

# BOARD OF SUPERVISORS

## AGENDA

Meetings are located at:  
Yuba County Government Center  
Board Chambers, 915 Eighth Street  
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8<sup>th</sup> Street, Marysville and [www.co.yuba.ca.us](http://www.co.yuba.ca.us). Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

**MARCH 11, 2014**

**8:30 A.M. YUBA COUNTY WATER AGENCY**

**9:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. Thank you.**

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Stocker
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker
- III. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.
  - A. Auditor-Controller
    1. (075-14) Authorize out of state travel for the Auditor to attend Government Finance Officers Association training seminar in Reno, Nevada.
  - B. Clerk of the Board of Supervisors
    1. (076-14) Appoint Dennis Michael Ayres to the Area 4 Agency on Aging Advisory Council to finish the current term ending June 2014, and serve a three year term ending June 30, 2017.
    2. (077-14) Approve minutes of the meeting of February 25, 2014.
  - C. Health and Human Services
    1. (078-14) Adopt resolution authorizing the Director of Health and Human Services or her designee to implement changes to General Assistance Standards of Aid. (Human Services Committee recommends approval)
  - D. Human Resources and Organizational Services
    1. (079-14) Adopt resolutions amending the Position Allocation and Classification System-Basic Salary schedules effective March 1, 2014 as they relate to Community Development and Services and Health and Human Services Departments.
    2. (080-14) Adopt resolutions amending the Position Allocation and Classification System-Basic Salary schedules effective April 1, 2014 as they relate to Sheriff's Department.
  - E. Sheriff-Coroner
    1. (081-14) Approve agreement with Department of Agriculture, Tahoe National Forest, for law enforcement to fight controlled substances on forestland and authorize Chair to execute.
    2. (082-14) Adopt resolution authorizing the Sheriff to execute the State application for financial aid for the boating program for Fiscal Year 2014-2015; and approve a contract with the California Department of Boating and Waterways for boating safety and enforcement activities for Fiscal Year 2014-2015 and authorize the Chair to execute.

3. (083-14) Approve cooperative agreement with United States Department of Agriculture, Plumas National Forest to provide campground patrols on forestland and authorize the Chair to execute.

IV. **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern provided it is within the jurisdiction of the Board of Supervisors and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors. Please note: No Board action can be taken on comments made under this heading.

V. **COUNTY DEPARTMENTS**

A. Board of Supervisors

1. (084-14) Receive presentation from California Association of Counties Executive Director Matt Cate. (No background information) (Fifteen minute estimate)

B. County Administrator

1. (085-14) Receive report regarding status of Sheriff's Yuba Street facility and provide direction as appropriate. (Twenty minute estimate)

VI. **CORRESPONDENCE**

- A. (086-14) Notices from California State Water Resources Control Board of temporary urgency change petition to reduce minimum in stream flows in the lower Yuba River for February 1 through March 31, 2014.
- B. (087-14) Notice from the Yuba County Auditor enclosing the Independent Audit of the financial records for Reclamation District 784, and Sutter-Yuba Mosquito and Vector Control District for year ending June 30, 2013.

VII. **BOARD AND STAFF MEMBERS' REPORTS:** This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.

VIII. **CLOSED SESSION:** Any person desiring to comment on any matter scheduled for this closed session may address the Board at this time.

- A. Personnel pursuant to Government Code §54957 - Public Employee Discipline/Dismissal/Release
- B. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - YCEA/County of Yuba
- C. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Agricultural Commissioner

IX. **ADJOURN**

**11:00 A.M.** **Land Use and Public Works Committee** - (Supervisors Abe and Vasquez- Alternate Supervisor Nicoletti)

- A. (088-14) Consider ordinance repealing and reenacting of Chapter 10.05 Building Standards and Construction Codes - Community Development and Services (Fifteen minute estimate)
- B. (089-14) Consider adding Chapter 10.50 Repair and Reconstruction to Yuba County Ordinance Code Title 10 - Community Development and Services (Fifteen minute estimate)

**Protective Inspection Committee** - (Supervisors Vasquez and Abe - Alternate Supervisor Griego)

- A. (090-14) Consider resolution authorizing the Director of Environmental Health to apply for the Rural Underground Storage Tank Leak Prevention Program Grant Fiscal Years 2014/2015 - 2018/2019 - Community Development and Services (Ten minute estimate)
- B. (091-14) Consider agreement with Applied Forest Management Inc. for Consultant Services to coordinate activities of the Yuba Watershed Protection and Fire Safe Council for Fiscal Year 2014/2015 - Agricultural Commissioner (Five minute estimate)

**5:00 P.M. Wheatland City/County Liaison Committee - CANCELLED**  
**Wheatland City Hall**  
**111 C Street**  
**Wheatland, California**

**March 14, 2014 - 11:00 A.M. Olivehurst Public Utility District/County Liaison Committee**  
**OPUD Board Room**  
**1970 9th Avenue**  
**Olivehurst, California 95961**  
A. Status and Direction for the Arboga Road wastewater collection system upgrade EDA grant.  
B. Discuss valley floor fire service consolidation and OPUD fire special tax.  
C. Other Reports  
D. Adjourn

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days before the start of the meeting. To place an item on the agenda, contact the office of the Clerk of the Board of Supervisors at (530) 749-7510.

### **PUBLIC INFORMATION**

**AGENDA ITEMS:** The opportunity of the public to be heard on an item shall be provided during the consideration of that item. In the interest of time, the Board has limited the length of such comment or input on each item to 15 minutes total, with a limit of no more than 5 minutes per person or group. The period for public comments on a particular item may be extended upon a majority vote of the Board. These time limits do not apply to applicants appearing before the Board on behalf of their applications.

**ACTION ITEMS:** All items on the Agenda under the headings "Consent," "County Departments," Ordinances and Public Hearings," "Items of Public Interest," and "Closed Session," or any of them, are items on which the Board may take any action at this meetings.

**PUBLIC HEARINGS:** All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Board has limited each person or group input to no more than 3 minutes. Any person or group may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board.

**ORDINANCES:** Ordinances shall not be passed within five days of their introductions, nor at other than a regular meeting or at an adjourned regular meeting. The Board of Supervisors will address ordinances at first readings. The public is urged to address ordinances at first readings. Passage of ordinances will be held at second readings, after reading the title, further reading is waived and adoption of the ordinance is made by majority vote. An urgency ordinance may be passed immediately upon introduction. The Board reserves the right to amend any proposed ordinances and to hold a first reading in lieu of a second reading.

**INFORMATIONAL CORRESPONDENCE:** The Board may direct any item of informational correspondence to a department head for appropriate action.

**SCHEDULED LUNCH BREAK:** Between the hours of 12:00 noon and 1:00 p.m. and at the discretion of the Chair, the Board will recess one hour for lunch.

