The County of Yuba

BOARD OF SUPERVISORS

MAY 22, 2012 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:39 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. Supervisor Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Stocker presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez

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

A. Administrative Services

1. Approve lease agreements with Gordon Murdoff for corporate hanger lease site no. 5, ground sites no. 4 and 6, and authorize the Chair to execute same. (192-12) Approved.

2. Approve advertisement of Request for Proposals for lease of available airport property for a specialized aviation service operator. (Public Facilities Committee recommends approval) (193-12) Approved.

3. Approve Memorandum of Understanding with Yuba County Water Agency for funding for flood control website and authorize the Chair to execute same. (194-12) Approved.

B. Clerk of the Board of Supervisors

1. Reappoint Bob Swift to the Sutter-Yuba Substance Abuse Advisory Board for a term to end May 22, 2016. (195-12) Approved.

2. Approve minutes of the regular meeting of May 8, 2012. (196-12) Approved as written.

C. Clerk-Recorder/Elections

1. Adopt resolution appointing individuals to the Democratic County Central Committee and Yuba County Water Agency - North as indicated to fill vacancies pursuant to Elections Code §10515. (197-12)
Adopted Resolution No. 2012-41, which is on file in Resolution Book No. 43, entitled: "RESOLUTION DECLARING ELECTED NOMINEES TO THE OFFICE OF MEMBER, COUNTY CENTRAL COMMITTEE FOR THEIR RESPECTIVE DISTRICTS AND POLITICAL PARTIES."

D. Community Development and Services

1. Adopt resolution regarding property tax revenue exchange for Cordua Irrigation District annexation. (198-12)
   Adopted Resolution No. 2012-42, which is on file in Resolution Book No. 43, entitled: "A RESOLUTION OF THE BOARD OF SUPERVISORS PERTAINING TO TAX REVENUE EXCHANGE FOR LAFCO 2011-0004, CORDUA IRRIGATION DISTRICT."

2. Accept 2011 Rubberized Asphalt Concrete Road Rehabilitation Various Locations project as complete and authorize the Public Works Director to sign and record the notice of completion. (199-12) Approved.

3. Approve cancelling a grant from the State for the purchase of 35.64 acres along the Yuba River in Marysville due to failed negotiations. (200-12) Approved.

E. Emergency Services

1. Approve out of state travel for two members of the Emergency Operations Center Management Team to attend training in Emmitsburg, Maryland, expenses to be reimbursed through FEMA. (201-12) Approved.

F. Health and Human Services

1. Adopt resolution authorizing the Director of Health and Human Services to execute counseling and therapeutic service agreements for Child Welfare Services. (Human Services Committee recommends approval) (202-12)
   Adopted Resolution No. 2012-43, which is on file in Resolution Book No. 43, entitled: "RESOLUTION AUTHORIZING THE DIRECTOR OF HEALTH AND HUMAN SERVICES DEPARTMENT TO EXECUTE ON BEHALF OF THE COUNTY OF YUBA COUNSELING AND THERAPEUTIC SERVICE AGREEMENTS FOR CHILD WELFARE SERVICES."

G. Sheriff-Coroner

1. Approve agreement with Yuba County Water Agency for law enforcement services for a limited term and authorize the Chair to execute same. (203-12) Approved.

IV. PUBLIC COMMUNICATIONS:

Ms. Frances Hofman, 40 Mile Road, comments on environmental process for Recology railroad project not being processed in accordance to CEQA and County Ordinance Codes.

Administrative Services Director Doug McCoy provided a brief PowerPoint presentation to the Board on the status of the solar project and responded to Board inquiries.

V. COUNTY DEPARTMENTS

A. Yuba-Sutter Economic Development Corporation
1. Adopt resolution approving the 2012/2013 Comprehensive Economic Development Strategy and program project for the Yuba-Sutter Economic Development District as prepared. (Fifteen minute estimate) (204-12) District Director Brynda Stranix provided a brief recap and responded to Board inquiries.

MOTION: Move to adopt            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. 2012-44, which is on file in Resolution Book No. 43, entitled: "RESOLUTION APPROVING THE 2012/2013 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY AND PROGRAM PROJECTION FOR THE YUBA-SUTTER ECONOMIC DEVELOPMENT DISTRICT AS PREPARED AND RECOMMENDED BY YUBA-SUTTER ECONOMIC DEVELOPMENT CORPORATION AND THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE."

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

A. Ordinance - Hold public hearing, waive reading, and adopt ordinance amending Chapter 13.80 addressing deferral and waiver of certain impact fees, as it relates to building permits. (Second reading) (Land Use and Public Works Committee recommends approval) (Ten minute estimate) (187-12) Community Development and Services Director Kevin Mallen provided a brief recap and responded to Board inquiries.

