The County of Yuba

BOARD OF SUPERVISORS

AUGUST 23, 2011 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:41 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 Griego

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

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: Hal Stocker

SECOND: John Nicoletti

AYES: Hal Stocker, John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe

NOES: None

ABSENT: None

ABSTAIN: None

A. Administrative Services

1. Approve Memorandum of Understanding with Feather River Air Quality Management District for information technology services and authorize the Chairman to execute same. (Ten minute estimate) (368-11) Approved.

2. Approve Memorandum of Understanding with Yuba County Water Agency for geographic information systems (GIS) services and authorize the Chairman to execute same. (Ten minute estimate) (369-11) Approved.

B. Agricultural Commissioner

1. Adopt resolution accepting Yuba County Water Agency grant for temporary financial support to maintain the USDA Wildlife Services (trapper) program and authorizing the Agricultural Commissioner to execute agreement. (358-11)

Adopted Resolution No. 2011-68, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION ACCEPTING YUBA COUNTY WATER AGENCY GRANT AGREEMENT FOR TEMPORARY FINANCIAL SUPPORT TO MAINTAIN THE USDA WILDLIFE SERVICES PROGRAM."

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2. Authorize out-of-state travel for the Agricultural Commissioner to represent the County and the California Agricultural Commissioners and Sealers Association on delegation to Washington DC during Fiscal Year 2011-2012. (382-11) Authorized travel.

C. Clerk of the Board of Supervisors

1. Reappoint Opal Richardson to the In-Home Supportive Services Advisory Committee as a representative for a term ending April 23, 2013. (359-11) Approved.

2. Approve minutes of the regular meeting of August 2 and 9, 2011. (383-11) Approved as written.

D. Community Development and Services

1. Adopt resolution approving application for Yuba County Community Services Commission Community Services Block Grant to provide aquatic recreational programming for summer 2012. (Land Use and Public Works Committee recommends approval) (360-11)

   Adopted Resolution No. 2011-69, which is on file in Yuba County Resolution Book No. 42 entitled: "APPROVE APPLICATION FOR YUBA COUNTY COMMUNITY SERVICES COMMISSION COMMUNITY SERVICES BLOCK GRANT TO PROVIDE AQUATIC RECREATIONAL PROGRAMMING FOR SUMMER 2012."

2. Approve Memorandum of Understanding with Yuba County Water Agency for drainage maintenance and storm water management plan compliance; accept grant for $200,000 for drainage improvements in Linda/Olivehurst, and authorize the Chairman to execute same. (361-11) Approved.

3. Award contract to Intermountain Slurry Seal, the apparent low bidder for 2011 Rubberized Chip Seal Project and authorize the Chairman to execute same upon County Counsel review and approval. (362-11) Approved.

E. County Administrator

1. Consider letter to Recology Yuba-Sutter approving the use of the Ponderosa Transfer Station by a limited number of Plumas County residents in the La Porte area, and authorize the Chairman to execute same. (Ten minute estimate) (373-11) Approved.

F. Health and Human Services

1. Adopt resolution authorizing the Director of the Health and Human Services Department to execute agreements for educational internships with local colleges and universities. (Human Services Committee recommends approval) (363-11)

   Adopted Resolution No. 2011-70, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING THE DIRECTOR OF THE HEALTH AND HUMAN SERVICES DEPARTMENT TO EXECUTE AGREEMENTS FOR EDUCATIONAL INTERNSHIPS WITH LOCAL COLLEGES AND UNIVERSITIES."

