



**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF SUTTER, STATE OF CALIFORNIA
SESSION OF MARCH 27, 2007**

The Board of Supervisors of the County of Sutter, State of California, met on the above date in regular session at 7:00 p.m. in the Board of Supervisors Chambers located in the Hall of Records Building at 466 Second Street, Yuba City, California.

MEMBERS PRESENT: Supervisors Larry Montna, Stan Cleveland, Larry Munger, Jim Whiteaker, and Dan Silva

MEMBERS ABSENT: None

STAFF PRESENT: Larry T. Combs, County Administrative Officer; Ronald S. Erickson, County Counsel; and Lisa Bush, Deputy Clerk of the Board

REGULAR SESSION

Chairman Silva called the meeting to order and asked the Clerk to call the roll of the Board, noting that all were present. He then asked Sutter County Sheriff-Coroner Jim Denney to lead the Board and the audience in the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

On motion of Supervisor Munger, seconded by Supervisor Whiteaker and unanimously carried, the Board approved the minutes of the March 20, 2007 session as presented.

PUBLIC PARTICIPATION

Shelli Petty, 1958 Second Avenue, Sutter, voiced her concerns over the secret ballot election held on March 13, 2007, and asked what could be done to stop the union shop. She then read a letter from Sutter County employee Kelly Anderson opposing the recent election.

Charles Benson, 374 Harding Road, Yuba City, voiced his opposition regarding the union's election process.

Clay Castleberry, Interim Public Works Director, introduced Ed AhSam, the newly hired Deputy Director, Public Works-Water Resources.

CONSENT CALENDAR

On motion of Supervisor Whiteaker, seconded by Supervisor Munger and unanimously carried, the Board approved the Consent Calendar as follows:

Clerk of the Board

- 2) **Approval of appointment of Andy Lemos to the Community Memorial Museum Commission as the District 3 Representative.**

Community Services

- 3) **Approval of the Planning Commission's nomination of Sutter County Representatives to the Yuba City and Live Oak Planning Commissions.**

Human Services – Administration

- 4) **Approval to purchase an auto dialer in conjunction with the Sierra Sacramento Valley Emergency Medical Authority for use in County operations.**
- 5) **Approval of preparation of a letter of appreciation to Sutter North Medical Foundation, and Drs. Richard Maddelena and Bruce Hilger for a donation of medical equipment to the Medical Clinic.**
- 6) **Approval of out-of-state travel for two Clinic Providers to attend comprehensive colposcopy training in Charlotte, North Carolina.**

Library

- 7) **Approval to submit an application to the City of Yuba City for a 2007-2008 Community Development Block Grant for the Literacy Program at Mahal Plaza.**
- 8) **Approval to submit an application to the California State Library for a 2007-2008 Public Library Staff Education Program.**

Public Works

- 9) **Authorization to amend an agreement (A07-037) with Peterson, Brustad and Pevetti for flood management professional services; and approval of related Budget Amendment (FT 200738).**
- 10) **Six-month review of 3-way stop sign installation at the intersection of Imperial Way and El Margarita Road (no action required).**
- 11) **Authorization to hire a candidate for Deputy Director-Public Works-Water Resources at the advanced salary step 2.**

PUBLIC HEARINGS

Planning Project #07-012; Dobson

This having been heretofore fixed as the date, time and place to hold a Public Hearing regarding Project #07-012, appeal of the Planning Commission denial of Project #06-022, a tentative subdivision map to divide a 4.35 acre parcel into two parcels sized 2.18 and 2.17 acres in the R-1-A (One Family Residence, Agricultural Combining) District, located on the south side of Marshall Street, west of Third Avenue, Sutter, APN 14-311-022; applicant/owner: Dobson; Certificate of Mailing and Publication being on file in the office of the Clerk of the Board, the matter was called to be heard.

Lisa Wilson, Interim Planning Division Chief, reviewed the staff report and displayed a map of the area. She stated that staff recommends approval of the appeal and Project #06-022, based on the findings and conditions contained in the staff report.

Chairman Silva opened the public hearing.

The following citizens spoke in favor of the appeal:

1. Andrew Christensen, Laughlin & Spence Co.
2. Michael Dobson, applicant, 6880 Sutter Avenue, Sutter
3. Norman Sanders, 1948 3rd Avenue, Sutter
4. Van Smith, 8388 Marshall, Sutter

There being no further testimony, Chairman Silva closed the public hearing.

Discussion ensued with regard to the proposed project.

