The County of Yuba

BOARD OF SUPERVISORS

AUGUST 10, 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 Abe followed by a moment of silence for those lost in the current conflict.

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

A. Administrative Services

1. Approve off-airport operator agreement and use permit with Yuba Sutter Aviation Inc. and authorize Chair to execute same. (351-10) Approved.

B. Agricultural Commissioner

1. Adopt resolution accepting Yuba County Water Agency Grant agreement for temporary financial support to maintain the United States Department of Agriculture Wildlife Services program and authorizing the Agricultural Commissioner of Yuba County to sign and execute grant agreement and any and all administrative documents related to the grant. (352-10)

Adopted Resolution No. 2010-81, which is on file in Yuba County Resolution Book No. 41, which is entitled: "RESOLUTION ACCEPTING YUBA COUNTY WATER AGENCY GRANT AGREEMENT FOR TEMPORARY FINANCIAL SUPPORT TO MAINTAIN THE USDA WILDLIFE SERVICES PROGRAM."

C. Clerk of the Board of Supervisors

D. Community Development and Services

1. Adopt resolution approving application for United States Department of Transportation surface transportation infrastructure discretionary grants for capital investments II (TIGER II) for Beale Air Force Base Gateway complete streets and economic revitalization project. (354-10)

   Adopted Resolution No. 2010-82, which is on file in Yuba County Resolution Book No. 41, which is entitled: "APPROVE APPLICATION FOR U.S. DEPARTMENT OF TRANSPORTATION INFRASTRUCTURE DISCRETIONARY GRANTS FOR CAPITAL INVESTMENTS II (TIGER) FOR BEALE AIR FORCE BASE GATEWAY COMPLETE STREETS AND ECONOMIC REVITALIZATION PROJECT."

2. Approve Sycamore Ranch Caretaker Agreement with Tim Prince for the term of six months and authorize Chair to execute same. (355-10) Approved.

E. County Administrator

1. Approve 2nd Conflict Public Defender services contract with Carl Lindmark and authorize the Chair to execute same. (356-10) Approved.

2. Adopt resolution accepting $18,000 grant from Yuba County Water Agency to help support work of the Yuba Watershed Protection and Fire Safe Council for Fiscal Year 2010/2011 and authorizing the County Administrator to execute agreement and any administrative documents related to the grant. (357-10)

   Adopted Resolution No. 2010-83, which is on file in Yuba County Resolution Book No. 41, which is entitled: "RESOLUTION ACCEPTING $18,000 GRANT FROM THE YUBA COUNTY WATER AGENCY TO HELP SUPPORT WORK OF THE YUBA WATERSHED PROTECTION AND FIRE SAFE COUNCIL FOR FY 10/11 AND AUTHORIZE COUNTY ADMINISTRATOR TO EXECUTE GRANT AGREEMENT AND ANY ADMINISTRATIVE DOCUMENTS RELATED TO THE GRANT."

F. Human Resources


   Adopted Resolution No. 2010-84, which is on file in Yuba County Resolution Book No. 41, which is entitled: "RESOLUTION AMENDING AND REAFFIRMING THE EQUAL EMPLOYMENT OPPORTUNITY POLICY AND ADOPTING THE EQUAL EMPLOYMENT OPPORTUNITY PLAN."

IV. PUBLIC COMMUNICATIONS: No one came forward.

V. COUNTY DEPARTMENTS

A. Administrative Services

1. Approve Request for Proposal for professional landscaping services maintenance of various County facilities. (Five minute estimate) (359-10) Director Doug McCoy recapped the landscaping and maintenance needs for various County properties and responded to Board inquiries.

   MOTION: Move to approve           MOVED: John Nicoletti           SECOND: Andy Vasquez
   AYES: John Nicoletti, Andy Vasquez, Mary Jane Grego, Roger Abe, Hal Stocker NOES: None ABSTAIN: None
B. Board of Supervisors

1. Appoint two individuals to the First Five Yuba Commission as representatives for terms ending April 25, 2011 and April 29, 2013 respectively. (Five minute estimate) (360-10) First Five Yuba Executive Director Jenny Sharkey recapped current vacancies, qualifications of candidates, and recommendations of Cory O’Neal and Tara Crim for appointment.

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

2. Consider appointment of Michael Brown to River Highlands Community Services District and take action as appropriate. (Five minute estimate) (361-10) County Administrator Robert Bendtorf recapped the request for appointment, advising the district is a five-member Board and needs a third director to establish a quorum and respond to Board inquiries.

