YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

OCTOBER 13, 2009

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:40 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. **Administrative Services**: Authorized Budget Transfer in the amount of $851 from Account No. 101-0900-417-1811 (Buildings and Grounds Government Center) to Account No. 101-0900-417-6200 (Fixed Assets) for the purchase of a chemical storage cabinet that meets Cal-OSHA requirements.

B. **Board of Supervisors**: Cancelled the regular Board meeting scheduled November 3, 2009.

C. **Clerk of the Board of Supervisors**

1) Reappointed Walter Shackelford to the Smartsville Cemetery District for a term to end October 13, 2013.

2) Appointed Kevin Hinckley to the Substance Abuse Advisory Board for a term to end September 23, 2011.

3) Appointed Felix Mata to the Area 4 Agency on Aging Advisory Council for a term to end June 30, 2011.

PUBLIC COMMUNICATIONS

No one came forward.

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ORDINANCE AND PUBLIC HEARINGS

The Clerk read the disclaimer.

1) **Ordinance/Repealing and Re-enacting Chapter 9.35 of Title IX of the Yuba County Ordinance Code relating to Travel on the Levees**: County Administrator Robert Bendorf recapped the ordinance and responded to Board inquiries.

Chairman Nicoletti opened the public hearing.

County Counsel Angil Morris-Jones responded to specific questions raised by Ms. Frances Hofman regarding proposed signage relating to trespassing.

Following additional Board discussion, upon motion of Supervisor Stocker, seconded by Supervisor Vasquez, and unanimously carried, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1484, which is on file in Ordinance Book No. 40, which is entitled: "AN ORDINANCE REPEALING AND REENACTING AS AMENDED CHAPTER 9.35 OF TITLE IX OF THE YUBA COUNTY ORDINANCE CODE RELATING TO THE REGULATION OF TRAVEL ON LEVEES UNDER THE JURISDICTION OF YUBA COUNTY."

2) **Ordinance/Amending Chapter 9.15 of Title IX of the Yuba County Ordinance Code Regarding Vehicle Traffic Speed Limits on County Service Area No. 14 Roads**: Public Works Director Mike Lee advised engineering and traffic, and speed surveys were completed earlier this year and concluded it was appropriate to post speed limits on roads in County Service Area No. 14.

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

Upon motion of Supervisor Griego, seconded by Supervisor Vasquez, and unanimously carried, the Board closed the public hearing, waived reading, and introduced an ordinance amending Chapter 9.15 of Title IX of the Yuba County Ordinance Code regarding vehicle traffic speed limits on County Service Area No. 14 roads.

3) **Ordinance/Repealing and Reenacting Chapter 13.20.400 of Title XIII of the Yuba County Ordinance Code Relating to Environmental Health Fees**: Environmental Health Director Tej Maan provided a brief background on Certified Unified Program Agency (CUPA) fees and responded to Board inquiries.

Chairman Nicoletti opened the public hearing. No one came forward.
Upon motion of Supervisor Griego, seconded by Supervisor Vasquez, and unanimously carried, the Board closed the public hearing, waived reading, and introduced an ordinance amending Title XIII of Chapter 13 of the Yuba County Ordinance Code by repealing and reenacting Section 13.20.400 relating to Environmental Health Fees.

4) Ordinance/Amending Title VII of Chapter 7 of the Yuba County Ordinance Code by Adding Section 7.13 Prohibiting Trash Scavenging from Refuse and Recycling Receptacles: Following a recap from Sheriff Steve Durfor and Board inquiries, Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisors Stocker, seconded by Supervisor Griego, and unanimously carried, the Board closed the public hearing, waived reading, and introduced an ordinance amending Title VII of Chapter 7 of the Yuba County Ordinance Code prohibiting trash scavenging from refuse and recycling receptacles.

5) Public Hearing/Findings of Fact, Conclusions of Law and Orders/Assessment of Administrative and Abatement costs/$61,361.50/Recording of Lien/5576 Cottonwood Avenue, West Linda (Anchak, Albert): Code Enforcement Officer Michael Ehler recapped violations and costs of abatement of nuisance. Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board adopted Findings of Fact, Conclusions of Laws and Orders, and assessment of Administrative and Abatement Costs and Penalties in the amount of $61,361.50 and the recording of a lien located at 5576 Cottonwood Avenue, West Linda, (Anchak, Albert).

COUNTY DEPARTMENTS

California State Association of Counties (CSAC) Appoint Representative and Alternate: Following a brief recap from Chairman Nicoletti, upon motion of Supervisor Abe, seconded by Supervisor Griego, and unanimously carried, the Board appointed Supervisor Abe as the Representative and Supervisor Griego as the Alternate for one-year terms to commence with the first day of the CSAC annual conference.

CORRESPONDENCE

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

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A. Letter from Mooretown Rancheria regarding environmental impacts in the 2009 General Plan Update.

Referred to Community Development and Services

B. Notice from California Emergency Management Agency advising various primary and contiguous counties have been declared disaster areas due to agricultural losses caused by drought which includes Yuba County.

C. Letter from California Health and Human Services Agency regarding funding for fraud investigation and program integrity efforts related to the In-Home Supportive Services program pursuant to the California State Budget Act of 2009.

