The County of Yuba

BOARD OF SUPERVISORS

NOVEMBER 15, 2011 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 9:36 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 Stottlemeyer. Chairman Abe presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti

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: 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 lease amendment with Yuba County Office of Education for additional space at the One Stop facility and authorize the Chair to execute same. (492-11) Approved.

B. Auditor-Controller


C. Board of Supervisors

1. Appoint Joe Danna for a two-year term to Reclamation District 784 Board of Trustees. (494-11) Approved.

D. Community Development and Services

1. Adopt resolution to approve agreement with the State of California Office of Traffic Safety for the installation of radar signs at school boundaries and to authorize the Public Works Director to administer the grant and to execute the agreement. (495-11) Adopted Resolution No. 2011-98, which is on file in Yuba County Resolution Book No. 42 entitled: "APPROVE THE AGREEMENT WITH THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE INSTALLATION OF RADAR SIGNS AT SCHOOL BOUNDARIES AND TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ADMINISTER THE GRANT AND TO EXECUTE THE AGREEMENT."

11/15/11 - BOS

MINUTE BOOK NO. 68 PAGE 196
2. Adopt resolution authorizing Yuba County Community Development and Services Agency Director or his designee to complete purchase of single family residence APN 008-272-008 as part of the Neighborhood Stabilization program and execute all documents needed for completion of purchase, rehabilitation, and resale. (496-11) Adopted Resolution No. 2011-09, 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 008-272-008 AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND EXECUTE ALL DOCUMENTS NEEDED FOR COMPLETION OF PURCHASE, REHABILITATION, AND RESALE."

3. Approve reconveying Lots A and B in Plumas Ranch Village 5, and Lot D in Woodside Village Unit 1 to developer Cresleigh Homes Corporation, abandonment of landscape easement over same, and authorize the Chair to execute Quitclaim deed(s) transferring any ownership rights to Cresleigh. (Land Use and Public Works Committee recommends approval) (497-11) Approved.

E. County Administrator

1. Adopt resolution authorizing the Director of Emergency Services to execute and submit an application for the Fiscal Year 2011 Emergency Management Performance Grant and execute documents as needed to obtain and administer grant funding. (498-11) Adopted Resolution No. 2011-100, which is on file in Yuba County Resolution Book No. 42 entitled: "SIGNATURE RESOLUTION AUTHORIZING THE COUNTY DIRECTOR OF EMERGENCY SERVICES TO SUBMIT AN APPLICATION FOR THE FISCAL YEAR 2011 EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EXECUTE DOCUMENTS AS NEEDED TO OBTAIN AND ADMINISTER GRANT FUNDING."

2. Approve amendment to the Public Defender Services contract with Benjamin Wirtschaffer and authorize the Chair to execute same. (499-11) Approved.


F. Health and Human Services

1. Approve memorandum of understanding with Sutter-Yuba Mental Health for CalWORKS participants and authorize the Chair to execute same. (Human Services Committee recommends approval) (501-11) Approved.

G. Library

1. Adopt resolution increasing the revolving cash fund for the Yuba County Library from twenty five dollars to two hundred dollars. (502-11) Adopted Resolution No. 2011-101, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION INCREASING THE REVOLVING CASH FUND FOR THE YUBA COUNTY LIBRARY FROM TWENTY-FIVE DOLLARS TO TWO-HUNDRED DOLLARS."

H. Probation

1. Adopt resolution authorizing the Chief Probation Officer of Yuba County to enter into memorandum of understanding with Sutter-Yuba Mental Health for mental health services for out of county residents housed at the Maxine Singer Youth Guidance Center, and approve renewal of the current Memorandum of Understanding and authorize the Chair to execute same. (503-11) Adopted Resolution No. 2011-102, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING THE CHIEF PROBATION OFFICER OF YUBA COUNTY TO ENTER INTO MEMORANDUM OF UNDERSTANDING WITH SUTTER-YUBA MENTAL HEALTH FOR MENTAL HEALTH SERVICES FOR OUR OF COUNTY RESIDENTS HOUSED AT THE MAXINE SINGER YOUTH GUIDANCE CENTER."
I. Sheriff-Coroner

1. Authorize Budget Transfer in the amount of $51,369 from Account No. 108-0000-371-98-99 (Miscellaneous Revenue) to various accounts for operating expenses and equipment for Fiscal Year 2011-12 SAFE Team, Region III Program. (504-11) Approved.

IV. PUBLIC COMMUNICATIONS:

Officer Jeff Larson introduced Commander Andres Ornelas, California Highway Patrol.

Ms. Stephanie Ruscigno urged support for naming the Veterans Out-Patient Clinic after Eric Hellberg.

Mr. Lance Hatfield commented on the fire at Travelers Hotel and Yuba County Environmental Health inspections.

