# YOLO COUNTY BOARD OF SUPERVISORS

# MINUTES & SUPPORTING MATERIALS

Pursuant to County Code Section 2-1.103

# **SEPTEMBER 15, 2009**



# **COUNTY BOARD OF SUPERVISORS**

CHAIR, MICHAEL H. MCGOWAN, DISTRICT 1 VICE-CHAIR, HELEN M. THOMSON, DISTRICT 2 MATT REXROAD, DISTRICT 3 JIM PROVENZA, DISTRICT 4 DUANE CHAMBERLAIN, DISTRICT 5

#### **BOARD OF SUPERVISORS CHAMBERS**

625 COURT STREET, ROOM 206 WOODLAND, CALIFORNIA 95695

ROBYN TRUITT DRIVON INTERIM COUNTY ADMINISTRATOR

DANIEL CEDERBORG ASSISTANT COUNTY COUNSEL

#### Roll Call:

Thomson Rexroad Provenza Chamberlain McGowan

Robyn Truitt Drivon, Interim County Administrator Daniel Cederborg, Assistant County Counsel

# 9:00 A.M. CALL TO ORDER (ITEMS 1.01-1.06) (\*30 MINUTES)

- 1.01 <u>Pledge of Allegiance.</u>
- 1.02 <u>Moment of silence for victims of September 11, 2001.</u>
- 1.03 Consider approval of agenda.

Minute Order No. 09-223: Approved the Agenda for this meeting as submitted.

MOVED BY: Rexroad / SECONDED BY: Thomson

AYES: Provenza, Chamberlain, Rexroad, Thomson, McGowan

NOES: None ABSTAIN: None ABSENT: None

1.04 Public Comment: Opportunity for members of the public to address the Board of Supervisors on subjects relating to county business. The Board of Supervisors reserves the right to impose a reasonable limit on time afforded to any topic or to any individual speaker.

There was no public comment.

1.05 Approve and present the following resolutions:

Minute Order No. 09-224: Approved and presented the following resolutions:

MOVED BY: Rexroad / SECONDED BY: Provenza

AYES: Thomson, Rexroad, Provenza, Chamberlain, McGowan

NOES: None ABSTAIN: None ABSENT: None A. Resolution commending Elizabeth Castro Kemper upon her retirement as the Yolo County Local Agency Formation Commission's Executive Officer and County Administrator's Office Principal Management Analyst. (Supervisor Thomson)

Supervisor Thomson presented Resolution No. 09-119.

B. Resolution recognizing September 2009 as "Latino Health Awareness Month." (Supervisor Chamberlain)

Supervisor Chamberlain presented Resolution No. 09-120.

Latino Health Awareness Month Resolution

C. Resolution designating September 2009 as "Prostate Cancer Awareness Month." (Supervisor Provenza)

**Prostate Cancer Awareness Month Resolution** 

Supervisor Provenza presented Resolution No. 09-122.

D. Resolution proclaiming September 2009 as "Adult Literacy Month." (Supervisor McGowan)

**Adult Literacy Month Resolution** 

Supervisor McGowan presented Resolution No. 09-123.

E. Resolution proclaiming Saturday, September 19, 2009 as "Coast and Creek Cleanup Day" in Yolo County. (Supervisor McGowan)

Coast and Creek Cleanup Day Resolution

Supervisor McGowan presented Resolution No. 09-124.

F. Resolution honoring "Woodland Rotary Clubs." (Supervisor Rexroad)

Supervisor Rexroad presented Resolution No. 09-125.

# 1.06 <u>Introductions, comments and/or honorary presentations.</u>

- A. Introduction and recognition of the Pink Ponies Roller Hockey team, winners of a silver medal at the North American Roller Hockey Championship in Toronto, Canada. (Supervisor Thomson)
- B. Acknowledgement of the Sheriff Department's Monroe, Leinberger and Probation Detention facilities two-year accreditation by the Institute for Medical Quality. (Prieto/Simmons)
- C. <u>Acknowledge receipt of American Reinvestment and Recovery Act</u> (ARRA) grant funds for the Probation Department. (Drivon)
- D. <u>Yolo Natural Heritage Program "Traveling Kiosk" presentation.</u> (Supervisor Thomson)

Supervisor McGowan thanked Katie Villegas for her service to First 5 Yolo Children and Families Commission.

