The County of Yuba

BOARD OF SUPERVISORS

NOVEMBER 13, 2012 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:38 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 Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Stocker presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Abe

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

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

A. Administrative Services

   1. Approve two agreements and grant of easements with CVIN LLC across county property at Library and Airport for broadband access and authorize the Chair to execute same. (417-12) Approved.

   2. Authorize Budget Transfer in the amount of $47,000 from various line items to Account No. 126-0000-361-4650 for the portion of fees generated by the Yuba Sutter Enterprise Zone required to be submitted to the state. (418-12) Approved.

B. Board of Supervisors

   1. Reappoint Supervisor John Nicoletti to the Bi-County Solid Waste Independent Hearing Panel for a term to end December 31, 2016. (419-12) Approved.

C. Clerk of the Board of Supervisors

   1. Approve minutes of the meeting of October 23, 2012. (420-12) Approved as written.

   2. Reappoint Robert Bradshaw to the Wheatland Cemetery District for a term to expire November 18, 2016. (421-12) Approved.
D. Community Development and Services

1. Award contract to R&R Horn Contractors, Inc., apparent low bidder for North Beale Road Raised Median Project and authorize the Chair to execute upon review and approval of County Counsel. (422-12) Approved.


3. Approve floodplain development variance for detached parking/storage structure at 4032 Hazel Street. (424-12) Approved.

E. Health and Human Services

1. Approve Certificates of Compliance of the California Department of Veterans Affairs County Subvention Program and the Medi-Cal Cost Avoidance Program for Fiscal Year 2012-2013 and authorize the Chair to execute. (Human Services Committee recommends approval) (425-12) Approved.

F. Human Resources and Organizational Services

1. Approve County American with Disabilities Act and Fair Employment Housing Act Compliance Policy. (426-12) Approved.

G. Probation

1. Authorize Budget Transfer in the amount of $2,235 to Account No. 101-3202-423-6200 (Fixed Assets) for purchase of two computers for Victim Witness. (427-12) Approved.

ADDED TO THE AGENDA - Closed Session Item B

MOTION: At the request of County County, move to add to Closed Session Item B labor negotiations regarding YCEA as the matter arose subsequent to the agenda being posted.
MOVED: John Nicoletti        SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Roger Abe, Hal Stocker
NOES: None         ABSENT: Mary Jane Griego  ABSTAIN: None

IV. SPECIAL PRESENTATION

A. Receive presentation from Mr. Dana Hubbard on establishment of a Yuba County History Museum. (Ten minute estimate) (407-12) Mr. Dana Hubbard recapped the goals of the Museum, fundraising activities and membership on the committee. Mr. Hubbard responded to Board inquiries.

B. Receive annual review from Yuba County Office of Education on the status of the 4H Outdoor Education Camp in Dobbins. (Ten minute estimate) (406-12) Principal Chris Reyna recapped recent upgrades to kitchen appliances, group activities, and other activities at the camp. Mr. Reyna responded to Board inquiries.

Ms. Bobbi Abold, Director of Alternative Education, acknowledged achievements of the program.

V. PUBLIC COMMUNICATIONS: No one came forward.
VI. COUNTY DEPARTMENTS

A. County Administrator

1. Receive first quarter financial report for Fiscal Year 2012-13 and provide direction as necessary. (Fifteen minute estimate) (428-12) Management Analyst Grace Mull recapped revenues, expenditures, reserves, building and real estate activities, and responded to Board inquiries.

County Administrator Robert Bendorf provided information regarding trends in foreclosures, revenues, the State budget, and responded to Board inquiries.

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

A. Public Hearing - Hold public hearing and adopt resolution adopting the Program Income Reuse Plan for the Neighborhood Stabilization program governing program income assisted activities. (Five minute estimate) (429-12) Community Development and Services Director Kevin Mallen recapped the program, usage of income, and responded to Board inquiries.

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

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

Adopted Resolution No. 2012-99, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION ADOPTING THE PROGRAM INCOME REUSE PLAN FOR THE YUBA COUNTY NEIGHBORHOOD STABILIZATION PROGRAM (NSPC), A REUSE PLAN GOVERNING PROGRAM INCOME FROM NEIGHBORHOOD STABILIZATION PROGRAM (NSP3) ASSISTED ACTIVITIES."

B. Public Hearing - Hold public hearing, adopt Yuba County Bikeway Master Plan, and make finding that plan preparation was part of General Plan EIR and no new effects occur or mitigation measure are required. (Ten minute estimate) (430-12) Public Works Director Mike Lee recapped the final plan, comments received, right-of-way issues, and responded to Board inquiries.

Mr. Bendorf and Mr. Mallen responded to Board inquiries.

Chairman Stocker opened the public hearing.

