



**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF SUTTER, STATE OF CALIFORNIA
SESSION OF SEPTEMBER 25, 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 Karna-Lisa Aucoin, 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 Ed Smith, Director of Human Services, to lead the Board and the audience in the Pledge of Allegiance to the Flag.

Chairman Silva presented a proclamation to Mary Alice Shumate of the Sutter County Literacy Program declaring September 2007 National Literacy Month in the County of Sutter.

Ms. Shumate thanked the Board for the proclamation. She acknowledged and thanked staff and volunteers for all their work, noting the importance of the Program.

APPROVAL OF MINUTES

On motion of Supervisor Whiteaker, seconded by Supervisor Cleveland and unanimously carried, the Board approved the minutes of the September 10, 2007 Joint Study session and the September 11, regular session as presented.

PUBLIC PARTICIPATION

Eugene Krebs, 4115 Butte House Road, Yuba City, spoke of concerns with regard to development that requires drive-ways and their potential impact on traffic.

Stephanie Ruscigno, 1660 Sharon Drive, spoke of an upcoming event called "Torch of Freedom" presented by Disabled American Veterans Chapter 9, Marysville. It is being held at Beckworth Riverfront Park on Saturday, October 13th from 10 a.m. to 10 p.m. Ms. Ruscigno said many activities will take place. All branches of the military will be represented.

There were no further comments from those in the audience.

CONSENT CALENDAR

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

Agricultural Commissioner

- 2) **Approval of a Professional Services Agreement (A07-154) with Sierra Consulting & IPM.**
- 3) **Approval of a Memorandum of Understanding (A07-155) for the Seed Subvention Program with the California Department of Food and Agriculture.**

Clerk of the Board

- 4) **Approval of appointment of Bridgette Sparlin in the Public Agency Representative category, and Gaileen Bumgarner in the discretionary category to the Child Care Planning Council of Yuba and Sutter Counties.**
- 5) **Acceptance of resignation and authorization to post a vacancy on the Fish and Game Commission.**
- 6) **Approval of preparation of a proclamation in support of and recognizing the 2007-08 United Way Campaign.**

- 7) Approval of preparation of a Proclamation declaring October 5, 2007 as California Arts Day in Sutter County.

Community Services

- 8) RESOLUTION NO. 07-056, A RESOLUTION OF THE SUTTER COUNTY BOARD OF SUPERVISORS AUTHORIZING APPLICATION (A07-156) FOR FEDERAL EXCESS PROPERTY IN ACCORDANCE WITH TITLE IV, RURAL DEVELOPMENT ACT 1972 (PL92-419) was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Munger and carried by those present as appears of record in the office of the Clerk of the Board in Resolution Book 55 at page 37 to which record reference is hereby made for further particulars and by such reference incorporated herein and made a part hereof. (A07-156 - agreement for Mutual Fire Protection Aid with the State of California Department of Forestry for the loan of Federal Excess Property)

County Administrative Officer

- 9) Approval of Fiscal Year 2006-07 Year-End Closing Budget Amendments.

Human Services - Administration

- 10) Authorization for preparation of a Certificate of Appreciation for Reggie Singh, Owner of the Live Oak Pharmacy.

Human Services – Mental Health Division

- 11) Approval of an agreement (A07-157) with Bruce E. Burns, M.D. to provide professional and specialized services to clients of Sutter-Yuba Mental Health for the period of July 1, 2007 through June 30, 2008.
- 12) Approval of a contract (A07-158) with Imre Bereknyei, Jr. (dba Sun Garden Rest Home) for supplemental services to Mental Health Division clients who are residents of the care home for FY 2007/08 through FY 2009/10.
- 13) RESOLUTION NO. 07-057, A RESOLUTION OF THE SUTTER COUNTY BOARD OF SUPERVISORS AUTHORIZING EXECUTION OF AGREEMENT (A07-160) BETWEEN THE STATE OF CALIFORNIA AND SUTTER-YUBA MENTAL HEALTH SERVICES was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Munger and carried by those present as appears of record in the office of the Clerk of the Board in Resolution Book 55 at page 38 to which record reference is hereby made for further particulars and by such reference incorporated herein and made a part hereof. (A07-159 – Contractor Certification Clause, and A07-160 - agreement with State Department of Mental Health to implement the Forensic Conditional Release Program (CONREP))
- 14) Approval of out-of-state travel for one Mental Health staff member to attend a Therapy Institute Training in Chicago, Illinois.

