The County of Yuba

BOARD OF SUPERVISORS

NOVEMBER 9, 2010 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:48 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

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 Consent Agenda
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 ratifying and approving the grant application with the National Rifle Association Foundation State Fund Committee that will allow for pheasant purchases for the 2011 Junior's, Women and Mobility Impaired pheasant hunt and authorize the Agricultural Commissioner to execute any and all documents for the grant. (506-10) Adopted Resolution No. 2010-124 which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION RATIFYING AND APPROVING THE SUBMITTAL OF AN APPLICATION FOR A NATIONAL RIFLE ASSOCIATION GRANT BY THE YUBA COUNTY AGRICULTURAL COMMISSIONER ON BEHALF OF THE FISH AND GAME COMMISSION TO EDUCATE INDIVIDUALS ABOUT HUNTING SAFETY AND MARKSMANSHIP AND AUTHORIZING THE AGRICULTURAL COMMISSIONER TO EXECUTE ANY DOCUMENTS REQUIRED AND/OR RELATED TO THE APPLICATION AND ADMINISTRATION OF THE GRANT."

B. Clerk of the Board of Supervisors

1. Approve minutes of the regular and special meetings of October 19 and 26, 2010. (507-10) Approved as written.

2. Reappoint Philolis Goode to the Plumas Lake Design Review Committee for a term to expire November 9, 2011. (508-10) Approved.
C. Community Development and Services

1. Approve software license and indemnity agreement with California Department of Transportation for the Hammonton-Smartsville Road at Simpson Lane traffic signal project, and authorize the Chair to execute same. (509-10) Approved.

D. Emergency Services

1. Approve out of state travel for Information Technology and Sheriff’s office staff, funded by Federal Public Safety Interoperable Communications Grant, to attend JPS Raytheon interoperability equipment training in Raleigh, NC, December 14 - 15, 2010. (510-10) Approved.

E. Health and Human Services

1. Approve System Improvement Plan for Children Services for submission to the California Department of Social Services and authorize Chair to execute same. (Human Services Committee recommended for approval) (511-10) Approved.

F. Sheriff-Coroner


IV. SPECIAL PRESENTATION

A. Present proclamation to Wildlife Services Specialist Mark Frederick. (Five minute estimate) (499-10) Postponed to December 7, 2010.

B. Receive presentation on services available through American Red Cross. (Charles McCaul, Emergency Services Manager) (Ten minute estimate) (513-10) Mr. McCaul recapped services provided during emergency incidents and disaster, and recapped the need for volunteers including a lead volunteer coordinator for Yuba County.

V. PUBLIC COMMUNICATIONS

Ms. Mary Battista, Merriam Road, commented on concerns and communication issues regarding processing a lot adjustment and permitting buildings located on the property.

Chief Building Official Martin Griffin provided the status on the unpermitted buildings and fire clearance.

Supervisor Stocker requested detailed information on the status to date.

VI. COUNTY DEPARTMENTS

A. County Administrator

1. Adopt joint resolution between Yuba County and Wheatland approving property and sales tax revenue exchange for a proposed annexation to the City of Wheatland (Bishop Pumpkin Farm) effective July 2, 2011. (Ten minute estimate) (514-10) County Administrator Robert Bendorf recapped the location of the property to be annexed into Wheatland, the sharing of revenues, and responded to Board inquiries.
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

Adopted Resolution No. 2010-125, which is on file in Yuba County Resolution Book No. 41 entitled:
"JOINT RESOLUTION BY YUBA COUNTY AND WHEATLAND APPROVING PROPERTY AND
SALES TAX REVENUE EXCHANGE FOR A PROPOSED ANNEXATION TO THE CITY OF
WHEATLAND (BISHOP PUMPKIN FARM."

2. Receive first quarter financial report for Fiscal Year 2010/2011 and provide direction as necessary.
(Fifteen minute estimate) (515-10) County Administrator Robert Bendorf recap the following and
responded to Board inquiries:
- General Fund discretionary revenues received and expenditures
- Departmental revenue and expenditure reporting
- General Fund Reserves and Contingencies
- Vacant positions filled
- Building and foreclosure activity
- State Budget highlights and impacts
- Budget Calendar for Fiscal Year 2011/2012

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

A. Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and reenacting Chapter 10.05
of the Yuba County Ordinance Code as is relates to standards of building construction. (Second Reading)
(Continued from October 26, 2010) (Five minute estimate) (503-10) Chair Griego opened the public hearing.
No one came forward.

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

Adopted Ordinance No. 1501, which is on file in Yuba County Ordinance Book No. 22 entitled: "AN
ORDINANCE REPEALING AND RE-ENACTING CHAPTER 10.05 OF THE YUBA COUNTY
ORDINANCE CODE RELATING TO STANDARDS OF BUILDING CONSTRUCTION."

VIII. CORRESPONDENCE - (516-10)

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

A. Letter from Area 4 Agency on Aging commending Board for continued financial support.

B. Letter from Remy, Thomas, Moose and Manley LLP regarding the 2030 General Plan Update.

C. Letter and agenda from California Wildlife Conservation Board regarding consideration of acquisition of
wildlife habitat acreage located in Yuba County.
D. Two notices from California Fish and Game Commission regarding proposed regulatory actions relative to Alameda Creek and a petition to list the Black-backed Woodpecker as threatened or endangered.

E. Two local Biennial Notices advising no amendment is required to the conflict of interest code for Reclamation District 817 and Reclamation District 2103.

