The County of Yuba

BOARD OF SUPERVISORS

JUNE 15, 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 Clerk of the Board of Supervisors Donna Stottlemyer. Chair Griego presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Griego followed by a moment of silence for those serving and having 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. Authorize Budget Transfer from Account No. 101-0950-417-2300 (Professional Services) and Account No. 101-0950-417-0103 (Extra Help) in the total amount of $47,000 to Account No. 101-0900-417-6200 (Fixed Assets) for the purchase and installation of an emergency generator for the Courthouse. (256-10) Approved

B. Clerk of the Board of Supervisors

1. Appoint Pat Camarena to the Yuba County Library Advisory Commission as the District Four Representative for a term to end December 31, 2012. (257-10) Approved

2. Approve the minutes of the regular and special meetings of May 25, and June 1, 2010. (258-10) Approved

3. Reappoint Benjamin N. Borsoff to the Strawberry Valley Cemetery District for a term to expire June 15, 2014. (259-10) Approved

C. Community Development and Services

1. Adopt resolution waiving building permit fees for replacement of two residences that were destroyed in the September 2008 Myrna Fire. (Land Use and Public Works recommends approval) (260-10) Adopted

Resolution No. 2010-61, which is on file in Yuba County Resolution Book No. 41, entitled: "A

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RESOLUTION WAIVING BUILDING PERMIT FEES FOR BOBBY, PHONG AND KOU LEE AND JOHN AND BETTY GIROD, VICTIMS OF THE MYRNA FIRE WHICH WAS OFFICIALLY DECLARED AS A LOCAL EMERGENCY BY THE BOARD OF SUPERVISORS.

2. Award contract to Teichert Construction, apparent low bidder, for the Forty Mile Road pavement rehabilitation project Phase 2 from north of Dairy Road to Plumas Arboga Road and authorize the Chair to execute same upon review and approval of Counsel. (261-10) Approved

3. Receive Final Tract Map No. 2008-03, Bear River Large Lot Map for Danna & Danna Inc., pending approval. (262-10) Received

4. Authorize the Auditor to disburse $625,000 in Measure D Funds from Fund 807 in the following amounts; $594,452.30 to County of Yuba Fund 102; $25,162.00 to the City of Marysville; and $5,385.70 to the City of Wheatland. (263-10) Approved

5. Approve plans and specifications for Smartsville Road pavement rehabilitation project from State Route 20 to Beale Air Force Base and authorize Public Works to solicit bids pending state and federal approval with a tentative bid opening date of July 28, 2010. (264-10) Approved

6. Adopt resolution accepting Moyer Grant Agreement No. 2009-31 for replacing the engine on a motor grader with a low emission engine and authorizing the Public Works Director to execute agreement. (265-10) Adopted Resolution No. 2010-62, which is on file in Yuba County Resolution Book No. 41, entitled: "A RESOLUTION ACCEPTING MOYER GRANT AGREEMENT NO. 2009-31 FOR REPLACING THE ENGINE ON A MOTOR GRADER WITH A LOW EMISSION ENGINE AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SIGN."

D. Personnel/Risk Management

1. Approve agreement with GovernmentJobs.com, Inc. dba NeoGov for performance evaluation software and services and authorize the Chair to execute same. (266-10) Approved

E. Sheriff-Coroner

1. Authorize Budget Transfer in the total amount of $170,756.00 from various funds to various line items to reprogram funds to cover current and projected shortages in Sheriff, Jail, and Animal Care Services. (267-10) Approved

IV. SPECIAL PRESENTATION

Supervisor Abe left the meeting at 9:36 a.m. and returned at 9:38 a.m.

A. Receive presentation from Linda Lions Club Event Coordinator Karen Compton on Hot Linda Nights Charity Cruise, July 4, 2010. (Ten minute estimate) (268-10) Coordinator Karen Compton recapped event activities advising the request for waiver of associated fees would be requested at the June 22, 2010 Board meeting.

V. PUBLIC COMMUNICATIONS

Ms. Freda Calvert, Hammonton Road, urged consideration of a process for checking on seniors in their homes for safety purposes.
Mr. Gary Stucky, Yuba County Employees Association, urged department heads to provide strategies for layoffs during the budget process, commented on negotiations to restructure contract to bring financial relief, and urged a balanced and shared approach between departments, management, and employees with regards to layoffs and line workers who are serving the public.

Planning Director Wendy Hartman announced the kickoff meeting for the East Linda Reinvestment Plan on June 23, 2010, 6:00 p.m. at Edgewater School.

VI. COUNTY DEPARTMENTS

A. Administrative Services

1. Approve Memorandum of Understanding with Health and Human Services for custodial services at the Packard Building and authorize Chair to execute same. (Ten minute estimate) (269-10) Approved

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

B. Auditor-Controller

1. Receive independent audit, single audit, and management report from Gallina LLP for the County of Yuba for year ended June 30, 2009. (Presenter Mr. Brad Constantine) (Fifteen minute estimate) (270-10) Mr. Brad Constantine, Gallina LLP, recapped the reports and recommendations and responded to Board inquiries.

   Auditor Dean Sellers responded to Board inquiries regarding implementation of recommendations.