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

MOTION: Move to close the public hearing, waive reading, and adopt ordinance
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 Ordinance No. 1519, which is on file in Yuba County Ordinance Book No. 23, entitled: "AN ORDINANCE AMENDING CHAPTER 13.80 ADDRESSING DEFERRAL AND WAIVER OF CERTAIN IMPACT FEES."

B. Public Hearing - Hold public hearings and adopt six resolutions of necessity for APN 021-282-003, 021-281-018, 019 (Buchser); 021-282-014 (Singh); 021-282-023 (Rojas); and 021-321-015 (Lethridge) as it relates to the Rupert Avenue Widening Project. (20 minute estimate) (Four fifths vote required) (205-12) Public Works Director Mike Lee recapped the status of the project, negotiations with property owners, improvements and traffic calming measures, and responded to Board inquiries.

Chairman Stocker inquired if there were any property owners or their representatives present. No one came forward.

Mr. Lee provided status and information on attempts to contact the property owners and responded to Board inquiries.

Chairman Stocker inquired if there were any property owners or their representatives present or any public member who would like to be heard. No one came forward.
MOTION: Move to adopt resolution
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. 2012-45, which is on file in Resolution Book No. 43, entitled: "RESOLUTION OF NECESSITY AUTHORIZING THE CONDEMNATION OF PROPERTY FOR THE CONSTRUCTION OF IMPROVEMENTS TO RUPERT AVENUE," as it relates to Assessor’s Parcel Number 021-282-003 (Veva Buchser and William F. Buchser).

MOTION: Move to direct County Counsel to proceed with an action in eminent domain to acquire the necessary property interests for the road widening, construction, installation and improvement of the Rupert Avenue Widening Project, and to authorize them to deposit probable compensation in the States Treasury's Condemnation Fund.  MOVED: John Nicoletti    SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker
NOES: None ABSENT: None ABSTAIN: None

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

Adopted Resolution No. 2012-46, which is on file in Resolution Book No. 43, entitled: "RESOLUTION OF NECESSITY AUTHORIZING THE CONDEMNATION OF PROPERTY FOR THE CONSTRUCTION OF IMPROVEMENTS TO RUPERT AVENUE," as it relates to Assessor’s Parcel Number 021-281-018 (Veva Buchser and William F. Buchser).

MOTION: Move to direct County Counsel to proceed with an action in eminent domain to acquire the necessary property interests for the road widening, construction, installation and improvement of the Rupert Avenue Widening Project, and to authorize them to deposit probable compensation in the States Treasury’s Condemnation Fund.  MOVED: Roger Abe    SECOND: Andy Vasquez
AYES: Roger Abe, Andy Vasquez, John Nicoletti, Mary Jane Griego, Hal Stocker
NOES: None ABSENT: None ABSTAIN: None

MOTION: Move to adopt resolution    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. 2012-47, which is on file in Resolution Book No. 43, entitled: "RESOLUTION OF NECESSITY AUTHORIZING THE CONDEMNATION OF PROPERTY FOR THE CONSTRUCTION OF IMPROVEMENTS TO RUPERT AVENUE," as it relates to Assessor’s Parcel Number 021-281-019 (William F. Buchser).

MOTION: Move to direct County Counsel to proceed with an action in eminent domain to acquire the necessary property interests for the road widening, construction, installation and improvement of the Rupert Avenue Widening Project, and to authorize them to deposit probable compensation in the States Treasury’s Condemnation Fund.  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
MOTION: Move to adopt resolution    MOVED: Andy Vasquez    SECOND: John Nicoletti
AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Hal Stocker
NOES: None    ABSENT: None    ABSTAIN: None

Adopted Resolution No. 2012-48, which is on file in Resolution Book No. 43, entitled: "RESOLUTION OF NECESSITY AUTHORIZING THE CONDEMnation OF PROPERTY FOR THE CONSTRUCTION OF IMPROVEMENTS TO RUPERT AVENUE," as it relates to Assessor’s Parcel Number 021-321-015 (Paul E. Lethridge and Sylvia C. Lethridge).

MOTION: Move to direct County Counsel to proceed with an action in eminent domain to acquire the necessary property interests for the road widening, construction, installation and improvement of the Rupert Avenue Widening Project, and to authorize them to deposit probable compensation in the States Treasury’s Condemnation Fund.    MOVED: John Nicoletti    SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker
NOES: None    ABSENT: None    ABSTAIN: None

MOTION: Move to adopt resolution    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. 2012-49, which is on file in Resolution Book No. 43, entitled: "RESOLUTION OF NECESSITY AUTHORIZING THE CONDEMnation OF PROPERTY FOR THE CONSTRUCTION OF IMPROVEMENTS TO RUPERT AVENUE," as it relates to Assessor’s Parcel Number 021-282-014 (Sukhvinder Singh).

