The County of Yuba
BOARD OF SUPERVISORS

MARCH 8, 2011 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:46 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, Deputy County Counsel Pat Garamone, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Vice Chair Abe 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
MOVED: Mary Jane Griego  SECOND: John Nicoletti
AYES: Mary Jane Griego, John Nicoletti  NOES: None  ABSENT: None  ABSTAIN: None

A. Administrative Services

1. Approve lease agreement with Yuba County Office of Education for space occupied at the One Stop in Marysville and authorize the Chairman to execute same. (097-11) Approved.

B. Clerk of the Board of Supervisors

1. Reappoint John P. Taylor as residential representative in lieu of technical representative and Donald Rae as residential representative to Plumas Lake Specific Plan Design Review Committee for terms to expire March 8, 2012. (098-11) Approved.


C. Community Development and Services

1. Adopt resolution to approve the submittal of an application to CalRecycle for rubberized asphalt concrete and chip seal projects on various county roads and authorize the Public Works Director to execute the grant and any related documents for the administration of the grant. (100-11) Adopted Resolution No. 2011-17, which is on file in Yuba County Resolution Book No. 42 entitled: "APPROVE THE SUBMITTAL OF AN APPLICATION TO CALRECYCLE FOR RUBBERIZED ASPHALT CONCRETE AND CHIP SEAL PROJECTS ON VARIOUS COUNTY ROADS AND TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE GRANT AND ANY RELATED DOCUMENTS FOR THE ADMINISTRATION OF THE GRANT."

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2. Approve agreement with MHM Inc. for updating South Yuba Drainage Master Plan, authorize the Chairman to execute same, and authorize Budget Transfer in the amount of $15,000 from Trust 253 to various line items to cover shortfall. (101-11) Pulled for discussion by Chairman Abe.

Ms. Frances Hofman, Forty Mile Road, voiced concerns regarding allowing drainage water into the Reeds and Hutchinson Creeks.

Following Board discussion, direction was provided to staff to investigate the drainage issue and proceed with the study.

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

D. Emergency Services

1. Authorize Budget Transfer in the amount of $100,000 to allocate additional revenue from California Emergency Management Agency/Public Safety Interoperable Communication funding. (102-11) Approved.

E. Health and Human Services

1. Approve memorandum of understanding with Sutter Yuba Mental Health Services for therapeutic services and authorize the Chairman to execute same. (Human Services Committee recommends approval) (103-11) Approved.

F. Library


IV. SPECIAL PRESENTATION

A. View video entitled "Yuba County, A California Gem." (No background material.) (Fifteen minute estimate) (105-11) Economic Planning and Development Coordinator John Fleming presented the video and responded to Board inquiries.

Following Board discussion, Mr. Fleming advised of pursuing means to share the video with the public via streaming on the internet, providing copies to various schools, local business and working with Comcast Cable for airing on local channels. In response to inquiries regarding project cost, Mr. Fleming advised the total cost was approximately $6,000, took a year to complete, and utilized local talent.

Responding to inquiries from the Board, Mr. Ken Miller, film maker, advised he has additional high definition pictures that were not used in the video but available to the County.

County Administrator Robert Bendorff commended John Fleming, Russ Brown, and Ken Miller on the completed video.

V. PUBLIC COMMUNICATIONS: No one came forward.
VI. COUNTY DEPARTMENTS

A. Administrative Services

1. Adopt resolution approving the environmental purchasing policy for Yuba County. (Five minute estimate) (106-11) Administrative Services Director Doug McCoy recapped the purchasing policy and responded to Board inquiries.

Adopted Resolution No. 2011-18, which is on file in Yuba County Resolution Book No. 42 entitled: "ADOPT THE ENVIRONMENTAL PURCHASING POLICY FOR YUBA COUNTY."

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

B. Community Development and Services

1. Retroactively approve Change Order No. 1; accept La Porte Road Pavement Rehabilitation ARRA Project as complete; and retroactively approve Public Works Director executing notice of completion. (Five minute estimate) (107-11) Public Works Director Mike Lee recapped the necessity for finalizing this project and responded to Board inquiries regarding the related audit process.

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

C. Human Resources

1. Adopt resolution amending the Departmental Position Allocation Schedule No. 2010-112 by abolishing a Senior Welfare Fraud Investigator and establishing a Supervising Welfare Fraud Investigator; and adopt a resolution amending the Classification System - Basic Salary Schedule No. 2009-89, as they relate to Health and Human Services Department effective March 1, 2011. (Ten minute estimate) (108-11) Human Resources Director Martha Wilson recapped the need to correct the structure of the unit to allow for more functionality and responded to Board inquiries.

Adopted Resolution No. 2011-19, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE NO. 2010-112"; and adopted Resolution No. 2011-20, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM-BASIC SALARY SCHEDULE NO. 2009-89", as they relate to Health and Human Services Department effective March 1, 2011.

MOTION: Move to adopt    MOVED: John Nicoletti    SECOND: Hal Stocker
AYES: John Nicoletti, Roger Abe, Hal Stocker, Andy Vasquez, Mary Jane Griego
NOES: None    ABSENT: None    ABSTAIN: None
VII. ORDINANCES AND PUBLIC HEARINGS: The Deputy Clerk read the disclaimer.

A. 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 $5,261.50 and the recording of a lien located at 5792 A Rupert Avenue, East Linda (Wayne W. and Patricia A. Wallis). (Ten minute estimate) (109-11) Code Enforcement Manager Jeremy Strang recapped the abatement action, provided photos of the location, and responded to Board inquiries.

Chairman Abe opened the public hearing. No one came forward.