# A.M. CONSENT AGENDA (ITEMS 2.01-2.15) (\*5 MINUTES)

Minute Order No. 09-225: Approved A.M. Consent Agenda Item Nos. 2.01-2.15, with a correction to Agenda Item 2.01c, Minute Order No. 09-222 to read: <a href="Directed County Counsel to work with County Counsel from the five Delta">Directed County Counsel to work with County Counsel from the five Delta counties to develop a legal strategy to address Delta issues.</a>

MOVED BY: Thomson / SECONDED BY: Rexroad

AYES: Thomson, Rexroad, Provenza, Chamberlain, McGowan

NOES: None ABSTAIN: None ABSENT: None

#### **General Government**

# Clerk of the Board

2.01 Approve the minutes of the Board of Supervisors meeting of:

A. August 4, 2009

08.04.09 Minutes

Approved August 4, 2009 minutes on Consent.

B. August 18, 2009 Closed Session

08.18.09 Minutes

Approved August 18, 2009 Closed Session minutes on Consent.

C. September 8, 2009

09.08.09 Minutes

Approved September 8, 2009 minutes on Consent, with a correction to Minute Order No. 09-222 to read: <u>Directed County Counsel to work with County Counsel from the five Delta counties to develop a legal strategy to address Delta issues</u>.

2.02 Ratify Resolution No. 09-118 Commending Agricultural Commissioner Rick Landon upon his retirement from Yolo County.

Rick Landon resolution

Ratified Resolution No. 09-118 on Consent.

# Auditor-Controller/Treasurer-Tax Collector

2.03 Adopt resolution establishing Yolo County property tax rates for fiscal year 2009/10. (No general fund impact) (Newens)

Recommended Action 2.03

Approved on Consent by Resolution No. 09-126.

Approve amendment to agreement with PFM Asset Management LLC for investment advisory services to extend the term to June 30, 2010 and authorize the Auditor-Controller to execute the amendment. (No general fund impact; \$130,000 included in fiscal year 2009/10 budget to fund the contract for the entire fiscal year) (Newens)

Recommended Action 2.04

## Supporting Document 2.04

Approved on Consent by Agreement No. 09-158.

2.05 Receive and file Yolo County Investment Pool monthly investment report for July 2009. (No general fund impact) (Newens)

Recommended Action 2.05

Received and filed on Consent.

#### **General Services**

2.06 Authorize procurement of office supplies by Yolo County departments from either the US Communities/Office Depot or Corporate Express. (No general fund impact; potential savings to departments) (Groom)

Recommended Action 2.06

Approved on Consent.

2.07 Authorize the Chair to sign a Grant of Easement between Yolo County and the City of West Sacramento for access between the partners that allows non-exclusive easement for the purpose of ingress and egress access along a portion of the West Sacramento County Branch Library. (No general fund impact) (Groom)

Recommended Action 2.07

Approved on Consent.

# Library

2.08 Adopt resolution adjusting the basis for the rate and method of apportionment of Special Tax for the Yolo County Library Measure P (Community Facilities District No. 1989-1 Davis Branch Library), which will adjust the rate upon which the low income exemption is based, fiscal year 2010/11. (No general fund impact) (Wong)

Recommended Action 2.08

Approved on Consent by Resolution No. 09-127.

#### **Law & Justice Services**

#### **Probation**

2.09 Adopt resolution authorizing the Chief Probation Officer or designee to submit a grant proposal for \$125,000 to participate in the Disproportionate Minority Contact Enhanced Technical Assistance Project II and sign the agreement with the Corrections Standards Authority if the grant is awarded. (No general fund impact) (Rist)

Recommended Action 2.09

Approved on Consent by Resolution No. 09-128.

2.10 Approve annual agreement with Woodland Joint Unified School District for probation and related services associated with the Safe Schools Healthy Students Prevention grant for \$80,000. (No general fund impact) (Rist)

Recommended Action 2.10

Approved on Consent by Agreement No. 09-159.

