The County of Yuba

BOARD OF SUPERVISORS

SEPTEMBER 13, 2011 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:33 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 Abe

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

A. Administrative Services

1. Approve amendment to the lease and the use permit with Reach Air Medical Services and authorize the Chair to execute same. (387-11) Approved.

B. Auditor-Controller

1. Adopt resolutions to determine the appropriations of tax proceeds for 2011-2012; to determine the appropriations for special districts under the county; fixing general county wide tax rate; and fixing special tax rates for county, school district indebtedness. (388-11)

   Adopted Resolution No. 2011-74, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS THE COUNTY OF YUBA TO DETERMINE THE APPROPRIATIONS OF TAX PROCEEDS FOR 2011-2012."

   Adopted Resolution No. 2011-75, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS THE COUNTY OF YUBA TO DETERMINE THE APPROPRIATIONS FOR SPECIAL DISTRICTS UNDER THE COUNTY."
Adopted Resolution No. 2011-76, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION FIXING GENERAL COUNTY WIDE TAX RATE."

Adopted Resolution No. 2011-77, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION FIXING SPECIAL TAX RATES FOR COUNTY, SCHOOL DISTRICT INDEBTEDNESS."

C. Board of Supervisors


D. Clerk of the Board of Supervisors


3. Approve minutes from the budget workshops meeting of August 9 and regular meeting of August 23, 2011. (393-11) Approved as written.

E. Community Development and Services

1. Adopt resolution authorizing Community Development and Services Director or his designee to complete purchase of single family residence APN 021-173-012 and 013-620-022 as part of the Neighborhood Stabilization Program and execute all documents needed for completion of purchase, rehabilitation and resale. (394-11)

Adopted Resolution No. 2011-78, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING YUBA COUNTY COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR OR HIS DESIGNEE TO COMPLETE PURCHASE OF SINGLE FAMILY RESIDENCE APN 021-173-012 AND APN 013-620-022 AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND EXECUTE ALL DOCUMENTS NEEDED FOR COMPLETION OF PURCHASE, REHABILITATION AND RESALE."

2. Approve renewal of Hammon Grove Caretaker agreement with Wesley Dale Everett and authorize the Chair to execute same. (395-11) Approved.

3. Approve contract with MHM Inc. for performing a field survey, filing a record of survey to locate, restore, and document monuments depicted on an unrecorded survey map of Olivehurst from 1954 and authorize the Chair to execute same. (396-11) Approved.

F. Health and Human Services

1. Approve agreement with Children's Home Society for CalWORKs Child Care Services and authorize the Chair to execute same. (Human Services Committee recommends approval) (397-11) Approved.
2. Adopt resolution authorizing amendments and changes to the agreement for professional services for the Transitional Housing Placement Plus Program (THP-Plus). (Human Services Committee recommends approval) (398-11)

Adopted Resolution No. 2011-79, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING AMENDMENTS AND CHANGES TO THE AGREEMENT FOR PROFESSIONAL SERVICES FOR THE TRANSITIONAL HOUSING PLACEMENT PLUS PROGRAM (THP-PLUS) THAT WAS ATTACHED AND INCORPORATED BY REFERENCE IN RESOLUTION NO. 2010-23."

G. Sheriff-Coroner

1. Approve Memorandum of Understanding with Yuba County Office of Education to provide education programs for inmates for Fiscal Year 2011-2012 and authorize the Chair to execute same. (399-11) Approved.

IV. PUBLIC COMMUNICATIONS:

Mr. Lance Hatfield, Marysville, urged the Board to review Environmental Health reports regarding conditions at the Travelers Hotel.

Ms. Mary Batista, Dobbins, voiced concerns regarding timeliness getting updated information from the Assessor's office.

V. COUNTY DEPARTMENTS

A. Board of Supervisors

1. Rule on timeliness of appeal received August 8, 2011 filed by Kathleen N. Mastagni Storm Esq. on behalf of Yuba County probation officers, group counselors, and supervisors. (400-11) Attorney Christina Johnson recapped the appeal process settlement language, and responded to Board inquiries.

County Counsel Angil Morris-Jones and Human Resources Director Martha Wilson responded to Board inquiries.

MOTION: Moved to find timeliness of the appeal received August 8, 2011 was not done in a timely fashion and let the results in place stand
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

2. Discuss Board of Supervisors salary reduction and take action as appropriate. (No background material) (403-11) Supervisor Vasquez recapped salary reduction request. County Administrator Robert Bendorff responded to Board inquiries.

