BEFORE THE BOARD OF SUPERVISORS
COUNTY OF SUTTER, STATE OF CALIFORNIA
SESSION OF MARCH 20, 2012

The Board of Supervisors of the County of Sutter, State of California, met on the above date in Regular Session at 6:00 p.m. and in Closed Session at 6:52 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, and Jim Whiteaker

MEMBERS ABSENT: Supervisor James Gallagher

STAFF PRESENT: Stephanie J. Larsen, County Administrative Officer; Ronald S. Erickson, County Counsel; and Lisa Bush, Deputy Clerk of the Board

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REGULAR SESSION

Chairman Munger called the meeting to order at 6:00 p.m.

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ROLL CALL

The Board Clerk called the roll of the Board, and attendance is shown above.

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PLEDGE OF ALLEGIANCE TO THE FLAG

Christine Odom, Chief Probation Officer, led the Board and the audience in the Pledge of Allegiance to the Flag.

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APPROVAL OF MINUTES

On motion of Supervisor Whiteaker, seconded by Supervisor Cleveland and carried by those present, the Board approved the Minutes of the March 13, 2012 Study and Regular Sessions as presented.

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PUBLIC COMMENT

Appearance of interested citizens:

Patricia Miller, Yuba City

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CONSENT CALENDAR

On motion of Supervisor Whiteaker, seconded by Supervisor Montna and carried by those present, the Board approved the Consent Calendar, as follows:

Casa de Esperanza

2) Authorization to prepare a proclamation declaring April as Child Abuse Prevention Month.

Clerk of the Board

3) Authorization to post two vacancies on the Sutter-Yuba Mental Health Board, one Family Designation and one Sutter County Designation.

Community Services

4) Approval to cancel a study session set April 3, 2012 to discuss the Yuba-Sutter Natural Communities Conservation Plan/Habitat Conservation Plan.

County Administrator's Office

5) ORDINANCE NO. 1568, AN ORDINANCE OF THE COUNTY OF SUTTER AMENDING SECTION 1360-090 OF THE SUTTER COUNTY ORDINANCE CODE RELATING TO THE SUTTER COUNTY DEVELOPMENT IMPACT FEE, was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Montna and carried by those present as appears of record in the office of the Clerk of the Board in Ordinance Book T at page 272, to which record reference is hereby made and by such reference incorporated herein and made a part hereof.

6) ORDINANCE NO. 1569, AN ORDINANCE OF THE COUNTY OF SUTTER REPEALING CHAPTER 10 OF THE SUTTER COUNTY ORDINANCE CODE BY ENACTING A NEW CHAPTER 10 RELATING TO BOARD OF SUPERVISORS MEETINGS AND RULES FOR CONDUCTING BUSINESS, was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Montna and carried by those present as appears of record in the office of the Clerk of the Board in Ordinance Book T at page 274, to which record reference is hereby made and by such reference incorporated herein and made a part hereof.

7) Authorization to prepare a joint proclamation with Yuba County for the Welcome Home Vietnam Veterans Day celebration.

8) Approval of Sutter Animal Services Authority's (SASA) Second Amendment (A12-035) to Joint Powers Agreement related to construction of the new facility, approval of a contract (A12-036) for County Counsel to be legal Counsel for SASA, and authorization for the Chairman to sign both documents.

Human Services – Mental Health Division

9) Approval of an agreement (A12-037) between Sutter-Yuba Mental Health Services and Sutter County Conservator/Public Guardian for conservatorship services and authorization for the Chairman to sign the agreement.

Public Works

10) **ORDINANCE NO. 1570, AN ORDINANCE OF THE COUNTY OF SUTTER AMENDING THE SUTTER COUNTY ORDINANCE CODE BY AMENDING SECTION 1100-100 RELATING TO THE PRIMA FACIE SPEED LIMITS, was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Montna and carried by those present as appears of record in the office of the Clerk of the Board in Ordinance Book T at page 275, to which record reference is hereby made and by such reference incorporated herein and made a part hereof.**

11) **Consideration of a Floodplain Development Variance to allow wet floodproofing of an agricultural structure located at 12755 Garden Highway, Yuba City.**

12) **Consideration of a Floodplain Development Variance to allow wet floodproofing of an agricultural structure located at 2145 Howsley Road, Pleasant Grove.**

13) **Approval of fund transfers and closure of Fund 4406-CDBG Rio Ramaza and approval of related budget amendment (4/5 vote required). (FT201265)**

14) **Authorization for the Chairman to execute Contract Change Order 4 (A12-038) for the 2010 Microsurfacing Project, RM 2011 (4/5 vote required).**

15) **Adoption of the Plans and Specifications and authorization of solicitation for bids for the 2012 Road Overlay Project.**

