The County of Yuba

BOARD OF SUPERVISORS

MAY 18, 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 Assistant County Administrator Randy Margo, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemyer. Chair Griego presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Stocker followed by a moment of silence for troops serving and given the ultimate sacrifice.

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. Administrative Services

1. Approve lease agreement with Keith and Gail Stroup, dba Aroma Catering for the operations at the Airport restaurant facility and authorize the Chair to execute same. (Public Facilities Committee recommends approval) (217-10) Airport Manager Mary Hansen recapped the terms of the agreement and responded to Board inquiries.

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

B. Agricultural Commissioner

1. Approve agreement with Applied Forest Management Inc. for consultant services to coordinate activities of the Yuba Watershed Protection and Fire Safe Council for Fiscal Years 2010-2011 and 2011/2012 and authorize the Chair to execute same. (218-10) Approved.

2. Authorize Budget Transfer in the amount of $50,000 from Account No. 101-0000-361-5303 (Unclaimed Gas Tax) to Account No. 101-3400-426-5301 (A87 Charges) to offset a portion of A-87 charges for Fiscal Year 2010/2011. (219-10) Approved.
C. Community Development and Services

1. Adopt resolution imposing an assessment of $146.68 for Thousand Oaks Subdivision in County Service Area 70. (220-10) Adopted Resolution No. 2010-53 which is on file in Resolution Book No. 41 entitled: "RESOLUTION IMPOSING AN ASSESSMENT FOR THOUSAND OAKS SUBDIVISION FOR CSA 70-EXTENDED LAW ENFORCEMENT."

D. County Administrator

1. Authorize payment of $2,671.27 to the City of Marysville for one-half of the demolition and abatement costs for the Imler property located at 603 B Street, Marysville. (Finance and Administration Committee recommends approval) (221-10) Approved.

IV. SPECIAL PRESENTATION

A. Receive presentation on 2010 New Partners Conference that was attended by Supervisor Mary Jane Griego and Planning Director Wendy Hartman. (Ten minute estimate) (No background material) (Postponed from May 11, 2010) (207-10) Planning Director Wendy Hartman and Chair Griego provided a Power Point presentation recapping conference highlights and principles of Smart Growth.

V. PUBLIC COMMUNICATIONS: No one came forward.

VI. COUNTY DEPARTMENTS

A. County Administrator

1. Authorize funding in an amount not to exceed $6,000 for a portion of the local Growth Company initiative and workshop coordinated by GROW California contingent upon funding commitments from other sources. (Ten minute estimate) (222-10) Economic Development Coordinator John Fleming and Program Director John Gregory, GROW California, recapped the initiative and program and responded to Board inquiries.

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

B. Treasurer-Tax Collector

1. Adopt resolution authorizing issuance and sale of Yuba County 2010/2011 tax and revenue anticipation notes in an amount not to exceed $20 million. (Five minute estimate) (223-10) Treasurer-Tax Collector Dan Mierzwa recapped the impacts of issuance and responded to Board inquiries.

Adopted Resolution No. 2010-54 on file in Yuba County Resolution Book No. 41, entitled: "RESOLUTION OF THE YUBA COUNTY BOARD OF SUPERVISORS AUTHORIZING THE ISSUANCE OF YUBA COUNTY 2010-2011 TAX AND REVENUE ANTICIPATION NOTES."

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

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

C. Board of Supervisors

MOTION: Move to add to the agenda pursuant to Government Code §54954.2(b)(2) as the need to take action arose subsequent to the agenda being posted. MOVED: John Nicoletti
SECOND: Hall Stocker
AYES: John Nicoletti, Hal Stocker, Andy Vasquez, Mary Jane Griego, Roger Abe
NOES: None
ABSTAIN: None

1. Authorize out-of-state travel for Supervisor Griego to Washington DC on May 19 and 20, 2010 and travel expense reimbursement up to $650 regarding Olivehurst Processing and Distribution Facility. Supervisor Griego recapped the need for meeting in DC regarding maintaining the facility in Yuba County.

Mr. Rick Page, Postal Union Workers, appreciate the Board's support and advised he contact Sutter County Supervisor Gallagaher regarding attending the meeting.

MOTION: Move to approve use of county funds and those who want to reimburse the County may
MOVED: Hal Stocker
SECOND: John Nicoletti
AYES: John Nicoletti, Hal Stocker, Andy Vasquez, Mary Jane Griego, Roger Abe
NOES: None
ABSTAIN: None

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

A. Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and re-enacting Title VIII, Chapter 8.79 relating to the inclusion of Sycamore Ranch and overnight camping regulations; and adopt resolution adopting a reservation process and establishing fees at Sycamore Ranch. (Second reading) (Continued from May 11, 2010) ( Fifteen minute estimate) (208-10) Community Development Director Kevin Mallen responded to Board inquiries. Chair Griego opened the public hearing. No one came forward.

Adopted Ordinance No. 1492, which is on file in Yuba County Ordinance Book 22 entitled: "AN ORDINANCE REPEALING AND RE-ENACTING YUBA COUNTY ORDINANCE CODE TITLE VIII, CHAPTER 8.79 RELATING TO THE INCLUSION OF SYCAMORE RANCH."

