The County of Yuba

BOARD OF SUPERVISORS

MAY 10, 2016

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:49 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 Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Abe presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – Supervisor Fletcher Absent

County Counsel Angil Morris-Jones requested a closed session item be added as a matter of business that arose after the agenda was posted as item XI. D. Pending litigation – One Case.

MOTION: Move to add to closed session
MOVED: John Nicoletti   SECOND: Mary Jane Griego
AYES: John Nicoletti, Mary Jane Griego, Andrew Vasquez, Roger Abe
NOES: None   ABSENT: Randy Fletcher   ABSTAIN: None

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: Andrew Vasquez   SECOND: John Nicoletti
AYES: John Nicoletti, Andrew Vasquez, Roger Abe, Mary Jane Griego
NOES: None   ABSENT: Randy Fletcher   ABSTAIN: None

A. Auditor-Controller

1. (177-0516) Approve three year contract with MGT of America to prepare the Cost Allocation Plan and Mandated Cost services and authorize Chair to execute. Approved.

B. Board of Supervisors


C. Clerk of the Board of Supervisors


2. (180-0516) Appoint Ms. Rebecca Dusck-Pendergraph to Wheatland Cemetery District as Director with a four term to end May 10, 2020. Approved.

4. (182-0516) Re-appoint Mr. Donald Rae to Plumas Lake Specific Plan Design Review Committee as a Resident Representative with a term ending May 10, 2017. Approved.

5. (183-0516) Approve meeting minutes of April 12, 19, and 26, 2016. Approved as written.

D. Community Development and Services

1. (184-0516) Adopt resolution confirming the diagram and assessments within Gledhill Landscaping and Lighting District for Fiscal Year 2016/2017. Adopted Resolution No. 2016-32, which is on file in Yuba County Resolution Book No. 47.

2. (185-0516) Adopt resolution determining and imposing assessments within Linda Street Lighting Maintenance District for Fiscal Year 2016/2017. Adopted Resolution No. 2016-33, which is on file in Yuba County Resolution Book No. 47.

3. (186-0516) Adopt resolution authorizing Director of Environmental Health to apply, enter and sign an agreement or amendments for grant funding to support solid waste permitting, inspections and enforcement for Fiscal Years 2016/2017 – 2020/2021. Adopted Resolution No. 2016-34, which is on file in Yuba County Resolution Book No. 47.

4. (187-0516) Adopt resolution authorizing Director of Environmental Health to submit regional application on behalf of Yuba County and designated participating jurisdictions to Department of Resources Recycling and Recovery to implement Beverage Container Recycling programs and to execute all necessary documents upon review and approval of Counsel. Adopted Resolution No. 2016-35, which is on file in Yuba County Resolution Book No. 47.

E. Health and Human Services

1. (188-0516) Adopt resolution authorizing Chair to execute agreements with Yuba County Office of Education for CalWorks general education diploma courses and any amendments or pertinent documents thereto for period of July 1, 2016 through June 30, 2018 upon review and approval of Counsel. Adopted Resolution No. 2016-36, which is on file in Yuba County Resolution Book No. 47.

2. (189-0516) Adopt resolution approving agreements with Yuba County Office of Education for CalWorks program employment services and assessments for a period of July 1, 2016 through June 30, 2018, upon review and approval of Counsel. Adopted Resolution No. 2016-37, which is on file in Yuba County Resolution Book No. 47.

3. (190-0516) Authorize Request for Proposal for Detoxification and Residential Substance Use treatment Services. (Human Services Committee recommends approval) Approved.

F. Probation

1. (191-0516) Approve Memorandum of Understanding with Sutter-Yuba Mental Health Services for a three-year term to provide services to non-residents of Sutter and Yuba Counties committed to the Maxine Singer Youth Guidance Center and authorize Chair to execute. Approved.

G. Sheriff-Coroner

1. (192-0516) Authorize removal of two jet skis and trailer purchased with grant funds from Capital Assets and return to Department of Parks and Recreation, Division of Boating and Waterways. Approved.

05/10/2016  MINUTE BOOK NO. 73 PAGE 59
IV. CLOSED SESSION The Board retired into closed session at 9:55 a.m. and returned at 10:39 a.m. with all present as indicated above. There was no report.

A. Personnel pursuant to Government Code 54957.6(a) – Labor Negotiations DSA/MSA/YCPOA/County of Yuba Negotiating Parties: Abel

V. SPECIAL PRESENTATION


VI. PUBLIC COMMUNICATIONS: None.

VII. COUNTY DEPARTMENTS

H. Auditor-Controller

1. (194-0516) Authorize release of request for proposals for an upgraded payroll and timekeeping system. (Ten minutes estimate) Auditor-Controller Rich Eberle recapped request, associated costs, 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
   NOES: None  ABSENT: Randy Fletcher  ABSTAIN: None

VIII. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

A. (195-0516) Ordinance - Hold public hearing, waive reading, introduce ordinance amending Chapter 3.40.010 and adding Chapter 3.04.043 of Yuba County Ordinance Code adopting amendment to existing contract with the California Public Employees' Retirement System Board of Administration regarding pension cost sharing. (First Reading) (Roll call vote) (Five minute estimate) Chairman Abe opened the public hearing. No one came forward.

