The County of Yuba

BOARD OF SUPERVISORS

APRIL 27, 2010 - MINUTES

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, 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. Chair Griego presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti followed by a moment of silence in honor of those serving in the current conflicts.

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – All present

III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Andy Vasquez

AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker NOES: None ABSTAIN: None

A. Agricultural Commissioner

1. Adopt resolution authorizing the Agricultural Commissioner to execute certain contracts/agreements for Fiscal Year 2010/2011. (Protective Inspection Committee recommends approval) (167-10)

Adopted Resolution No. 2010-40 which is on file in Yuba County Resolution Book No. 41, which is entitled: "RESOLUTION AUTHORIZING THE AGRICULTURAL COMMISSIONER TO EXECUTE CERTAIN CONTRACTS/AGREEMENTS FOR FISCAL YEAR 2010/2011."

B. Clerk of the Board of Supervisors

1. Reappoint Ivdene Leech to the Browns Valley Cemetery District as a Director for a term to expire on April 27, 2014. (168-10) Reappointed Representative.

2. Reappoint Matthew John Floe to the First Five Yuba Commission for a term to expire April 27, 2013. (169-10) Reappointed Representative.

3. Approve the minutes of the special and regular meetings of April 6 and 13, 2010. (170-10) Approved as written.
C. Community Development and Services

1. Authorize Budget Transfer in the total amount of $82,123.63 in recognition of work performed and revenues earned for January through March 2010. (171-10) Authorized Budget Transfer.

2. Approve agreement for professional services with AECOM Technical Services Inc. and authorize the Chair to execute same. (172-10) Approved agreement.

3. Adopt resolution authorizing the Director of Environmental Health to apply for and enter into an agreement with the State of California to sign the grant agreement, and any amendments thereto for assistance grant funding to support solid waste permitting, inspection and enforcement for Fiscal Years 2010/2011 through 2015/2016. (173-10)

Adopted Resolution No. 2010-41 which is on file in Yuba County Resolution Book No. 41, which is entitled: "RESOLUTION AUTHORIZING THE DIRECTOR OF ENVIRONMENTAL HEALTH TO APPLY FOR AND ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA AND TO SIGN THE GRANT AGREEMENT, AND ANY AMENDMENTS THERETO FOR ASSISTANCE GRANT FUNDING TO SUPPORT SOLID WASTE PERMITTING, INSPECTION AND ENFORCEMENT FOR FISCAL YEARS 2010/2011 - 2015/2016."

4. Award contract to Teichert Construction for the Spring Valley Road rehabilitation project and authorize the Chair to execute same upon review and approval of Counsel. (174-10) Approved.

5. Approve acquisition agreement with DHI Yuba Gardens Associates, LP for purchase of easement for the Hammonton-Smarthouse Road at Simpson Lane traffic signal project and authorize the Chair to execute same. (175-10) Approved.


Adopted Resolution No. 2010-42 which is on file in Yuba County Resolution Book No. 41, 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. Approve extension of the Kennedy/Jenks Professional Services agreement to June 30, 2010, for the Feasibility Study for the South Yuba County Regional Wastewater Treatment Facility and authorize the Chair to execute same. (177-10) Approved.


E. Personnel/Risk Management

1. Authorize catastrophic leave for employee in Child Support Services Department. (179-10) Authorized.
F. Sheriff-Coroner

1. Approve Memorandum, and Letter of Understanding with Live Nation to provide supplemental law enforcement services at the Sleep Train Amphitheatre and authorize the Chair to execute same. (180-10) Approved.

2. Adopt resolution approving agreement with Yuba County Water Agency for law enforcement services for the limited term, May 15, through September 15, 2010 and authorize the Chair to execute same. (181-10)

    Adopted Resolution No. 2010-43 which is on file in Yuba County Resolution Book No. 41, which is entitled: "RESOLUTION AUTHORIZING THE YUBA COUNTY SHERIFF TO EXECUTE OPERATING AGREEMENT WITH YUBA COUNTY WATER AGENCY."

G. Yuba Sutter Arts Council

1. Adopt resolution approving the application and authorizing Council to execute a grant contract with the California Arts Council and authorize the Chair to execute same. (182-10)

    Adopted Resolution No. 2010-44 which is on file in Yuba County Resolution Book No. 41, which is entitled: "RESOLUTION APPROVING THE APPLICATION AND AUTHORIZING EXECUTION OF A GRANT CONTRACT WITH THE CALIFORNIA ARTS COUNCIL."

IV. SPECIAL PRESENTATION

A. Receive presentation on Think Yuba Sutter First. (Darin Gale and Kary Aldridge) (Ten minute estimate) (183-10)

    Mr. Darin Gale provided a presentation outlining the "Think Yuba Sutter First" campaign that encourages citizens to shop locally, advising radio, television, print ads and promotional materials began circulating in October 2009.

B. Receive presentation from California State Association of Counties (CSAC) legislative representative Eraina Ortega regarding Capitol Update and CSAC Programs and Services. (Fifteen minute estimate) (No background material) (184-10)

    Legislative Representation Eraina Ortega recapped the State Budget advising of an expected shortfall of $19.9 billion, impacts from January special session and the Governor's cuts would be seen in the May revised budget due May 14, 2010; and briefly recapped the following:
    • County feedback urged on legislative bulletin detailing legislative activities CSAC reviews
    • Legislative Conference June 2 and 3 in Sacramento
    • New communication options links to Facebook and Twitter on CSAC website and blog "The County Voice"

V. PUBLIC COMMUNICATIONS: No one came forward.

VI. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

A. Public Hearing - Hold public hearing and adopt findings of fact, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $33,390.15 and the recording of a lien located at 5897 "B" Griffith Ave, Linda (Byard, Ronald) (Ten minute estimate) (185-10)
Code Enforcement Officer Michael Eheler recapped the violations and actions taken by Code Enforcement and responded to Board inquiries. Chair Griego opened the public hearing.

