The County of Yuba
BOARD OF SUPERVISORS
DECEMBER 7, 2010 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:00 p.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 Vasquez

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 with exception of item C
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 in the amount of $15,000 from 4H Hold Fund 274 to Account No. 101-0101-411-5240 (4H Camp) for improvements at 4H Outdoor Education Camp property in Dobbins. (Public Facilities Committee recommends approval) (537-10) Approved.

2. Approve Change Order No. 1 in the amount of $116,923.80 to agreement with Knife River Construction as it relates to FAA AIP 3-06-0149-14 and authorize Chair to execute same. (538-10) Approved.

B. Clerk of the Board of Supervisors

1. Approve minutes of the meetings of November 9, 16, and 23, 2010. (539-10) Approved.

2. Re-appoint Patricia Stutte to the Sutter-Yuba Mental Health Advisory Board as the Consumer Representative for a term to end December 7, 2013. (540-10) Approved.

C. Clerk-Recorder/Elections

1. Accept Statement of Vote for the November 2, 2010 Statewide Consolidated General Election pursuant to Elections Code §15400. (541-10) Supervisor Vasquez commended Clerk Recorder Terry Hansen regarding the accuracy and speed of the canvass process. Ms. Hansen commended her staff for their integrity and hard work advising 16 elections had been held since she took office.

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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

D. Community Development and Services

1. Adopt resolution authorizing the Community Development and Services Director to complete purchase of single family residences APN 021-182-014 and APN 021-194-002 as part of the Neighborhood Stabilization Program and execute all documents needed for completion of purchase, rehabilitation and resale. (542-10) Adopted Resolution No. 2010-130 which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION AUTHORIZING YUBA COUNTY COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR TO COMPLETE PURCHASE OF SINGLE FAMILY RESIDENCES APN 021-182-014 AND APN 021-194-002 AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND EXECUTE ALL DOCUMENTS NEEDED FOR COMPLETION OF PURCHASE, REHABILITATION AND RESALE."

E. County Administrator

1. Approve amendment to memorandum of understanding with Yuba County Water Agency for flood preparedness activities. (543-10) Approved.

F. Library

1. Approve closure of the County Library on Friday, December 24, Saturday, December 25, 2010 and Saturday, January 1, 2011. (544-10) Approved.

IV. SPECIAL PRESENTATION

A. Receive presentation on Fish and Game Advisory Commission annual activities from Chair Deborah Byrne. (Fifteen minute estimate) (545-10) Ms. Byrne commended Agricultural Commissioner staff, recapped the financial statement dated July 1, 2009 through June 30, 2010, and Fiscal Year 2010-2011 grants and donations received. Ms. Byrne further recapped Commission programs, activities, and commended fellow commissioners for their dedication.

V. PUBLIC COMMUNICATIONS:

Mr. Nick Spaulding, Oregon House, commented on differences in communication between the community, staff, and the Board with respect to the General Plan Update.

Mr. Fred Cook, North Beale Road, commented on efforts to rebuild his home on property located at 4847 North Beale Road and felt staff was uncooperative, treating him inappropriately, and only want to "tear down the property."

Supervisor Vasquez advised he would visit the property.

VI. COUNTY DEPARTMENTS

A. Board of Supervisors

1. Receive presentation and adopt resolutions setting forth Yuba County's commitment to obesity prevention and supporting an accessible and healthful local food system within the Sacramento region. (Ten minutes estimate) (546-10) Supervisors Griego and Stocker recapped the activities of the health ad hoc committee which contributed in preparing a foundation for healthy community and the prevention of obesity. Ms. Laura Podolsky, Local Government Commission, and Ms. Cathy LeBlanc, Camptonville Community Partnership, recapped the process and focus of obesity prevention and the food charter and responded to Board inquiries.

The following individuals spoke in opposition:
Ms. Marcia Cecil, Marysville Road, provided a Power Point presentation
Mr. Tom Richards, Oregon House
Mr. Frank Cecil, Browns Valley
Mr. Buck Weckman, Olivehurst
Mr. Paul Myers, Olivehurst
Mr. Nick Spaulding, Oregon House
Mr. Mike Christianson, Browns Valley

The following individuals spoke in support:
Ms. Rose McIsaac, Marysville
Dr. Arun Kumar, Olivehurst
Ms. Claudia Hollis, FREED Executive Director

Following Board discussion, Chair Griego continued the item to the meeting of February 1, 2011 to allow for more participation at the December and January committee meetings of the Health Committee.

2. Approve employment agreement with County Administrator Robert Bendorff and authorize Chair to execute same. (Ten minute estimate) (551-10) Supervisor Nicoletti recapped the development of the agreement and evaluation process of the County Administrator. Mr. Bendorff commended the Board’s time and effort regarding the executive evaluation process and commended the dedication of staff.

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

B. Community Development and Services

1. Approve redistricting process to revise the supervisory district boundaries subsequent to Census 2010. (Ten minute estimate) (547-10) Community Development and Services Director Kevin Mallen and Clerk Recorder Terry Hansen recapped the following process and responded to Board inquiries:
   - Create Redistricting Committee consisting of the County Administrator, District Attorney, Clerk/Recorder, County Counsel, and Community Development Director
   - Designate Community Development Director Project Coordinator
   - Designate technical and administrative support of Administrative Services and Community Development Departments
   - Authorize purchase of Mapitude for redistricting software
   - Provide monthly status reports to Board beginning May 2011

Ms. Deborah Byrne suggested meeting with individual supervisors and contacting Sacramento Area Council of Governments regarding the use of their Mapitude software.