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

Supervisor Stocker:
- Brownsville Quilt Guild craft show
- Home fire on Texas Hill Road and benefit to assist residents
- Camptonville Historical Cemetery tour of facilities
- Veterans meeting on chemicals used during warfare
- Veterans Dinner in Loma Rica Saturday, November 13, 2010
- Senior meals supplier for Yuba County
- Loma Rica olive tree farm and production of olive oil

Supervisor Abe:
- Local Agency Formation Commission meeting held November 3, 2010
- Wheatland Community cleanup on November 6, 2010

Auditor Controller Dean Sellers:
- Certificate of excellence received in financial reporting system for 2009
- Material weaknesses in previous audit reports due to classification and number of trust funds for various grant program has been identified
- Working on retrieving more information from financial system

Supervisor Vasquez:
- Bi County Substance Abuse Advisory Council meeting held October 26, 2010
- Bi County Juvenile Hall Mental Health Committee meeting held October 29, 2010
- Hmong New Year celebration

Supervisor Nicoletti:
- Memorial Adjournment - Mrs. Mary Bramer
- County Administrator Brown Bag lunches
- Retirement dinner for Superintendent of Schools Ric Teagarden, November 19, 2010
- Veterans Parade on November 11, 2010
- Yuba County Senior Center craft fair

Supervisor Griego:
- Sacramento Council of Governments Board meeting November 4, 2010 appointment to Nomination Committee for Chair and Strategic Planning Committee
- Local Government Commission First Thursday dinner held November 4, 2010
- First 5 Commission bridge loan for funding 0-5 services
- South Yuba Economic and Development Committee
- Olivehurst Christmas Parade - December 11, 2010
- Rural Urban Connection Strategy meeting on December 10, 2010 regarding agriculture
County Administrator Robert Bendorf:

- Regional wastewater study session scheduled December 8, 2010 at 10:00 a.m.
- November 16, 2010 presentation on alternative energy project for County

Through Board consensus, the Board meeting scheduled December 28, 2010 was cancelled.

X. CLOSED SESSION: The Board retired into closed session at 11:12 a.m. to discuss the following:

A. Threatened litigation pursuant to Government Code §54956.9(b) - Two Claims/Cuthbert and Hewlett

B. Personnel pursuant to Government Code §54957 - Public Employee Discipline/Dismissal/Release

C. Personnel pursuant to Government Code §54957 - Department Head Evaluation/County Administrator

The Board returned from closed session at 2:03 p.m. with all members present as indicated above with the exception of the Clerk. Deputy Clerk Rachel Ferris joined the meeting.

The Chair announced by unanimous decision, the Board has rejected the two claims identified, adopted the hearing officer's decision in the personnel matter, and completed the evaluation of the County Administrator.

XI. GENERAL PLAN 2030 DRAFT ENVIRONMENTAL IMPACT REPORT WORKSHOP

Approve recommended alternative analysis for the General Plan 2030 Draft Environmental Impact Report and direct staff to release for public review in December 2010. (517-10) Community Development and Services Director Kevin Mallen recapped the process involved in defining the four alternatives and reviewed the upcoming schedule of events including the following:

- Environmental Impact Report (EIR) release December 2010
  - 60 day comment period
- Planning Commission hearing December 15, 2010
- Draft EIR to be presented to the Board January 2011
- Public hearing on Draft EIR and General Plan February 2011
- Prepare final EIR and final General Plan hearing to Certify EIR Spring 2011

Mr. Mallen advised discussions leading up to the four alternates and related themes centered on:

- Protection of agricultural and natural resource lands
- Providing adequate land for a variety of job generating uses
- Defined community boundaries and focused growth and infrastructure areas

Planning Director Wendy Hartman recap the four alternatives and advised the goals and policies the Board supported were incorporated into the alternatives.

In response to specific questions from the Board, Mr. Matthew Gerken, Project Manager Senior Associate AECOM, advised the four alternatives only included the proposed growth in the unincorporated areas and did not include projected new jobs occurring at Beale Air Force Base.

Following Board discussion the following individuals spoke:

- Ms. Janet Marchant, Dobbins, expressed concerns on the cost associated with bike lanes.
• Mr. Tom Eres, Representing Hofman Ranch, expressed concern regarding fiscal impacts and indicated an employment village should be in all four alternatives.
• Mr. Eric Johnson, Marysville, expressed concerns over zoning changes.
• Mr. Nick Spaulding, Oregon House, concerned the changes in the Draft have not been budgeted and felt the Draft EIR is not ready for release.
• Mr. Charles Sharp, Oregon house, concerned with green house gas emissions.
• Mr. Tom Richard, Oregon House, concerned there is not a better handle on estimates for the job/housing ratio.
• Mr. Randy Collins, Representative for Woodbury landowners, urged the Board to designate Woodbury as a boundary and delete the four fifths voting requirement.
• Mr. Don Schrader, District 10, voiced concerns regarding a recent FEMA letter showing all of District 10 mapped into a floodplain, and concerned the price of flood insurance will drive businesses out of the area and devalue homes in Saddleback.
• Mr. Don Rae, Plumas Lake, concerned there are too many errors in the document that have yet to be addressed and fears the Board is moving too fast.

Following additional Board discussion regarding possible impacts to jobs, housing, and traffic from Beale Air Force Base, and resulting economic impacts, Mr. Mallen and Ms. Hartman advised they would research those impacts and report back to the Board at a later date.

Through Board consensus, the Board released the General Plan 2030 Draft EIR for public comment.

XII. ADJOURN: 4:10 p.m. in memory of Mrs. Mary Bramer by Chair Griego.

Chair

ATTEST: DONNA STOTTLMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: December 7, 2010