Referred to Health and Human Services, County Administrators Office

D. Schedule of Proposed Actions from the United States Forest Service regarding Plumas National Forest for October 1, 2009 to December 31, 2009.

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

Referred to Fish and Game Commission

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:
- Pacific Gas and Electric conducting a survey for retro fitting power poles in the Colgate area to accommodate birds’ wingspan
- Childhood obesity ad hoc meeting
- Browns Valley Elementary School scored 924 Academic Performance Index (API)

Supervisor Abe: Attended Sierra-Sacramento Valley Medical Service meeting, October 9, 2009

Supervisor Vasquez: Attended Area 4 Agency on Aging committee meeting, October 9, 2009

Supervisor Griego:
- Teichert safety luncheon
- Childhood obesity ad hoc meeting

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• Receiving stimulus fund updates from Economic Development Director John Fleming, and North County Consortium Executive Director Fran Kennedy
• Requested by Cal LAFCO to be the moderator for two round table discussions
• Attended a gathering for Chairo Garibay, October 11, 2009
• Invited by Local Government Commission to attend a mock Board meeting in Modesto

Supervisor Nicoletti:
• Out of state October 15-16, 2009 on other business
• 4th Annual Homeless Consortium, October 14, 2009
• Public session for the Federal Energy Regulatory Commission (FERC) relicensing for Yuba County Water Agency, October 14, 2009
• Commended the Appeal Democrat staff writer Ben van der Meer for article encouraging attendance to the Board meeting
• Commended Veterans Services Officer Marvin King for his efforts to restore benefits and back pay to two local vets

County Counsel Angil Morris-Jones: Announced the law library will soon be available to the public on line, a dedicated computer in the Court House will be available during regular business hours, and free to the public.

Assistant County Administrator Randy Margo: Received consensus to reestablish liaison committee with Olivehurst Public Utilities District (OPUD)

CLOSED SESSION

At the request of Counsel Angil Morris-Jones and upon motion of Supervisor Stocker, seconded by Supervisor Abe, and unanimously carried the Board removed one case of potential litigation and Personnel/Public Guardian Appointment from closed session discussion.

The Board retired into closed session at 10:57 a.m. to discuss the following:

A. Threatened litigation pursuant to Government Code §54956.9(b)(3)(E) - One Claim

B. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 008-010-030-000 Negotiating Parties: Cruz and County of Yuba/Doug McCoy Negotiation: Terms of Payment

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C. Conference with Real Property Negotiator pursuant to Government Code §54956.8:
Property: APN 019-230-052-000 Negotiating Parties: Inderbitzen and County of
Yuba/Robert Bendorf Negotiation: Terms of Payment

The Board returned from closed session at 11:49 a.m. with all Board and staff members
present as indicated above. Counsel advised staff was given direction from the Board.

RECESS

The Board recessed at 11:50 a.m. and reconvened at 1:00 p.m. with all Board and staff
members present as indicated above.

COMMUNITY DEVELOPMENT AND SERVICES

Preferred Land Use Alternative/General Plan Update: Community Development and
Services Director Kevin Mallen provided a Power Point presentation recapping the General
Plan Update vision, goals and strategies, and responded to Board inquiries.

Mr. Greg Forest provided a Power Point presentation highlighting benefits of the Magnolia
Ranch project and responded to Board inquiries, including:

- Focus on employment opportunities for the Highway 65 Corridor
- Solution to resolving constraints such as lack of access
- Infrastructure
- Jobs to housing balance
- Phase I and II build out

Mr. Ike Balmaseda and Mr. Randy Collins provided a Power Point presentation highlighting
benefits of the Woodbury project and responded to Board inquiries, including:

- Mixed-use community with identifiable neighborhoods
- Jobs to housing balance
- Infrastructure improvements for water and sewer
- Town Center, Business Park and Power Center
- Site opportunities and constraints

The following individuals spoke:
- Mr. Al Johnson, Magnolia Ranch
- Ms. Frances Hofman, Olivehurst
- Mr. Frank Webb, South Beale Road
- Mr. Tom Eres, representing Hofman Ranch
- Mr. Don Racz, Plumas Lake
• Mr. Ben Bartholomew
• Mr. Dennis Cook, on behalf of Barbara White property owner adjacent to the
  Woodbury project
• Ms. Sandra Gilbert, Pleasant Grove Road
• Mr. Richard Paskowitz, Hoken Lane

Supervisor Abe left the meeting at 2:37 p.m. and returned at 2:39 p.m.

Following additional Board discussion, upon motion of Supervisor Nicoletti, seconded by
Supervisor Vasquez and following a roll call vote with Supervisor Abe voting in opposition,
the Board directed staff to prepare resolutions for Woodbury and Magnolia Ranch projects;
Woodbury to include proposed Chippewa Territory; Magnolia Ranch to include the industrial
zoning designation as part of the reserve, both residential and commercial; and include them
both in the general plan update.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors,
Chairman Nicoletti adjourned the meeting at 3:08 p.m.

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Chairman

Approved: Oct 27, 2009

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