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

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

A. Public Hearing - Hold public hearing and adopt resolution adopting fire mitigation fees for Linda Fire Protection District. (Five minute estimate) (548-10) Fire Chief Rich Webb recapped the fee changes. Chair Griego opened the public hearing. No one came forward.

MOTION: Move to close public hearing and adopt resolution
MOVED: John Nicoletti
SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker
NOES: None
ABSTAIN: None
Adopted Resolution No. 2010-131 which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION ADOPTING FIRE MITIGATION FEES FOR LINDA FIRE PROTECTION DISTRICT."

VIII. CORRESPONDENCE - (549-10)

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. Letter from California Emergency Management Agency advising disaster area designation for Placer and contiguous counties result from damages caused by the Roseville Galleria Mall Fire.

B. Letters from Harmony Health Family Resource Center, FREED Center for Independent Living, Peach Tree Healthcare, Sutter North Medical Group, First 5 Yuba Commission, Sacramento Tree Foundation, and Camptonville Community Partnership, Inc. supporting the Sacramento Region Food System Charter and Yuba County Obesity Prevention resolution.

C. Letter from Yuba County Water Agency to Federal Energy Regulatory Commission regarding the application for a new license for the Yuba River Development Project.

D. Letter from Yuba County Employees' Association Local No. 1 regarding layoff procedures related to exemption status.

E. Letter from California Department of Finance regarding redevelopment agency funding the Supplemental Educational Revenue Augmentation Funds obligation.

F. One local Biennial Notices advising no amendment is required to the conflict of interest code for Wheatland Union High School District.

G. Two Local Biennial Notices advising an amendment is required to the conflict of interest code for Yuba Local Area Formation Commission (LAFCO) and Wheatland Fire Authority.

H. Two notices from California Fish and Game Commission relating to Stewarts Point State Marine Reserve and Conservation Area and proposed regulatory changes relating to south coast marine protected areas.

I. Letter from Alyssa Lindman regarding the Draft Yuba County General Plan 2030.


K. Notice from California Department of Water Resources and Pacific Gas and Electric Company enclosing a CD regarding the Final Habitat Expansion Plan for Central Valley Spring-Run Chinook Salmon and California Central Valley Steelhead.

L. Letter from California Sudden Infant Death Syndrome Advisory Council Chair Thomas G. Keens, M.D. commending Sheriff Stephen Durfor for his outstanding and dedicated service on the California SIDS Advisory Council.

M. Letter from Brigadier General Paul H. McGillicuddy, Beale Air Force Base, commending the County and its departments for the improvements on Smartsville Road.

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

Supervisor Stocker:
- Memorial Adjournments - Mrs. Alice Rorie and Mr. David Filante
- Veterans Affair Committee meeting held November 18, 2010
- Thanksgiving Day dinner celebrations
• Forbestown Museum hometown Christmas celebration
• Local Agency Formation Commission meeting schedule December 1, 2010
• Local Government Commission first Thursday meeting
• Dobbins School fundraiser
• Marysville Christmas Parade December 4, 2010

Supervisor Abe:
• Wheatland area meeting on landfill proposal held November 19, 2010
• Tour of Teichert facility tour on November 23, 2010
• Bell ringer for Salvation Army on November 23, 2010
• Chuck Yeager road dedication
• North Central Counties Consortium Board meeting held December 3 regarding the former Executive Director returning
• District 10 meeting held December 6, 2010 regarding flood insurance

Supervisor Vasquez:
• Chuck Yeager road dedication
• Attended Yuba County Children’s Commission meeting held December 1, 2010
• Marysville Christmas Parade held December 4, 2010
• Attended Chico Elks Club ceremony regarding National Guard’s Deployment to Iraq

Supervisor Nicoletti:
• Resource depletion taxes lowest received since inception
• Feather River Air Quality Management District meeting regarding Jeff Citron being receiving California Air Pollution Control Officer of the Year
• Thanksgiving Day meal deliveries
• Marysville Christmas Parade held December 4, 2010
• Association of Water Agencies conference held December 2 – 6, 2010
• Chuck Yeager road dedication

Supervisor Griego
• Chuck Yeager road dedication
• Attended Local Agency Formation Commission meeting held December 1, 2010
• Attended Sacramento Area Council of Governments board meeting held December 2, 2010
• Attended Local Government Commission 1st Thursday Dinner held December 2, 2010
• Marysville Liaison Committee held December 2, 2010
• Attended Feather River Air Quality Management District meeting held December 6, 2010
• Meeting with Boy Scout troop from Linda
• Linda Olivehurst Little League
• Marysville Christmas Parade held December 4, 2010

County Administrator Robert Bendorf:
• Meeting regarding Regional Wastewater Study December 8, 2010
• Upcoming legislative and budget meetings with departments
• Thanksgiving Day meal deliveries in Linda and Olivehurst

X. CLOSED SESSION: The Board retired into closed session at 9:22 p.m. to discuss the following:

A. Potential litigation pursuant to Government Code §54956.9(b) - One Case

B. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 010-132-001, 003 and 101-191-001/Sheriff’s Facility Negotiating Parties: County of Yuba-Doug McCoy Negotiation: Terms of Payment

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The Board returned from closed session at 9:43 p.m. with all present as indicated above.

Counsel Angil Morris-Jones announced by unanimous vote the Board gave specific direction not to waive the conflict regarding potential litigation and agreed on a specific purchase for the real property identified.

XI. ADJOURN: 9:44 p.m. in memory of Mrs. Alice Rorie and Mr. David Filante by Chair Griego.

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Donna Stottemeyer

Approved: December 28, 2010