16) **Award of the Professional Inspection and Testing Services Agreement (A12-039) with Coastland for the 2012 Road Overlay Project and authorization for the Director of Public Works to sign the Agreement.**

17) **Authorization to set a Public Hearing to consider adopting fees and deposits for the use of Ettl Hall; requested date and time: April 10, 2012 at 6:00 p.m.**

Sheriff

18) **Approval of a contract (A12-040) with the Yuba-Sutter Fair for security services and authorization for the Chairman to sign the contract.**

19) **RESOLUTION NO. 12-019, A RESOLUTION OF THE BOARD OF SUPERVISORS AUTHORIZING PARTICIPATION IN THE BOATING SAFETY AND ENFORCEMENT PROGRAM AND DESIGNATING THE PERSON AUTHORIZED TO SIGN THE PROGRAM APPLICATION, was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Montna and carried by those present as appears of record in the office of the Clerk of the Board in Resolution Book 58 at Page 23 to which record reference is hereby made for further particulars and by such reference incorporated herein and made a part hereof, approval of a Financial Aid Program Contract (A12-041) with the Department of Boating and Waterways, and authorization for the Chairman to sign the contract.**

Treasurer-Tax Collector

20) **RESOLUTION NO. 12-020, A RESOLUTION OF THE BOARD OF SUPERVISORS APPROVING THE MEMORANDUM OF UNDERSTANDING (A12-042) BETWEEN SUTTER COUNTY AND THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER FOR PARTICIPATION IN THE ONE-TIME AMNESTY FOR DELINQUENT VEHICLE CODE MISDEMEANOR BAIL AND FINES PROGRAM, was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Montna and carried by those present as appears of record in the office of the Clerk of the Board in Resolution Book 58 at Page 24 to which record reference is hereby made for further particulars and by such reference incorporated herein and made a part hereof, and authorization for the Chairman to sign the Memorandum of Understanding.**

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APPEARANCE ITEMS

21) <u>Phase I Public Safety Realignment Plan Amendment</u>

Christine Odom, Chief Probation Officer, discussed the item and recommended action.

Discussion and a question/answer period followed.

On motion of Supervisor Cleveland, seconded by Supervisor Montna and carried by those present, the Board 1) approved an amendment to the Phase I Public Safety Realignment Plan to add one new Supervising Probation Officer position to the Probation Department, 2) approved an amendment to the Position Allocation Schedule for the Probation Department to reflect the change, and 3) approved the related budget amendment for Fiscal Year 2011-12 (4/5 vote required). (FT201262)

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22) <u>Sutter County Groundwater Management Plan</u>

Chairman Munger stated that this item shall be postponed until the March 27, 2012 Board meeting.

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23) <u>Redevelopment Oversight Boards</u>

Stephanie Larsen, County Administrative Officer, discussed the item and recommended action.

Discussion and a question/answer period followed.

On motion of Supervisor Montna, seconded by Supervisor Cleveland and carried by those present, the Board appointed Linda Nichols to the Live Oak Redevelopment Oversight Board.

On motion of Supervisor Montna, seconded by Supervisor Cleveland, with Supervisor Whiteaker dissenting and carried by a 3-1 vote, the Board appointed Donald Covey to the Yuba City Redevelopment Oversight Board.

On motion of Supervisor Whiteaker, seconded by Supervisor Cleveland and carried by those present, the Board appointed Ranjit Rai as an alternate member to the Yuba City Redevelopment Oversight Board.

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24) <u>Sutter County Community Assistance Visit Report</u>

Stephanie Larsen, County Administrative Officer, discussed the item and recommended action.

Discussion and a question/answer period followed.

On motion of Supervisor Whiteaker, seconded by Supervisor Montna and carried by those present, the Board 1) approved the Corrective Action Plan for all non-compliant structures identified within the Community Assistance Visit (CAV) Report except for structure #32, 2) approved the Corrective Action Plan for structure #32 as identified within the CAV, and 3) approved the revised documented procedures relating to permitting structures within a Special Flood Hazard Area.

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25) <u>County of Sutter Pedestrian & Bicycle Master Plan</u>

Neal Hay, Senior Civil Engineer, displayed a map of the Plan area and discussed the item and recommended action.

Scott Robertson, Landscape Architect with Omni Means, discussed how the Plan was developed.

Discussion and a question/answer period followed.

The following person spoke on this item:

Gary Baland, City of Live Oak Mayor

Further discussion ensued.