G. Emergency Services

1. Adopt resolution authorizing the Director of Emergency Services or its designee to apply for the Fiscal Year 2011 Homeland Security grant and further authorizing the Director to execute documents as
required by the application, the resultant grant and/or any pertinent documents related to the program and acceptance of grant funds. (385-11)

Adopted Resolution No. 2011-71, which is on file in Yuba County Resolution Book No. 42 entitled: "SIGNATURE RESOLUTION AUTHORIZING THE COUNTY DIRECTOR OF EMERGENCY SERVICES OR HIS DESIGNEE TO APPLY FOR THE FY 2011 HOMELAND SECURITY GRANT AND FURTHER AUTHORIZING THE DIRECTOR TO EXECUTE DOCUMENTS AS REQUIRED BY THE APPLICATION, THE RESULTANT GRANT AND/OR ANY PERTINENT DOCUMENTS RELATED TO THE PROGRAM AND ACCEPTANCE OF GRANT FUNDS."

H. Probation

1. Approve Health and Human Services Director Suzanne Nobles as the seventh member of the Executive Committee of the County's Community Corrections Partnership. (386-11) Approved.

IV. SPECIAL PRESENTATION

A. Present proclamation proclaiming September 2011 Prostate Cancer Awareness Month. (Five minute estimate) (364-11) Chairman Abe presented proclamation to Mr. Bill Doss of the California Prostate Cancer Coalition.

Mr. Bill Doss recapped statistics on prostate cancer and commended the Board for their support.

Supervisor Griego left the meeting at 9:45 a.m. and returned at 9:48 a.m.

B. Receive presentation on Yuba-Sutter Enterprise Zone Fiscal Year 2010-2011. (Fifteen minute estimate) (365-11) Airport Manager Mary Hansen provided a Power Point presentation on the Yuba Sutter Enterprise Zone including the following and responded to Board inquiries:
- Six (6) Jurisdiction Partnership
- Program benefits for the business community
- Yuba County serves as lead agency
- Tax credit updates for Fiscal Year 2010-2011
- Boundary expansions 2010-2011

C. Receive 2011 Economic Development mid-year report and work program. (Fifteen minute estimate) Economic Development Coordinator John Fleming and Yuba Sutter Economic Development Corporation President Brynda Stranix recapped the mid-year report including the following and responded to Board inquiries:
- Business Expansion and Retention (BEAR) Program
- Ongoing public outreach with local businesses
- YouTube short videos featuring Cotton Rosser and Naumes Inc.
- Received $300,000 for Community Services Block Grant Fund revolving loan fund
- Rancho Road corridor waste water system grant submittal
- Yuba County "Champion" program selected Naumes Inc.

V. PUBLIC COMMUNICATIONS:

Mr. Larry Levesque, Tiger Eye Family Martial Arts, urged rezoning at the Yuba County Airport to allow small home bases businesses.

Mr. Dave Gothrow, Linda, spoke in support of Mr. Levesque and Tiger Eye Family Martial Arts.
Ms. Freda Calvert, Marysville, expressed concerns regarding Pacific Gas and Electric changing the locks on her gates and disabling her electric meter.

Planning Director Wendy Hartman invited the Board to attend a Comprehensive Revitalization Project workshop held at the Olivehurst Public Utilities District Youth Center, August 23, 2011 at 5:30 p.m.

VI. COUNTY DEPARTMENTS

A. Administrative Services

1. Approve HMC/Beverly Prior Architects as the first choice selection and LPA Architects as the alternate selection for the County’s architectural partner for the Sheriff’s Facilities as recommended by the Sheriff’s Office Architectural Services Evaluation Committee. (Ten minute estimate) (366-11) Administrative Services Director Doug McCoy recapped selection process 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 Pacific Gas and Electric utility easement on APN 019-230-080 and authorize the Chairman to execute same. (Ten minute estimate) (367-11) Contracts and Purchasing Administrator Andrea Armstrong recapped request for utility easement, requested a temporary construction easement, and responded to Board inquiries.

   Planning Field Engineer Leo Stewart, Pacific Gas and Electric responded to inquiries relating to the easement location.

   MOTION: Move to approve easement and temporary construction easement
   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. Board of Supervisors

1. Receive and approve responses to the Grand Jury Final Report for Fiscal Year 2010-2011 and authorize the Chairman to execute same. (Fifteen minute estimate) (370-11) County Administrator Robert Bendorf recapped reports and responded to Board inquiries.

