



**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF SUTTER, STATE OF CALIFORNIA  
SESSION OF MAY 29, 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 Combs, County Administrative Officer; Ronald S. Erickson, County Counsel; and Lisa Bush, Deputy Clerk of the Board

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**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 Randy Cagle, Assistant Director of Community Services, to lead the Board and the audience in the Pledge of Allegiance to the Flag.

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Chairman Silva postponed the presentation of a proclamation proclaiming May as Veteran Appreciation Month to a future meeting.

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**APPROVAL OF MINUTES**

**On motion of Supervisor Montna, seconded by Supervisor Whiteaker and unanimously carried, the Board approved the minutes of the May 22, 2007 session as presented.**

## **PUBLIC PARTICIPATION**

Stephanie Ruscigno, 1660 Sharon Drive, Yuba City, thanked the Calvary Temple and various organizations in our community for their efforts and various services held during the Memorial Day weekend.

There were no further comments from those in the audience.

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## **CONSENT CALENDAR**

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

### **Agricultural Commission**

- 2) **Approval of an agreement (A07-081) with California Crop Improvement Association for the Seed Certification Program for Fiscal Year 2006-07.**

### **Clerk of the Board**

- 3) **Approval of re-appointment of Lee Jones to the Community Memorial Museum Commission as a District 2 representative.**

### **Human Services – Administration**

- 4) **Approval of out-of-state travel for the Public Health Program Coordinator/Tobacco Control Program Project Director to attend the 2007 National Conference on Tobacco or Health in Minnesota, October 24-26, 2007.**

### **Human Services – Mental Health**

- 5) **Authorization to accept a monetary gift from Century 21 Real Estate.**
- 6) **Authorization to accept a monetary gift from Mahan Electric.**
- 7) **Authorization to accept a monetary gift from the Appeal-Democrat.**

### **Sheriff-Coroner**

- 8) **Authorization for preparation of a Gold Resolution for Deputy Bruce Ramos, upon the occasion of his retirement after 28 years of service.**

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## **PUBLIC HEARINGS**

### **Project #07-024**

This having been heretofore fixed as the date, time, and place to hold a Public Hearing regarding Project #07-024, appeal of the Planning Commission denial of Project #05-026 (Chohan), a rezoning from AG

(General Agriculture) to Ranchette (RAN) and tentative parcel map to divide a 19.92 acres into four Ranchette parcels sized 3.33, 4.09, 5.45, and 7.04 acres; located on the northeast corner of Carlson and O'Banion Roads; Assessor's Parcel 23-260-162; Certificate of Mailing and Publication being on file in the office of the Clerk of the Board, the matter was called to be heard.

Larry Bagley, Director of Community Services, announced that Lisa Wilson is the new Planning Division Chief.

Lisa Wilson, Planning Division Chief, reviewed the staff report and displayed a map of the area. She gave a history of the proposed project.

Chairman Silva opened the public hearing.

The following citizens spoke in opposition of the appeal:

1. Roberta Fletcher, 203 Butte Avenue, Yuba City (also discussed item #10)
2. Stephanie Ruscigno, 1660 Sharon Drive, Yuba City
3. Patricia Miller, 1699 Sharon Drive, Yuba City

The following citizen spoke in favor of the appeal:

1. Roger Key, engineer for the project

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

Supervisor Montna voiced his opposition to the appeal and stated that the Board should not overturn a Planning Commission decision. Mr. Montna spoke of concerns regarding this appeal being filed by a staff member, which did not require the usual \$750 fee.

Supervisor Munger stated that he does support the current policy which allows Supervisors and other County officials the option to appeal a Planning Commission decision if there is a question of the Commission not following County policy.

Supervisor Whiteaker stated that it is not fair for an applicant to go through the very lengthy process to meet the criteria set by the Board for ranchette projects, and pay the associated high fees, just to be denied by the Planning Commission in the end. He stated that if a project meets the criteria set and is denied by the Planning Commission, he will appeal that denial each and every time because the policy set by the Board is not being followed.

County Administrator Larry Combs explained that policy has been set which allows not only Supervisors, but any County official, the ability to appeal a Planning Commission decision if there is a question

of the Commission following County policy.