On motion of Supervisor Whiteaker, seconded by Supervisor Munger and unanimously carried, the Board moved to adopt the negative declaration for Project #06-022; found that a modification of the Subdivision Ordinance pursuant to 1400-515(d) is appropriate; and approved the appeal and approved Project #06-022, based on the findings and conditions contained in the staff report.

Planning Project #06-037; Thiara/Lanza

This having been heretofore fixed as the date, time and place to hold a public hearing regarding Planning Project #06-037, a rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative parcel map to divide a 15.7 acre parcel into three parcels of 3.0, 4.5, and 8.2 acres in size; located on the southwest corner of Messick Road and Johnson Avenue; APN 23-241-019 & 23-241-008; applicant/owner:

Thiara/Lanza; and first presentation of an ordinance; Certificate of Mailing and Publication being on file in the office of the Clerk of the Board, the matter was called to be heard.

Leanne Mueller, Project Planner, reviewed the staff report and explained that the project is consistent with General Plan policies and meets the criteria set for Ranchette zoning.

Chairman Silva opened the public hearing.

The following citizens spoke:

1. Mary Ann Woods (no address given), spoke in opposition of this project unless her property can be rezoned as well
2. Harold Long, 5398 Sawtelle Avenue, Yuba City, spoke in opposition
3. Carletta Richardson, 5381 Johnson Avenue, Yuba City, spoke of her concerns regarding how new neighbors will affect her way of life
4. A neighbor, who currently farms across from the proposed project site, voiced concerns that new home owners would complain about their farming efforts (ie: noise, dust, etc.)
5. Jim McCarty, voiced similar concerns about new home owners

There being no further testimony, Chairman Silva closed the public hearing.

Supervisor Montna stated that lately there has been a surge of Ranchette zoning which is consuming farm land quickly and therefore he does not support this project. He suggested that a moratorium be placed on Ranchette zoning.

Supervisor Cleveland concurred with Supervisor Montna's comments and stated that he does not support this project.

Supervisor Whiteaker stated that the applicant clearly meets the criteria set by the Board for Ranchette zoning. In fairness to all applicants and for consistency purposes, he said he does support the project. He further stated that through the General Plan update, some of these concerns should be addressed. He said he is open to Supervisor Montna's suggestion regarding a possible moratorium.

Supervisor Munger concurred that policy does need to be consistent, and he therefore will support this project. He also is open to Supervisor Montna's suggestion.

Supervisor Silva stated that he also supports the project due to policy.

On motion of Supervisor Munger, seconded by Supervisor Whiteaker, with Supervisors

Montna and Cleveland dissenting, and passed by a 3-2 roll call vote, the Board adopted the Mitigated Negative Declaration for Project #06-037, together with the findings contained in the report; introduced and waived the full reading, by substitution of title only, an Ordinance of Sutter County amending Sutter County's Zoning Map with the rezone from AG to RAN on Assessor Parcel Nos. 23-241-019 and 23-241-08, subject to the findings recommended by the Planning Commission; and approved the proposed Tentative Parcel Map, for Assessor Parcel Nos. 23-241-019 and 23-241-008, subject to the Findings and Conditions of Approval contained in the report.

APPEARANCE ITEMS

Planning Project #06-005; Jagdeep Sandhu/Jas & Sukhereet Bains

Linda Caruso, Project Planner, reviewed the staff report, and gave a history of the subject property.

On motion of Supervisor Munger, seconded by Supervisor Whiteaker and unanimously carried, the Board approved the rescission of the development rights and open space easement should the Planning Commission approve the proposed tentative parcel map to create a 1.43 acre homesite parcel on Assessor Parcel No. 23-021-016.

Contract Amendment with PERS

Joann Dobelbower, Personnel Director, reviewed the staff report noting that this change was previously adopted by the Board and that this is the next step in the process. PERS has identified the cost of this benefit to be 2.109%.

The following citizens spoke in opposition of this item:

1. Stephanie Ruscigno, 1660 Sharon Drive, Yuba City
2. Joan Joaquin-Wood, 6498 Butte House Road, Yuba City. She also stated that she is opposed to Agenda Item #16
3. Wade Arnold, 506 Plumas Street, Yuba City, asked that this item be delayed in accordance with Government Code Section 7507 (which he distributed to the Board)
4. Rick Dais, 1576 Jones Road, Yuba City
5. Elaine Miles, 487 Anita Way, Yuba City

Ron Erickson, County Counsel, stated that this is the first reading of the ordinance. The second reading and adoption of the ordinance will not be for an additional two weeks, which complies with Government Code Section 7507.