#### **Health & Human Services**

#### Alcohol, Drug & Mental Health

2.11 Approve agreement with Yolo Community Care Continuum for Yolo County residents who receive mental health assistance after-hours and during furlough hours for the period of October 1, 2009 to June 30, 2010. (\$63,334 general fund impact) (Suderman)

Recommended Action 2.11

Approved on Consent by Agreement No. 09-160.

2.12 Approve agreement with Cache Creek Lodge, Inc. for \$25,200 to provide drug and alcohol intervention and treatment services to indigent adults referred by the county for the period of August 1, 2009 through June 30, 2010. (No general fund impact; Federal Substance Abuse Prevention and Treatment block grant) (Suderman)

Recommended Action 2.12

Approved on Consent by Agreement No. 09-161.

Approve agreement with EMQ FamiliesFirst, Inc for \$475,000 to provide mental health services at school, home or provider site as needed to Medi-Cal eligible children and youth through age 20 and/or AB 3632/Chapter 26.5 children and youth under age 21 to reduce involvement with the juvenile justice system, acute psychiatric hospital stays and out-of-home placements and increase school success and facilitate the transition to adulthood. (No general fund impact; Federal Fiscal Participation funds; Early and Periodic Screening, Diagnosis and Treatment funds; and realignment funds) (Suderman)

Recommended Action 2.13

Approved on Consent by Agreement No. 09-162.

## **Employment & Social Services**

2.14 Approve the Homeless Coordination Project agreement with the cities of Davis,

West Sacramento, Winters and Woodland to jointly partner on the Homeless

Coordination Project for fiscal years 2009/10, 2010/11 and 2011/12. (\$20,029 Yolo

County share included in the recommended budget: \$10,015 from Community

Development Block Grant and \$10,014 from general fund) (Miller)

Recommended Action 2.14

Approved on Consent by Agreement No. 09-163.

#### Health

2.15 Approve revenue agreement for community health coalition services with the California Housing Opportunities Corporation in the amount of \$50,500 from July 1, 2009 thru December 31, 2010. (No general fund impact; grant funds) (Iser/Boney)

Recommended Action 2.15

Approved on Consent by Agreement No. 09-164.

The Board of Supervisors recessed at 10:16 A.M. and reconvened at 10:25 A.M. All members were present. Chair McGowan presided.

# A.M. TIME SET AGENDA (ITEM 3.01)

#### 3.01 9:00 AM County Administrator

Adoption of fiscal year 2009/10 final budget. (Leary) (\*45 minutes)

Recommended Action 3.01

Supporting Document 3.01A

**Supporting Document 3.01B** 

Supporting Document 3.01C

**Revised Resolution** 

**Revised Exhibit 1** 

Minute Order No. 09-226: Received overview by Assistant County Administrator Pat Leary, and took the following actions regarding adoption of fiscal year 2009/10 final budget:

- A. Considered changes to the preliminary fiscal year 2009/10 budget as adopted on June 18, 2009, and
  - Eliminated the 20% set-aside for each department's budget and restored full appropriation within each department's budget.
  - Adopted a revised appropriation for the Department of Employment and Social Services to support reflecting revenue changes and restored funding (\$204,000) for two child social work practitioners and In-Home Supportive Services wages (\$775,000);
  - 3. Adopted revised appropriations for the following departments: Alcohol, Drug and Mental Health (+\$63,344), Health (-\$40,932), Human Resources (+\$16,000) Non-departmental (+\$750,000), Probation (-\$306,734) Planning and Public Works (-\$182,000) and Sheriff (+\$92,000);
  - 4. Increased the balance of Pomona funds by \$1,065,029 and approved an allocation of \$49,400 from the Pomona fund to the Yolo County Children's Alliance (Children's Health Initiative) for children on the waiting and hardship list for health insurance; approved an allocation of \$200,000 from the Pomona fund to the Health Department to address issues regarding children immunization, HIV testing, Adolescent Family Life Program, and Maternal, Child, Adolescent Health Program; and appropriated the remaining balance of Pomona funds (\$815,629) to Pomona Contingency.

