The County of Yuba

BOARD OF SUPERVISORS

AUGUST 12, 2014 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:55 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 Clerk of the Board of Supervisors Donna Stottlemyer. Chairman Nicoletti presided.

There was a brief moment of silence honoring soldiers serving in current conflicts around the world.

I. PLEDGE OF ALLEGIANCE - Led by Appeal Democrat Publisher Glenn Stifflemire.

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: Mary Jane Griego

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

A. Clerk of the Board of Supervisors

1. 317-14) Appoint Steve Hammarstrom to the Yuba County Economic Development Advisory Committee to serve at the pleasure of the Board. Approved.


B. Clerk-Recorder/Elections

1. (321-14) Adopt resolution establishing business hours for County Clerk/Recorder's office on Friday, August 22, 2014, 8:00 a.m. to 9:00 a.m. and Monday, August 25, 2014, 1:00 p.m. to 5:00 p.m. during the implementation of the Clerk/Recorder's automated system for maintaining official public records. County Clerk Terry Hansen recapped the need for closure, benefits of updating of equipment, and responded to Board inquiries.
MOTION: Move to approve  

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

Adopted Resolution No. 2014-62, which is on file in Yuba County Resolution No. 45.

C. Community Development and Services

1. (322-14) Approve specification and estimate and authorization for advertisement of bids for the 2014 maintenance of various county roads double chip seal project with a tentative bid opening date of August 27, 2014. Approved.

2. (323-14) Approve specification and estimate and authorization for advertisement of bids for the 2014 maintenance of various county roads hot mix asphalt overlay project with a tentative bid opening date of August 27, 2014. Approved.

D. Emergency Services

1. (324-14) Adopt resolution authorizing Director of Emergency Services and Emergency Operations Manager to apply for Fiscal Year 2014 Emergency Management Performance Grant, further authorizing executing documents as required by application, pertinent documents related to the program and acceptance of grant funds. Adopted Resolution No. 2014-63, which is on file in Yuba County Resolution Book No. 45.

2. (325-14) Adopt resolution authorizing the County Director of Emergency Services and Emergency Operations Manager to apply for Fiscal Year 2014 Homeland Security Grant and authorizing executing documents as required by application, resultant grant and/or any pertinent documents related to the program and acceptance of grant funds. Adopted Resolution No. 2014-64, which is on file in Yuba County Resolution Book No. 45.

3. (326-14) Adopt resolution proclaiming the continued existence of ongoing local drought emergency in County. Adopted Resolution No. 2014-65, which is on file in Yuba County Resolution Book No. 45.

E. Health and Human Services

1. (327-14) Approve agreement with GraceSource Inc. for Differential Response Services under the Child Abuse Prevention, Intervention and Treatment, Community Based Child Abuse Prevention, and County Children's Trust Fund programs. (Human Services Committee recommends approval) Approved.

2. (328-14) Approve third amendment to contract with Sierra Health Care for the Multipurpose Senior Services Program grant and authorize Chair to execute same. Approved.

F. Human Resources and Organizational Services

1. (329-14) Adopt resolution authorizing separation of assets in Nationwide deferred compensation plan between County and Yuba County Superior Court. Adopted Resolution No. 2014-66, which is on file in Yuba County Resolution Book No. 45.

2. (330-14) Approve lactation accommodation policy. (Five minute estimate) Approved.

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IV. PUBLIC COMMUNICATIONS

Mr. Rock West - claim against the County
Planning Director Wendy Hartman - Draft Resource Efficiency Plan workshop August 20, 2014, 6:00 p.m.
Public Works Director Mike Lee - County effects of OPUD sewer and water rate increase

V. COUNTY DEPARTMENTS

A. Board of Supervisors

1. (331-14) Consider hosting the INS-DSH California Northern Regional Naturalization of New Citizens presentation for 2015 and take action as appropriate. (Ten minute estimate)

   MOTION: Move to approve            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

2. (332-14) Consider request from Sierra County regarding developing a plan to mitigate fire severity conditions and provide staff direction. (Ten minute estimate) Following Board discussion, the Board referred the matter to County Administrator for review and Board consideration September 9, 2014.


   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

B. County Administrator

1. (334-14) Adopt resolution pertaining to tax revenue exchange between the County, Plumas Brophy Fire Protection District, and Olivehurst Public Utility District (detachment of territory from Plumas Brophy Fire Protection District). (Ten minute estimate) County Administrator Robert Bendorff recapped details of detachment, revenue exchange, and responded to Board inquiries.