Larry Combs, County Administrative Officer, stated that the Board and members of the public have been fully informed with regard to this item. He further stated that during the negotiation process, employees agreed to a 2% reduction in the proposed salary increases to pay for this change in PERS.

Joann Dobelbower, Personnel Director, noted that the Board of Supervisors will not be affected (salary or benefits) if Agenda Items 15 and 16 are approved.

Supervisor Cleveland stated that he does not support this change.

On motion of Supervisor Munger, seconded by Supervisor Silva with Supervisor Cleveland dissenting and carried by a 4/5 roll call vote, the Board authorized 1) the Clerk of the Board to execute the "Certification of Governing Body's Action" and the "Certification of Compliance with Government Code Section 7507"; 2) approved the introduction of the enabling Ordinance and directed the clerk to read the title and waive the reading of the full Ordinance as follows "An Ordinance of the County of Sutter Amending the Sutter County Ordinance Code Chapter 58 thereof Relating to Public Employees' Retirement System"; and 3)

RESOLUTION NO. 07-019, A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION, CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE BOARD OF SUPERVISORS, COUNTY OF SUTTER, was adopted on motion of Supervisor Munger, seconded by Supervisor Silva with Supervisor Cleveland abstaining and carried by a 4/5 roll call vote as appears of record in the office of the Clerk of the Board in Resolution Book 54 at Page 180 to which record reference is hereby made for further particulars and by such reference incorporated herein and made a part hereof.

Classification and Salary Studies for Management

Joann Dobelbower, Personnel Director, reviewed the staff report and explained that this item was originally presented to the Board at the February 13, 2007 meeting. After discussion, the Board directed that the management and certain non-management salaries be reviewed and brought back to the Board within 60

days. Ms. Dobelbower stated that salary recommendations were reviewed and reconsidered. She displayed graphs which identified compression between classifications in the departments for Planning, District Attorney, and Information Technology and said none of the information gathered, presented or reviewed led to change any of the original recommendations.

The following citizens spoke:

1. Robert Mackensen, Sutter County Taxpayers Association President, spoke in opposition
2. Charles Miller, 1699 Sharon Drive, Yuba City, spoke in opposition
3. Wade Arnold, 506 Plumas Street, Yuba City, spoke in opposition
4. Phil Treanor, 1570 Richland Road, Yuba City, spoke in opposition
5. John DeVries, 1516 Johnathan Drive, Yuba City, spoke in favor
6. Patricia Miller, 1699 Sharon Drive, Yuba City, spoke in opposition
7. Elaine Miles, 487 Anita Way, Yuba City, spoke in opposition of "blanket raises"
8. Curt Graham, 1849 Baron Court, Yuba City, spoke in favor
9. Marie Dankman, 1216 Randolph Drive, Yuba City, spoke in favor
10. Christine Odom, Chief Probation Officer, spoke in favor
11. Gary Stucky, representing approximately 600 County employees, asked that several classifications be looked at again, including public works maintenance workers, building service workers, and animal control officers
12. Steve Marshall, 1512 Jamie Drive, Yuba City, spoke regarding credibility of information from other agencies, stating that information should be based on facts
13. Ronald Southard, Yuba City, spoke in opposition
14. Stephanie Ruscigno, 1660 Sharon Drive, Yuba City, stated that she does not agree with "across the board" raises

Ms. Dobelbower clarified that when an employee retires, the monies received for accrued vacation leave, sick leave, and administrative leave are not included in the PERS calculation.

Supervisor Montna stated that the County has great staff members in all departments and supports the recommendation.

Supervisor Whiteaker stated that the County has hard-working employees with history, knowledge and experience. The County should work hard to pay all employees at least at median salary, and set that as a

goal. He thanked Ms. Dobelbower for all her hard work and professionalism and supports the recommendation.

Supervisor Cleveland stated that this is not a simple issue and is a very difficult decision. He stated that it is almost impossible to meet the goal suggested by Supervisor Whiteaker. He would like to see all citizens raise their average income, not just County employees. Although a very difficult decision, he can support the recommendation.

Supervisor Munger stated that he does support the recommendation and thanked staff for all their efforts.

Supervisor Silva stated that he also supports this recommendation and that there is no greater a professional team than that of Sutter County.

