The County of Yuba

BOARD OF SUPERVISORS

DECEMBER 14, 2010 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:42 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 Nicoletti

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. Auditor-Controller

1. Adopt resolution authorizing the mandatory imposition of a four dollar penalty per traffic violation pursuant to the Emergency Medical Air Transportation Act. (568-10)

Adopted Resolution No. 2010-132, which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION AUTHORIZING THE MANDATORY IMPOSITION OF A FOUR DOLLAR ($4) PENALTY PER TRAFFIC VIOLATION PURSUANT TO THE EMERGENCY MEDICAL AIR TRANSPORTATION ACT."

B. Board of Supervisors

1. Fill vacancies to the Yuba County Commission on Aging by moving Ethel Jorgensen from the At-Large Representative to the District Two Representative with a term to end December 31, 2012; appoint Gayle Diemand as the At-Large Representative with a term to end May 5, 2012; and appoint Sue Cejner-Moyers as the District Five Representative with a term to end December 31, 2014. (552-10) Approved.

2. Cast ballot for John Nicoletti as the Supervisor Representative for Group 2 Counties on the County Medical Service Program Governing Board. (569-10) Approved.
C. Clerk of the Board of Supervisors

1. Adopt list of ongoing boards, commissions, and committees appointed by the Board of Supervisors. (553-10) Approved.

D. Community Development and Services

1. Award and approve contract with Drake Haglan and Associates for the Timbuctoo Road and over deep ravine No. 1 bridge replacement project and authorize the Chair to execute same. (554-10) Approved.

2. Approve contract amendment with Yuba Sutter United Way in the amount of $25,000 for continuation of services as a provider for the Recreation Coordinator Pilot Program and authorize Chair to execute. (555-10) Approved.

3. Approve Ponderosa Park Project as complete and release Performance Bond No. 2090695 Contract No. 2010-5064D for the project. (556-10) Approved.

4. Adopt resolution authorizing purchase of real property from Gilbert Retail Holdings, LLC and authorizing the Public Works Director to execute all document required to finalize purchase of property located on the north side of Broadway Road and east side of Feather River Boulevard identified as APN 014-300-080, 081, 082 for potential Olivehurst Public Utility District Community Park. (557-10) Adopted Resolution No. 2010-133, which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION AUTHORIZING PURCHASE OF THE REAL PROPERTY FROM GILBERT RETAIL HOLDINGS, LLC AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS REQUIRED TO FINALIZE THE PURCHASE OF THE PROPERTY BY THE COUNTY OF YUBA."

E. County Administrator

1. Adopt resolution repealing and enacting certain sections of the Yuba County Administrative Policy and Procedures Manual. (Finance and Administration Committee recommends approval) (558-10) Adopted Resolution No. 2010-134, which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION REPEALING AND ENACTING CERTAIN SECTIONS OF THE YUBA COUNTY ADMINISTRATIVE POLICY AND PROCEDURES MANUAL."

F. Treasurer-Tax Collector

1. Adopt resolution delegating investment authority to the Yuba County Treasurer for the year 2011. (559-10) Adopted Resolution No. 2010-135, which is on file in Yuba County Resolution Book No. 41 entitled: "RESOLUTION DELEGATING INVESTMENT AUTHORITY TO THE YUBA COUNTY TREASURER FOR THE YEAR 2011."

2. Receive County of Yuba Investment Pool Statement of Investment Policy. (560-10) Received.

IV. PUBLIC COMMUNICATIONS:

Economic Development Coordinator John Fleming advised a special briefing on the Beale Air Force Base Liberty MC 12 program on Friday December 17, at the Government Center in Conference Room 2.
Mr. Nick Spaulding, Oregon House, expressed concern regarding to language used in the General Plan Update Draft EIR and other related documents from the Planning Commission.

V. ORDINANCES AND PUBLIC HEARINGS: The Deputy Clerk read the disclaimer.

A. Public Hearing - Hold public hearing, approve Chevron Energy Solutions energy and infrastructure improvement project; approve financing options for the project and authorize coordinating formal financing; direct staff to prepare final contracts and financing documents for subsequent Board approval. (570-10) Administrative Services Director Doug McCoy recapped issues relating to aging HVAC equipment and solutions to address funding for repairs and upgrades.