**SPECIAL MEETINGS:** No public comment shall be allowed during special meetings of the Board of Supervisors, except for items duly noticed on the agenda.

**End**

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*CONSENT  
AGENDA*

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# The County of Yuba

075-14

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AUDITOR - CONTROLLER

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C. RICHARD EBERLE, CPA

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915 8<sup>th</sup> Street, Suite 105  
Marysville, CA 95901-5273  
(530) 749-7810

**To:** Board of Supervisors  
**CC:** Robert Bendorf, County Administrator  
**From:** C. Richard Eberle, CPA, Auditor-Controller  
**Date:** March 11, 2014  
**Re:** Travel/Training Request

A handwritten signature in black ink, appearing to be "C. Eberle", is written over the "From:" line of the memo.

## Recommendation

Authorize travel for GFOA training at seminar located in Reno, NV.

## Background

The Government Finance Officers Association, GFOA, offers various training sessions throughout the county in order to enhance the financial skills and abilities of its members. In order to increase the level of accounting knowledge and understanding of county staff these types of trainings are sought out and attendance is encouraged. Training sessions such as these also fill continuing education requirements for the Auditor-Controller to keep active the CPA license.

## Discussion

In accordance with County Policy D-1 Travel, any travel outside of state by a department head must be approved by the Board of Supervisors. The training seminar is located in Reno, NV. A similar training was offered in January 2014 in Long Beach, CA but the transportation and lodging costs at Long Beach were more than for the seminar in Reno.

## Committee Action

This action is being presented to directly to the Board of Supervisors.

## Financial Impact

The total cost of attending the seminar will be \$2011 including \$1,234 for training and \$777 for lodging and transportation. These costs have been included in the current budget allocation for travel in the Auditor-Controller's office.

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# The County of Yuba

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## Office of Clerk of the Board of Supervisors

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**To:** Board of Supervisors

**From:** Donna Stottlemeyer, Clerk of the Board

**Subject:** Area 4 Agency on Aging Advisory Council – At Large Representative

**Date:** March 11, 2014

### Recommendation

Appoint Dennis Michael Ayres to the Area 4 Agency on Aging Advisory Council to finish the current term ending June 2014, and serve a three year term ending June 30, 2017.

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information. This position has been vacant since February 2010. One application has been received from Mr. Ayres and is attached for your review.

In light of the expressed interest, it would be appropriate to appoint at this time.

### Fiscal Impact

None

### Committee Action

None required.

Attachments

# The County of Yuba

RECEIVED

FEB 13 2014



## Application for Board/Commission/Committee Appointed by the Board of Supervisors

Clerk/Board of Supervisors

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS  
YUBA COUNTY GOVERNMENT CENTER  
915 EIGHTH STREET, SUITE 109  
MARYSVILLE, CA 95901

(530) 749-7510

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: AREA 4 Agency  
Commission on Aging Advisory Council

APPLICANT NAME: Dennis Michael Ayres

MAILING ADDRESS -  
(Street/P.O. Box, City, Zip):

PHYSICAL ADDRESS  
(Street, City, Zip):

TELEPHONE:

HOME:

WORK:

N/A.

EMAIL ADDRESS:

OCCUPATION/PROFESSION:  
SUPERVISOR/ DISTRICT  
NUMBER:

Retired

4

REASONS YOU WISH TO  
SERVE ON THIS BODY:

To Better understand workings of this  
Commission, to be involved in making Difference.

QUALIFICATIONS:

Age

LIST PAST AND CURRENT  
PUBLIC POSITIONS HELD:

Current - Yuba/Sutter Mental Health Advisory Board  
Past - 2 YRS Yuba County Grand Jury 11-12 / 12-13

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dennis Michael Ayres  
SIGNATURE

FEB, 7, 2014  
DATE

### THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

# *The County of Yuba*

## B O A R D O F S U P E R V I S O R S



### FEBRUARY 25, 2014 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:56 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Nicoletti presided.

- I. PLEDGE OF ALLEGIANCE: Led by Supervisor Abe. A moment of silence was held in recognition of those having served in the armed forces.
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – All present
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve                      MOVED: Mary Jane Griego      SECOND: Andy Vasquez  
 AYES: Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe, Hal Stocker  
 NOES: None    ABSENT: None    ABSTAIN: None

#### A. Board of Supervisors

1. (055-14) Adopt resolution authorizing application and execution of grant agreement with the California Arts Council by Yuba Sutter Regional Arts Council. Adopted Resolution No. 2014-6, which is on file in Yuba County Resolution Book No. 45.

#### B. Clerk of the Board of Supervisors

1. (056-14) Approve minutes of the meeting of February 11, 2014. Approved, as written.
2. (057-14) Appoint Ryan M. Harter to the Plumas Lake Specific Plan Design Review Committee as a Residential Representative for a term to end February 25, 2015. Approved.

#### C. Clerk-Recorder/Elections

1. (058-14) Adopt resolution authorizing Clerk/Recorder to execute agreement with California Secretary of State for HAVA grant funding in an amount of \$19,402.52 for VoteCal Statewide Voter Registration System Project. Adopted Resolution No. 2014-7, which is on file in Yuba County Resolution Book No. 45.

D. Community Development and Services

1. (059-14) Approve plans, specifications, estimate, and authorization to advertise the State Route 70/Feather River Boulevard interchange project for bid, with a tentative bid opening date of April 15, 2014, and authorize Chair to execute. Approved.
2. (060-14) Adopt resolution authorizing Yuba County Community Development and Services Agency Director or his designee to complete the purchase of single family residence APN 021-270-025, 019-433-010, and 021-172-025 as part of the Neighborhood Stabilization Program and execute all documents needed for completion of purchase, rehabilitation, and resale. Adopted Resolution No. 2014-8, which is on file in Yuba County Resolution Book No. 45.
3. (061-14) Adopt resolution designating McGowan Parkway at Powerline Road as an all-way stop intersection. (Land Use and Public Works Committee recommends approval) Adopted Resolution No. 2014-9, which is on file in Yuba County Resolution Book No. 45.

E. Human Resources and Organizational Services

1. (062-14) Adopt resolution authorizing Human Resources to obtain and maintain its own Originating Agency Identification number to access applicant criminal history information for employment background check purposes. Adopted Resolution No. 2014-10, which is on file in Yuba County Resolution Book No. 45.

IV. PUBLIC COMMUNICATIONS:

Mr. Pedro Alcala, Brownsville - Rezoning of property to commercial

Ms. Lori Wentz, Marysville - Let's Get Covered Event, St John Episcopal Church March 8<sup>th</sup> 10:00 a.m. – 2:00 p.m.

Mr. Richard Boyd, Browns Valley - Formation of CSA 37

Mr. Tom Mohler, Tehama County – Representation on north state issues

Ms. Christina Petricca, Counsel for personnel matter under Closed Session Item D

V. COUNTY DEPARTMENTS

A. Board of Supervisors

1. (074-14) Adopt resolution supporting continued funding of the Agricultural Education Incentive Gant Program. Supervisor Abe recapped funding provided to schools.

