YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

AUGUST 11, 2009

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:35 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 Abe, seconded by Supervisor Vasquez, and carried with Supervisor Nicoletti being absent, the Board took the following actions:

A. Administrative Services: Approved lease agreements with Gordon Murdoff for Airport Terminal Area Lease Sites No. 5, Aircraft Hangars No. 4 and No. 6, and authorized the Chairman to execute same.

B. Auditor-Controller

1) Adopted Resolution No. 2009-65, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA TO DETERMINE THE APPROPRIATIONS FOR SPECIAL DISTRICTS UNDER THE COUNTY."

2) Adopted Resolution No. 2009-66, which is on file in Yuba County Resolution Book No. 40, which is entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA TO DETERMINE THE APPROPRIATIONS OF TAX PROCEEDS FOR 2009-2010."

C. Clerk of the Board of Supervisors

1) Appointed Dr. Joseph Cassady to the Substance Abuse Advisory Board for a term to expire April 4, 2012.

2) Reappointed Nick Sahrakoff Jr. to the Sutter Yuba Mental Health Advisory Board as a family representative for a term to expire August 5, 2012.
3) Appointed Opal Richards to the In-Home Supportive Services Advisory Committee for a term to expire August 11, 2011.

4) Approved the minutes of the regular meeting of July 28, 2009, as written.

D. Community Development and Services

1) Authorized a Budget Transfer in the total amount of $60,760.97 in recognition of work performed and revenues earned for April through June, 2009.

2) Awarded contract to Granite Construction, apparent low bidder, for the Marysville Road turn-lane project at Spring Valley Road and authorized the Chairman to execute upon review and approval of County Counsel.

3) Adopted Resolution No. 2009-67, which is on file in Yuba County Resolution Book No. 40, which is entitled: “APPROVE AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM; AND IF SELECTED, THE EXECUTION A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM.”

E. Health and Human Services: Approved an agreement with California Department of Public Health to enter death certificate data into the Automated Vital Statistics System and authorized the Chairman to execute same.

PUBLIC COMMUNICATIONS

Following an inquiry from Ms. Freda Calvert, Hammonton Road, County Administrator Robert Bendorf advised a copy of the General Plan Update posted on the county’s website can be obtained from the Community and Development Services Agency.

Mr. Dave Slack, Hallwood, urged the Board to address concerns regarding Western Aggregates vested rights to the State Mining and Geology Board.

Administrative Services

Hampae LLC/Fifth Amendment/Peach Tree Clinic addition: Following a recap from Administrative Services Director Doug McCoy, and Board inquiries, upon motion of Supervisor Abe, seconded by Supervisor Stocker, and carried with Supervisor Nicoletti being absent, the Board adopted Resolution No. 2009-68, which is on file in Yuba County
Resolution Book No. 40, which is entitled: “A RESOLUTION AUTHORIZING AND APPROVING THE LEASE RELATED DOCUMENTS PERTAINING TO THE FINANCING OF THE FIFTH AMENDMENT TO THE LEASE BETWEEN THE COUNTY OF YUBA AND HAMPAC LLC AUTHORIZING THE CONSTRUCTION OF AN ADDITION TO PEACH TREE CLINIC.”

ORDINANCE AND PUBLIC HEARINGS

The Deputy Clerk read the disclaimer.

Ordinance/Adopt Mitigated Negative Declaration; and Adopt Ordinance approving Development Agreement with MS Rialto River Oaks, CA LLC relative to the development know as River Oaks North for the Purpose of Releasing Parties from the Condition of the Prior Funding Agreements; to Set Forth Terms Associated with the Issuance of Refunding Bonds and to Clarify the Use of Special Tax Revenue: Community Development and Services Director Kevin Mallen recapped the necessity of the development agreement and responded to Board inquiries. Vice Chair Griego opened the public hearing.

Upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and carried with Supervisor Nicoletti being absent, the public hearing was closed, the reading was waived and the Board adopted Ordinance No. 1481, which is on file in Yuba County Ordinance Book No. 21, which is entitled: “AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF YUBA, THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AND MS RIALTO RIVER OAKS CA, LLC RELATIVE TO THE DEVELOPMENT KNOW AS RIVER OAKS NORTH.”

CORRESPONDENCE

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

A. Letter from Mr. Tom Sherry, Director of Mental Health announcing the 40th Anniversary of the Bi-County Mental Health Program.

BOARD AND STAFF MEMBERS’ REPORTS

Supervisor Stocker:

- High attendance at the Blues Festival held in Loma Rica August 8, 2009
- Pig roast in Brownsville on August 15, 2009
- Upcoming Bicycle Round-up in Brownsville
• Farmers Markets in Camptonville, Dobbins and Brownsville
• County and homeowner responsibilities concerning roadside clearing of debris

Supervisor Abe:
• Upcoming Water Agency meeting regarding inspection program addressing invasive mussels in local waterways

Supervisor Vasquez:
• Fundraiser for Airman Colten Read held August 6, 2009
• Yuba County Childrens Council meeting of August 5, 2009
• Roads damaged due to aggregate trucks

Supervisor Griego:
• Local Agency Formation Commission discussion of general business items
• Narcotic Enforcement Team (NET-5) applying for a Weed and Seed grant
• Attended State Mining and Geology hearing August 6, 2009 regarding vested rights hearing for Western Aggregates
• Letter from Ms. Frances Hofman regarding vested rights and Western Aggregates

Assistant County Administrator Randy Margo:
• Meeting with Fremont Rideout Hospital Group on the County’s recreation plan and childhood obesity

CLOSED SESSION

The Board retired into closed session at 10:28 a.m. to discuss the following:

A. Pending litigation pursuant to Government Code 54956(a) – Donaho vs. Yuba Sutter Transit Authority et al

B. Pending litigation pursuant to Government code 54956.9(a) – Saechao vs. County of Yuba

The Board returned from closed session at 10:57 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, Vice Chair Griego adjourned the meeting at 10:57 a.m.

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: Aug 25, 2009

Chairman