- 5. Approved allocation of any left over general fund to contingency.
- 6. Clarified that IHSS funding (\$150,000) will be addressed during an In-Home Supportive Services Public Authority budget meeting.
- B. Adopted fiscal year 2009/10 final budget by Resolution No. 09-87.1, as modified by the Board of Supervisors. (See revised resolution and exhibit 1): and
  - 1. Directed the County Administrator to work with the following departments to identify options to eliminate existing prior year deficits, and return to the Board by December 2009 with a deficit reduction plan: Alcohol, Drug and Mental Health, District Attorney, Department of Employment and Social Services, Probation, and Sheriff; and
  - 2. Directed the County Administrator to work with the following departments to identify options to address a potential 2009/10 shortfall in critical revenues, and return to the Board no later than December 2009 with a budget status report and, if necessary, a plan to reduce expenditures to match available revenues:

Department

Alcohol, Drug and Mental Health Health

**Employment and Social Services** 

District Attorney Probation Sheriff/Coroner

Revenue at Risk of Shortfall

Realignment Realignment Realignment

Public Safety Sales Tax; Grant funds Realignment; Public Safety Sales Tax Public Safety Sales Tax

C. Directed staff to return with any additional follow-up reports.

MOVED BY: Thomson / SECONDED BY: Provenza

AYES: Thomson, Provenza, McGowan

NOES: Rexroad, Chamberlain

ABSTAIN: None ABSENT: None

# A.M. REGULAR AGENDA (ITEMS 4.01-4.06)

## **General Government**

- 4.01 Action items and reports from members of the Board of Supervisors. (\*15 minutes)
  - Α. Receive reports from members of the Board of Supervisors, including brief announcements, questions to be referred to staff and reports on various 2x2s and meetings with other agencies.
  - Accept resignations; consider appointments and reappointments.

#### Recommended Action 4.01B

Minute Order No. 09-227: Approved recommended action.

MOVED BY: Rexroad / SECONDED BY: Thomson

AYES: Thomson, Rexroad, Provenza, Chamberlain, McGowan

NOES: None ABSTAIN: None ABSENT: None

# **County Administrator**

4.02 <u>Action items and reports from the County Administrator.</u>

There were no reports from the County Administrator.

4.03 Receive presentation regarding the local Williamson Act program; authorize the Williamson Act subcommittee to approve a non-binding "letter of intent" to non-renew all Williamson Act contracts; and direct staff to work with the California State Association of Counties to restore subvention funding and return to the Board of Supervisors with a resolution suspending county participation in new Williamson Act contracts. (No general fund impact) (Brazil/Marchand) (\*1 hour)

## Recommended Action 4.03

Minute Order No. 09-228: Received presentation by Petrea Marchand, Manager of Intergovernmental Affairs, and approved recommended actions. Debra Chase, Denise Sagara and Jim Yergon addressed the Board of Supervisors on this item.

MOVED BY: Rexroad / SECONDED BY: Thomson

AYES: Provenza, Chamberlain, Rexroad, Thomson, McGowan

NOES: None ABSTAIN: None ABSENT: None

4.04 Receive state legislative update and authorize the chair to sign a letter to U.S.

Environmental Protection Agency Administrator Jackson regarding reversal of the Particulate Matter (PM) 2.5 non-attainment designation. (No general fund impact) (Brazil/Marchand) (\*15 minutes)

Recommended Action 4.04

Supporting Document 4.04

Minute Order No. 09-229: Received state legislative update by Petrea Marchand,

Manager of Intergovernmental Affairs, and approved recommended action.

MOVED BY: Rexroad / SECONDED BY: Thomson

AYES: Provenza, Chamberlain, Rexroad, Thomson, McGowan

NOES: None ABSTAIN: None ABSENT: None

4.05 Delta oral report update. (No general fund impact) (McIver) (\*15 minutes)

Received oral Delta update by Julia McIver, Water and Conservation Programs Manager.

#### Clerk of the Board

4.06 Correspondence and Board of Supervisors responses - see attachment.

Correspondence 4.06

The following individuals addressed the Board of Supervisors regarding Letter No. 20: Bob Bramlett, Michael McDonald for Sue Heitman, Tico Zendejas and Jane Stallings.