C. Community Development and Services

1. Authorize Budget Transfer from Account No. 101-3600-426-28-00 (Special Department Expense) in the amount of $141,000 to Account No. 245-0000-371-98-99 (Repair and Demolition) to establish a trust fund for future Code Enforcement abatement activities. (Ten minute estimate) (271-10) Community Development Fiscal Coordinator Sean Powers and Code Enforcement Manager Jeremy Strang recapped the purpose of establishing a trust fund for abatement activities and responded to Board inquiries.

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

D. County Administrator

1. Approve request to utilize General and Capital Reserve Funds to cover end of year General Fund operating expenses. (Fifteen minute estimate) (272-10) County Administrator Robert Bendorf advised the following:

   - General Fund balance is approximately $3.6 million
   - Revenue declines of $2.5 million
   - Replaced $5 million to Capital Improvement Fund

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Mr. Bendorf advised to meet salaries and operating expense obligations through June 30, Capital and General Funds Reserves are required to balance to zero and not go into the negative which cannot happen at yearend. Mr. Bendorf responded to Board inquiries.

Adopted Resolution No. 2010-63, which is on file in Yuba County Resolution Book No. 41, entitled: "RESOLUTION DECLARING EMERGENCY PURSUANT TO GOVERNMENT CODE SECTION 29127 AND DECREASING AMOUNT OF FUNDS TO BE HELD IN THE GENERAL RESERVE AND CAPITAL RESERVE FUNDS."

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

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

A. Public Hearing - Hold public hearing to allow public comment on the use of program income from Community Development Block Grant (CDBG) for drainage improvements in Linda and adopt resolution committing CDBG program income funds to the 2010-2011 allocation of the Community Development Block Grant Program. (Ten minute estimate) (273-10) Community Service Manager Debbie Phillips read the public notice and responded to Board inquiries. Chair Griego opened the public hearing. No one came forward.

Adopted Resolution No. 2010-64, which is on file in Yuba County Resolution Book No. 41 entitled: "COMMITMENT OF CDBG PROGRAM INCOME FUNDS TO THE 2010-2111 ALLOCATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM."

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

VIII. ITEM OF PUBLIC INTEREST

A. Approve placement of a permanent sign in Hammon Grove Park honoring Donna Landerman, founder of Friends for the Preservation of Yuba County History. (Sue Cejner-Moyers) (Ten minute estimate) (274-10) Ms. Sue Cejner-Moyers advised permanent sign of granite would be installed at no cost to the County 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

IX. CORRESPONDENCE - (275-10)


C. Letter from Butte County Board of Supervisors regarding requesting the State to waive the 11 percent Administration Fee imposed on Cal Fire contracts.

D. Notice from State of California Fish and Game Commission on findings relating to listing the California tiger salamander as a threatened species.

E. Memo from Area 4 Agency on Aging enclosing Financial Statements and Annual Single Audit (OMB A-133) for Area 4 Agency on Aging year end June 30, 2009.

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

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

Supervisor Stocker:
- Waiver of $3,000 fee for expansion of Loma Rica-Browns Valley Fire Department premises
- Camptonville School graduation ceremony
- Memorial Adjournment - Mr. Bud Scroggs
- Placer Water Works open house located at Yuba County Airport

Supervisor Abe:
- North Central Counties Consortium Appeals Board hearing on June 2, 2010
- Grow Yuba Sutter meeting held June 8, 2010

Supervisor Vasquez: Review of last six years of County audit management reports regarding suggestions and compliance for better understanding

Supervisor Nicoletti:
- Memorial Adjournment - Mr. Ramon Aberasturi
- Congratulated those newly elected
- Manufacturing Association meeting held June 11, 2010

Supervisor Griego:
- Memorial Adjournment - Ms. Pamela Harbour
- Sacramento Area Council of Governments Transportation Committee meeting held June 3, 2010
- Library Advisory committee meeting held June 10, 2010
- Feather River Air Quality Management District meeting held June 7, 2010
- Promising Neighborhoods Grant Program presentation of Board June 22, 2010
- Levee project meeting with Department of Water Resources
- Placer Water Works open house located at Yuba County Airport

County Administrator Robert Bendorf:
- Commended Health and Human Services Director Suzanne Noble work on report for a new social services realignment system
- Upcoming release of proposed budget for Fiscal Year 2010-2011 and format
• Realignment of Economic Development funds and functions

XI. CLOSED SESSION: The Board retired into closed session at 11:40 a.m. to discuss the following:

A. 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

B. Threatened litigation pursuant to Government Code §54956.9(b) Two Claims

Added item C to the agenda as the need to take action arose subsequent to the agenda being posted.

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

C. Pending litigation pursuant to Government Code §54956.9(a) - Broughton v. Shotwell et al

The Board returned from closed session at 12:35 p.m. with all present as indicated above. Counsel advised direction was given to Porter Scott regarding Broughton v Shotwell.

XII. ADJOURN: 12:36 p.m. in memory of Ms. Pamela Harbour, Mr. Ramon Aberasturi, and Mr. Bud Scroggs by Chair Griego.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: July 6, 2010