Planning Director Wendy Hartman announced district vacancies on the Resource/Development Code Advisory Committee.

Ms. Lindsay Valve, Yuba City, urged consideration of safety measures and school crossing guards related to the recent fatal accident at Houston and 17th Streets in Marysville.

V. COUNTY DEPARTMENTS

A. Community Development and Services

1. Adopt resolution approving acquisition of real property APN 014-010-016 (Williams) for drainage improvements, authorizing the execution of documents subject to review and approval of Counsel by Public Works Director; approve purchase and sale agreement and agriculture lease for same; and authorize Budget Transfer in the amount of $88,000 for purchase. (Postponed from November 1, 2011) (483-11) Public Works Director Mike Lee recapped the acquisition and lease of property located on the east side of Powerline Road for drainage improvements and responded to Board inquiries.

MOTION: Motion to approve, adopt resolution, and authorize the Public Works Director to execute lease agreement
MOVED: Mary Jane Griego  SECOND: John Nicoletti
AYES: Andy Vasquez, Roger Abe, Hal Stocker, Mary Jane Griego, John Nicoletti
NOES: None  ABSENT: None  ABSTAIN: None

Adopted Resolution No. 2011-103, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY (APN 014-010-016) FROM JIMMY WILLIAMS AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE DOCUMENTS REQUIRED TO FINALIZE THE PURCHASE OF THE REAL PROPERTY."

B. County Administrator

1. Approve repayment agreement with City of Marysville related to the State Controller's Audit of Traffic Fines for Fiscal Years 2004-2005 through 2008-2009 and authorize the Chair to execute same. (Ten minute estimate) (505-11) County Administrator Robert Bendorf recapped the overpayment of traffic fines and agreement for repayment by the City of Marysville 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

VI. ORDINANCES AND PUBLIC HEARINGS: The Clerk read the disclaimer.
A. Hold public hearing to review proposed expenditures of California Citizens Option for Public Safety Program (COPS) Funds. (Five minute estimate) (507-11) County Administrator Robert Bendorf recapped proposed funding.

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

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

B. Hold public hearing and adopt resolution ordering vacation of that portion of Murphy Road lying between Feather River Boulevard and Feather River Set Back Levee. (Land Use and Public Works Committee recommends approval) (Five minute estimate) (508-11) Public Works Director Mike Lee recapped the property to be vacated and responded to Board inquiries.

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

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

Adopted Resolution No. 2011-104, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION ADOPTING ORDER OF VACATION OF THAT PORTION OF MURPHY ROAD LYING BETWEEN FEATHER RIVER BOULEVARD AND FEATHER RIVER SETBACK LEVEE."

VII. CORRESPONDENCE - (509-11)

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

A. Notice from the State of California Fish and Game Commission regarding proposed regulatory action relating to Kellett's Whelk sport and commercial fisheries. (Copy provided to Yuba County Fish and Game Advisory Commission). Accepted.


C. Notice from Pacific Gas and Electric regarding Initial Study Plan Meeting on Narrows No. 2 Transmission Line Project to be held in Sacramento, Wednesday, November 16, 2011 at 9:00 a.m. (Copy provided to County Administrator and Community Development) Accepted.

D. Notice from Delta Stewardship Council advising a Draft Program Environmental Impact Report for the Delta Plan is available for public review and 60 day comment period from November 4, through January 3, 2012. Accepted.

E. Letter from Auditor-Controller enclosing independent audit report for First Five Yuba Commission for fiscal year ended June 30, 2010. Accepted.

F. Letter from Auditor-Controller enclosing independent audit report for Linda County Water District for fiscal year ended June 30, 2010. Accepted.

G. Letter from Galal Kernahan encouraging Board support recognizing November 13th as the states birthday on the Official California Observance Calendar. Accepted.

11/15/11 - BOS         MINUTE BOOK NO. 68 PAGE 199
VIII. RECESS: 10:13 a.m. and reconvened at 10:23 a.m. with all present as indicated above.

IX. BOARD OF SUPERVISORS WORKSHOP

A. Receive presentation regarding Yuba County’s Solid Waste Franchise Agreement. (No background material) (60 minute estimate) (506-11) County Administrator Robert Bendorf provided a Power Point presentation recapping solid waste disposal and the following:
  o Current Franchise Agreement expires December 31, 2011
  o Process for reviewing agreement and negotiating parties
  o Joint Powers Authority for Regional Waste Management Authority
  o Funding the services - Rate Payers, Transfer Station, Recyclable Sales
  o Calculation of Rates
  o Current Residential Rates - $24.77 monthly
  o Rate Stabilization and Capitalization Fund - $2.1 million balance
  o Franchise Fees based on five percent of Recology’s gross revenues
  o Host Fees - City of Marysville $4.40 per ton
  o Host Fees - Yuba County $4.40 per ton
  o County Benefits
  o Summary of Proposed Franchise Agreement Terms
    · Eight-year term with option for extension
    · Indexed rate adjustment for three years
    · New methodology for indexed rate review
    · Detailed rate review every 4 years
    · Continue rate stabilization funds
  o Road fee - paid directly by Recology
  o Program areas remain the same
  o Bulky Item pick-up for single family dwellings
  o Calculation of Rates - Proposed Agreement
  o Refuse Rate Index Methodology
  o Items for Consideration
    · Franchise Fees
    · Rate Stabilization and Capitalization Fund - Control of Funds/Weighted Voting
    · Agreement to extend service with Recology

