute upon review and approval of County Counsel; and authorized a Budget Transfer in the amount of $100,000 from Account No. 102-0000-371-9703 (Local Fees for Construction) to Account No. 102-9100-431-2300 (Professional Services) to cover shortfall.

B. Health and Human Services

1) Authorized a Budget Transfer in the amount of $2,050 from Account No. 106-4700-441-2800 (Special Department Expense) to Account No. 106-4700-441-6200 (Fixed Assets) to purchase a commercial refrigerator for the storage of vaccines and influenza specimen kits.
2) Approved the County Plan to implement the Transitional Housing Program (THP-Plus) for former foster youth commencing Fiscal Year 2008/2009 and thereafter.

C. Sheriff-Coroner

1) Approved a Memorandum of Understanding and Letter of Understanding with Live Nation to provide supplemental law enforcement services at the Sleep Train Amphitheatre and authorized the Chairman to execute same.

2) Adopted Resolution No. 2009-46, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION AUTHORIZING THE YUBA COUNTY SHERIFF TO EXECUTE OPERATING AGREEMENT WITH YUBA COUNTY WATER AGENCY."

3) Authorized a Budget Transfer in the total amount of $272,019 for reprogramming of various Sheriff's Department, Jail Division, and Animal Care Services funds to cover current and projected shortages.

PUBLIC COMMUNICATIONS

Ms. Frances Hofman - Lack of enforcement of sign ordinance

County Administrator Robert Bendorf - State Proposed Budget Revisions for Fiscal Year 2009/2010 and schedule for County budget workshops and hearings

CLERK OF THE BOARD OF SUPERVISORS

Fish and Game Advisory Commission/Yuba County Water Agency (YCWA) North Representative: Following a brief recap from Clerk of the Board Donna Stottlemyer, upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and unanimously carried, the Board appointed Frank Cecil to the Fish and Game Advisory Commission as the YCWA North representative for a term to end December 31, 2012.

COUNTY ADMINISTRATOR

Current Level of Flood Risk/Yuba River Levee: Assistant County Administrator Randy Margo, Three Rivers Levee Improvement Authority Executive Director Paul Brunner, and Design Manager Larry Dacas recapped hydraulics analysis and project requirements on the Yuba River Levee and responded to Board inquiries.
The following individuals spoke:

- Mr. Tom Eres, Hofman Ranch
- Ms. Frances Hofman, Forty Mile Road
- Mr. Don Schrader, Ellis Road
- Mr. Eldon Fowler, Brownsville

Following Board discussion, upon motion of Supervisor Griego, seconded by Supervisor Stocker, and carried with Supervisor Vasquez voting in opposition, the Board adopted Resolution No. 2009-47, which is on file in Yuba County Resolution Book No. 40, which is entitled: "A RESOLUTION OF THE YUBA COUNTY BOARD OF SUPERVISORS RELATING TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES' EARLY IMPLEMENTATION GRANT FUNDING PROGRAM – AS A FORMAL ACKNOWLEDGEMENT OF THE CURRENT LEVEL OF FLOOD RISK WITHIN THE COUNTY OF YUBA."

PERSONNEL/RISK MANAGEMENT

Yuba County Employees Association: Following a brief recap from Personnel Director Martha Wilson, upon motion of Supervisor Abe, seconded by Supervisor Stocker, and unanimously carried, the Board approved an Addendum to the Memorandum of Understanding with the Yuba County Employees Association, Local No. 1 and authorized the Chairman to execute same.

CORRESPONDENCE

The Board received the following correspondence:

A. Memo from Auditor-Controller Dean Sellers enclosing independent audit dated June 30, 2008 for Sutter Yuba Mosquito Vector Control District.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:
- Memorial Adjournment – Mr. Leslie Kovacs
- Childhood obesity awareness

Supervisor Abe: California State Association of Counties Legislative Conference held May 28 and 29, 2009 in Sacramento regarding state fiscal crisis

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Supervisor Griego:
- Memorial Adjournment – Mr. Walter Hildreth
- First 5 Yuba Commission related children health services
- South County Economic Development and Improvement Committee Hot Dog Social held May 30, 2009
- Feather River Air Quality Management District meeting held June 1, 2009
- Shoel Foods Honda Cultural Museum tenth anniversary event held May 26, 2009
- Farmer's Market in Plumas Lake area weekly on Saturdays
- Formation of Three Rivers Levee Improvement Flood Control Assessment District
- Hispanic Resources Fair scheduled Sunday, June 28, 2009 in Washington Park

Supervisor Nicoletti:
- Proclamation for Juneteenth Celebration on June 13, 2009
- Chamber of Commerce Government Affairs Committee meeting June 2, 2009
- Peach Tree Healthcare financial status
- Seniors Expo held May 28, 2009
- County Youth Commission formation status
- Memorial services for Ms. Mary Jane Cohiles
- Enhanced Lease Use Program for Beale Air Force Base

County Administrator Robert Bendorf:
- County budget process
- Economic development within county

Assistant County Administrator Randy Margo: CalPers unfunded liability for pensions and rate increase in upcoming fiscal years

At the request of County Counsel and upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the Board added to closed session two cases of potential litigation as the need to take action arose subsequent to the agenda being posted.

**CLOSED SESSION**

The Board retired into closed session at 7:53 p.m. to discuss the following:

A. Pending litigation pursuant to Government Code §54956.9(a) – McCleary, Kirt Edward III vs. El Dorado County et al
B. Personnel pursuant to Government Code §54957 – Public Appointment/County Counsel

C. Potential litigation pursuant to Government Code §54956.9(b)(3)(A) – Two Cases

Supervisor Vasquez left closed session at 9:15 p.m. and returned at 9:20 p.m.

The Board returned from closed session at 10:09 p.m. with all Board and staff members present as indicated above, except County Administrator Robert Bendorf.

Chairman Nicoletti made the following announcement: "We would like to complete the Board offer as we have it and move forward from there; and on the closed session items we gave direction to staff."

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Nicoletti adjourned the meeting at 10:10 p.m. in memory of Mr. Leslie Kovacs and Mr. Walter Hildreth.

\[Signature\]
Chairman

ATTEST: DONNA STOTELMEYER
CLERK OF THE BOARD OF SUPERVISORS

\[Signature\] Approved: \[June 9, 2009\]