On motion of Supervisor Whiteaker, seconded by Supervisor Munger and unanimously carried the Board 1) approved the salary recommendations for managements employees as outlined the in reports, effective February 17, 2007; and 2)

RESOLUTION NO. 07-020, A RESOLUTION OF THE BOARD OF SUPERVISORS AMENDING SALARIES FOR THE AUDITOR-CONTROLLER, COUNTY ASSESSOR, COUNTY CLERK-RECORDER, DISTRICT ATTORNEY, SHERIFF-CORONER-PUBLIC ADMINISTRATOR, AND TREASURER-TAX COLLECTOR, was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Munger and unanimously carried as appears of record in the office of the Clerk of the Board in Resolution Book 54 at Page 181 to which record reference is hereby made for further particulars and by such reference incorporated herein and made a part hereof.

Revised Salaries and Job Specification

Joann Dobelbower, Personnel Director, reviewed the staff report. She noted that the Personnel Department is preparing to recruit for two soon-to-be vacant positions, Assistant County Administrator and Personnel Director. In order to be competitive and be able to attract qualified applicants, staff is recommending further range adjustments.

On motion of Supervisor Munger, seconded by Supervisor Montna with Supervisor Cleveland dissenting and carried by a 4/5 vote, the Board approved 1) increase in salary range for the Assistant

County Administrator to MGT55 (\$9,122 - \$11,075 mo.) for the purposes of recruitment and filling the Assistant County Administrator position; 2) increase in the salary range for the Personnel Director to MGT50 (\$7,132 - \$8,689 mo.) for the purposes of recruitment and filling the Personnel Director position; and 3) adoption of revised job specification for the Personnel Director.

Auditor/Controller's Policies and Procedures

Robert Stark, Auditor-Controller, reviewed the staff report noting that this item is being brought to the Board at the March 20, 2007 request of Supervisor Munger. He further stated that the document included with this item is a draft of the procedures.

1. Ron Reavis (no address given), voiced concerns from comments made in the State Controller's report from last year with regard to time keeping records in the CAO's office

Larry Combs, County Administrative Officer, stated that the Board formally replied in September or October of last year to those comments.

Mileage and Automobile Allowance Ordinance

Larry Combs, County Administrative Officer, reviewed the staff report and explained the history of the ordinance relating to mileage and automobile allowance for Supervisors.

1. Elaine Miles, 487 Anita Way, Yuba City, stated that this would be a taxable item, per IRS provisions

Larry Combs, County Administrative Officer, stated that this provision has been in place since 1990. The "taxability issue" is between the employee and the IRS.

On motion of Supervisor Whiteaker, seconded by Supervisor Munger and unanimously carried, the Board 1) finds that this Ordinance amendment is consistent with existing law and prior Board intent and County practice; and 2) approves an amendment to the Sutter County Ordinance Code affecting Supervisor's Mileage and Automobile Allowance, introduced and waived the full reading by substitution of title only, and directed the Clerk to read the title only, "An Ordinance of the County of Sutter Amending the Sutter County Ordinance Code by Amending and Replacing Sections 52-592 and 52-599 thereof relating to mileage and automobile allowance for Supervisors."

CORRESPONDENCE

Miscellaneous correspondence was noted and filed.

PUBLIC COMMENT

Stephanie Ruscigno, 1660 Sharon Drive, Yuba City, made several comments including Yuba County raises and the Auditor-Controller agenda item.

Elaine Miles, 487 Anita Way, Yuba City, explained that she didn't complain about Yuba County raises because she doesn't live in Yuba County. She further stated that she was insulted by a number of comments made this evening.

Marie Dankman, 1216 Randolph Drive, Yuba City, discussed Yuba County and Sutter County assessment value numbers. She commented that Sutter County's growth has been consistent.

Wade Arnold, 506 Plumas Street, Yuba City, made comments including the PERS figures released in January were stated as a 2% tradeoff and should have been in dollar amounts; and that the County is obligated for PERS retirement regardless if it is 75% funded in investments as Mr. Stucky stated earlier.

OTHER BUSINESS – BOARD OF SUPERVISORS

Supervisor Silva gave an overview of the recent trip he, Supervisor Munger, and CAO Larry Combs made to Washington, D.C. He stated that it was a very rewarding trip.

On motion of Supervisor Montna, seconded by Supervisor Whiteaker and unanimously carried, the Board adjourned in memory of Robert Fletcher, Jr. and directed a letter of condolence be sent to his family.

With no further business coming before the Board, the meeting was adjourned at 10:28 p.m.

ATTEST:

**JOAN BECHTEL,
CLERK OF THE BOARD**

DAN SILVA, CHAIRMAN

By:
Lisa Bush, Deputy