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

C. Community Development and Services

1. Adopt resolution waiving park fees and granting exclusive use for the Tsi-Akim Maidu Tribes 12th Annual Indigenous Peoples Days at Sycamore Ranch October 7 - 10, 2011. (Ten minute estimate) (371-11) Community Development and Services Director Kevin Mallen recapped committee recommendations concerning the bark house and access to the park and the river advising participation would be free.
Following Board discussion, Mr. Mallen advised the construction of the bark house would be evaluated and would return to the Board with recommendations.

Responding to Board inquiries, Ms. Letty Litchfield advised the bark house could be erected in a day.

MOTION: Move to adopt 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 Resolution No. 2011-72, which is on file in Yuba County Resolution Book No. 42 entitled: "A RESOLUTION AUTHORIZING AN IN LIEU FEE TO THE COUNTY OF YUBA FOR THE TSI-AKIM MAIDU TRIBE’S EXCLUSIVE USE OF A PORTION OF SYCAMORE RANCH PARK FOR THEIR ANNUAL INDIGENOUS PEOPLES DAYS AND FINDING THAT THE EVENT SHALL SERVE A PUBLIC PURPOSE BY PROVIDING EDUCATIONAL AND CULTURAL ENRICHMENT TO THE GENERAL PUBLIC THAT ATTEND THE FREE EVENT."

D. County Administrator

1. Receive presentation from Valley Vision on joining Sacramento Regional Broadband Consortium and consider authorizing the Chairman to execute letter of support. (Fifteen minute estimate) (372-11)

Economic Development Coordinator John Fleming provided a brief recap and responded to Board inquiries.

Valley Vision Project Manager Tara Thronson provided a Power Point presentation including the following and responded to Board inquiries:
- Broadband high-speed internet access infrastructure
- Rural Urban Regional Broadband Consortia account
- Connected capital area
  - Develop strategic plans for infrastructure
  - Develop and implement awareness and outreach campaigns
  - Support policymakers
- Regional Partners

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

Supervisor Griego left the meeting at 11:17 a.m. and returned at 11:30 a.m.

2. Authorize Budget Transfer in the total amount of $4,790,921 of capital improvement funds from Public Facility Capital Outlay accounts and various impact fee accounts in anticipation of construction of the new Sheriff’s Facility and receive impact fee report from Economic and Planning Systems. (Fifteen minute estimate) (374-11)

County Administrator Robert Bendorf recapped the impact fee account, use, and responded to Board inquiries.
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

3. Authorize Budget Transfer in the amount of $492,000 for six months estimated expenditures for design and development of Sheriff's facilities located at 720 Yuba Street, Marysville. (Ten minute estimate) (375-11)
County Administrator Robert Bendorf and Administrative Services Director Doug McCoy recapped request and responded to Board inquiries.

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

VII. RECESS: The Board recessed at 11:54 a.m. and returned at 12:05 p.m. with all members present as indicated above.

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

A. Public Hearing - Hold public hearing and adopt resolution approving an amendment to the Recology Yuba Sutter Franchise Agreement adopting a rate decrease of .10 percent and adopting an increase in the monthly Regional Waste Management Authority surcharge of 50 percent effective October 2011. (Fifteen minute estimate) (376-11) County Administrator Robert Bendorf recapped rate application, review process, evaluation by NewPoint Group Inc., and responded to Board inquiries.

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

MOTION: Move to close the public hearing and adopt
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

Adopted Resolution No. 2011-73, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION ADOPTING AN AMENDMENT TO THE RECOLOGY YUBA SUTTER FRANCHISE AGREEMENT AND APPROVING A RATE STRUCTURE TO PROVIDE A .10% RATE DECREASE AND A 50% INCREASE TO THE REGIONAL WASTE MANAGEMENT AUTHORITY SURCHARGE."

