The County of Yuba

BOARD OF SUPERVISORS

APRIL 26, 2011 – MINUTES

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

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – All present

County Counsel Angil Morris Jones requested to add to the agenda a matter of business that arose after the agenda was posted, one case of Pending litigation Hewlett vs. County of Yuba et al.

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

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

A. Auditor-Controller


Following Board discussion direction was given to revise the statement to include the corrected information and return to the Board May 10, 2011.

MOTION: Move to continue item to May 10, 2011    MOVED: John Nicoletti    SECOND: Andy Vasquez
AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Hal Stocker
NOES: None    ABSENT: None    ABSTAIN: None
B. Clerk of the Board of Supervisors

1. Approve minutes of the meetings of April 5 and 12, 2011. (166-11) Approved as written.


C. Community Development and Services


2. Accept Beale Air Force Base Access project as complete and authorize the Public Works Director to sign and record the Notice of Completion. (170-11) Approved.

3. Adopt resolution authorizing the Director of Environmental Health to apply for and enter into agreement with the State of California and to sign the grant agreement, and any amendments thereto for the Rural Underground Storage Tank Prevention Program, Fiscal Years 2011/2012 - 2012/2013. (171-11)

   Adopted Resolution No. 2011-33, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING THE DIRECTOR OF ENVIRONMENTAL HEALTH TO APPLY FOR AND ENTER INTO AGREEMENT WITH THE STATE OF CALIFORNIA AND TO SIGN THE GRANT AGREEMENT, AND ANY AMENDMENTS THERETO FOR THE RURAL UNDERGROUND STORAGE TANK PREVENTION PROGRAM, FISCAL YEARS 2011/2012 - 2012/2013."

4. Authorize Budget Transfer in the amount of $5,300 from Account No. 102-0000-371-97-03 (Local Fees for Construction) to Account No. 102-9100-431-23-00 (Professional Services) for FEMA processing fee associated with a Letter of Map Revision. (172-11) Authorized.

5. Approve contract with Applied Engineering and Geology, Inc. for environmental consulting services and authorize the Chairman to execute same. (173-11) Approved.

D. County Administrator

1. Approve Regional Waste Management Authority to submit grant application on the County's behalf for the Household Hazardous Waste Grant program for Fiscal Year 2010/2011 by authorizing the County Administrator to execute submittal letter. (174-11) Approved.

E. Human Resources

1. Adopt resolution changing the title of Personnel Director to Human Resources Director on Plan Administration documents for PARS. (175-11)

   Adopted Resolution No. 2011-34, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION TO CHANGE THE NAME OF THE PARS PLAN ADMINISTRATOR."
2. Adopt resolution amending the Departmental Position Allocation Schedule No. 2010-112; and adopt resolution amending the Classification System - Basic Salary Schedule No. 2009-89, as they relate to the Administrative Services Department effective May 1, 2011. (176-11)


IV. PUBLIC COMMUNICATIONS:

Mr. Nick Spaulding, Oregon House, expressed concern with missing regulatory information in the Draft General Plan Update Environmental Impact Report.

Public Works Director Mike Lee advised there would be an East Linda Community Park workshop in Board chambers Thursday, April 28th, at 5:00 p.m.

Mr. Richard Boyd, Browns Valley, expressed concerns regarding Yuba County's stance on health.

Mr. Rick Paskowitz, Yuba Group against Garbage (YUGAG), expressed concerns regarding AB1178 Solid Waste: Place of Origin.

V. COUNTY DEPARTMENTS

A. Administrative Services

1. Adopt resolution in support of the Enterprise Zone program. (Five minute estimate) (177-11) Airport Manager Mary Hansen recapped the Enterprise Zone Program and responded to Board inquiries.

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

Adopted Resolution No. 2011-37, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION IN SUPPORT OF THE ENTERPRISE ZONE PROGRAM."

2. Adopt resolution approving geographic expansion to the boundaries of the Yuba-Sutter Enterprise Zone identified as YSEZ Expansion No. 2. (Public Facilities Committee recommends approval) (Five minute estimate) (178-11) Airport Manager Mary Hanson and Economic Development Coordinator John Fleming recapped the expansion to the boundaries and including adding Naumes, Inc. and responded to Board inquiries.