The following individuals spoke:
- Mr. Dave Slack, Hallwood, opposed paths through private property
- Ms. Stacy Wurm, Hallwood, opposed paths through private property
- Ms. Lea Martin, Hallwood, opposed paths through private property
- Mr. James Vera, generalization of plan

MOTION: Move to close public hearing
MOVED: Roger Abe SECOND: John Nicoletti
AYES: Roger Abe, John Nicoletti, Andy Vasquez, Hal Stocker
NOES: None ABSENT: Mary Jane Griego ABSTAIN: None
Mr. Mallen provided options for moving forward and responded to Board inquiries.

MOTION: Move to continue Board action to January 22, 2013 to receive report regarding trails with private property issues
MOVED: Andy Vasquez SECOND: John Nicoletti
AYES: Andy Vasquez, John Nicoletti, Roger Abe, Hal Stocker
NOES: None ABSENT: Mary Jane Griego ABSTAIN: None

Supervisor Vasquez left the meeting at 11:13 a.m.

VIII. ITEM OF PUBLIC INTEREST

A. Consider application for off-sale beer and wine alcohol beverage license from Alyson and Jacob Shortridge at 8446 Smartsville Road and finding of public convenience or necessity to allow license. (Ten minute estimate) (431-12) Associate Planner Kevin Perkins recapped the license request and responded to Board inquiries.

Supervisor Vasquez rejoined the meeting at 11:16 a.m.

MOTION: Move to make finding of public convenience and approve license application
MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Roger Abe, Hal Stocker
NOES: None ABSENT: Mary Jane Griego ABSTAIN: None

IX. CORRESPONDENCE - (432-12)

A. Letter of resignation from Randy Davis of the Yuba County Fish and Game Advisory Commission. Accepted.

B. Notice from Yuba County Office of Education enclosing State of the Schools report pursuant to the Williams Uniform Compliant Act. Accepted.

C. Eleven Agency Biennial Notices regarding conflict of interest code for Browns Valley and Cordua Irrigation Districts; Keystone and Peoria Cemetery Districts; Plumas Lake and Camptonville Union Elementary School Districts; Olivehurst Public Utility District; Wheatland Union High School District; District 10-Hallwood Community Service District; Wheatland Cemetery District; and Marysville Levee Commission. Accepted.

D. Notices from California Fish and Game Commission regarding proposed regulations relating to groundfish and associated species, southern mountain and Sierra Nevada yellow-legged frog, and the Gray Wolf. (Copy to Fish and Game Advisory Commission) Accepted.

E. Independent audit report for Browns Valley Cemetery District for fiscal years 2006 and 2007. Accepted.

F. Annual Report for Fiscal Year 2011-2012 from Yuba County Digital Law Library. Accepted.

G. Memorandum for Child Care Planning Council announcing public hearing on Early Education and Child Care Needs. Accepted.

X. BOARD AND STAFF MEMBERS’ REPORTS:

Supervisor Abe:
  • LAFCO held November 7, 2012 and OPUD County Liaison held November 9, 2012 regarding tax exchange agreement
Agritourism presentation by Economic Development on November 9, 2012
Sierra Sacramento Valley EMS Directors meeting held November 9, 2012
Veterans Day Parade held November 11, 2012
Article in Appeal Democrat regarding roadside food stands and selling of walnuts
Memorial Adjournment - Mr. Melvin J. Crowder

Supervisor Vasquez:
Hmong New Year’s celebration held November 3, 2012
Area 4 Agency on Aging Governing Board meeting held November 9, 2012
Veterans Appreciation Dinner and Veterans Day Parade

Supervisor Nicoletti:
Shipments of local goods to Yan Tai China
Commended Elections office efforts on General Election
Agritourism presentation by Economic Development on November 9, 2012
Veterans Day Parade held November 11, 2012
Community Services Commission meeting

Supervisor Stocker:
Veterans Day Parade held November 11, 2012
Memorial Adjournments - Ms. Paula Goodman, Mrs. Dawn Vinge, Mrs. Sarah Jane Aseltine

XI. CLOSED SESSION: The Board retired into closed session at 11:38 a.m. to discuss:
A. Threatened litigation pursuant to Government Code §54956.9(b) - One Case Pulled from consideration
B. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - YCEA and County of Yuba

County Counsel Angil Morris-Jones advised by unanimous vote the Board gave direction regarding how to resolve the matter.

XII. ADJOURN: 12:04 p.m. in memory of Ms. Paula Goodman, Mrs. Dawn Vinge, Mrs. Sarah Jane Aseltine, and Mr. Melvin J. Crowder by Chairman Stocker.

Chair

ATTEST: DONNA STOTTHEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: November 27, 2012