MOTION: Move to approve  
MOVED: John Nicoletti  
SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker
NOES: None  
ABSENT: 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 $8,284.25 and the recording of a lien located at 6137 Park Avenue, East Linda (Bank of America). (Ten minute estimate) (110-11) Code Enforcement Manager Jeremy Strang recapped the abatement action, provided photos of the location, and responded to Board inquiries.

Chairman Abe opened the public hearing. No one came forward.

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

C. 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 $27,274.00 and the recording of a lien located at 4847 North Beale Road, East Linda (Francis L. Cook). (Ten minute estimate) (111-11) Code Enforcement Manager Jeremy Strang recapped the abatement action, provided photos of the location, and responded to Board inquiries.

Chairman Abe opened the public hearing. No one came forward.

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

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

Supervisor Stocker:
• Memorial Adjournment - Mr. Donald Schweitzer
• Memorial Adjournment - Mr. Richard William Peacemaker
• Voting Rights Act article in the Sacramento Bee

Supervisor Griego:
• Local Agency Formation Commission (LAFCO) meeting and workshop held March 2, 2011
• Sacramento Area Council of Governments Air Quality Sub Committee meeting held March 2, 2011
• First Thursday dinner held March 3, 2011
• Community meeting at the Moose Lodge regarding the Pacific Gas and Electric transmission line
• American Society of Civil Engineers awards dinner Wednesday, March 9, 2011 for the Feather River Setback Project
• 10 year anniversary of the Olivehurst Cleanup April 2011
• South County Economic and Image Improvement Committee hosting a chili cook off Saturday, March 5, 2011 at the Olivehurst Park between 11:00 a.m. and 2:00 p.m.

Supervisor Vasquez:
• Memorial Adjournment - Command Sergeant Major E.J. Winters
• Read Across America at Cedar Lane and Edgewater Schools held March 2, 2011
• Out of state March 3 and 4, 2011
• 131st Annual Bok Kai Parade March 5, 2011
• Requested staff provide additional information on article on pension reform from the Little Hoover Commission
• Local business preference ordinance
• Yuba County Ordinance update

Supervisor Nicoletti:
• Voting rights issue and redistricting process
• Read Across America held March 2, 2011
• 131st Annual Bok Kai Parade held March 5, 2011
• Out of state March 22 – 27, 2011 for the National Health Care Conference in Washington, DC
• Request the Yuba County Assessor be appointed to the Redistricting Committee

MOTION: Move to add to the agenda appointing Yuba County Assessor to the Redistricting Committee, as the need to take action arose subsequent to the agenda being posted
MOVED: John Nicoletti    SECOND: Mary Jane Griego
AYES: John Nicoletti, Mary Jane Griego, Andy Vasquez, Roger Abe, Hal Stocker
NOES: None    ABSENT: None    ABSTAIN: None

ADDED TO AGENDA:

Board of Supervisors: Appoint Yuba County Assessor to the Redistricting Committee (114-11)

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

Supervisor Abe:
• LAFCO meeting and workshop held March 2, 2011
• 131st Annual Bok Kai Parade held March 5, 2011
• Read Across America at Cobblestone School held March 2, 2011
• United States Department of Agriculture Job Forum held March 2, 2011
• Recent awards received by Comfort Suites and The Country Butcher
• Interested in a local artisan business to promote tourism

County Administrator Robert Bendorf: California State Association of Counties and Regional Council of Rural Counties letters relating to the Governors proposed realignment.

Community Development and Services Director Kevin Mallen: Draft General Plan Update meeting scheduled March 21, 2011 at 6:00 p.m. to review proposed changes
IX. CLOSED SESSION:

Former Building Maintenance Manager Steve Zaniroli urged to the Board to consider allowing him to formally resign should the Board uphold the Administrative Judge's ruling.

The Board retired into closed session at 11:18 a.m. to discuss the following:

A. Threatened litigation pursuant to Government Code §54956.9(b) - Seven Claims/Bock

B. Pending litigation pursuant to Government Code §54956.9(a) - James Brown vs. Patrick McGrath et al/Case No. 110000140

C. Pending litigation pursuant to Government Code §54956.9(a) - Yuba County vs. Tull et al/Five Cases

D. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 016-350-003 Negotiating Parties: County of Yuba Kevin Mallen Negotiation: Terms of Payment

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

F. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Agricultural Commissioner

The Board returned from closed session at 11:58 a.m. with all Board and staff present as indicated above.

Counsel Angil Morris-Jones advised "as to the matter of the threatened litigation, the Board by unanimous vote denied the claim as a late claim; Pending litigation of Brown vs. McGrath was referred to Porter Scott; Pending litigation of Tull et al/Five Cases direction was provided to counsel in that matter to request a stay of proceedings for settlement; Real property negotiations staff was given direction; Personnel Public Employee Discipline/Dismissal/Release the Board upheld the Administrate Judges decision but gave discretion to counsel to allow resignation. All actions by unanimous vote."

The Board returned to closed session at 12:00 p.m. with the exception of Supervisor Abe, who recused himself from discussion due to a conflict.

The Board returned from closed session at 12:41 p.m. with all staff present as indicated above. Vice-Chairman Stocker advised there was no action taken.

X. ADJOURN: 12:41 p.m. by Vice-Chairman Stocker in honor of Mr. Donald Schweitzer, Mr. William Richard Peacemaker, and Command Sergeant Major E.J. Winters.

ATTEST: DONNA STOTTELEYER
CLERK OF THE BOARD OF SUPERVISORS

[Signature]
Chair

By: Rachel Ferris, Deputy Clerk

Approved: March 22, 2011

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