   MOTION: Move to approve            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

   Adopted Resolution No. 2014-67, which is on file in Yuba County Resolution Book No. 45.

2. (335-14) Consider options for publications of legal notices and provide direction as appropriate. (Ten minute estimate) County Administrator Robert Bendorff recapped needs and purpose for legal publications and responded to inquiries.
Following Board discussion, no action taken with Board concurring department heads have authority based on needs of publications required.

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

A. (308-14) Ordinance - Hold public hearing, waive reading, and adopt ordinance amending Chapter 3.40 of the Yuba County Ordinance Code as it relates to Public Employees' Retirement System to include Pre-Retirement Option 2W Death Benefit for local safety members. (Ten minute estimate). (Second reading. Continued from July 22, 2014) (Five minute estimate) Chair Nicoletti opened the public hearing. No one came forward.

MOTION: Move to approve 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

Adopted Ordinance No. 1535, which is on file in Yuba County Ordinance Book No. 24.

VII. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

A. (336-14) Notice from State of California Fish and Game Commission regarding petition received from Center for Biological Diversity to list the flat-tailed horned lizard as endangered. Received.

B. (337-14) Notice from HDR Inc. enclosing Draft Initial Study / Mitigated Negative Declaration prepared for Yuba County Water Agency on Log Cabin and Our House Diversion Dams Sediment Management Plan. Received.


F. (341-14) Notice from Federal Energy Commission regarding PG&E license for Narrows No. 2 Transmission Line project. Received.

G. (342-14) Letter from City of Marysville regarding consolidation election regarding sales tax and City Council Members for the General Election to be held November 4, 2014. Received.

H. (343-14) Notice from State of California Water Resources Control Board of petitions for temporary water transfer-exchange under Contra Costa Water District Permit. Received.

VIII. BOARD AND STAFF MEMBERS’ REPORTS:

Supervisor Griego:
- Meetings attended:
  - FRAQMD Directors meeting August 4, 2014
  - LAFCO Directors meeting August 6, 2014
  - SACOG Transportation Committee meeting August 7, 2014

Supervisor Abe: Yuba Sutter Fair and Auction

Supervisor Stocker: Received consensus for letter of support for Yuba Region Regional Water Management grant funding from 2014 Drought Grant Solicitation Water Agency

Legislative Affairs Coordinator Russ Brown: Pending legislation before the Legislature

Supervisor Nicoletti:
- Memorial Adjournment: Mr. Mike McPhearson, Mr. John Weiber, Ms. Sarah Buckley
- Meetings Attended:
  - Peach Tree Health Care Directors meeting July 31, 2014
  - FRAQMD Directors meeting August 4, 2014
  - Feather River Regional Flood Management met August 6, 2014
  - Marysville Oversight Committee
  - Chamber of Commerce Government Affairs Committee held August 5, 2014

IX. CLOSED SESSION: The Board retired into closed session at 11:15 a.m. and returned at 12:40 p.m. with all present as indicated above.

A. Pending litigation pursuant to Government Code §54956.9(e)(3) - One Claim/Henry Denied by unanimous vote.

B. Pending litigation pursuant to Government Code §54956.9(e)(3) - One Claim/Irwin By unanimous vote instructed to pursue potential settlement.

C. Pending litigation pursuant to Government Code §54956.9(e)(3) - One Claim Instructions provided to consider settlement.

D. Pending litigation pursuant to Government Code §54956.9(e)(3) - Two Claims/Friend and Moore Denied by unanimous vote.

E. Personnel pursuant to Government Code §54957(b)(1) - Public Appointment - Health and Human Services Director Interim Director Jennifer Vasquez appointed Director.

F. Personnel pursuant to Government Code §54957(b)(1) - Public Employee Discipline/Dismissal/Release By unanimous vote the Board accepted in part and rejected in part the decision of the arbitrator and upheld the department head decision to dismiss employee

County Administrator Robert Bendorf left closed session at 12:10 p.m. during discussion of DDA labor negotiations.
G. Personnel pursuant to Government Code §54957.6(a) - Labor Negotiations - DDA/YCEA Bargaining Unit 2 and County of Yuba Direction provided.

X. RECESS TO 6:00 P.M.: The Board recessed at 12:45 p.m. and reconvened at 6:02 p.m. with all present as indicated above except Supervisor Stocker.