Mr. Ronald Byard 5897 Griffith Avenue advised he did not receive the notifications sent from Code Enforcement and responded to Board questions.

Following Board discussion County Counsel Angil Morris-Jones directed copies of proof of service notifications, pictures and other related documents be provided to Mr. Byard and the Board and continued the matter to May 4, 2010.

VII. CORRESPONDENCE – (186-10)

A. Two letters of Support from Ms. Madeleine Knappe and Mr. Roland Knappe, for Collins-Oregon House-Dobbins Planning Committee (COHDPC) boundary expansion proposal.

B. Notice from State Mining and Geology Board regarding Western Aggregates, LLC final determination of vested rights.


D. Notice from State Water Resources Control Board regarding a petition for temporary change involving the transfer of up to 10,000 acre feet of water from South Sutter Water District to participating State Water Contractor Agencies.


F. Letter from Yuba Sutter Regional Arts Council requesting funding support in the amount of $15,000 for Fiscal Year 2010-2011.

G. Letter from T. H. Richards, Collins-Oregon House-Dobbins (COHD) Community Plan withdrawing the community draft given to the County in March 2010.

MOTION: Move to accept and file

MOVED: Hal Stocker
SECOND: Andy Vasquez
AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe
NOES: None
ABSTAIN: None

VIII. BOARD AND STAFF MEMBERS' REPORTS: Reports were received on the following.

Supervisors Stocker:
- Residents in Dobbins and Oregon House interested in having a Board of Supervisors meeting in their new Community Center
- Commended John Fleming and Robert Bendorf on Perspectives 2010 held April 23, 2010
- Smartsville Pioneer Days held April 24, 2010
- Problems with fire clearance requirements for residents in the foothills
- Commended Marysville High School Academic Decathlon Team
Supervisor Abe:
- Attended Regional Council of Rural Counties meeting held April 21, 2010
- Disaster Council meeting held April 20, 2010
- Department of Motor Vehicles certification of drivers and impacts to volunteer fire departments
- Proposition AB 32 initiatives for reducing greenhouse gas (GHG) emissions impact on jobs
- Commended John Fleming and Robert Bendorf on Perspectives 2010 held April 23, 2010

Supervisor Vasquez:
- Linda Liaison meeting held April 14, 2010
- Yuba Sutter Transit Authority meeting held April 21, 2010
- Attended funeral for Specialist Randall Landstedt on Saturday April 24, 2010
- Meeting held at Cedar Lane School April 26, 2010
- Yuba Sutter Economic Development Committee meeting held April 21, 2010
- Commended John Fleming and Robert Bendorf on Perspectives 2010 held April 23, 2010
- Attended Grand Opening ceremony for the Veterans of Foreign Wars Post May 24, 2010

Supervisor Nicoletti:
- Memorial Adjournment - Specialist Randall Landstedt and Mr. John Eugene "Gene" Brocker
- Attended Grand Opening ceremony for the Veterans of Foreign Wars Post May 24, 2010
- State surplus or fire engines and dump trucks
- Regional Waste Management Authority meeting held April 21, 2010
- Ongoing meetings regarding the repair of Smartsville Road
- Commended Russ Brown for his work relating to Perspectives 2010 held April 23, 2010
- Update on Beale AFB activities
- Citizens voicing their opinion regarding the Recology landfill
- Lower Yuba River 2010 symposium to be held June 29th
- Tsi-Akim Maidu Tribe seeking a proclamation from the county recognizing and supporting their tribe

Supervisor Griego:
- Memorial Adjournment – Mr. Larry Dow Lewis
- Attended a Business Community Watch meeting on April 26, 20120
- Commended those individuals involved in Perspectives 2010
- High School Town Hall General Plan Update Thursday, April 29, 2010
- South County Economic Image Improvement meeting Thursday, April 29, 2010
- Attended discussion on Flood Control during the Cap to Cap Conference in Washington DC

Chair Griego
- Received Board consensus to support displaying local artwork in the Government Center

CLOSED SESSION: The Board retired into closed session at 11:03 a.m. to discuss the following:

A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 005-270-140 and 050-200-037 Negotiating Parties: County of Yuba Negotiation: Terms and Conditions

B. Pending litigation pursuant to Government Code §54956.9(a) - Holston vs. DeBanca et al
C. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - Deputy Sheriff's Association, Yuba County Employees Association, Management Supervisory Association (Law Enforcement), Deputy District Attorney's Association

D. Pending litigation pursuant to Government Code §54956.9(a) - State of California vs. River Highlands Community Services District et al

The Board returned from closed session at 12:33 p.m. with all present as indicated above. Chair Griego advised negotiator Public Works Director Mike Lee was provided direction regarding real property negotiation, the Board authorized the pending litigation Holston vs. DeBanca et al referred to Porter Scott, and staff was given direction on other matters listed.

X. ADJOURN: at 12:34 p.m. by Chair Griego in memory of Specialist Randall Landstedt, Mr. John Eugene “Gene” Brocker and Mr. Larry Dow Lewis.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: June 1, 2010