MOTION: Move to adopt                      MOVED: Hal Stocker                      SECOND: Andy Vasquez  
AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe  
NOES: None    ABSENT: None    ABSTAIN: None

Adopted Resolution No. 2014-11, which is on file in Yuba County Resolution Book No. 45.

2. (073-14) Consider State of Jefferson and take action as appropriate. (Ten minute estimate) Mr. Mark Baird recapped the declaration to withdraw from the State of California, purpose of formation of the State of Jefferson, and lack of representation in north state.



The following individuals spoke:

- Dr. Douglas Houston, Yuba Community College District
- Mr. Frank Cecil, Browns Valley
- Mr. Terry Rapoza
- Mr. Rick Reese, Marysville
- Mr. Richard Boyd, Foothills

Mr. Baird responded to Board inquiries.

Following discussion, Chair Nicoletti established an ad hoc committee appointing Supervisors Vasquez and Griego as representatives for coordination of meetings and fiscal impact information to be brought back for Board consideration on April 15, 2014.

#### B. Community Development and Services

1. (063-14) Consider letter to Sacramento Area Council of Governments concerning the third Feather River Bridge and take action as appropriate. (Fifteen minute estimate) Community Services Director Kevin Mallen recapped the project and request for a local concept study.

MOTION: Move to approve                      MOVED: Hal Stocker                      SECOND: Mary Jane Griego  
AYES: Hal Stocker, Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe  
NOES: None    ABSENT: None    ABSTAIN: None

#### C. County Administrator

1. (064-14) Receive mid-year financial report; authorize budget transfers in the total amount of \$9,369,425 including General Fund Contingency transfer in the amount of \$16,609; approve mid-year position allocation requests; and approve fixed asset request totaling \$159,114. (30 minute estimate) County Administrator Robert Bendorf and Management Analyst Grace Mull recapped the changes in budget allocations and capital outlay, and Contingency Fund requests. Ms. Mull advised the CDSA Administrative Technician had been pulled from consideration at the request of the department reducing personnel requests to eight.

Mr. Bendorf and Ms. Mull responded to Board inquiries.

MOTION: Move to authorize Budget Transfers in the total amount of \$9,369,425  
MOVED: Hal Stocker                      SECOND: Roger Abe  
AYES: Hal Stocker, Roger Abe, Andy Vasquez, John Nicoletti, Mary Jane Griego  
NOES: None    ABSENT: None    ABSTAIN: None

MOTION: Move to authorize General Fund Contingency Transfer in the amount of \$16,609  
MOVED: Hal Stocker                      SECOND: Roger Abe  
AYES: Hal Stocker, Roger Abe, Andy Vasquez, John Nicoletti, Mary Jane Griego  
NOES: None    ABSENT: None    ABSTAIN: None

MOTION: Move to approve mid-year position allocation requests as amended omitting CDSA Administrative Technician

MOVED: Roger Abe

SECOND: Andy Vasquez

AYES: Roger Abe, Andy Vasquez, John Nicoletti, Mary Jane Griego, Hal Stocker,

NOES: None ABSENT: None ABSTAIN: None

MOTION: Move to approve fixed assets request totaling \$159,114

MOVED: Roger Abe SECOND: Hal Stocker

AYES: Roger Abe, Hal Stocker, Andy Vasquez, John Nicoletti, Mary Jane Griego

NOES: None ABSENT: None ABSTAIN: None

D. Emergency Services

1. (072-14) Adopt a resolution declaring and to ratify the existence of a local emergency in the County of Yuba. Emergency Operations Manager Scott Bryan recapped the ratification of the local emergency due to on-going drought conditions and responded to Board inquiries.

MOTION: Move to adopt

MOVED: Hal Stocker

SECOND: Andy Vasquez

AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2014-12, which is on file in Yuba County Resolution Book No. 45.

VI. CORRESPONDENCE

MOTION: Move to accept and file

MOVED: Hal Stocker

SECOND: Andy Vasquez

AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe

NOES: None ABSENT: None ABSTAIN: None

- A. (065-14) Initial Study from Three Rivers Levee Improvement Authority for Proposed Mitigation Negative Declaration regarding Yuba Goldfields 100-year Flood Protection Project. Received.
- B. (066-14) Area 4 Agency on Aging Annual Report 2012-2013. Received.
- C. (067-14) Notice from State of California Fish and Game Commission of proposed emergency action regarding low flow closures to fishing due to drought conditions. Received.
- D. (068-14) Letter from Yuba Sutter Regional Arts Council regarding activities and Fiscal Year 2014-2015 funding request. Received.
- E. (069-14) Notice from California State Water Resources Control Board of petition for temporary transfer of 277,862 acre-feet of water effective May 1, 2014. Received.

VII. BOARD AND STAFF MEMBERS' REPORTS: Postponed.

VIII. CLOSED SESSION: The Board retired into closed session at 12:19 a.m. and returned at 1:13 p.m. with all present as indicated above except Supervisor Stocker.

- A. Pending litigation pursuant to Government Code §54956.9(d)(1) - Wollaston vs. Yuba County et. al. No report.
  - B. Pending litigation pursuant to Government Code §54956.9(d)(1) - Chellis-Rai vs. Yuba County No report.
  - C. Pending litigation pursuant to Government Code §54956.9(d)(1) - Victor Community Support Services vs. Sutter Yuba Mental Health No report.
  - D. Personnel pursuant to Government Code §54957 - Public Employee Discipline/Dismissal/Release No report.
  - E. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - YCEA/County of Yuba No report.
- Supervisor Stocker left closed session at 12:55 p.m.
- F. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Clerk of the Board of Supervisors Completed.

IX. ADJOURN: 1:14 p.m. in memory of Mr. Henry Hank Sanchez and Mr. Frank Edward Zak

\_\_\_\_\_  
Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_  
Approved: \_\_\_\_\_

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# The County of Yuba

078-14

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## HEALTH & HUMAN SERVICES DEPARTMENT

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**Jennifer Vasquez, Interim Director**

5730 Packard Ave., Suite 100, P.O. Box 2320, Marysville, California 95901  
Phone: (530) 749-6311 FAX: (530) 749-6281



**Michael Kinnison, M.D.,  
Interim Health Officer**  
Phone: (530) 749-6366

**TO:** Board of Supervisors  
Yuba County

**FROM:** Jennifer Vasquez, Interim Director *J*  
Carol Newsom, Program Manager *Can*  
Health & Human Services Department

**DATE:** March 11, 2014

**SUBJECT:** Adopt Resolution Authorizing the Health and Human Services Director to Implement Mandated Adjustments to General Assistance Standard of Aid.

