The County of Yuba
BOARD OF SUPERVISORS

JULY 12, 2011 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 9:37 A.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger Abe, and Hal Stocker. Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemyer. Chairman Abe presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Stocker

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

A. Administrative Services

1. Approve lease agreement with Richard Clinton relating to airport terminal area Site No. 18 and 19 and authorize the Chair to execute same. (291-11) Approved.

B. Clerk of the Board of Supervisors


C. Community Development and Services

1. Approve agreement with Fehr and Peers to update the Yuba County Bikeway Master Plan and authorize the Chair to execute same. (293-11) Approved.


D. Human Resources

1. Adopt resolution amending the Departmental Position Allocation Schedule and Basic Salary Schedule retilting Road Maintenance Worker I/II and Senior Road Maintenance Worker to reflect transition to Public Works effective July 1, 2011. (295-11) Adopted Resolution No. 2011-56, 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. 2011-57, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM - BASIC SALARY SCHEDULE NO. 2009-89."

E. Probation

1. Approve agreement with Robert A. Escovedo to conduct background investigations and authorize the Chair to execute same. (296-11) Approved.

F. Auditor-Controller

1. Authorize Budget Transfer in the total amount of $144,450 to transfer in lieu of health insurance back to salaries for General and Operating Departments for the six-month period ending June 30, 2011. (312-11) Approved.

G. County Administrator


IV. SPECIAL PRESENTATION

A. Present proclamation to Casa de Esperanza proclaiming July 2011 Sexual Assault Awareness month. (Five minute estimate) (297-11) Following presentation of proclamation by Chairman Abe, House Manager Emma Gee invited Board members to "Walk a Mile in Her Shoes" at Yuba Sutter Mall on July 23, 2011 at 1:00 p.m.

B. Receive presentation on the status of the California Department of Water Resources Lower Feather River Corridor Management Plan. (Fifteen minute estimate) (298-11) Environmental Program Manager Earl Nelson, California Department of Water Resources, Division of Flood Management, provided a Power Point presentation on the Plan which included the following and responded to Board inquiries:
   - FloodSafe California
   - Corridor Management Strategy
   - Lower Feather River Corridor Management Plan Boundary, Purpose, Issues including
     o Public safety
     o Minimizing maintenance
     o High flow channels
     o Improved habitat
     o Minimizing fish stranding
     o Compatible recreation and agriculture uses

   The following individual spoke: Mr. Greg Moore, Wichita Way

V. PUBLIC COMMUNICATIONS:

Economic Development Coordinator John Fleming advised the Naumas Grand Opening was postponed and the Economic Development Advisory Committee would meet on July 15 at Sycamore Ranch at 7:30 a.m.

VI. COUNTY DEPARTMENTS

A. Community Development and Services

1. Accept the Transportation Master Plan 2011-2015 including recommended projects, funding sources and work scheduled subject to formal approval of projects and funding. (Fifteen minute estimate) (299-11)

   Public Works Director Mike Lee recapped the plan including revenue sources, projects, and responded to Board inquiries.
MOTION: Move to accept and file  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

B. Board of Supervisors

1. Approve letter requesting the Governor to reject changes to AB109 Criminal Justice Alignment legislation rules and authorize the Chair to execute same. (Five minute estimate) (300-11) County Administrator Robert Bendorf recapped the proposed legislation and responded to Board inquiries.

Supervisor Nicoletti left the meeting at 10:51 a.m. and returned at 10:56 a.m.

Chief Probation Officer Jim Arnold recapped impacts of legislation and responded to Board inquiries.

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

2. Approve letter of support to Peach Tree Healthcare for grant application to California Wellness Foundation and authorize the Chair to execute same. (Five minute estimate) (301-11) At the request of Peach Tree Health Care Director Tom Walther no action was taken.

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

A. Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and reenacting Chapter 8.79 of the Yuba County Ordinance Code for Hammon Grove Park and Sycamore Ranch. (Land Use and Public Works Committee recommends approval) (Second reading continued from June 28, 2011) (Five minute estimate) (283-11) Chairman Abe opened the public hearing. No one came forward.

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

Adopted Ordinance No. 1507 which is on file in Yuba County Ordinance Book No. 22 entitled: "ORDINANCE REPEALING AND REENACTING YUBA COUNTY ORDINANCE CODE TITLE VIII, CHAPTER 8.79 RELATING TO HAMMON GROVE PARK AND SYCAMORE RANCH."

B. Ordinance - Hold public hearing, waive reading, and introduce ordinance adding Chapter 8.77 to Title VIII of the Yuba County Ordinance Code relating to the Star Bend Boat Launch and day use area. (Land Use and Public Works Committee recommends approval) (First reading) (Ten minute estimate) (302-11) Public Works Director Mike Lee recapped the purpose and uses allowed at Star Bend Boat Launch and responded to Board inquiries.

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

MOTION: Move to close public hearing and waive reading
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
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 $15,719.40 and the recording of a lien located at 7655 State Highway 70, Marysville (Rajinder S. and Paramdeep Chohan). (Ten minute estimate) (Postponed from June 28, 2011) (284-11) Division Manager Jeremy Strang provided a Power Point presentation depicting the property prior to and after abatement due to a home fire and actions leading to the costs and penalties incurred. Mr. Strang responded to inquiries.