#### **CLOSED SESSION (ITEMS 5.01-5.03)**

The Board of Supervisors recessed into Closed Session at 12:39 P.M. on the following matters:

- 5.01 Conference with Legal Counsel Anticipated Litigation
  Significant exposure to litigation pursuant to Government Code
  Section 54956.9(b) 1 case(s)
- 5.02 Conference with Legal Counsel Existing Litigation
   Government Code Section 54956.9(a)
   Name of case: C&S Wholesale Grocers, Inc. v. County of Yolo
   Superior Court of the State of California, County of Yolo Case No. 07-2565
- 5.03 Conference with Legal Counsel Existing Litigation
   Government Code Section 54956.9(a)
   Name of case: Save Rural Yolo County et al. v. County of Yolo, et al.
   Superior Court of the State of California, County of Yolo Case No. 08-2901
   (consolidated with Case No. 08-2752)

Public report of action taken in Closed Session.

The Board of Supervisors reconvened at 1:40 P.M. There were no reports from Closed Session. Chair McGowan presided.

# 1:30 P.M. PLANNING AND PUBLIC WORKS/PARKS AND RESOURCES (ITEM 6.01)

6.01 Public Comment: Opportunity for members of the public to address the Board of Supervisors on subjects relating to county business. The Board of Supervisors reserves the right to impose a reasonable limit on time afforded to any topic or to any individual speaker.

Doyle Quam addressed the Board of Supervisors.

# P.M. CONSENT AGENDA (ITEMS 6.02-6.04) (\*5 MINUTES)

Minute Order No. 09-230: Approved P.M. Consent Agenda Item Nos. 6.02 - 6.04.

MOVED BY: Thomson / SECONDED BY: Rexroad

AYES: Thomson, Rexroad, Provenza, Chamberlain, McGowan

NOES: None ABSTAIN: None ABSENT: None

Appoint Eric Larsen, Ph.D. to a two-year term on the Cache Creek Technical
Advisory Committee and approve an agreement between Yolo County and Eric
Larsen, Ph.D. in the amount of \$55,209 to perform services as the Fluvial
Geomorphologist on the Cache Creek Technical Advisory Committee, effective
September 15, 2009 through September 15, 2011. (No general fund impact)
(Westrup/Schwartz)

Recommended Action 6.02

Supporting Document 6.02A

Supporting Document 6.02B

Supporting Document 6.02C

Approved on consent by Agreement No. 09-165.

Appoint Timothy C. Horner, Ph.D. to a two-year term on the Cache Creek Technical Advisory Committee and approve an agreement between Yolo County and Timothy C. Horner, Ph.D. in the amount of \$54,200 to perform services as the Hydrologist on the Cache Creek Technical Advisory Committee, effective September 14, 2009 through September 15, 2011. (No general fund impact) (Westrup/Schwartz) Planning and Public Works

Recommended Action 6.03

Supporting Document 6.03A

**Supporting Document 6.03B** 

Supporting Document 6.03C

Approved on Consent by Agreement No. 09-166.

Adopt resolution revising the enterprise fund for initiating and completing corrective action for known and reasonably foreseeable releases from the Yolo County Central Landfill to comply with current regulations. (No general fund impact; approximately \$57,000 fiscal year 2009/10 annual cost savings to the Sanitation Enterprise Fund) (Bencomo/Kieffer)

Recommended Action 6.04

Supporting Document 6.04

Approved on Consent by Resolution No. 09-129.

# P.M. TIME SET AGENDA (ITEMS 7.01-7.04)

# 7.01 <u>1:30 PM County Counsel</u>

Public workshop to consider proposed wetland habitat creation, restoration and enhancement ordinance and other potential means of authorizing limited county regulation of wetland habitat projects, mitigation banking, and similar conservation actions. No final action on the proposed ordinance will be taken at this meeting. (No general fund impact) (Cederborg/Pogledich) (\*35 minutes)

Recommended Action 7.01

The Board of Supervisors held a public workshop to consider proposed wetland habitat creation, restoration and enhancement ordinance and other potential means of authorizing limited county regulation of wetland habitat projects,

mitigation banking and similar conservation actions.

The following individuals addressed the Board of Supervisors on this item: Denise Sagara, Bob Schneider, Chad Roberts, Robin Kulakow, Chris Unkel, Vance Russell, Greg Yarris, Kent Calfee and Sue Heitman.