**RECOMMENDATION:** It is recommended that the Board of Supervisors adopt the attached resolution authorizing the Health and the Health and Human Services Director to implement mandated increases or decreases to General Assistance grant levels.

**BACKGROUND:** The Health and Human Services Department administers the General Assistance Program to meet minimum subsistence needs of indigent residents in Yuba County pursuant to Welfare and Institutions Code Section 17000. The current General Assistance grant levels were defined in a Resolution adopted by the Board of Supervisors in 2011.

**DISCUSSION:** Welfare and Institutions Code 11453 defines that General Assistance Standards of Aid are subject to adjustment in alignment with Public Assistance grant level adjustments. An increase to Public Assistance maximum assistance payments is scheduled for implementation in March 2014 which will necessitate a commensurate increase in General Assistance payments at the county level.

This resolution will also allow the Director of Health and Human Services to implement increases or decreases in the General Assistance standard as defined by law.

**COMMITTEE:** The Human Services Committee recommended approval on February 25, 2014.

**FISCAL IMPACT:** It is estimated there will be no impact to the County General Fund in the current fiscal year. A \$4,500 increase is estimated for fiscal year 2014-2015. Future impact will be based upon prospective adjustments to General Assistance grant levels and fluctuation in caseload size.

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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

**RESOLUTION AUTHORIZING  
THE DIRECTOR OR HIS/HER  
DESIGNEE OF THE HEALTH AND  
HUMAN SERVICES DEPARTMENT  
TO IMPLEMENT CHANGES TO  
GENERAL ASSISTANCE  
STANDARDS OF AID**

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RESOLUTION No. \_\_\_\_\_

WHEREAS, Welfare & Institutions Code Section 17000 allows the Board of Supervisors to adopt a general assistance standard of aid and to annually adjust the assistance standards to align with adjustments to the Public Assistance aid payments; and

WHEREAS, the rate for Public Assistance aid payments in accordance with the Welfare and Institutions (W&I) Code 11453 will increase effective March 1, 2014; and

WHEREAS, the Director of the Health and Human Services Department desires to implement any statutory increases, decreases, or reductions in the General Assistance standard of aid maximum effective March 1, 2014 and future adjustments as needed.

NOW, THEREFORE, BE IT RESOLVED, that the Yuba County Board of Supervisors, hereby authorize the Director of the Health and Human Services Department or his/her designee to implement the March 1, 2014 increase and future

adjustments as needed to the General Assistance standard of aid to align with adjustments to the Public Assistance aid payments.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

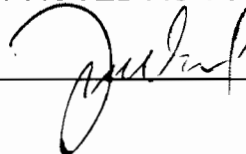
ABSENT:

ABSTAIN:

\_\_\_\_\_  
, Chair of the Board

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

\_\_\_\_\_  
ANGIL P. MORRIS-JONES  
YUBA COUNTY COUNSEL  
APPROVED AS TO FORM:

  
\_\_\_\_\_



**YUBA COUNTY  
HUMAN RESOURCES & ORGANIZATIONAL  
SERVICES DEPARTMENT**

**915 8TH STREET, SUITE 113, MARYSVILLE, CA 95901**

**DATE:** March 11, 2014

**TO:** Board of Supervisors

**FROM:** Martha Wilson, Human Resources Director



**RECOMMENDATION**

Approve the recommendation to amend the Position Allocation and Classification System – Basic Salary Schedules effective March 1, 2014.

**BACKGROUND**

The 2014 mid-year budget process was approved by the Board of Supervisors on February 25, 2014, and includes changes in salary and position.

**DISCUSSION**

The attached Resolution updates the County Basic Salary Schedule and Position Allocation to reflect the mid-year budget changes approved by the Board of Supervisors on February 25, 2014, and to clean-up classifications no longer in use.

**COMMITTEE**

This item has bypassed committee as it is administrative in nature.

**FISCAL IMPACT**

None

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**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

RESOLUTION AMENDING THE  
CLASSIFICATION SYSTEM –  
BASIC SALARY SCHEDULE

RESOLUTION NO. \_\_\_\_\_

BE IT RESOLVED that the Classification System – Basic Salary Schedule is amended as follows effective March 1, 2014.

**DELETE:**

Code	Classification	Unit	BASE: STEP A	HOURLY	OT Code	WC Code
ASPL	Assistant Planner	4	\$4,037	23.29	06	9410
APLR	Associate Planner	4	\$4,966	28.65	06	9410
PLCO	Parks & Landscape Coordinator	3	\$4,037	23.29	06	9410
PRAS-1	Printer's Assistant I	2	\$2,172	12.53	06	9420
PRAS-2	Printer's Assistant II	2	\$2,516	14.52	06	9420
PSCR	Printing Services Coordinator	5	\$3,006	17.34	06	9420
RMSR	Road Maintenance Supervisor	5	\$3,694	21.31	06	9422
SEPL	Senior Planner	4	\$5,425	31.30	06	9410

**ADD:**

Code	Classification	Unit	BASE: STEP A	HOURLY	OT Code	WC Code
PETE	Permit Technician	1	\$2,832	16.34	06	8810.1
PLAN-1	Planner I	4	\$4,037	23.29	06	9410
PLAN-2	Planner II	4	\$4,966	28.65	06	9410
PLAN-3	Planner III	4	\$5,425	31.30	06	9410

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the following votes:

AYES:  
NOES:  
ABSENT:

CHAIRMAN

ATTEST: Donna Stottlemeyer  
Clerk of the Board

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

By: \_\_\_\_\_

By:  \_\_\_\_\_

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

RESOLUTION AMENDING THE ) RESOLUTION NO. \_\_\_\_\_  
 DEPARTMENTAL POSITION )  
 ALLOCATION SCHEDULE )  
 \_\_\_\_\_ )

BE IT RESOLVED that the Departmental Position Allocation Schedule as it relates to the following department(s) is amended effective March 1, 2014 as follows:

**DELETE:**

DEPARTMENT	CLASSIFICATION	# OF POSITIONS
Community Development	Assistant/Associate Planner	1
Health & Human Services	Employment & Training Specialist I/II	1
Community Development	Hazardous Materials Specialist I/II/III	1
Health & Human Services	Office Assistant I/II	1
Community Development	Parks & Landscape Coordinator	1

**ADD:**

DEPARTMENT	CLASSIFICATION	# OF POSITIONS
Community Development	Accounting Specialist	1
Community Development	Environmental Health Specialist I/II	1
Community Development	Office Specialist	1
Community Development	Permit Technician	1
Community Development	Planner I/II/III	1
Community Development	Public Works Maintenance Worker I/II	1
Health & Human Services	Senior Eligibility Technician	1
Health & Human Services	Social Worker Supervisor (Employ)	1

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the following votes:

AYES:  
 NOES:  
 ABSENT:

\_\_\_\_\_  
 CHAIRMAN

ATTEST: Donna Stottmeyer  
 Clerk of the Board

APPROVED AS TO FORM: Angil Morris-Jones  
 County Counsel

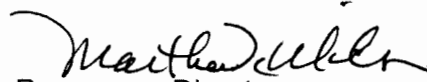
By: \_\_\_\_\_

By:  \_\_\_\_\_

**YUBA COUNTY  
HUMAN RESOURCES & ORGANIZATIONAL  
SERVICES DEPARTMENT**

**915 8TH STREET, SUITE 113, MARYSVILLE, CA 95901**

**DATE:** March 11, 2014  
**TO:** Board of Supervisors  
**FROM:** Martha Wilson, Human Resources Director  
Steven L. Durfor, Sheriff



**RECOMMENDATION**

Adopt the resolutions to amend the Position Allocation and Classification System – Basic Salary Schedules as they relate to the Sheriff's Department, effective April 1, 2014.