Mr. Dave Vaughn, Recology General Manager, responded to Board inquiries regarding the road maintenance fee and reducing the amount of recoverables to landfill.

Mr. Bendorf responded to Board inquiries regarding host fee increase and the refuse rate index.

Assistant City Manager Steve Kreggar, Yuba City, responded to Board inquiries regarding services provided to Yuba City and future development of transfer station.

Regional Waste Management Manager Keith Martin responded to Board inquiries regarding surcharge increases.

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

Supervisor Stoker:
  o Memorial Adjournment - Mrs. Ivadene Leech and Mr. Willie Toon
  o Ceremony at Museum of Forgotten Warriors held November 10, 2011
  o Marysville Veterans Day Parade
Supervisor Griego:
- Marysville Veterans Day Parade
- Olivehurst Community Plan
- The Lords Gym in Linda
- Feather River Air Quality Management District, Sacramento Council of Governments, and Yuba Sutter Transit Authority Directors’ meetings scheduled November 17, 2011

Supervisor Nicoletti:
- Memorial Adjournment - Miss Julianna Villa-Hopkins
- Marysville Veterans Day Parade
- County Library computers
- Bethel AME historic presentation on November 14, 2011
- Corps of Engineers easement and encroachment of property in Linda
- Flood insurance program kickoff held November 14, 2011

Supervisor Vasquez:
- Linda cleanup held November 5, 2011 at Yuba County Airport
- Hmong New Year Celebration held November 13, 2011
- Ceremony at Museum of Forgotten Warriors held November 10, 2011
- The Lords Gym fundraiser
- Marysville Veterans Day Parade
- Appeal Democrat article “A Father’s Love”

County Counsel Angil Morris Jones: Restriction of marijuana use for persons under 18 years

Supervisor Abe:
- Marysville Veterans Day Parade
- Ceremony at Museum of Forgotten Warriors held November 10, 2011
- Hallwood Women’s Club Breakfast held November 13, 2001
- Flood insurance program kickoff held November 14, 2011
- Award of Congressional Gold Medal Award to Japanese-American World War II veterans of the 100th Infantry Battalion, 442nd Regimental Combat Team and the Military Intelligence Service
- Memorial Adjournment – Mr. Francis M. Rush Jr.

Interim Library/Community Development Director Kevin Mallen:
- Library Open House to debut new computers on December 8, 2011 at 5:30 p.m.

County Administrator Robert Bendorf: City of Marysville proposal to amend sphere of influence

Chairman Abe formed an Ad Hoc committee appointing Supervisors Vasquez and Nicoletti regarding the City of Marysville sphere of influence amendment.

Supervisor Abe left the meeting at 12:38 p.m. and returned at 12:41 p.m.

Environmental Health Director Tej Maan: AB 885 Onsite Wastewater Regulations and written comments to State Water Resources Control Board

XI. CLOSED SESSION: The Board retired into closed session at 12:46 p.m. to discuss the following:

A. Potential litigation pursuant to Government Code §54956.9(b) - One Case

The Board returned from closed session at 1:10 p.m. with all present as indicated above.

Counsel advised direction and authorization for settlement was provided by unanimous vote of the Board.
The Board recessed at 1:11 p.m. and reconvened at 2:20 p.m. in closed session with all members present as indicated above to discuss the following:

B. Personnel pursuant to Government Code §54957 - Public Appointment/Auditor-Controller

The Board returned from closed session at 3:09 p.m. with all present as indicated above.

Chairman Abe advised Item B would be continued to Friday, November 18th at 12:30 p.m.

The Board reconvened on November 18th at 12:30 p.m. with all present as listed above and retired into closed session to continue discussion on Item B as listed above.

The Board returned from closed session at 1:21 p.m. with all present as indicated above.

Counsel advised the Board by unanimous vote made a selection regarding the Auditor-Controller appointment and gave direction to carry out the selection process.

XII. ADJOURN: 1:22 p.m. on November 18, 2011 in memory of Miss Julianna Villa-Hopkins, Mrs. Ivdene Leech, Mr. Willie Toon, and Mr. Francis M. Rush Jr. by Chairman Abe.

Chair

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

Approved: 12-6-2011