Mr. Dennis Nelson, on behalf of Mr. Chohan, recapped the efforts of the Chohan's to comply and responded to Board inquiries.

Mr. Chohan responded to Board inquiries.

Chairman Abe closed the public hearing for Board discussion.

**MOTION:** Move to approve costs in the total amount of $7,352.32 including $2,000 in penalties with the agreed upon date for payoff of December 15, 2011 and if not a lien shall be placed on the property  
**MOVED:** Mary Jane Griego  
**SECONDED:** Andy Vasquez  
**AYES:** Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe, Hal Stocker  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

The Board recessed at 12:39 p.m. and reconvened at 12:47 p.m. with all present as indicated above.

D. **Public Hearing** - Hold public hearing and adopt resolution confirming report of delinquent solid waste collection charges and order of assessment. (45 minute estimate) (303-11) Community Development and Services Director Kevin Mallen provided a brief recap regarding the process. Chairman Abe opened the public hearing.

The following individual spoke in protest of the charges: Mr. Jerry Rackley, Redburn Avenue

Following Board discussion, County Administrator Mr. Bendorf advised Recology would provide a courtesy exemption removing the lien and County staff would revisit the exemption request of Mr. Rackley and report back to the Board regarding any exemption provided.

Chairman Abe closed the public hearing.

In response to Board inquiries, Environmental Health Director Tej Maan advised an ordinance would be brought forward to the Board to change the administrative process to quarterly at the staff level.

Recology General Manager Dave Vaughn responded to Board inquiries regarding the collection and lien process.

**MOTION:** Move to approve with the exclusion of Mr. Jerry Rackley  
**MOVED:** John Nicoletti  
**SECONDED:** Mary Jane Griego  
**AYES:** John Nicoletti, Mary Jane Griego, Andy Vasquez, Roger Abe, Hal Stocker  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

VIII. **CORRESPONDENCE** - (304-11)

A. Two letters from California Fish and Game Commission relating to inspection of facilities for restricted species and the mountain yellow-legged frog. (Provided to Fish and Game Advisory Commission) Accepted.

B. Letter from Auditor Controller enclosed independent audit report for Reclamation District 784 for fiscal year ended June 30, 2010. Accepted.

C. Notice of public workshop and CEQA scoping meeting from California Regional Water Quality Control Board on July 28, 2011. Accepted.
D. Memo from Sutter Yuba Substance Abuse Advisory Board enclosing annual year end report for Fiscal Year 2010-11. Accepted.

IX. RECESS TO 2:00 P.M.: The Board recessed at 1:32 and reconvened at 2:12 p.m. with all present as indicated above.

X. ITEM OF PUBLIC INTEREST

A. Receive presentation on three Supervisorial District Boundary Alternatives from Yuba County Redistricting Committee; make alternatives available for public view and provide comment via County’s website and a public open house on August 2, 2011; set public hearing for August 2, 2011 to receive public comment on alternatives and take action as appropriate. (60 minute estimate) (305-11) Community Development and Services Director Kevin Mallen recapped the formation of the Redistricting Committee and members.

County Counsel Angil Morris-Jones provided a Power Point presentation recapping the following:
- Redistricting Legal Authorization
- Equal Population based on Census
- Federal Voting Rights Act
- Community of Interests
- Deadline of November 1 for Board selection
- Redistricting Commission
- Federal preclearance requirement which includes Yuba County
- Public Records regarding redistricting

Mr. Mallen recapped the public district meetings held and three alternative maps for consideration.

The following individual spoke: Mr. Nick Spaulding

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

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

Community Development and Services Director Kevin Mallen: Received Board consensus to provide comments to the City of Wheatland on Johnson Rancho and Hop Farm Annexation Draft EIR and County Administrator to execute same

Supervisor Nicoletti: Memorial Adjournment - Mr. Harry Childers

Supervisor Stocker: Memorial Adjournment - Mr. Richard Charles Brown, Mrs. Grace Margaret DeForest, and Mr. Michael J. Sinnen

XII. CLOSED SESSION: The Board retired into closed session at 3:25 p.m. to discuss the following:

A. Pending litigation pursuant to Government Code §54956.9(a) regarding
   i. Broughton vs. County of Yuba
   ii. Cox and Martynov vs. County of Yuba
   iii. Tull et al vs. County of Yuba
   iv. Saechao vs. County of Yuba
   v. Lindsay vs. County of Yuba

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 - Public Appointment/Instructions/Library Director
D. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Agricultural Commissioner

The Board returned from closed session at 5:05 p.m. Counsel advised by unanimous vote the Board authorized the execution of the settlement agreement in the matter of Broughton vs. County of Yuba and direction was provided on other matters agendized.

XIII. ADJOURN: By Chairman Abe at 5:06 p.m. in memory of Mr. Richard Charles Brown, Mr. Harry Childers, Mrs. Grace Margaret DeForest, and Mr. Michael J. Sinnen.

Chair

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

Donna Stottemeyer

Approved: August 2, 2011