**BACKGROUND**

In July of 2008 the Sheriff's Department initiated a transition in titles for their correctional division. The Sheriff's Sergeant – Corrections was properly re-titled to Correctional Sergeant at that time. The Sheriff's Lieutenant – Corrections followed in October of 2012.

**DISCUSSION**

The Sheriff's department would like to complete the transition of their correctional titles by changing Deputy Sheriff I to Correctional Officer, as consistent with the industry standard for this job classification. Following the industry standard will reduce confusion in the recruitment process by more accurately representing the position to applicants. Accordingly, with the change in title to the Deputy Sheriff I the Sheriff's department would like to re-title the Deputy Sheriff III to Deputy Sheriff.

The attached Resolutions update the County position allocation and salary schedule.

**COMMITTEE**

This item has bypassed committee as it is administrative in action only.

**FISCAL IMPACT**

No fiscal impact.

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**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

RESOLUTION AMENDING THE  
CLASSIFICATION SYSTEM –  
BASIC SALARY SCHEDULE

RESOLUTION NO. \_\_\_\_\_

BE IT RESOLVED that the Classification System – Basic Salary Schedule is amended as follows effective April 1, 2014.

**DELETE:**

Code	Classification	Unit	BASE: STEP A	HOURLY	OT Code	WC Code
DESH-1	Deputy Sheriff I	6	\$3,188	18.39	06	7720
DESH-3	Deputy Sheriff III	6	\$3,874	22.35	06	7720

**ADD:**

Code	Classification	Unit	BASE: STEP A	HOURLY	OT Code	WC Code
CORO	Correctional Officer	6	\$3,188	18.39	06	7720
DESH	Deputy Sheriff	6	\$3,874	22.35	06	7720

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2014 by the following votes:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
CHAIRMAN

ATTEST: Donna Stottlemeyer  
Clerk of the Board

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

By: \_\_\_\_\_

By:  \_\_\_\_\_

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

RESOLUTION AMENDING THE )  
DEPARTMENTAL POSITION )  
ALLOCATION SCHEDULE )  
\_\_\_\_\_ )

RESOLUTION NO. \_\_\_\_\_

BE IT RESOLVED that the Departmental Position Allocation Schedule as it relates to the following department(s) is amended effective April 1, 2014 as follows:

**DELETE:**

<b>DEPARTMENT</b>	<b><u>CLASSIFICATION</u></b>	<b># OF POSITIONS</b>
Sheriff	Deputy Sheriff I	62
Sheriff	Deputy Sheriff III	52

**ADD:**

<b>DEPARTMENT</b>	<b><u>CLASSIFICATION</u></b>	<b># OF POSITIONS</b>
Sheriff	Correctional Officer	62
Sheriff	Deputy Sheriff	52

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the following votes:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
CHAIRMAN

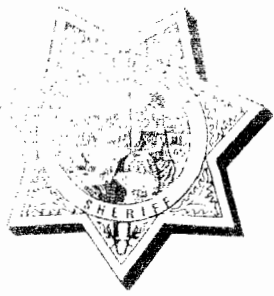
ATTEST: Donna Stottlemeyer  
Clerk of the Board

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

By: \_\_\_\_\_

By:  \_\_\_\_\_





# Yuba County Sheriff's Department

*Steven L. Durfor, Sheriff-Coroner*

215 5th Street, Suite 150, Marysville, CA 95901

Ph: 530-749-7777 • Fax: 530-741-6445



MARCH 11, 2014

TO: YUBA COUNTY BOARD OF SUPERVISORS

FR: STEVEN L. DURFOR, SHERIFF-CORONER *SD*

RE: AGREEMENT WITH DEPARTMENT OF AGRICULTURE, TAHOE NATIONAL FOREST

## **RECOMMENDATION:**

Approve and sign the agreement with the U.S. Forest Service to provide law enforcement services to fight controlled substances on U.S. forestland.

## **BACKGROUND:**

This is an annual agreement, which has been in effect for many years, and requires Board of Supervisors approval to provide law enforcement services on a reimbursable basis. The Sheriff's Department provides controlled substance support, in areas of both the Tahoe and Plumas National Forests. The agreements will provide reimbursement in the amount of \$5,000 for controlled substances.

## **DISCUSSION:**

The Sheriff will provide reimbursable law enforcement services to the Tahoe National Forests in accordance with the attached agreement. The Sheriff has adequate resources to provide the services in the same manner as provided in past years.

## **FISCAL IMPACT:**

None. The agreements provide reimbursement from the U.S. Forest Service for law enforcement services rendered, creating additional revenue for the Sheriff's Department.

## **COMMITTEE ACTION:**

Due to the routine nature of the request, this item was placed directly on the Board of Supervisor's agenda.

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USDA, Forest Service

OMB 0596-0217  
FS-1500-8A

FS Agreement No. 12-LE-11051360-003

Mod. 007

Cooperator Agreement No. \_\_\_\_\_

**EXHIBIT B****COOPERATIVE LAW ENFORCEMENT ANNUAL DRUG OPERATIONS PLAN &  
FINANCIAL PLAN****Between The  
YUBA COUNTY SHERIFF'S OFFICE****And the  
USDA, FOREST SERVICE  
USDA, FOREST SERVICE, TAHOE AND PLUMAS NATIONAL FORESTS****2014 CONTROLLED SUBSTANCE ANNUAL OPERATING AND FINANCIAL PLAN**

This Annual Financial and Operating Plan (Annual Operating Plan), is hereby made and entered into by and between the Yuba County Sheriff's Department, hereinafter referred to as "MCS," and the USDA, Forest Service, Tahoe and Plumas National Forests, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement # 12-LE-11051360-003 executed on August 14, 2013. This Annual Operating Plan is made and agreed to as of the last date signed below and is for the estimated period beginning October 1, 2013 and ending September 30, 2014.

Previous Year Carry-over: \$0.00

Current FY-14 Year Obligation: **\$5,000.00****FY-2014 Total Annual Operating Plan: \$5,000.00****I. GENERAL:**

- A. The following individuals shall be the designated and alternate representative(s) of each party, so designated to make or receive requests for special enforcement activities.