Public Works

- 15) Adoption of Levee Maintenance Assessments in State Maintenance Areas 3, 7, and 16 for FY 2007/08.

Sheriff-Coroner

- 16) **Approval of out-of-state travel for Court Security Critical Incident & Planning for Courts training in Las Vegas, Nevada.**

PUBLIC HEARINGS

Planning Project 05-093

This having been heretofore fixed as the date, time, and place to hold a public hearing regarding Planning Project #05-093, a rezone from AG (General Agriculture) District to RAN (Ranchette) District and a tentative parcel map to divide a 16.9 acre parcel into three parcels 3.0, 4.9, and 9.0 acres in size. Location: between Muir Road and Railroad Avenue, east of the eastern terminus of Walnut Avenue; APN #23-065-040; Owner: Ohri Farms, Certificate of Publication and Mailing being on file in the office of the Clerk of the Board, the matter was called to be heard.

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

Chairman Silva opened the public hearing.

Bill Walker, von Geldern Engineering, the applicant's engineer, spoke in agreement with the recommendation for approval.

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

On motion of Supervisor Munger, seconded by Supervisor Cleveland and unanimously carried, the Board adopted the Mitigated Negative Declaration for Project #05-093 together with the Findings contained in the staff report, introduced and waived the full reading of the first presentation of an ordinance by substitution of title only and directed the Clerk to read the title only: An ordinance amending ordinance No. 235 to adopt Sectional District Map #414 Rezoning a portion of Sutter County", and approved Project #05-093 a rezone from AG (General Agriculture) District to RAN (Ranchette) District and a tentative parcel map to divide a 16.9 acre parcel into three parcels 3.0, 4.9, and 9.0 acres in size subject to the findings and Conditions of Approval contained in the staff report.

Planning Project 07-009

This having been heretofore fixed as the date, time, and place to hold a public hearing regarding

Planning Project #07-009, a rezone from AG (General Agriculture) District to RAN (Ranchette) District and a tentative parcel map to divide a 19.92 acre parcel into three parcels 5.23, 6.04, and 8.75 acres in size. Location: the east side of Carlson Road, approximately 700 feet north of O'Banion Road; APN #23-260-161; Owner: John Ochipinti, Certificate of Publication and Mailing being on file in the office of the Clerk of the Board, the matter was called to be heard.

Supervisor Montna recused himself from this matter due to a conflict under FPPC rules, left the meeting room, and did not participate in consideration of or vote on the matter.

Leanne Mueller, Senior Planner, displayed a map of the project area and reviewed the staff report.

Chairman Silva opened the public hearing.

Bruce Popovich, 6742 Carlson Road, Yuba City, said he is a neighbor to the subject property and said though he is not in opposition to this project, he does not want to see the property split any further.

In answer to Chairman Silva's question, Lisa Wilson explained that the proposed lot sizes are the minimum allowed at this time.

Roger Key, Key and Associates, the applicant's engineer, said the applicant does not intend to split the property further.

Discussion ensued with regard to buffer requirements and location.

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

On motion of Supervisor Whiteaker, seconded by Supervisor Munger, with Supervisor Cleveland abstaining, and carried by a 3/4 vote, the Board adopted the Mitigated Negative Declaration for Project #07-009 together with the Findings and Mitigation Monitoring and Reporting Program contained in the staff report, introduced and waived the full reading of the first presentation of an ordinance by substitution of title only and directed the Clerk to read the title only: An ordinance amending ordinance No. 235 to adopt Sectional District Map #412 Rezoning a portion of Sutter County", and approved Project #07-009, a rezone from AG (General Agriculture) District to RAN (Ranchette) District and a tentative parcel map to divide a 19.92 acre parcel into three parcels 5.23, 6.04, and 8.75 acres in size subject to the findings and Conditions of Approval contained in the staff report.