Supervisor Silva stated that the Board must follow the criteria set for ranchette projects. He further stated that the criteria was established in the late 1990s. It was evaluated and modified a couple of years ago, which included a lengthy public process, and needs to be adhered to.

Supervisor Cleveland stated that he does not support this item. The proposed project is approximately five miles from the sphere of influence, which exceeds the 2-mile recommendation, and is in a deep flood plain. He further stated that the current ranchette criteria is a poor system and needs to be changed.

**On motion of Supervisor Whiteaker, seconded by Supervisor Munger, with Supervisors Montna and Cleveland dissenting, and carried by a 3-2 roll call vote, the Board moved to adopt the negative declaration for Project #05-026 together with the findings contained in the report; and a motion of intent to approve Project #05-026, a Rezone from General Agricultural (AG) District to Ranchette (RAN) and a Tentative Parcel Map to divide 19.92 acres into four Ranchette parcels together with the findings contained in the staff report.**

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### **Project #07-023**

This having been heretofore fixed as the date, time and place to hold a Public Hearing regarding Project #07-023, appeal of the Planning Commission denial of Project #06-042 (Lovell), a tentative parcel map to divide a 112± acres into a 7± acre homesite parcel and a 105± agricultural remainder; APN 08-240-086; Property owner: Ron Lovell; 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, Planning Division Chief, reviewed the staff report and displayed a map of the area. She stated that the project request includes a 7-acre homesite, but the current policy sets the maximum at 2-acres.

Chairman Silva opened the public hearing.

The following citizen spoke:

Garry Laughlin, Project Engineer for Laughlin & Spence Engineering, gave an overview of the proposed project. Mr. Laughlin discussed the unusual setting, explained the acreage needed for the septic area and agricultural buffers, and the desire of the applicant to keep the Valley Oak trees.

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

Discussion ensued with regard to Mr. Laughlin's comments.

Supervisor Cleveland stated that because of the unique and historical background of the property, this is a good example of when the appeal process should be used.

Lisa Wilson noted that if the Board does approve this project, the "environmental piece" will need to come back to the Board.

**On motion of Supervisor Montna, seconded by Supervisor Cleveland and unanimously carried by a 5-0 roll call vote, the Board approved a motion of intent to approve Project #06-042, a request for a tentative parcel map to divide a 112± acres into a 7± acre homesite parcel and a 105± agricultural remainder parcel based on inconsistencies with General Plan Policies, the Zoning Code, the State Subdivision Map Act and the Sutter County Subdivision Ordinance, subject to environmental determination being prepared.**

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## **APPEARANCE ITEMS**

### **Agreement for Pandemic Flu Training Exercise**

Ed Smith, Director of Human Services, reviewed the staff report and explained that this training exercise would provide needed training to approximately 60 members of our community including Sutter County staff members, police and fire, and hospital staff.

**On motion of Supervisor Whiteaker, seconded by Supervisor Munger and unanimously carried, the Board approved an agreement (A07-082) with Category Five Professional Consultants, Inc. of San Luis Obispo, California to conduct an emergency response training in Pandemic Flu for public agencies in Sutter County during September of 2007.**

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### **Live Oak Cemetery District – New Office Building**

Larry Bagley, Director of Community Services, introduced Mrs. Dekens, Trustee Chairperson for the Live Oak Cemetery District. Mr. Bagley then reviewed the staff report explaining the need for a new building, and noted that this request is similar to requests made and approved by the Board for other cemetery districts.

Discussion ensued with regard to the various fees that could possibly be waived. Mr. Combs explained that with similar requests, the Board has waived fees associated with internal expenses to the County, but has not waived fees from external companies and agencies.

Supervisor Whiteaker asked what the amount of fees waived would be. Mr. Bagley explained that because the new building had not yet been selected, that amount is unknown at this time. He did estimate the cost at roughly \$1,500 - \$2,000, depending on which fees are waived.