## 7.02 1:30 PM Planning and Public Works

Continue to September 29, 2009, public hearing and approval for a lot line adjustment, zone boundary change, and Williamson Act Successor Agreement for parcels located in the upper Yolo Bypass, owned by Knaggs Farming Company, Neal Dow and Sacramento Valley Conservancy. (No general fund impact) (Bencomo/Berg) (\*5 minutes)

# Recommended Action 7.02

Minute Order No. 09-231: Approved recommended action.

MOVED BY: Thomson / SECONDED BY: Rexroad

AYES: Thomson, Rexroad, Provenza, Chamberlain, McGowan

NOES: None ABSTAIN: None ABSENT: None

# 7.03 1:30 PM Planning and Public Works

Continue to October 13, 2009, public hearing for adoption of the 2030 Countywide General Plan. (No general fund impact) (Bencomo/Morrison/Tschudin) (\*5 minutes)

#### Recommended Action 7.03

Minute Order No. 09-232: Approved recommended action.

MOVED BY: Rexroad / SECONDED BY: Thomson

AYES: Thomson, Rexroad, Provenza, Chamberlain, McGowan

NOES: None ABSTAIN: None ABSENT: None

# 7.04 1:30 PM Planning and Public Works

Introduce by title only, waive first reading, receive public comment regarding proposed ordinance authorizing angle parking on roads within the County of Yolo and amending Yolo County Code Section 4-3.108 which would allow the Director of the Yolo County Planning and Public Works Department to approve angle parking on any road within the unincorporated area of the county, including but not limited to county roads and state highways, and continue the ordinance to the next regularly

# Recommended Action 7.04

After a public hearing, the Board of Supervisors took the following actions regarding an ordinance for angle parking on any road within the unincorporated area of the county:

1. Minute Order No. 09-233: Motion to approve recommended action failed.

MOVED BY: Rexroad / SECONDED BY: Thomson

AYES: Thomson, Rexroad

NOES: Provenza, Chamberlain, McGowan

ABSTAIN: None ABSENT: None

2. Minute Order No. 09-234: Approved a motion to reconsider prior motion.

MOVED BY: McGowan / SECONDED BY: Rexroad AYES: Thomson, Rexroad, Chamberlain, McGowan

NOES: Provenza ABSTAIN: None ABSENT: None

- 3. Supervisor Rexroad made a motion, seconded by Supervisor McGowan to adopt a resolution that applies to every community, except Esparto and Yolo County, at the discretion of the Planning and Public Works Director. No vote was taken.
- 4. Minute Order No. 09-235: Approved the recommended action.

Sue Heitman addressed the Board of Supervisors on this item.

MOVED BY: Rexroad / SECONDED BY: McGowan

AYES: Thomson, Rexroad, McGowan

NOES: Provenza, Chamberlain

ABSTAIN: None ABSENT: None

# P.M. REGULAR AGENDA (ITEM 8.01)

8.01 No regular items.

#### **ADJOURNMENT**

9.01 In memory of:

A. Stuart Frank "Stu" Greenfeld. (Supervisor McGowan)

- B. Guillermo Lopez. (Supervisor Thomson)
- C. Patricia "Pat" Williams. (Supervisor Thomson)
- D. Edwin "Ed" Young. (Supervisor Rexroad)
- E. Blaise "Buster" Ebner Giovannetti. (Supervisor Chamberlain)
- F. Starleen Depaepe. (Supervisor Chamberlain)

Next meeting scheduled for: September 29, 2009.

I declare under penalty of perjury that the foregoing agenda was posted September 10, 2009 by 5:00 P.M. at the following places:

- 1. On the bulletin board at the east entrance of the Erwin W. Meier Administration Building, 625 Court Street, Woodland, California; and
- On the bulletin board outside the Board of Supervisors Chambers, Room 206, in the Erwin W. Meier Administration Building, 625 Court Street, Woodland, California.

I declare under penalty of perjury that the foregoing agenda will be posted no later than September 11, 2009 by 5:00 P.M. as follows:

3. On the Yolo County website: www.yolocounty.org.

Michael H. McGowan, Chairman Yolo County Board of Supervisors

Ana Morales, Clerk to the Board of Supervisors