

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

DECEMBER 16, 2008

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors John Nicoletti, Mary Jane Griego, Donald Schrader, and Hal Stocker. Also present were County Administrator Robert Bendorf, Chief Deputy Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Nicoletti presided.

CONSENT AGENDA

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board took the following actions:

- A. Administrative Services: Approved agreement with Advanced Documents Concepts for lease of color copier and authorized the Chairman to execute same. APPROVE AGREEMENT
- B. Board of Supervisors: Removed one At-Large Representative from the Fish and Game Advisory Commission and directed Clerk of the Board to post vacancy. APPROVED
- C. Clerk of the Board of Supervisors: Approved list of ongoing boards, commissions and committee appointments by the Board of Supervisors. APPROVED
- D. Community Development and Services: Received final map under review pending approval of County Surveyor regarding Tract Map No. 2008-01, Peoria Ridge Estates Phase V. APPROVED
- E. Personnel/Risk Management: Approved catastrophic leave for employee in the Sheriff's Department. APPROVED
- F. Sheriff-Coroner: Adopted Resolution No. 2008-159, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "A RESOLUTION OF THE BOARD OF SUPERVISORS AUTHORIZING ITS CHAIRMAN TO SIGN A CONTRACT WITH THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS FOR THE PURCHASE OF A REMOTE OPERATING VESSEL WITH FEDERAL FUNDS ADMINISTERED BY THE STATE." ADOPT RESOLUTION NO. 2008-159

SPECIAL PRESENTATION

- A. District Four Supervisor Don Schrader: Ms. Francine Kennedy, Sutter County Supervisor Larry Munger and Mr. Doug Sloan of North Central Counties Consortium; Ms. Kim Davis, District Representative for Senator Aanestad's Office; and Chairman Nicoletti presented proclamations to Supervisor Schrader and highlighted his career and achievements. PRESENT PROC.
- B. Williams Report: Superintendent of Schools Ric Teagarden recapped the Williams Report, identified low performance schools, and required improvements and responded to Board inquiries. INFO RECEIVED

PUBLIC COMMUNICATIONS

No one came forward

BOARD OF SUPERVISORS

County Medical Services Program (CMSP): Upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board cast its ballot for Vern Moss, Madera County, for the medium size Counties representative. APPROVED VERN MOSS

COUNTY ADMINISTRATOR

- 1) Flood Insurance Public Outreach Services: Following Assistant County Administrator Randy Margo recapping request to appropriate funds for public outreach on flood control and insurance and Board inquiries, upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board approved appropriation of \$10,000 in federal grant funds from the Office of Emergency Services and \$16,468 from the County Administrators Office's Professional Services account to Three Rivers Levee Improvement Authority to provide flood insurance public outreach services. APPROVED FUNDS
- 2) Fiscal Year Update and Outlook for Fiscal Year 2009-10: Assistant County Administrator Randy Margo recapped the current decrease in property tax and sales tax revenues, and the financial shortfalls of the State; advised of a budget shortage of \$6.6 million countywide which included \$2.2 million to the General Fund and responded to Board inquiries.

County Administrator Robert Bendorf advised the budget shortfall was a direct result of the State financial crises and received the following directions:

- Continue Board direction to County Administrative Officer on June 17, 2008 regarding hiring policy. PROVIDED STAFF DIRECTION
- Direct County Administrative Officer to report back to your Board on countywide cost savings items and proposed budget adjustments for consideration at the Board meeting on January 27, 2009.

#### PERSONNEL/RISK MANAGEMENT

Tuition Reimbursement Program: Following Personnel Director Martha Wilson recapping the tuition reimbursement plan and Board inquiries, upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board approved extending the date for the tuition reimbursement program to June 30, 2009, and authorized the Chairman to execute amendment to Article 5.1. APPROVED PROGRAM

#### COMMUNITY DEVELOPMENT AND SERVICES

Economic Stimulus Activities: Community Development and Services Director Kevin Mallen provided an update on activities related to proposed economic stimulus programs in effect after the Presidential inauguration which would include funding for infrastructure projects ready for construction and recapped proposed transportation and drainage projects. Following Board discussion the following projects were identified as a priority: INFO PROVIDED

- Feather River Boulevard/State Route 70 Interchange – New Interchange
- Collaborate with Special Districts
- Projects bordering the Highway 65/70 corridor
- Senior Center or Multi Cultural Building

#### PUBLIC COMMUNICATIONS

No one came forward.

#### ORDINANCE AND PUBLIC HEARINGS

1) Ordinance/Repealing and Reenacting as amended Chapter 2.110 of Title II of the Yuba County Ordinance Code regulating the public use of the Yuba County Airport (Second reading) (Continued from December 9, 2008): Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1468, which is on file in Yuba County Ordinance Book No. 20, which is ADOPT ORDINANCE NO. 1468

entitled: "AN ORDINANCE REPEALING AND RE-ENACTING AS AMENDED CHAPTER 2.110 OF TITLE II OF THE YUBA COUNTY ORDINANCE CODE REGULATING THE PUBLIC USE OF THE YUBA COUNTY AIRPORT."

CORRESPONDENCE

Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the Board accepted the following correspondence:

A. Letter from Ms. Gwendolyn Decker addressing various areas of concern in the Plumas Lake area. REFER TO STAFF

Referred to Community Development and Services and Sheriff's Department

B. Report from Assistant County Administrator Randy Margo regarding Measure D road funds received for the second quarter of Fiscal Year 2008-2009.

C. Letter from County Auditor Controller enclosing independent audit reports for Upham Cemetery District for the years ending June 30, 2004, through June 30, 2008.