**RESOLUTION NO. 07-030, A RESOLUTION OF THE BOARD OF SUPERVISORS WAIVING CERTAIN FEES FOR A NEW OFFICE BUILDING PROJECT PROPOSED BY THE LIVE OAK CEMETERY DISTRICT was adopted on motion of Supervisor Cleveland, seconded by Supervisor Montna and unanimously carried as appears of record in the office of the Clerk of the Board in Resolution Book 55 at Page 5 to which record reference is hereby made for further particulars and by such reference incorporated herein and made a part hereof.**

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**Agreement with EIP Associates**

Lisa Wilson, Planning Division Chief, reviewed the staff report noting that two bids were received. Ms. Wilson explained that although EIP Associates did not provide the lowest bid, staff is confident in their abilities. They have proven, in the past, to be extremely competent, professional and thorough and have become very aware of the direction the County wants to proceed in. Staff is therefore recommending a 30-month contract with EIP Associates.

**On motion of Supervisor Whiteaker, seconded by Supervisor Montna and unanimously carried, the Board approved an agreement (A07-083) with EIP Associates to develop a comprehensive General Plan Update and Environmental Impact Report and approval of the related budget amendment (FT 200760).**

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## **Proposed County Budget for Fiscal Year 2007-08**

Larry Combs, County Administrative Officer, stated that this item is for the presentation and approval of the Proposed Budget for Fiscal Year 2007-08, and approval to set a public hearing on June 12, 2007 at 9:00 a.m. at the Veterans' Memorial Building in Yuba City. Mr. Combs explained that many California counties are experiencing difficult fiscal times, but as a result of the Board of Supervisors' consistency in budgeting conservatively, and maintaining healthy reserves, he believes the County remains in a position to provide high quality services, provide competitive, yet responsible, compensation to its valued employees, and maintain solid reserves. He then discussed some possible concerns over the State Budget and Governor's May Revision and how it could impact the County. Overall, the County operations in FY 2007-08 total \$214,039,202, which is an increase of 5.8% over last fiscal year. Mr. Combs pointed out that on pages 12-13 of the Budget Message section, there are 14 recommendations for approval.

**On motion of Supervisor Montna, seconded by Supervisor Munger and unanimously carried, the Board approved the Proposed County Budget for Fiscal Year 2007-08, including all 14 recommendations as outlined on pages 12 and 13 of the Budget Message section; and approved setting a public hearing on June 12, 2007 at 9:00 a.m. at the Veterans' Memorial Building in Yuba City.**

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### **PUBLIC COMMENT**

Roberta Fletcher, 203 Butte Avenue, Yuba City, voiced her displeasure that the Proposed Budget, including the 14 recommendations, was approved prior to the public being able to review the document.

Larry Combs explained that the Board approved the Proposed Budget only. He stated that at the June 12, 2007 budget hearings, changes could be made, which is prior to the effective date of July 1, 2007, as stated in several of the recommendations.

Ron Erickson, County Counsel, concurred with Mr. Combs and restated that tonight's action was approval of the Proposed Budget.

Stephanie Ruscigno, 1660 Sharon Drive, Yuba City, voiced her satisfaction that item #10 was approved tonight, which will enable the Valley Oak trees to remain on the project property. Ms. Ruscigno also voiced her unhappiness that item #9 was approved.

There were no further comments from those in the audience.

**OTHER BUSINESS – BOARD OF SUPERVISORS**

Supervisor Cleveland thanked Supervisor Munger for encouraging everyone to attend Dan Spear’s Museum of the Forgotten Warriors, as it is an awesome display.

Supervisor Whiteaker stated that the Punjabi-American Festival held on May 27<sup>th</sup> was a great event that was well received by the community. Mr. Whiteaker also announced that the Yuba City High School varsity baseball team is the sectional champions.

Chairman Silva read a proclamation proclaiming May as Veteran Appreciation Month.

**On motion of Supervisor Munger, seconded by Supervisor Whiteaker and unanimously carried, the Board adjourned in memory of Ronald “Rusty” Lowell and directed a letter of condolence be sent to his family.**

**On motion of Supervisor Munger, seconded by Supervisor Whiteaker and unanimously carried, the Board adjourned in memory of Don Shinkle and directed a letter of condolence be sent to his family.**

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

With no further business coming before the Board, the meeting was adjourned at 8:35 p.m.

**ATTEST:**

**JOAN BECHTEL,  
CLERK OF THE BOARD**

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**DAN SILVA, CHAIRMAN**

**By:**  
**Lisa Bush, Deputy**