**Principal Cooperator Contacts:**

<b>Cooperator Program Contact</b>	<b>Cooperator Administrative Contact</b>
Steven L. Durfor, Sheriff Yuba County 215 5 <sup>th</sup> Street, Suite 150 Marysville, CA 95901-5737 Telephone: 530-749-7779 FAX: 530-742-6286 Email: <a href="mailto:sudurfor@co.yuba.ca.us">sudurfor@co.yuba.ca.us</a>	Michelle Manning, Financial Manager Yuba County 215 5 <sup>th</sup> Street, Suite 150 Marysville, CA 95901-5737 Telephone: 530-749-7732 FAX: 530-749-7352 Email: <a href="mailto:mmanning@co.yuba.ca.us">mmanning@co.yuba.ca.us</a>
Cooperator Alternate Program Contact	Cooperator Alternate Program Contact



Mark Heath, Narcotics Yuba County 215 5th Street, Suite 150 Marysville, CA 95901-5737 Telephone: 530-749-7779 FAX: 530-742-6286 Email: <a href="mailto:mheath@co.yuba.ca.us">mheath@co.yuba.ca.us</a>	Scott Rounds, Narcotics Yuba County 215 5th Street, Suite 150 Marysville, CA 95901-5737 Telephone: 530-749-7779 FAX: 530-742-6286 Email: <a href="mailto:srounds@co.yuba.ca.us">srounds@co.yuba.ca.us</a>
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**Principal U.S. Forest Service Contacts:**

<b>U.S. Forest Service Program Manager Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Scott McIntyre, Special Agent Feather River Ranger District 875 Mitchell Avenue Oroville, CA 95965-4699 Telephone: 530-721-0739 FAX: 530-621-5260 Email: <a href="mailto:spmcintyre@fs.fed.us">spmcintyre@fs.fed.us</a>	Angela O. Cabada, Program Support Assistant Pacific Southwest Regional Office-LEI 1323 Club Drive Vallejo, CA 94592-1110 Office: (707) 562-8720 FAX: (707) 562-9031 Email: <a href="mailto:aocabada@fs.fed.us">aocabada@fs.fed.us</a>

<b>U.S. Forest Service Program Coordinator Contact</b>	
Kent Delbon Assistant Special Agent in Charge Pacific Southwest Regional Office-LEI 11323 Club Drive Vallejo, CA 94592-1110 Office: (707) 562-8649 FAX: (707) 562-9031 Email: <a href="mailto:kdelbon@fs.fed.us">kdelbon@fs.fed.us</a>	

**II. CONTROLLED SUBSTANCE OPERATIONS**

Pursuant to IV-I of the Cooperative Law Enforcement Agreement between YCS and the U.S. Forest Service, Agreement No. **12-LE-11051360-0003**, the following is in support of operations to suppress manufacturing and trafficking of controlled substances on or affecting the administration of National Forest System lands, with an emphasis on identification, apprehension and prosecution of suspects engaged in these activities:



A. The U.S. Forest Service agrees:

1. To reimburse YCS for expenditures associated with the detection of locations and activities related to illegal production and trafficking of controlled substances, including:
  - a. Ground reconnaissance to identify and inventory locations and activities associated with producing or trafficking controlled substances.
  - b. Aerial reconnaissance to identify and inventory locations and activities associated with producing or trafficking controlled substances. Reconnaissance shall be performed using a U.S. Forest Service approved aircraft with a minimum of one U.S. Forest Service observer on board, unless waived by the U.S. Forest Service.
2. To reimburse YCS for certain expenses resulting from investigative activities associated with investigating cases involving the illegal production or trafficking of controlled substances on or affecting the administration of National Forest system lands, including:
  - a. Surveillance operations to identify persons illegally producing or trafficking controlled substances.
  - b. Apprehension of persons suspected of producing or trafficking controlled substances.
  - c. Collection of evidence to support prosecution of persons suspected of illegally producing or trafficking controlled substances.
  - d. Prosecution of persons suspected of producing or trafficking controlled substances.
3. To reimburse YCS for expenses resulting from the removal of cannabis plants from National Forest System lands. When circumstances indicate that removal of the cannabis plants is required before an investigation to determine the person(s) responsible can be completed, eradication operations must be approved by the U.S. Forest Service prior to taking place.

**Note:** YCS retains the authority to eradicate cannabis plants from National Forest System lands without reimbursement from the U.S. Forest Service at its discretion.

4. To reimburse YCS for the costs of purchasing supplies and equipment used exclusively for activities described in items A.1, A.2, A.3 and A.4 of this Plan. Purchases must be agreed to and approved by the U.S. Forest Service.

Purchases may **not exceed 10% of the total allocation** without prior approval by the U.S. Forest Service Designated Representative.

**B. YCS agrees:**

1. Within its capability, to perform the following activities on National Forest System lands:
  - a. Detect and inventory locations associated with illegal production or trafficking of controlled substances, and notify the U.S. Forest Service of such locations as soon as possible.
  - b. Investigations to determine the person(s) responsible for manufacturing or trafficking controlled substances.
  - c. Upon request and prior approval of the U.S. Forest Service, remove cannabis plants from National Forest System lands.
2. To furnish all activity reports, crime reports, investigation reports, and other reports or records, resulting from activities identified in **Section II, A** of this Operating and Financial Plan to the affected Forests for review and forwarding to the Regional Office for processing.

**C. The U.S. Forest Service and YCS mutually agree to the following:**

1. The following rate schedule will apply to all expenditures that may be reimbursed to YCS under this agreement;

Salary (base)	<b>\$35.00</b> per hour
Salary (overtime)	<b>\$52.50</b> per hour
Per diem cost	<b>\$39.00 ME&amp;I + \$60.00</b> Lodging
Helicopter flight time	<b>Actual documented costs</b>
Supplies or equipment	<b>Actual documented costs</b>
(copies of invoices needed for reimbursement)	

2. The total expenditures of YCS that may be reimbursed may not exceed.... **\$5,000**  
The total expenditures for item **A.4** may not exceed..... **10%** of the total allocation.
3. **Any remaining funding in the Annual Operating Plan may be carried forward to the next fiscal year and will be available to spend through the term of the Cooperative Law enforcement Agreement, or de-obligated at the request of the U.S. Forest Service.**

**III. BILLING FREQUENCY:**

*See Cooperative Law Enforcement Agreement Provisions II-H and III-B for additional information.*

The YCS will furnish itemized monthly statements of expenses to the U.S. Forest Service for expenditures that may be reimbursed as identified in items II A.1, A.2, A.3, and A.4 of this



Plan. Attachment A, Law Enforcement Billing Summary, Drug Enforcement must be completed and submitted to the contacts in (a) below for each billing statement.