Mr. Jeff Small, Capitol Public Finance Group provided a Power Point presentation on the following financing objectives:

- Completion of energy efficiency project
- Avoid expenses related to antiquated equipment
- Finance interest during construction to prevent interest and utility expense in the same period

- Self Funded Options
  - 21 Year Rated Tax Exempt COP
  - Assumed rating of 'A-' and assumed interest rate of 5.25
  - Program costs paid with anticipated savings in utility costs

- Non-Self Funded Option
  - 16 year Tax Exempt Lease Purchase
  - Program costs paid with anticipated savings in utility costs
  - Assumed interest rate of approximately 4.25
  - Initial down payment can be can be paid with capital facility funds including money from tobacco securitization

Following Board discussion County Administrator Robert Bendorf responded to specific questions regarding current and projected capital expenditures.

Supervisor Stocker left the meeting at 10:42 a.m. and returned at 10:47 a.m.

Following additional Board discussion, Mr. Ashu Jain, Chevron, answered Board questions relating to savings decline, equipment failure, and risk guarantee offered by Chevron as part of the agreement.

MOTION: Move to close the public hearing and approve the energy and infrastructure improvement project, directed staff to prepare final contract and financial options for self funding and non-self funding
MOVED: John Nicoletti SECOND: Hal Stocker
AYES: Andy Vasquez, Mary Jane Griego, Roger Abe, John Nicoletti, Hal Stocker NOES: None
ABSTAIN: None

B. Public Hearing - Hold public hearing and adopt findings of fact, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of $1,704.00 and the recording of a lien located at 8098 Quartz Lane, Smartsville (Bank of America). (Ten minute estimate) (561-10) Code Enforcement Officer Debbie McNally recapped actions and responded to Board inquiries.

Chair Griego opened the public hearing. No one came forward.
MOTION: Move to close the public hearing and adopt findings of fact
MOVED: Hal Stocker    SECOND: John Nicoletti    AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe NOES: None    ABSTAIN: None

C. Public Hearing - Hold public hearing, waive reading, and adopt ordinance amending certain section of Title XII of the Yuba County Ordinance Code Chapter 12.05 by adding Chapter 12.140 as it relates to solar and wind energy systems. (Ten minute estimate) (562-10) Planning Director Wendy Hartman recapped the necessity for amending the current ordinance to address wind turbines and responded to Board inquiries.

Following Board discussion, Counsel Angil Morris-Jones advised Planning Department would research the use of smaller wind turbines for residential use and present their findings to the Board at a later date.

Chair Griego opened the public hearing. The following individual spoke:

Mr. Nick Spaulding, Oregon House, expressed concerns regarding the rush to approve an ordinance and the limitations and restrictions within the ordinance.

Following additional Board discussion, Ms. Hartman and Community Development Director Kevin Mallen responded to inquiries regarding size of systems and maximum kilowatts allowed per type of use.

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

Adopted Ordinance No. 1502, which is on file in Yuba County Ordinance Book No. 22 entitled: "AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE YUBA COUNTY ZONING ORDINANCE CODE (CHAPTER 15.05) AND ADDING CHAPTER 12.140 AS IT RELATES TO SOLAR AND WIND ENERGY SYSTEMS."

D. Public Hearing - Hold public hearing, waive reading, and adopt ordinance amending certain section of Title XII of the Yuba County Ordinance Code Chapters 12.05, 12.45, and 12.105 as it relates to emergency shelters and transitional and supportive housing. (Ten minute estimate) (563-10) Planning Director Wendy Hartman provided a brief recap of the ordinance and history and responded to Board inquiries.