Adopted Resolution No. 2010-56 which is on file in Yuba County Resolution Book No. 41, entitled: "RESOLUTION ADOPTING A RESERVATION PROCESS AND ESTABLISHING FEES AT SYCAMORE RANCH."

MOTION: Move to adopt
MOVED: John Nicoletti
SECOND: Hal Stocker
AYES: John Nicoletti, Hal Stocker, Andy Vasquez, Mary Jane Griego, Roger Abe
NOES: None
ABSTAIN: None
B. Ordinance - Hold public hearing, waive reading, and adopt ordinance amending section 13.80.060 extending the life of Chapter 13.80 deferral of certain impact fees from June 30, 2010 to June 2012, subject to annual review by the Board of Supervisors. (Second reading) (Ten minute estimate) (209-10) Community Development Director Kevin Mallen responded to Board inquiries. Chair Griego opened the public hearing. No one came forward.

Adopted Ordinance No. 1493, which is on file in Yuba County Ordinance Book No. 22 entitled: "AN ORDINANCE AMENDING SECTION 13.80.060 OF TITLE XIII OF THE YUBA COUNTY ORDINANCE CODE RELATING TO DEFERRAL OF CERTAIN IMPACT FEES."

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

C. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing Chapters 10.10 and 10.30 and reenacting Chapter 10.30 of the Yuba County Ordinance Code relating to floodplain management. (Land Use and Public Works Committee recommends approval) (First Reading) (Ten minute estimate) (225-10) Community Development Director Kevin Mallen recapped the changes to comply with minimum requirements in the National Flood Insurance Program and responded to Board inquiries. Chair Griego opened the public hearing. No one came forward.

MOTION: Move to waive reading  MOVED: John Nicoletti  SECOND: Hal Stocker
AYES: John Nicoletti, Hal Stocker, Andy Vasquez, Mary Jane Griego, Roger Abe NOES: None
ABSTAIN: None

VIII. CORRESPONDENCE - (226-10)

A. Notice of Petition from State Water Resources Control Board regarding temporary water transfer change from South Sutter Water District to eight state water contract agencies.

B. Letter from the City of Marysville enclosing Resolution for use of Proposition 40 funding for Marysville parks projects.

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

IX. BOARD AND STAFF MEMBERS’ REPORTS: Reports were received on the following:

Supervisor Stocker:
- Memorial Adjournment - Mr. Edward Addington and Mrs. Letha McLellan
- Constituent call regarding inspection and possible cancellation of insurance due to results of inspection
- Camptonville Community Services District services and fees
- Marysville High School Awards Ceremony May 20, 2010
- Proclamation for Eagle Scout Andrew Fogle
- Lawsuit involving Rio Del Oro Village in Plumas Lake
- Voter Registration Act regarding low registration and voter turnout
Supervisor Abe: Attended Association of California Water Agencies flood management tour held May 12 and 13, 2010

Supervisor Vasquez:
- Attended Association of California Water Agencies flood management tour held May 12 and 13, 2010
- Area 4 Agency on Aging meeting on May 14, 2010 regarding audit report
- Museum of Forgotten Warriors opening of new building on May 15, 2010
- Consider adding to Board agenda discussion of a voluntary 10 percent pay reduction for board members from June through December 2010

Supervisor Nicoletti:
- Fire Safe Council meeting held in Oregon House
- Wheatland City Council meeting held May 11, 2010 regarding Ostrom Road Landfill
- Kiwanis Club helped paint senior center in Olivehurst
- STARS Pancake Breakfast in Linda on Saturday, May 15, 2010
- Purpose of travel by Board members
- Evaluation of Beale AFB for new project
- Appeal Democrat article regarding budget and participation by the Board in the process

Supervisor Griego:
- Feather River Air Quality Management District committee meeting held May 13, 2010
- Consideration of reduced Board meeting schedule for summer
- Yuba Gardens Intermediate School new gym and Wall of Fame
- CALAFCO meeting held May 14, 2010
- Proclamations for teachers Ms. Bonnie Shelton and Ms. Juanita Elston on their retirement
- Senior Center Open House May 21, 2010

Assistant County Administrator Randy Margo:
- Release of state budget revise and possible impacts
- OPUD Liaison Meeting held May 14, 2010

X. CLOSED SESSION: The Board retired into closed session at 11:48 a.m. to discuss the following:

A. Pending litigation pursuant to Government Code §54956.9(a) - Reusser vs County of Yuba et al

B. Potential litigation pursuant to Government Code §54956.9(b) - Claim/Byard, Ronald

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

The Board returned from closed session at 12.20 p.m. with all present as indicated above.

Counsel advised the potential claim was denied by the board.
XI. **ADJOURN:** 12:21 p.m. in memory of Mr. Edward Addington and Mrs. Letha McLellan by Chair Griego.

Chair

**ATTEST:** DONNA STOTTELMEYER  
CLERK OF THE BOARD OF SUPERVISORS

Approved: **June 1, 2010**