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

C. Community Development and Services

1. Adopt resolution approving application for the United States Department of Housing and Urban Development community challenge planning grant: Yuba County Uniform Development Code and Climate Action Plan; resolution approving application for grant funds for the Sustainable Communities Planning Grant and Incentive Program Bond Act of 2006 (Proposition 84): Yuba County Uniform Development Code and Climate Action Plan; and authorizing the Planning Director to execute and submit any and all documents necessary for the completion of the project. (Five minute estimate) (362-10) Planning Director Wendy Hartman recapped the grant request and responded to Board inquiries.

Adopted Resolution No. 2010-85, which is on file in Yuba County Resolution Book No. 41, which is entitled: "RESOLUTION APPROVING THE APPLICATION FOR U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY CHALLENGE PLANNING GRANT: YUBA COUNTY UNIFORM DEVELOPMENT CODE AND CLIMATE ACTION PLAN."

Adopted Resolution No. 2010-86, which is on file in Yuba County Resolution Book No. 41, which is entitled: "RESOLUTION APPROVING THE APPLICATION FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVE PROGRAM BOND ACT OF 2006 (PROPOSITION 84): YUBA COUNTY UNIFORM DEVELOPMENT CODE AND CLIMATE ACTION PLAN."

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

D. County Administrator

1. Receive information regarding November ballot initiatives and consider recommending positions to California State Association of Counties and Regional Council of Rural Counties. (Twenty minute estimate) (363-10) Legislative Affairs Coordinator Russ Brown provided a Power Point presentation and brief description of the following initiatives and responded to Board inquiries.

- Proposition 18 Safe, Clean, and Reliable Drinking Water Supply Act is an $11.1 billion bond to upgrade California’s water system
- Proposition 19 Regulate, Control, and Tax Cannabis Act of 2010 would legalize and tax marijuana
- Proposition 20 Voters FIRST Act allows Congress to re-draw congressional district lines

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• Proposition 21: State parks and Wildlife Conservation Trust Fund Act would increase vehicle license fees $18 per year to fund State parks.
• Proposition 22: Local Taxpayer, Public Safety and Transportation Protection Act of 2010 prohibits State government from taking designated types of local funds.
• Proposition 23: California Jobs Initiative suspends AB32 the “Global Warming Solutions Act” until unemployment falls below 5.5 percent.
• Proposition 24: Repeal Corporate Tax Loopholes Act eliminates three business tax breaks.
• Proposition 25: Passing the Budget on Time Act of 2010 allows the State budget to be passed by a simple majority rather than two-thirds requirement.
• Proposition 26: Two-Thirds Vote Required for State Levies and/or Charges would require voter approval before any new taxes could be imposed.
• Proposition 27: Financial Accountability in Redistricting Act returns the task of redistricting to the State Legislature (repeals Proposition 11)

Following Board discussion, no action was taken.

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

A. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and re-enacting section 13 00.052 of Chapter 13 of Title XIII of the Yuba County Ordinance Code establishing fee changes related to the Health Division of the Yuba County Health and Human Services Department regarding tetanus and Tdap immunizations. (Ten minute estimate) (364-10) Director Suzanne Nobles provided a brief recap and responded to Board inquiries. Chair Griego opened the public hearing. No one came forward.

MOTION: Move to close the public hearing, waive reading and introduce ordinance
MOVED: John Nicoletti
AYES: John Nicoletti, Hal Stocker, Andy Vasquez, Mary Jane Griego, Roger Abe
NOES: None
ABSTAIN: None

B. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and re-enacting the Yuba County Ordinance Code in its entirety as amended. (First reading) (Fifteen minute estimate) (365-10) Chief Deputy County Counsel Pat Garamone recapped the ordinance including the following and responded to Board inquiries:
• Correcting grammatical and spelling errors
• Deleting obsolete references
• Standardized formatting
• Added to the ordinance:
  o Code Comparative Tables
  o State Law Reference Tables
  o Code Index

Chair Griego opened the public hearing. No one came forward.