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

MOTION: Move to close the 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. 1503, which is on file in Yuba County Ordinance Book No. 22 entitled: "AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE YUBA COUNTY ZONING ORDINANCE CODE (CHAPTERS 12.05, 12.45, AND 12.105) AS IT RELATES TO EMERGENCY SHELTERS AND TRANSITIONAL AND SUPPORTIVE HOUSING."
VI. CORRESPONDENCE - 564-10

A. One local Biennial Notice advising no amendment is required to the conflict of interest code for Camptonville Union School District.

B. Letter from David Soares regarding the Draft General Plan 2030.

Direction was provided to the County Administrator to coordinate a meeting with the Yuba County Water Agency and Mr. David Soares, to address concerns.

Mr. Nick Spaulding, Oregon House, advised Mr. Soares group is a sub-committee of the Dobbins Oregon House Action Committee.

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

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

Supervisor Stocker:
- Memorial Adjournment - Ms. Peggy Louise Schuler and Mr. George Abel
- Fire Safe Council meeting held December 8, 2010 regarding feasibility discussion on a Bio-mass energy plant

Supervisor Abe left the meeting at 12:10 p.m. and returned at 12:13 p.m.

Supervisor Vasquez:
- Area 4 Agency on Aging approved senior nutrition site
- Requested language "Decision making body..." be clarified on future documents and reflect that entities name

Supervisor Abe:
- California State Association of Counties (CSAC) conference general session meeting held November 17, 2010 medical marijuana update
- Regional Council of Rural Counties election of president Mr. David Finigan of Del Norte County
- Commended Community Development and Services Fiscal Manager Sean Powers for having received a certificate from CSAC for excellence in government
- Congratulated Treasurer Dan Mierzwa for his appointment by CSAC to the California Statewide Community Development Authority Board of Commissioners as an alternate
- 2011 CSAC annual conference in San Francisco November 29 - December 2, 2011
- Wheatland Tree Lighting ceremony held December 3, 2010
- Federal Emergency Management Agency (FEMA) meeting held December 8, 2010
- Regional Wastewater Facility meeting held December 8, 2010
- Yuba Sutter Economical Development Corporation presentation at Government Center held December 9, 2010
- North Central Counties Consortium business development committee meeting held December 9, 2010
• Sierra Sacramento Valley EMS meeting held December 10, 2010 amending JPA to include counties of Butte, Colusa, Shasta, Siskiyou, and Tehama
• Hallwood Women's Club breakfast held December 12, 2010
• Memorial Adjournment - Mr. Harold Guynes

Supervisor Vasquez left the meeting at 12:20 p.m. and returned at 12:23 p.m.

Supervisor Nicoletti:
• Planning Commissions duties and responsibilities
• Flood awareness meetings held in District 10 and Wheatland
• Representative for Group 2 Counties on the County Medical Service Program Governing Board
• Beale Air Force Base Thunderbird air show April 30 and May 1, 2011

Supervisor Griego:
• Commended County Administrator Robert Bendorf for his roll and leadership in coordinating the Regional Waste Water forum
• Rural Urban Connections Strategies held December 10, 2010 in Sacramento
• Californian Local Area Formation Commission (Cal LAFCO) Board of Directors meeting regarding policies and regional issues
• Appointed Treasurer to the Cal LAFCO Board of Directors
• No Board of Supervisors meeting December 21, 2010
• Commended the planning committee and other individuals involved with 2010 Olivehurst Christmas Parade

County Administrator Robert Bendorf: Use of local contractor and subsequent jobs created associated with the Chevron Energy project

VIII. CLOSED SESSION: The Board retired into closed session at 12:33 p.m. to discuss the following:

A. Potential litigation pursuant to Government Code §54956.9(b) - Two Claims - Rogers/Studhalter

The Board returned from closed session at 12:45 p.m. with all members present as indicated above.

Counsel Angil Morris-Jones reported the Board rejected both claims by unanimous vote.

IX. ADJOURN: 12:46 p.m. by Chair Griego in memory of Mr. Peggy Louise Schuler, Mr. George Able and Mr. Harold Guynes.

ATTEST: DONNA STOTTLMEYER
CLERK OF THE BOARD OF SUPERVISORS

BY: Rachel Ferris, Deputy Clerk

12/14/10 - BOS

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