**Mail copies of itemized billing statements to:**

**a.** Angela O. Cabada, PSA  
Pacific Southwest Regional Office LEI, R-5  
1323 Club Drive  
Vallejo, CA 94592-1110

**Send photo copy to:**

Scott McIntyre, Special Agent  
Feather River Ranger District  
875 Mitchell Avenue  
Oroville, CA 95965-4699

**b. Send hard copy invoices to:**

U.S. Forest Service  
Albuquerque Service Center  
Payments – Grants & Agreements  
101 B Sun Ave NE  
Albuquerque, NM 87109

Or fax to: (877) 687-4894

Or e-mail scanned invoice to: [ASC\\_GA@fs.fed.us](mailto:ASC_GA@fs.fed.us)

c. Final billings for reimbursement on this Annual Operating Plan (AOP) must be received by the U.S. Forest Service before October 30, 2014 in order to receive payment.

**d. Annually update the registration of the County Sheriff's DUNS# on the System for Award Management (SAM) website at [www.sam.gov](http://www.sam.gov) for the verification of the EFT (Electronic Funds Transfer) banking information.**

**Job Code: NFLE0514 1360 \$5,000**

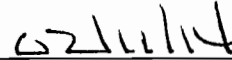


In witness whereof, the parties hereto have executed this Operating Plan as the last date written below.

\_\_\_\_\_  
County, CA Grants and Agreements Specialist

\_\_\_\_\_  
Date

  
STEVEN L. DURFOR, Sheriff  
Yuba County, CA

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
**John Nicoletti, Chairman Board of Supervisor**  
Yuba County, CA Board of Supervisors


\_\_\_\_\_  
Date

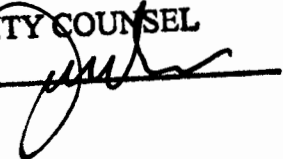
\_\_\_\_\_  
SCOTT HARRIS, Special Agent in Charge  
U.S. Forest Service, Pacific Southwest Region

\_\_\_\_\_  
Date

The authority and format of this operating plan has been reviewed and approved for signature.

  
CONSTANCE ZIPPERER  
U.S. Forest Service, Pacific Southwest Region  
Grants Management Specialist

  
\_\_\_\_\_  
Date

APPROVED AS TO FORM  
ANGIL P. MORRIS-JONES  
COUNTY COUNSEL  
BY: 





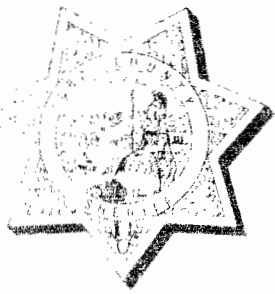
## Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

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# Yuba County Sheriff's Department

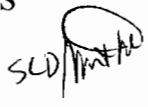
## Steven L. Durfor, Sheriff-Coroner

215 5th Street, Suite 150, Marysville, CA 95901  
Ph: 530-749-7777 • Fax: 530-741-6445



MARCH 11, 2014

TO: YUBA COUNTY BOARD OF SUPERVISORS

FR: STEVEN L. DURFOR, SHERIFF-CORONER 

RE: BOATING SAFETY AND ENFORCEMENT FINANCIAL AID PROGRAM

### **RECOMMENDATION:**

1. Approve the Resolution authorizing the Sheriff to execute the State Application for Financial Aid for the Boating Program for Fiscal Year 2014-15;
2. Approve the contract between the County of Yuba and the Department of Boating and Waterways for the purpose of performing boating and safety enforcement activities for Fiscal Year 2014-2015.

### **BACKGROUND:**

This is an annual agreement that has been in effect for many years and requires Board of Supervisor's approval. The agreement covers the period of July 1, 2014 to June 30, 2015, and provides reimbursement of \$166,131 for conducting boating safety and enforcement activities on Yuba County waterways. This funding allows for 2 Deputy III's to patrol the County waterways for the FY 2014-2015.

### **DISCUSSION:**

This is the continuation of an agreement that is a benefit to both agencies. The agreement will provide for a total of \$166,131 in additional law enforcement revenue. The Sheriff will provide reimbursable law enforcement services in accordance with the attached agreement.

### **FISCAL IMPACT:**

Boat taxes estimated at \$22,669.

### **COMMITTEE ACTION:**

Due to the routine nature of this request, this item was placed directly on the Board of Supervisor's agenda.

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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

IN RE:	)	
RESOLUTION AUTHORIZING THE	)	RESOLUTION NO. _____
SHERIFF TO EXECUTE THE STATE	)	
APPLICATION FOR FINANCIAL	)	
AID FOR THE BOATING PROGRAM	)	
FISCAL YEAR 2014-2015	)	
_____	)	

**WHEREAS**, the California Department of Boating and Waterways performs boating safety enforcement activities on waterways within the state; and

**WHEREAS**, the County of Yuba has a need for boating safety enforcement on waters under its jurisdiction; and

**WHEREAS**, pursuant to the requirements of California Harbors and Navigation Code section 663.7 and the California Code of Regulations Title 14, Division 4, Chapter 1, Article 4.5.1, the County of Yuba is eligible and entitled, on an annual basis, to apply for and receive state financial aid for boating safety and enforcement programs on waters under its jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Yuba hereby makes the following determinations:

1. Sheriff Steven L. Durfor is hereby authorized to execute on behalf of the County of Yuba that certain State Application for Financial Aid and Financial Aid Agreement for the Boating Program, Fiscal Year 2014-2015, in the form

of copies thereof on file with the Clerk of the Board of Supervisors of the County of Yuba.

2. Sheriff Steven L. Durfor is hereby authorized to execute quarterly and annual activity reports for the Boating Program, for Fiscal Year 2014-2015.
3. Yuba County Auditor, C. Richard Eberle, is hereby authorized to execute on behalf of the County of Yuba, the 'estimated boat taxes' and quarterly claims for reimbursement for the Boating Program, for the Fiscal Year 2014-2015.

**PASSED AND ADOPTED**, at the regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the following vote:

AYES:

NOES:


ABSENT:

\_\_\_\_\_  
**CHAIR**

**ATTEST: DONNA STOTTLEMEYER**

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Clerk of the Board of Supervisors

  
\_\_\_\_\_  
ANGIL P. MORRIS-JONES,  
County Counsel



### **Boating Safety and Enforcement Financial Aid Program Agreement**

This agreement entered into this *1<sup>ST</sup> day of July, 2014*, by and between the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, hereinafter called "Department," and the **COUNTY OF YUBA**, hereinafter called "Agency";

#### **WITNESSETH**

**WHEREAS**, Contingent on approval of the **Fiscal Year 2014-2015** budget, the Department intends to agree with Agency for the purpose of performing boating safety and enforcement activities as described in Title 14, California Code of Regulations Section 6593.3; and

**WHEREAS**, Agency is equipped, staffed and prepared to provide such services on the terms and conditions set forth in this agreement and in accordance with Title 14, California Code of Regulations Section 6593 et seq.; and

**WHEREAS**, pursuant to Title 14, California Code of Regulations Section 6593.6, Department shall enter into an annual agreement with each participating agency;

**NOW, THEREFORE**, it is mutually agreed as follows:

#### **I. Applicable Law**

Agency shall observe and comply with all applicable federal, state, and county statutes, ordinances, regulations, directives, and laws, including, but not limited to, Harbors and Navigation Code Section 663.7 and Section 6593 et seq. of Title 14, California Code of Regulations. Agreement shall be deemed to be executed within the State of California and construed and governed by the laws of the State of California.