   MOTION: Move to close the public hearing, waive reading, and introduce ordinance
   MOVED: John Nicoletti  SECOND: Andy Vasquez
   AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe
   NOES: None  ABSENT: Randy Fletcher  ABSTAIN: None

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

A. (196-0516) Notice from Federal Energy Regulatory Commission in reference to participation in the relicensing process for Camp Far West Hydroelectric Project. Received.

B. (197-0516) Final Audit Report for District 10 Hallwood Community Services District for two-year period ending June 30, 2013 and 2014. Received.

C. (198-0516) Letter from Lake Francis California State Grange #745 regarding development of safe and adequate emergency evacuation. Received.
X. BOARD AND STAFF MEMBERS’ REPORTS:

Supervisor Griego: SACOG Transportation subcommittee meeting May 5

Supervisor Abe: Meetings attended
- Plumas Lake Town Hall meeting April 26
- Camptonville Biomass Plant April 27
- CPUC meeting regarding Californian Water Services request for rate increase April 27
- South Yuba Rotary Club April 28
- Greater Sacramento Tour May 3
- ACWA Conference May 4 and 5
- Yuba County Water Agency lunch May 6
- Veterans Stand Down Dinner May 7

County Administrator Robert Bendorf:
- Tourism Business Improvement District letter of support
- Homeless initiative business plan
- Salvation Army progressive dinner May 10, at 5:30 p.m.

Legislative Affairs Coordinator Russ Brown: received Board consensus to send letters opposing SB 1170 Storm Water Pollution Prevention Plan and AB 2395 Internet Based Phone Communications

XI. CLOSED SESSION The Board retired into closed session at 11:09 a.m. and returned at 1:30 p.m.

A. Pending litigation pursuant to Government Code 54956.9(d)(1) – Babcock vs. County of Yuba By 4/0 vote, referred to Porter Scott for defense.

B. Pending litigation pursuant to Government Code §54956.9(d)(2) – One Case By 4/0 vote, direction and authorization given.

C. Pending litigation pursuant to Government Code 54956.9(e)(3) – One Application to file Late Claim/Davis By 4/0 vote, direction and authorization given.

D. Pending litigation pursuant to Government Code §54956.9(e)(1) – One Case By 4/0 vote, denied and rejected application.

Supervisor Fletcher joined the meeting at 1:30 p.m.

XII. ADMINISTRATIVE RECORD APPEAL HEARING OF PLANNING COMMISSION DECISION

A. (199-0516) Record appeal of Planning Commission approval of Dollar General Design application No. DRC 2016-002. Receive record and take action as appropriate. (90 minute estimate) Planner III Kevin Perkins briefly recapped Planning Commission review of architectural design features of Dollar General, purpose of record appeal hearing before the Board, and responded to Board inquiries.

Supervisor Griego joined the meeting at 1:34 p.m.

Mr. Raj Chima, Counsel for appellant, recapped grounds of appeal including lack of CEQA review, water, drainage, and traffic and circulation reviews which should have been conducted by prior to approval.

County Counsel Angil Morris-Jones recapplied the process of approval for the General Plan and the purpose of appeal regarding the design review of the project and responded to inquiries.
Community Development and Services Director Kevin Mallen responded to Board inquiries.

Supervisor Fletcher left the meeting at 1:58 p.m. and rejoined at 2:00 p.m.
Supervisor Abe left the meeting at 2:09 p.m. and returned at 2:12 p.m.
Supervisor Vasquez left at 2:12 p.m. and returned 2:15 p.m.

Following Board inquiries and discussion, the following individuals spoke:
  • Mr. Zach Cross - provided petition signatures and report
  • Ms. Kathie Thelen
  • Mr. James Aaron

Ms. Sabrina Teller, on behalf of Dollar General, rebutted statements of appellant, ministerial review of the project, submitted response, and responded to inquiries.

Mr. Sean Minard, applicant engineer, recapped septic design, detention pond, and responded to Board inquiries.

Mr. Bryan Barry, preferred developer for Dollar General, recapped the desire to meet county requirements and responded to Board inquiries.

MOTION: Motion to uphold Planning Commission decision which is to deny appeal
MOVED: Andy Vasquez        SECOND: John Nicoletti
AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None      ABSENT: None      ABSTAIN: None

XIII.  ADJOURN: 2:49 p.m.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: May 24, 2016