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

Adopted Resolution No. 2011-38, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION APPROVING A GEOGRAPHIC EXPANSION TO THE BOUNDARIES OF THE YUBA-SUTTER ENTERPRISE ZONE IDENTIFIED AS YSEZ EXPANSION NO. 2."
3. Adopt resolution approving a noncontiguous geographic expansion to the boundaries of the Yuba-Sutter Enterprise Zone identified as YSEZ Expansion No. 3. (Public Facilities Committee recommends approval) (Five minute estimate) (179-11) Airport Manager Mary Hanson recapped a noncontiguous expansion to the boundaries and responded to Board inquires.

MOTION: Move to adopt
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

Adopted Resolution No. 2011-39, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION APPROVING A NONCONTIGUOUS GEOGRAPHIC EXPANSION TO THE BOUNDARIES OF THE YUBA-SUTTER ENTERPRISE ZONE IDENTIFIED AS YSEZ EXPANSION NO. 3."

B. Auditor-Controller

1. Receive presentation and audit report for the County of Yuba dated June 30, 2010. (Fifteen minute estimate) (180-11) Mr. Brad Constantine, Gallina LLP, recapped the statements and reports, clerical errors and material weaknesses, and responded to Board inquires.

County Administrator Robert Bendorf advised some corrections have already been implemented as a result of information gained in the exit interview.

Auditor Dean Sellers and Assistant Auditor Richard Arrow responded to the following inquiries:
- Use of Miscellaneous Accounts
- Types of Journal Entries
  - How they are generated, checked, and approved
- Current Accounting System
  - Version in use
  - Updates and capabilities

C. Board of Supervisors

1. Adopt resolution approving the Bi County Solid Waste Independent Hearing Panel Procedures Manual. (Ten minute estimate) (127-11) County Counsel Angil Morris-Jones recapped the necessity for a procedures manual advising this model is approved by the state and used by numerous counties and municipalities, and responded to Board inquires.

Ms. Annie Embree, Brigit S. Barnes and Associates, representing Yuba Group against Garbage, urged the Board to cancel panel hearing and requested petition for a hearing before an independent hearing judge.

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

Adopted Resolution No. 2011-40, which is on file in Yuba County Resolution Book No. 42 entitled:
"RESOLUTION ADOPTING THE SOLID WASTE INDEPENDENT HEARING PANEL PROCEDURES MANUAL AS RECOMMENDED BY THE PANEL."
MOTION: Move to add to the agenda an item of business that arose after the agenda was posted to approve allowing petitioner to bypass the local hearing and proceed directly to the State
MOVED: Andy Vasquez SECOND: Roger Abe
AYES: Andy Vasquez, Roger Abe
NOES: John Nicoletti, Mary Jane Griego, Hal Stocker ABSENT: None ABSTAIN: None

D. Community Development and Services

1. Approve Planning Departments continuing to provide administrative support to the Trails Commission, and approve Public Works providing quarterly reports to the Commission on trail related activities. (Five minute estimate) (181-11) Public Works Director Mike Lee recapped providing administrative support for the Trails Commission and responded to Board inquiries

County Counsel Angil Morris-Jones advised training materials on the Brown Act are being prepared for all commissions and special districts.

The following individuals spoke:
• Ms. Diana Culver, Browns Valley, Trails Commissioner
• Ms. Alyssa Lindman, Trails Commission Chair
• Mr. Nick Spaulding, Oregon House

County Administrator Robert Bendorf, advised staff is operating within the constraints of the budget.

Following additional Board discussion the matter was continued until further notice.

E. Library

1. Approve grant application for a Preservation Assistance Grant for the Library's California Room from the National Endowment for the Humanities and authorize the Chairman to execute same. (182-11) Management Analyst Grace Mull recapped the benefit of applying for the Preservation Assistance Grant and responded to Board inquiries.

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

VI. ITEM OF PUBLIC INTEREST

A. Approve Second Hand Dealer's permit from Virginia Lack dba Lack's Antiques and Collectibles located at 17557 Abies Lane, Brownsville and take action as appropriate. (Five minute estimate) (184-11)

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

VII. RECESS: The Board recessed at 12:59 p.m. and reconvened at 1:10 p.m. with all members present as indicated above.
VIII. ORDNANCES AND PUBLIC HEARINGS: The Deputy Clerk read the disclaimer.

A. Ordinance - Hold public hearing, waive reading, and introduce ordinance amending Title XIII, of the Yuba County Ordinance Code by repealing and re-enacting sections of the consolidated fee ordinance related to certain departments. (Finance and Administration Committee recommends approval) (Ten minute estimate) (183-11) Management Analyst Grace Mull recapped revisions of fees for various departments 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

IX. CORRESPONDENCE - (185-11)

A. Memo from Yuba County Treasurer/Tax Collector regarding 2009/2010 tax and revenue anticipation note earnings. Accepted.