Planning Project 07-015

This having been heretofore fixed as the date, time and place to hold a public hearing regarding Planning Project #07-015, a rezone from AG (General Agriculture) District to RAN (Ranchette) District and a tentative parcel map to divide a 16 acre parcel into three parcels 3.0, 5.0, and 8.0 acres in size; and a use permit for a second residential unit to permit two residences on proposed Parcel 1; Location: the east side of Madden Avenue approximately 0.5 miles north of Sanders Road; APN #10-154-017; Owner: Amrik & Inderjit Dulai, Certificate of Publication and Mailing being on file in the office of the Clerk of the Board, the matter was called to be heard.

Leanne Mueller, Senior Planner, displayed a map of the project area and reviewed the staff report. Ms. Mueller noted the applicant also submitted a use-permit application and discussed the purpose for that application was for allowance to place two residences on one parcel.

Discussion ensued with regard to the use-permit application and purpose for second residence.

Chairman Silva opened and closed the public hearing with no public testimony being received.

Further discussion ensued with regard to the second residence and it was noted that Ranchette Zoning would allow for such with a use-permit.

On motion of Supervisor Montna, seconded by Supervisor Silva and unanimously carried, the Board adopted the Mitigated Negative Declaration for Project #07-015 together with the Findings and Mitigation Monitoring and Reporting Program contained in the staff report, introduced and waived the full reading of the first presentation of an ordinance by substitution of title only and directed the Clerk to read the title only: An ordinance amending ordinance No. 235 to adopt Sectional District Map #413 Rezoning a portion of Sutter County”, and approved Project #07-015 a rezone from AG (General Agriculture) District to RAN (Ranchette) District and a tentative parcel map to divide a 16 acre parcel into three parcels 3.0, 5.0, and 8.0 acres in size; and a use permit for a second residential unit to permit two residences on proposed Parcel 1; Location: the east side of Madden Avenue approximately 0.5 miles north of Sanders Road subject to the findings and Conditions of Approval contained in the staff report.

APPEARANCE ITEM

Response to the Sutter County Grand Jury's FY 2006/07 Final Report

Larry Combs, County Administrative Officer, noted two minor amendments had been made to the response; one for clarification at the request of the Grand Jury Foreman, and the other regarding Sutter Pointe.

Mr. Combs said that with regard to Grand Jury Concerns with PERS, Richard Santos, Associate Pension Actuary, would answer some questions to provide clarification.

Mr. Santos addressed several questions. He explained the importance of looking at the progression of how a plan funded over time. He said he likes to make sure Cities and Counties will be able to fund liabilities. Mr. Santos noted the market value of Sutter County's plan has increased over the last two years and is looking good. He discussed actuarial figures and noted there will be points in time when they are under, and times they will be over. Mr. Santos said the numbers are currently coming up and again noted fluctuation is typical for deferred pension plans. He discussed market value of assets and rates of return. He said actuarial figures do not reflect true market value. He responded to a suggestion made by the Grand Jury to pay off the unfunded liability and said that it is not necessarily a good idea. He indicated that, due to CalPers investment earnings, he anticipated Sutter County's Safety Plan will be 100% funded next year, and the Miscellaneous Plan funded on a percentage basis, in the mid to high nineties.

Wade Arnold, 506 Plumas, Yuba City, noted a 200 page report that he presented to the Grand Jury, KUBA, and the Appeal Democrat. Mr. Arnold commented on portions of the Grand Jury report. He then played a portion of an August Board meeting where Robert Stark, Auditor-Controller and Larry Combs spoke in regard to a consent item. Mr. Combs noted the discussion and said that costs had been provided to the Board and Mr. Stark provided additional numbers.

Robert Mackensen, 1524 Grouse Way, Yuba City, expressed disappointment in the Response to the Grand Jury Report saying it displayed arrogance of power and he said it attempts to limit constructive dialogue.

Rick Nelson, 2787 Pleasant Grove Road, Pleasant Grove, the 2006-07 Grand Jury Foreman, spoke of Grand Jury training that had taken place. He noted the meetings of the Grand Jury were held regularly and that it had developed a mission statement. He said he believes the Taxpayer's Association member was

unbiased. He noted that matters in the Grand Jury were agreed upon by all the members or did not go into the report. Mr. Nelson stated they did the best they could.

Philip Treanor, 1570 Richland Road, Yuba City, asked Mr. Santos to explain who is ultimately responsible for payment to CalPers.

Mr. Santos responded by saying the County and the taxpayers.