RESOLUTION NO. 12-021, A RESOLUTION OF THE BOARD OF SUPERVISORS ADOPTING A PEDESTRIAN AND BIKE MASTER PLAN FOR THE COUNTY OF SUTTER, was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Montna and carried by those present as appears of record in the office of the Clerk of the Board in Resolution Book 58 at Page 25 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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SPECIAL MEETING/CLOSED SESSION

At 6:52 p.m., Chairman Munger called the Closed Session to order, noting the purpose of the meeting:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Decision regarding initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the California Government Code. Number of cases: 1

The Board adjourned to Closed Session after which the Chairman asked County Counsel to speak.

Ronald Erickson, County Counsel, stated that coming out of closed session, the Board voted by a 4-0 vote (Supervisor Gallagher being absent) to join as a plaintiff in litigation with the State of California, regarding the State's obligation to pay ancillary medical costs for certain types of mental health patients. County of Colusa, *et al* vs. Toby Douglas, in his official capacity as Director of the Department of Health Care Services of the State of California, *et al*, Superior Court of California, Sacramento, Case No. 34-2012-80001053.

The Chairman asked if there was anyone who wished to speak to these matters and there was no one.

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7:00 P.M. PUBLIC HEARINGS

26) This having been heretofore fixed as the date, time, and place to hold a Public Hearing to consider adoption of a resolution to amend the fee schedule for the Live Oak Park and Recreation Area, the matter was called to be heard.

Bob Starr, Director of General Services, discussed the item and recommended action. Mr. Starr noted that the staff report includes the recommendation of the Sutter County Fish and Game Commission, as well as two possible fee proposals from staff, for the Boards consideration.

Chairman Munger opened the Public Hearing.

The following persons spoke on this item:

1. Gary Baland, Live Oak
2. M.J. Bolin, Chairperson, Sutter County Fish and Game Commission
3. Bob Boucke, Johnson's Bait and Tackle, Yuba City
4. Mitchell Stark, North Yuba City

Hearing no further comment, Chairman Munger closed the Public Hearing.

Discussion and a question/answer period followed.

RESOLUTION NO. 12-022, A RESOLUTION OF THE BOARD OF SUPERVISORS AMENDING THE CAMPING FEE SCHEDULE FOR LIVE OAK PARK AND RECREATION AREA (as outlined in Alternative No. 2), was adopted on motion of Supervisor Cleveland, seconded by Supervisor Montna, with Supervisor Whiteaker dissenting, and carried by a 3-1 vote as appears of record in the office of the Clerk of the Board in Resolution Book 58 at Page 26 to which record reference is hereby made for further particulars and by such reference incorporated herein and made a part hereof.

27) This having been heretofore fixed as the date, time, and place to hold a Public Hearing to consider adoption of an Annual Boat Launch and Boat Launch Parking Fee for all Sutter County boat launch facilities and adoption of the related resolution, the matter was called to be heard.

Bob Starr, Director of General Services, discussed the item and recommended action. Mr. Starr noted that the staff report includes the recommendation of the Sutter County Fish and Game Commission, as well as three possible fee proposals from staff for the Boards consideration.

Chairman Munger opened the Public Hearing.

The following persons spoke on this item:

1. Bob Boucke, Yuba City
2. Gary Baland, Live Oak

Hearing no further comment, Chairman Munger closed the Public Hearing.

Discussion and a question/answer period followed.

RESOLUTION NO. 12-023, A RESOLUTION OF THE BOARD OF SUPERVISORS ADOPTING AN ANNUAL BOAT LAUNCH AND BOAT LAUNCH FACILITY PARKING FEE PROGRAM FOR THE COUNTY OF SUTTER BOAT LAUNCHING FACILITIES, subject to changes as approved by County Counsel, was adopted on motion of Supervisor Whiteaker, seconded by Supervisor Cleveland and carried by those present as appears of record in the office of the Clerk of the Board in Resolution Book 58 at Page 28 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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CORRESPONDENCE

Miscellaneous correspondence was noted and filed.

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OTHER BUSINESS – BOARD OF SUPERVISORS

Memory Adjournments and direction of a letter of condolence from the full Board sent to the family:

Motioned by:	**Seconded by:**	**Vote:**	**In Memory of:**
Supervisor Montna	Supervisor Whiteaker	Carried	Leona Wright
Supervisor Munger	Supervisor Whiteaker	Carried	Jeanne Pederson

With no further business coming before the Board, the meeting was adjourned at 8:18 p.m.

ATTEST:
DONNA M. JOHNSTON,
CLERK OF THE BOARD

LARRY MUNGER
CHAIRMAN

By:
Lisa Bush, Deputy

(A recording of the meeting can be heard/viewed from the
Board of Supervisors webpage at: http://suttercountyca.iqm2.com/Citizens/default.aspx
and DVDs of the meeting are available for citizens to check-out from
the Sutter County Library at 750 Forbes Avenue, Yuba City, CA)