XI. COUNTY ADMINISTRATOR

A. (345-14) Adopt resolution approving and authorizing execution of deposit/reimbursement agreement relative to issuance of special tax bonds for Improvement Area C of Community Facilities District No. 2005-1 (Orchard/Montrose Public Improvements) and authorizing actions related to the bonds; and Adopt resolution reducing maximum special tax for single family residential property in Improvement Area C of Community Facilities District No. 2005-1, clarifying rate and method of apportionment of special tax and authorizing related actions necessary to implement. (Twenty minute estimate) County Administrator Robert Bendorf indicated associates present of Mr. Paul Thimmig, Bond Counsel; Mr. Tom Johnson, Philmann & Rolaff; and Woodside representatives.

Supervisor Stocker joined the meeting at 6:05 p.m.

Mr. Bendorf provided a brief Power Point presentation recapping the following:
  - CFD formation in 2005
  - Landowner vote
  - Authorized maximum tax of $1,550 and which expires 2044/2045
  - Infrastructure completed and accepted for streets, water, sewer, and drainage
  - Woodside Homes submittal of over $4.0 million in reimbursement requests for infrastructure completed
  - Property status of 207 lots
  - Current tax information and total estimated tax

Mr. Bendorf further recapped the circumstances which lead to the delay of the issuance of bonds and the levying of special taxes, and the proposed actions which would impose the tax, sale of bonds, and responded to inquiries.

Mr. Craig Sandberg, Woodside Homes, recapped circumstances which led to the request before the board, reduction in the maximum tax to $1,240, and initial and current outreach to homeowners, and responded to Board inquiries.

The following individuals spoke:
  - Mr. Paul Laino, Kirkhill Drive
  - Mr. Michael Brown, Kirkhill Drive
  - Mr. Will Joseph, Stonehaven Drive
  - Ms. Robin Yerxa, Stonehaven
  - Ms. Betty Mello, Stonehaven
  - Mr. Ron Weaver,Lochearron
  - Mr. Fermin Barriga, Kirkhill Drive
  - Ms. Noel Costa, Turnberry Drive
  - Mr. William Rutter, Stonehaven Drive
  - Mr. Boyd Lacurelle, Redgold Street
  - Mr. Roger Zehr, Kirkhill Drive
  - Mr. Kyle Foreman, Turnberry Drive
Ms. Elizabeth Quintero, Inverness Court
Ms. Maureen Ezekwe, Stonehaven Drive
Mr. Craig Grays, Inverness Court
Ms. Pam Slaughter, Inverness Court
Mr. Arthur Williams
Ms. Darlene Sanchez

Mr. Sandberg responded to public comments and inquiries.

Financial Advisor Tom Johnson and Bond Counsel Paul Thimmig responded to public comments and board inquiries.

Treasurer-Tax Collector Dan Mierzwa responded to Board inquiries regarding county liability exposure and credit rating.

Supervisor Griego moved to adopt the resolution reducing maximum tax and amending the proposed resolution to levy tax in Fiscal Year 2015-2016, amend the maximum special tax to $1,000, and make the last year of tax to be levied Fiscal Year 2040/2041. Motion died for lack of a second.

Following Board discussion, Mr. Sanford advised Woodside would accept the motion lowering the annual tax to $1,000, however, requested the last year remain 2044/45.

MOTION: Move to adopt resolution reducing maximum special tax for single family residential property in Improvement Area C of Community Facilities District No. 2005-1, clarifying rate and method of apportionment of special tax and authorizing related actions necessary to implement and amending the resolution to defer levy of tax in Fiscal Year 2015-2016, amend the maximum special tax to $1,000, and make the last year of tax to be levied Fiscal Year 2040/2041
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

Adopted Resolution No. 2014-69 as amended, which is on file in Yuba County Resolution Book No. 45.

MOTION: Move to adopt resolution approving and authorizing execution of deposit/reimbursement agreement relative to issuance of special tax bonds for Improvement Area C of Community Facilities District No. 2005-1 (Orchard/Montrose Public Improvements) and authorizing actions related to the bonds
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

Adopted Resolution No. 2014-68 which is on file in Yuba County Resolution Book No. 45.
XII. **ADJOURN**: 9:02 p.m. in memory of Ms. Sarah Buckley, Mr. Mike McPhearson, and Mr. John Weiber.

Chair

ATTEST: DONNA STOTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: **August 24, 2014**