B. Letter from United States Department of Commerce regarding the 2010 Census County Question Resolution Program. Accepted.

C. Notice from United States Forest Service Plumas National Forest schedule of proposed action April 1, 2011 through June 30, 2011. Accepted.

D. Notice from Dr. Joseph Cassady, Public Health Officer advising he would be out of state June 6 through 16, 2011. Accepted.

E. Minutes from Department of Fish and Game Wildlife Conservation Board from the meeting of November 18, 2010 regarding Lower Yuba River, Excelsior Phase 1. Accepted.

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

Supervisor Stocker:
- Memorial Adjournment - Mr. Gary Potter
- Camptonville Community Service District meeting held April 25, 2011
- Brownsville Fire Auxiliary Thrift Store contributions to the fire department
- Pioneer Days Saturday, April 23, 2011
- Easter egg hunt in Brownsville held April 24, 2011
- Economic Development presentation at Alcouffe Community Center held April 21, 2011
- Digital law legal services available at the Ponderosa Community Center
- Administrative Services conducting an energy audit of the Ponderosa Community Center

Supervisor Griego:
- Yuba County Health Committee
- Town Hall meeting held at Star Bend boat ramp April 23, 2011
- Sacramento Area Council of Governments meeting held April 19, 2011
- Yuba Sutter Transit Authority meeting held April 21, 2011
- Yuba County Water Agency committee meeting held April 22, 2011
• AMGEN tour meeting held April 25, 2011
• Olivehurst Avenue Improvement Town Hall meeting held April 26, 2011

Supervisor Nicoletti:
• AMGEN tour meeting held April 25, 2011
• Review of costs associated with landfill and possible rate increase for Recology
• Policies manuals and practices for the Auditors’ Office
• Beale Air Force Base Air Show April 30 - May 1, 2011
• Administrative Services awarded contract to Copy City for print shop services
• City of Marysville Sphere of Influence boundary adjustment meeting held April 21, 2011
• Regional Waste Management Authority meeting held April 21, 2011
• Pioneer Days Saturday, April 23, 2011
• Meeting regarding a Historical museum featuring working scale model of a gold dredger
• Met with Chairman Ryberg from Tsi-Akim Maidu Tribe regarding an event to be held in October at Sycamore Ranch
• Yuba County Water Agency managers report indicates currently at 175 percent of annual rainfall and snow pack
• General Plan Update meeting in Loma Rica with Yuba First, Sutter Buttes Tea Party, and Dobbins Oregon House Action Committee held April 25, 2011

Supervisor Vasquez:
• Yuba County Deputy Sheriff’s Association Easter egg hunt held Saturday, April 23, 2011
• New Life Alliance Church dedication held April 23, 2011

Supervisor Abe:
• City of Marysville Sphere of Influence boundary adjustment meeting held April 21, 2011
• Board of Supervisors training held April 15, 2011
• Local Agency Formation Commission meeting held April 14, 2011
• Testified before Assembly Natural Resources Committee hearing April 25, 2011
• Wheatland Lions Club Easter egg hunt held Saturday April 23, 2011

County Administrator Robert Bendorf:
• Department Head meetings held on the third Thursday of each month
• City of Marysville Sphere of Influence boundary adjustment meeting held April 21, 2011
• Processing 2012 rate application and negotiating franchise agreement with Recology
• Shady Creek fundraiser held April 22, 2011.

XI. Closed Session: The Board retired into closed session at 1:43 p.m. to discuss the following:

A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 016-350-003 Negotiating Parties: Kevin Mallen, Mike Lee, and Robert Bendorf Negotiation: Terms, Conditions and/or Purchase Price

B. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - DDA/DSA/MSA/YCEA/Unrepresented and County of Yuba
C. Personnel pursuant to Government Code § 54957 (b) (1) - Public Employee: Discipline/Dismissal/Release

D. Pending litigation pursuant to Government Code §54956.9(a) – Hewlett vs. County of Yuba et al.

The Board returned from closed session at 2:49 p.m. with all members present as indicated above.

Counsel advised by unanimous vote the matter of Hewlett vs. County of Yuba et al was referred to Porter Scott to provide a defense and direction was given on all other matters.

XII. ADJOURN: 2:50 p.m. in memory of Mr. Gary Potter by Chairman Abe.

ATTEST: DONNA STOTTLMEYER
CLERK OF THE BOARD OF SUPERVISORS

BY: Rachel Ferris, Deputy Clerk

Chair

Approved: May 17, 2011