MOTION: Move to close the public hearing, waive reading and introduce ordinance
MOVED: John Nicoletti
SECON: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker
NOES: None
ABSTAIN: None

VII. ITEM OF PUBLIC INTEREST

A. Release Draft Yuba County General Plan 2030 and announce workshops scheduled August 25 and September 8, 2010 at 6:00 p.m. in Board Chambers. (Fifteen minute estimate) (366-10) Planning Director Wendy Hartman recapped the
background of the General Plan Update, recounted numerous workshops and town hall meetings including the following and responded to Board inquires.
• Release Draft Yuba County 2030 General Plan on August 10, 2010
• Major outreach campaign by mail:
  o Pamphlet summarizing key points mailed to all Yuba County residents
• Two town hall meetings scheduled:
  o Wednesday, August 25, 2010 at 6:00 pm, Yuba County Government Center, Board Chambers
  o Wednesday, September 8, 2010 at 6:00 pm, Yuba County Government Center, Board Chambers

Following Board discussion, Ms. Hartman advised the document is available on compact disc with one per household at no cost, and subsequent copies available for $5.00 each. Ms. Hartman acknowledged and commended Planner Dan Cucchi for his dedication to the project.

VIII. CORRESPONDENCE – (367-19)

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

A. Notice from State of California Fish and Game Commission regarding proposed regulatory action relating to commercial herring fishery.

B. Two Local Agency Biennial Notices advising no amendment is required to the conflict of interest code for Keystone Cemetery District and Peoria Cemetery District.


D. Letter from Department of the Interior Bureau of Indian Affairs announcing notice of availability of the Final Environmental Impact Statement for the Proposed Enterprise Rancheria Gaming Facility and Hotel Fee-to-Trust Acquisition Project, Yuba County.

IX. BOARD AND STAFF MEMBERS’ REPORTS: The following reports were received.

Supervisor Stocker:
• Chico tour of health communities, senior center and roundabouts held Friday, August 6, 2010
• Forbestown Days celebration and parade held Saturday, August 7, 2010
• Emergency preparedness program in Brownsville held Saturday, August 7, 2010
• Loma Rica Lions hosted Blues Festival on Saturday, August 7, 2010
• Farmers market in Brownsville and Camptonville held Saturday, August 7, 2010
• Hill Top Gang met on Sunday, August 8, 2010
• Senior Lunch in Brownsville held Monday, August 9, 2010

Supervisor Abe:
• Local Agency Formation Commission meeting on Wednesday, August 4, 2010
• Tour of Colgate Power Plant and breakfast in Dobbins scheduled Friday, August 13, 2010

Supervisor Vasquez:
• Second Annual Linda Clean-up scheduled Saturday, August 21, 2010
• Attended Yuba County Child Council on Wednesday, August 4, 2010

Supervisor Griego:
• Local Agency Formation Commission meeting on August 4, 2010 regarding spheres of influence of the foothill fire districts
Sacramento Area Council of Governments (SACOG) August 5, 2010 regarding approval of SECAT recommendation for the six county region regarding infill incentives
Chico tour sponsored by Wellness Committee and Local Government Commission
Appeal-Democrat article regarding the "Wall of Fame" project celebrating successful students from Yuba Gardens and Alicia Schools
Initial discussions with local business regarding a wellness center
Vintage car showcase Saturday, August 21, 2010 from 4 to 9 p.m. on Olivehurst Avenue

County Administrator Robert Bendorf:
Yuba County Airport received $1.2 million grant for rehabilitation of taxiway and apron area
Executive Leadership Program projects

Chair Griego formed an advisory committee appointing herself and Supervisor Nicoletti as representatives to review Executive Leadership Development Program participant’s proposed "Wellness" and "Intern" programs, for a duration through December 31, 2010.

X. CLOSED SESSION: The Board retired into closed session at 11:43 a.m. to discuss the following.

A. Pending litigation pursuant to Government Code §54956.9(a) - Burkhart vs. County of Yuba et al
B. Pending litigation pursuant to Government Code §54956.9(a) - State of California vs. River Highlands Community Services District et al
C. Threatened litigation pursuant to Government Code §54956.9(b) - One Claim
D. Potential litigation pursuant to Government Code §54956.9(b) - One Case
E. Personnel pursuant to Government Code §54957 - Public Employee Discipline/Dismissal/Release

Supervisor Vasquez left closed session at 12:20 p.m. and returned to closed session at 12:22 p.m.

The Board returned from closed session at 12:50 p.m. with all present as indicated above.

Counsel Angil Morris-Jones advised the Burkhart matter had been settled and the County was released and dismissed from the action; the Board gave direction in the River Highlands matter and authorization on the pending litigation. Ms. Morris-Jones advised in the personnel matter the Board of Supervisor adopted the decision of the hearing officer.

XI. ADJOURN: 12:51 p.m. by Chair Griego.

 Vice Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: August 24, 2010

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