Following Board discussion the following individual spoke: Ms. Mary Battista, Dobbins, spoke in support of a salary reduction •
MOTION: Move to approve 25 percent pay reduction for Board members and review in two years
MOVED: Andy Vasquez SECONED: Roger Abe
AYES: Andy Vasquez, Roger Abe NOES: Mary Jane Griego, John Nicoletti, Hal Stocker
ABSENT: None ABSTAIN: None

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

A. Ordinance - Hold public hearing, waive reading, and introduce ordinance adjusting the boundaries of the Supervisorial Districts of the County of Yuba, State of California by amending Chapter 2.05 of the Ordinance Code. (Ten minute estimate) (401-11) Community Development and Services Director Kevin Mallen recapped project history, reviewed the new district boundaries and responded to Board inquiries.

County Counsel Angil Morris-Jones responded to Board inquiries.

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

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

VII. CORRESPONDENCE (402-11)

A. Annual Report from State of California Board of Equalization for 2009-2010. Accepted

B. Letter from University of the Pacific McGeorge School of Law regarding AB 109 Criminal Justice Realignment. Copy provided to County Administrator. Accepted

C. Letter from Federal Emergency Management Agency regarding Letter of Map Revision. Accepted

D. Letter from Lake County Board of Supervisors regarding infestation of Quagga and Zebra mussels. Accepted

E. Notice from the State of California Fish and Game Commission regarding proposed regulatory action relative to abalone sport fishing. Copy provided to Fish and Game Advisory Commission. Accepted

F. Notice from the Yuba County Auditor-Controller enclosing Independent Audit and financial report for Wheatland Cemetery District for year ending June 30, 2010. Accepted

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

Supervisor Stocker:
- Memorial Adjournment - Mr. Robert Kent Fessenden

Supervisor Griego:
- California Local Agency Formation Commission annual conference held August 31 - September 2, 2011 elected to the Executive Board and appointed Secretary
- Flood Management Association conference held September 7, 2011 in San Diego, received Project of the Year Award for Feather River Setback Levee
Supervisor Vasquez:
- Tenth anniversary of 9/11 service held at Yuba City High School

Supervisor Abe:
- Tenth anniversary of 9/11 service held at Yuba City High School
- North Central Counties Consortium meeting held August 25, 2011
- California State Association of Counties meeting held September 8, 2011
- Slow Rise Flood Plan meeting held August 26, 2011
- Yuba Sutter Veteran's Stand Down August 26, 2011
- Zoning Update Ad Hoc meeting held August 29, 2011
- Ag Alert publication dated September 7, 2011 regarding California Bountiful Gala to honor Cotton Rosser September 30, 2011 in San Luis Obispo

County Administrator Robert Bendorf:
- Slow Rise Flood Plan meeting held August 26, 2011
- Flood Management Association Conference
- Final Budget hearings start September 20, 2011 at 1:30 p.m.

IX. CLOSED SESSION: The Board retired into closed session at 10:49 a.m.

A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 013-560-050/Citizens Bank of Northern California 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 - Right of Way Acquisition 28 properties along Rupert Avenue Negotiating Parties: County of Yuba/Mike Lee/Kevin Mallen

C. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 014-010-016/Williams Negotiating Parties: County of Yuba/Mike Lee/Kevin Mallen Negotiation: Terms of Purchase

D. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 010-194-002/018-230-018 Knife River (Baldwin Contracting Co.) Negotiating Parties: County of Yuba/Mike Lee/Kevin Mallen Negotiation: Terms of Purchase

E. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 016-350-003/Leak Family Trust Negotiating Parties: County of Yuba/Mike Lee/Kevin Mallen Negotiation: Terms of Purchase

F. Potential litigation pursuant to Government Code §54956.9(b) - Two Cases

G. Personnel pursuant to Government Code §54957 - Public Appointment/Instructions/Library Director

H. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - MSA and County of Yuba (Continued to September 20, 2011)

Supervisor Abe left closed session at 11:46 a.m. and did not return.

The Board returned from closed session at 11:48 a.m. with all members present as indicated above with the exception of Supervisor Abe.
County Counsel Angil Morris-Jones announced direction was provided to staff on all real property negations; one case of potential litigation was referred to Porter Scott for defense and staff was authorized to initiate suit on the second case. Staff was given direction on the personnel item, and labor negotiations was continued to September 20, 2011.

X.  **ADJOURN:** 11:49 a.m. by Vice Chairman Stocker in memory of Mr. Robert Kent Fessenden.

[Signature]
Chair

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS

[Signature]  
BY: Rachel Ferris, Deputy Clerk

Approved: September 27, 2011