In answer to Larry Combs' question, Mr. Santos noted payments to retired employees come from PERS.

Mr. Treanor, wondered of if anything happens to the County, the burden would lie with taxpayers.

Supervisor Cleveland noted there are some areas with regard to Administration's Response to the Grand Jury Report that he is not in agreement with. He spoke of the time provided for review of the response and said he didn't have enough time to properly review and provide comment. He spoke of disappointment in Administrative staff and said that he would release his own comments at a later date. He said the impression had been given there would be more time for review.

Supervisor Montna clarified that the Response must be approved at this meeting because of the legal time limit.

Discussion ensued with regard to the Board's review period for the Response.

Supervisor Whiteaker stated the county is financially sound and provides outstanding services. He acknowledged imperfections and said that he feels the Grand Jury Report is an evaluation that can help determine where improvements need to be made. He discussed the Children and Families Commission and said it can't spend reserves because they are needed for various programs that are provided.

Discussion ensued and Supervisors Montna, Silva, and Munger reiterated some of Supervisor Whiteaker's comments with regard to likening the Grand Jury Report to an evaluation that can be used to define where improvement is needed.

Roberta Fletcher, 203 Butte Avenue, Yuba City, said it would be beneficial if a preface could be added to the Response that included some of the Board members' comments made at this meeting, noting it would help with the healing process.

On motion of Supervisor Whiteaker, seconded by Supervisor Montna, the motion to approve the Response to the Grand Jury Report died due to lack of a voice vote.

Chairman Silva asked if there were further comments.

James Gallagher, (no speaker card given), Pleasant Grove, said he believes the Grand Jury did a good job and he spoke about the Introduction to the Response making accusations. He said that he believes if the Response doesn't reflect the feelings of the Board, maybe it should be in violation and the Board should not approve the Response.

Elaine Miles, (no speaker card given), 487 Anita Way, Yuba City, spoke in agreement with Mr. Gallagher.

Supervisor Cleveland stated that had more time for review been provided, this discussion might not have taken place. He said some comments may have been stopped and the Response might not give the perception as not appreciative.

Supervisor Montna confirmed the Board had the option of approving the Response without the introduction.

Chairman Silva called for a five-minute break.

On motion of Supervisor Whiteaker, seconded by Supervisor Montna and unanimously carried, the Board approved the Response to the Grand Jury Report for FY 2006/07, with the removal of the Introduction.

CORRESPONDENCE

Miscellaneous correspondence was noted and filed.

OTHER BUSINESS-PUBLIC COMMENT

There were no additional comments from those in the audience.

OTHER BUSINESS – BOARD OF SUPERVISORS

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

On motion of Supervisor Whiteaker, seconded by Supervisor Montna and unanimously carried, the Board adjourned in memory of Harlan Howard and directed a letter of condolence be sent to his family on behalf of the Full Board.

On motion of Supervisor Silva, seconded by Supervisor Whiteaker and unanimously carried, the Board adjourned in memory of Gwen Jenkins and directed a letter of condolence be sent to her family.

Supervisor Munger spoke of a successful fundraiser for a cancer patient that had raised \$27,000 and he noted that was good for a small community event.

Supervisor Whiteaker noted an informational public service event taking place this Sunday, September 30, 2007 at Happy Park from 5:30 to 7:30 p.m. He noted discussion regarding levee improvements will take place and there will be representation from the Sheriff Department and ProAct in attendance.

Supervisor Montna noted the prescription drug card program that begins September 26, 2007 and spoke on the Regional Council of Rural Counties Conference that he and Supervisor Munger recently attended. He noted several useful presentations that took place at the Conference, including levee improvement techniques, and the importance of addressing the employment force shrinkage due to baby boomers retiring.

Chairman Silva discussed technology being used in Reclamation District 1001 that enables levee monitoring by looking at temperature fluctuation. He noted the information can be viewed online.

Chairman Silva announced the Public Works Support Services Meeting for Thursday, September 27, 2007 has been cancelled.

With no further business coming before the Board, the meeting was adjourned at 8:45 p.m.

ATTEST:

**JOAN BECHTEL,
CLERK OF THE BOARD**

DAN SILVA, CHAIRMAN

By:

Karna-Lisa Aucoin, Deputy