MOTION: Move to direct County Counsel to proceed with an action in eminent domain to acquire the necessary property interests for the road widening, construction, installation and improvement of the Rupert Avenue Widening Project, and to authorize them to deposit probable compensation in the States Treasury’s Condemnation Fund.    MOVED: John Nicoletti    SECOND: Roger Abe
AYES: John Nicoletti, Roger Abe, Andy Vasquez, Mary Jane Griego, Hal Stocker
NOES: None    ABSENT: None    ABSTAIN: None

MOTION: Move to adopt resolution    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. 2012-50, which is on file in Resolution Book No. 43, entitled: "RESOLUTION OF NECESSITY AUTHORIZING THE CONDEMnation OF PROPERTY FOR THE CONSTRUCTION OF IMPROVEMENTS TO RUPERT AVENUE," as it relates to Assessor’s Parcel Number 021-282-023 (Jesus Rojas).

MOTION: Move to direct County Counsel to proceed with an action in eminent domain to acquire the necessary property interests for the road widening, construction, installation and improvement of the Rupert Avenue Widening Project, and to authorize them to deposit probable compensation in the States Treasury’s Condemnation Fund.    MOVED: John Nicoletti    SECOND: Roger Abe
AYES: John Nicoletti, Roger Abe, Andy Vasquez, Mary Jane Griego, Hal Stocker
NOES: None    ABSENT: None    ABSTAIN: None
VII. ITEM OF PUBLIC INTEREST

A. Consider request from Tsi-Akim Maidu tribe to waive all fees, allow exclusive use of Sycamore Ranch for the 14th Annual Indigenous Peoples Days event October 5 - 8, 2012; road closure for runners on October 6, 2012; construction of a permanent Bark House in exchange for use of the park for event for the next five years, or if not the construction of a temporary bark house to be set up prior to event and removed at a later date. (Fifteen minute estimate) (206-12) County Administrator Robert Bendorf provided a brief recap.

Ms. Letty Litchfield and Chairman Don Ryberg recapped last year’s event and, urged the Board to consider long term commitment with the tribe for use of the park.

Cultural Director Grayson Coney proposed to continue maintaining the native plant garden and expanding the garden to include native trees and, responded to inquiries regarding the size, location, and description of the proposed bark house.

Following Board discussion, County Counsel Angil Morris-Jones responded to specific inquiries regarding insurance, and liability for the bark house.

Following additional Board discussion, Board consensus was received to approve the request for use of the park, approve fee waiver, to work with staff and return to the Board with a resolution and agreement to address more specific issues regarding the bark house.

VIII. CORRESPONDENCE - (207-12)

A. Notice from State of California Fish and Game Commission regarding notice of proposed regulatory action relating to Public Use of Department of Fish and Game lands. (Copy provided to Yuba County Fish and Game Advisory Commission) Accepted.

B. Letter from Larry Matlock regarding property tax and late payment penalties. Accepted.

C. Resolution from Plumas Lake Elementary School District Board expressing appreciation to Yuba County regarding land purchased for school site and community park. Accepted.

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

Supervisor Griego:
- SACOG meeting held May 17, 2012
- Cal LAFCO Executive Board interviews
- Marijuana Cultivation ad hoc committee meeting held May 15, 2012

Supervisor Vasquez:
- Bi-County Substance Abuse Advisory Board meeting held May 15, 2012
- Hmong Association meeting held May 16, 2012
- Lindhurst High School Scholarship awards held May 17, 2012
- North Beale Road widening project

Supervisor Nicoletti:
- Memorial Adjournment - Mr. Robert Douglas Silicz
- Yuba County Water Agency prevailed in water lawsuit with Western Water Company
• Yuba-Sutter Fishing Derby held Saturday, May 19, 2012
• Local Memorial Day Weekend events

Supervisor Stocker:
• Marysville High School Awards Ceremony
• Boy Scout Court of Honor at Alcove Center

County Counsel Angil Morris-Jones: Juneteenth activities cancelled in favor of restarting Beckworth Days and combining activities to recognize Black Pioneers of Yuba and Sutter Counties.

X. CLOSED SESSION: The Board retired into closed session at 12:05 p.m. to discuss the following:

A. Pending litigation pursuant to Government Code §54956.9(a) - Yuba County Probation Officers Association vs. County of Yuba

B. Pending litigation pursuant to Government Code §54956.9(a) - Yuba Group Against Garbage vs. County of Yuba

The Board returned from closed session at 12:37 p.m. with all present as indicated above.

County Counsel Angil Morris-Jones advised staff was provided direction.

XI. ADJOURN at 12:37 p.m. by Chairman Stocker in honor of Mr. Robert Douglas Selig.

[Signature]
Hal Stocker
Chair

ATTEST: DONNA STOTTERMeyer
CLERK OF THE BOARD OF SUPERVISORS

[Signature]
BY: Rachel Ferris, Deputy Clerk

Approved: June 19, 2012