D. Letter from California State Association of Counties (CSAC) enclosing CSAC Excess Insurance Authority 2008 Annual Report.

E. Letter from California Sudden Infant Death Syndrome (SIDS) Advisory Council commending Sheriff Steven Durfor for his volunteer work on the SIDS Council.

F. Letter from Federal Emergency Management Agency regarding the review and comments on the non-technical aspects of the preliminary Flood Insurance Rate Map FIRM and Flood Insurance Study (FIS)

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:

- Memorial adjournment in honor of Mr. Noel Frame
- Monthly foreclosure rates for the County

Supervisor Nicoletti:

- Commended Sheriff Durfor for volunteer work with Sudden Infant Death Syndrome (SIDs)

- Commended Community Development and Services Director Kevin Mallen for response to Federal Emergency Management Agency
- Article on California Innovation Center
- Meeting with General Byers, Beale Air Force Base

County Administrator Robert Bendorf:

- Article written by Jeff Small concerning municipal bonds published in Forbes and Wall Street Journal

Assistant County Administrator Randy Margo:

- Request for Proposals for recreation services

CLOSED SESSION

The Board retired into closed session at 10:48 a.m. to discuss the following:

- A. Potential litigation pursuant to Government Code §54956.9(b) - One Case
- B. Labor negotiations pursuant to Government Code §54957.6 - Unrepresented Management/County Counsel

The Board returned from closed session at 11:05 a.m. with all Board and staff members present as indicated above. There was no announcement.

ORDINANCES AND PUBLIC HEARINGS CONTINUED

2) Public Hearing/Bear River Final Environmental Impact Report (FEIR)/Danna and Danna Inc: Assistant Planning Director Ed Palmeri recapped the project and the following significant and unavoidable impacts:

- Air Quality
- Conversion of farm land
- Potential land use conflicts
- Noise from construction and traffic

Mr. Daniel Hamilton, PMC, recapped the project description, approval process, and comments received on the FEIR and responded to Board inquiries.

Mr. Greg Forest, Hefner Stark and Marois, provided a Power Point presentation on the EIR and project and responded to Board inquiries.

The following individuals spoke in regard to the project:

- Mr. Tom Eres, representing Hofman Ranch
- Mr. Cory Wilkins, Executive Director for Middle Mountain
- Mr. Luis Mendosa, Yuba County Agricultural Commissioner
- Mr. Steve Danna, Danna and Danna

The Board recessed at 12:20 p.m. and returned at 12:24 p.m. with all Board and staff members present as indicated above.

Chairman Nicoletti closed the public hearing. Following Board discussion and inquiries of staff, upon motion of Supervisor Griego, seconded by Supervisor Stocker and following a unanimous roll call vote, the Board adopted Resolution No. 2008-160, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING A MITIGATION MONITORING PLAN PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE BEAR RIVER PROJECT (STATE CLEARINGHOUSE NO. 2006112091)," as amended. ADOPT RESOLUTION NO. 2008-160

RECESS

The Board recessed at 12:33 p.m. and reconvened at 2:30 p.m. with all Board and staff members present as indicated above.

At the request of County Counsel, and upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried the Board added to the agenda consideration of a resolution declaring December 26, 2008, a county holiday as the need to take action arose subsequent to the agenda being posted. ADD TO AGENDA

Following Chief Deputy Council Angil Morris-Jones providing a brief recap regarding President George W. Bush declaring a federal holiday for December 26 and Board inquiries, upon motion of Supervisor Schrader, seconded by Supervisor Griego and unanimously carried the Board adopted Resolution No. 2008-161 which is on file in the Yuba County Resolution Book No. 39, which is entitled: "A RESOLUTION AFFIRMING DECEMBER 26, 2008, A COUNTY HOLIDAY." RESOLUTION NO 2008-161

Public Hearing/Bear River Final Environmental Impact/Danna and Danna Inc., Continued: Assistant Planning Director Ed Palmeri recapped specifics of the project detailing a mix of residential units and lot sizes, project impacts, and findings of fact.

Mr. Greg Forest, Hefner Stark and Marois, continued the Power Point presentation on the EIR and project.

Mr. Bruce Walters, McKay and Somps, recapped design aspects of the subdivision and integrating neighborhoods, schools, parks and commercial areas, and responded to Board and staff inquiries.

The following individuals spoke in regard to the project:


- Mr. Tom Eres, representing Hofman Ranch
- Mr. Sean Minard, MHM

Chairman Nicoletti closed public hearing. Following Board discussion and Board inquiries, upon motion of Supervisor Griego, seconded by Supervisor Stocker and following a unanimous roll call vote, the Board adopted Resolution No. 2008-160, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION FOR CONSIDERATION OF BEAR RIVER PROJECT AND APPROVAL OF GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT AND TENTATIVE SUBDIVISION MAP; AND FOR ADOPTING STATEMENTS OF FINDINGS OF FACT AND OVERRIDING CONSIDERATIONS," as amended; and adopted Ordinance No. 1469, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE REZONING CERTAIN PROPERTY IN THE COUNTY OF YUBA," from "AE-40" Exclusive Agricultural Zone (40 acre minimum parcel size) to Planning Reserve Zone (PR) identified as Assessor Parcel No. 016-130-004.


ADOPT  
RESOLUTION  
NO. 2008-162  
and  
ADOPT  
ORDINANCE  
NO. 1469

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Nicoletti adjourned the meeting at 3:23 p.m. in memory of Mr. Noel D. Frame.

  
Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

  
By: Rachel Ferris, Deputy Clerk

Approved: 1-20-09