IX. ITEM OF PUBLIC INTEREST

A. Consider request from Yuba-Sutter United Way to waive Special Event fees in the total amount of $119 associated with Community Fair scheduled September 10, 2011 at Washington Square Park. (Ten minute estimate) (377-11) United Way Executive Director Caitlyn Zeller Stephens recapped request to waive fees and responded to Board inquiries.

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. Consider approval of Second Hand Dealer's permit from Kimerli Rempp dba Yellow Ribbons Thrift and Gift Shop / Central Valley Homeless Veterans Assistance Program. (Ten minute estimate) (378-11) Ms. Kimerli Rempp, Central Valley Homeless Veteran's Assistance Program, provided a brief recap 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

X. CORRESPONDENCE - (379-11)

A. Notice from State of California Fish and Game Commission of proposed regulatory action relating to Wildlife Area Passes and Annual Fee Adjustments for Sport and Commercial Fishing. (Provided to Fish and Game Advisory Commission) Accepted.

B. Letter from Sierra County Board of Supervisors opposing Assembly Bill 109 Public Safety Realignment Accepted.

C. Letter from Cal Recycle Department of Resources Recycling and Recovery enclosing Evaluation Results of the County of Yuba Environmental Health Division as the Local Enforcement Agency (LEA) for the jurisdiction of Yuba and Sutter Counties. Accepted.

D. Two notices from California Emergency Management Agency advising the U.S. Small Business Administration and the U.S. Department of Agriculture granted a Secretarial disaster designation for the primary counties of Stanislaus and Yuba and contiguous counties due to agricultural losses caused by storms that occurred June 3, through June 6, 2011. Accepted.

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

Supervisor Stocker:
- Memorial Adjournment - Mr. Richard Roy Pessoa
- Glacier National Park and Louis and Clark Interpretive Center

Supervisor Griego:
- Memorial Adjournment - Ms. Betty Louise Evans
- Olivehurst Public Utilities District liaison meeting August 12, 2011
- Sacramento Area Council of Governments Board of Directors meeting August 22, 2011
- Hot Nights and Cool Cars event held Saturday, August 20, 2011
- Three Rivers Levee Improvement Agency community outreach in West Linda August 22, 2011
- Veteran's Stand Down Friday, August 26, 2011
- First Five Yuba meeting Thursday, August 25, 2011

Supervisor Nicoletti:
- Mr. Chuck Carver resigned from Commission on Aging
- Senior Legal Services Luncheon and fundraiser
- Three Rivers Levee Improvement Agency community outreach in West Linda August 22, 2011
- Hot Nights and Cool Cars event held Saturday, August 20, 2011
- Correspondence from Cal Recycle regarding Local Enforcement Agency evaluation results
Supervisor Vasquez:
- Memorial Adjournment - Mrs. Lynn Sevigny
- California State Association of Counties educational courses, August 11 and 12, 2011
- National Lemonade Stand Day Saturday, August 20, 2011
- Voluntary 25 percent pay cut discussion for Supervisors at September 13 board meeting

Supervisor Abe:
- Veteran's Stand Down opening ceremony at 12:00 p.m. Friday August 26, 2011
- Department head meeting held Thursday, August 18, 2011

County Administrator Robert Bendorf: County Administrator and Human Resources Directors meeting held Friday, August 19, 2011, next meeting will be hosted by Yuba County in November

XII. CLOSED SESSION: The Board retired into closed session at 12:37 p.m.

A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 014-010-016 (Jimmy Williams) Negotiating Parties: County of Yuba/Mike Lee/Kevin Mallen Negotiation: Price and Terms of Payment

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

The Board returned from closed session at 1:06 p.m. will all staff present as indicated above. There was no reportable action.

Chairman Abe advised direction was provided to staff.

XIII. ADJOURN: 1:06 p.m. by Chairman Abe in honor of Ms. Betty Louise Evans, Mrs. Lynn Sevigny, and Mr. Richard Roy Pessoa.

ATTEST: DONNA STOTLLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

BY: Rachel Ferris, Deputy Clerk

Approved: September 13, 2011