#### **II. Description of Services**

Agency shall conduct boating safety and enforcement activities in the jurisdiction of the Agency in consideration of the payments hereinafter set forth.

#### **III. Payments**

- A. **Maximum Amount.** The amount the Department shall be obligated to pay for services rendered under this agreement shall not exceed **\$166,131.00** for the agreement term in full consideration of Agency's performance of the services described in this agreement.
- B. **Rate of Payment.** The Department shall reimburse Agency in accordance with the reimbursement procedures set forth in Title 14, California Code of Regulations Section 6593.9.

- C. Submission of Claims. Agency shall submit claims for reimbursement to the Department contact person identified in paragraph V of this contract on a \_\_\_ monthly **OR** ☒ quarterly basis. **(Please check one)**
- D. Failure to Submit Claims. Claims for reimbursement shall be submitted within 60 days following the last day of the reporting period. Pursuant to Title 14, California Code of Regulations 6593.9 (i), the Department may reduce an Agency's allocation by five percent if the Agency exceeds the sixty-day billing period and an additional five percent for every thirty-day period thereafter that the Agency is late in filing a claim.

#### **IV. Records**

Agency shall maintain records pursuant to Section 6593.10 of Title 14, California Code of Regulations.

#### **V. Notice**

Notice shall be in writing and shall be deemed to have been served when it is deposited in the United States mail, first class postage prepaid, and addressed as follows:

***TO DEPARTMENT***

Ms. Corrina Dugger  
Department of Parks and Recreation  
Division of Boating and Waterways  
One Capitol Mall, Suite 500  
Sacramento, CA 95814

***TO AGENCY***

County of Yuba  
215 Fifth Street Suite 150  
Marysville, CA 95901

Either party may change the address to which subsequent notice and/or other communication can be sent by giving written notice designating a change of address to the other party.

#### **VI. Term**

This agreement shall be for the term beginning **July 1, 2014**, and ending **June 30, 2015**.

#### **VII. Prior Agreements**

All prior agreements regarding this subject matter between Department and Agency are hereby terminated effective June 30 prior to the term beginning date of this agreement.

#### **VIII. Amendment**

No amendment or variation of the terms of this agreement shall be valid unless made in writing and signed by the parties hereto.

#### **IX. Termination**

Agency may terminate this agreement without cause in writing at any time. Department may terminate this agreement without cause upon a sixty (60) days written notice served upon the Agency.



**X. Special Provisions**

- A. Agency hereby certifies that the obligations created by this agreement do not violate the provisions of Sections 1090 to 1096 of the Government Code.
- B. This agreement shall have no force or effect until signed by the Department, Agency, and approved by the Department of General Services Legal Department, if required.
- C. Agency shall continue with the responsibilities of this agreement during any dispute.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

CALIFORNIA DEPARTMENT OF PARKS AND  
RECREATION, DIVISION OF BOATING AND  
WATERWAYS

By: \_\_\_\_\_

Sylvia Ortega Hunter, Deputy Director  
*California Department of Parks and Recreation,  
Division of Boating and Waterways*

Date: \_\_\_\_\_

“Department”

COUNTY OF YUBA

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

“Agency”

APPROVED AS TO FORM

ANGIL P. MORRIS-JONES

COUNTY COUNSEL

BY:  \_\_\_\_\_

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**Boating Safety and Enforcement Aid Program  
Proposed Program Costs -- 801.1  
Fiscal Year**

Agency Sheriff's Department

Address 215 Fifth Street, Ste 150, Marysville, CA

County County of Yuba

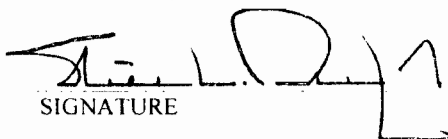
**Proposed Program Costs**

1. Personnel (Form 801.2)	\$196,308.00
2. Operations, Maintenance and Equipment (Form 801.3) <sup>a</sup>	\$51,050.00
3. Total direct BS&E proposed program cost (2+3)	\$247,358.00
4. Administrative costs <sup>b/</sup>	
5. Total BS&E proposed program costs (3+4)	\$247,358.00
6. Less: Boat Taxes (Form 801.4)	\$22,669.00
7. Total Net Proposed Program Cost (5-6)	\$224,689.00

a/ New applicant agencies should use 30% of personnel costs to estimate operations, maintenance and equipment costs in lieu of form 801.3.

b/ Administrative costs cannot exceed five percent of direct BS&amp;E proposed program cost (line 3).

County Authorized Representative:

  
SIGNATURESteven L. Durfor, Sheriff-Coroner  
TYPED NAME10/6/13  
DATE(530) 749-7777  
TELEPHONE



## Application for Financial Aid -- 801

### Fiscal Year 2014-2015

Agency Sheriff's Department  
 Address 215 Fifth Street, Ste 150, Marysville, CA

County County of Yuba

#### General Description of Boating Safety and Enforcement Programs:

(Give a comprehensive description of all programs in the County. If more space is needed, please attach a separate sheet).

Patrol waterways, enforcing both State and Local boating laws and regulations, conduct boating safety presentations, investigate boating accidents, perform vessel investigations, issue verbal and/or written citations as needed, supervise organized water events, search and recovery of drowning victims, and other boating activities as requested.

Waterways to be Patrolled						Estimated Density by Quarter <sup>a/</sup>			
Lakes, Open Ocean	Area in Square Miles	Primary Usage <sup>b/</sup>	Type(s) of Patrols <sup>c/</sup>	FT or PT <sup>d/</sup>		1st	2nd	3rd	4th
1. Bullards Bar	7.5	B	On-water	FT		420	85	40	360
2. Camp Far West	1.9	B	On-water	FT		110	20	35	285
3. Englebright	1.2	B	On-water	FT		190	37	26	160
4. Merle Collins	1.63	B	On-water	FT		105	15	15	125
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
Rivers	Length in Miles	Primary Usage <sup>b/</sup>	Type(s) of Patrols <sup>c/</sup>	FT or PT <sup>d/</sup>		1st	2nd	3rd	4th
1. Feather River	26	B	On-water	FT		40	17	21	175
2. Yuba River	25	B	On-water	FT		7	14	2	23
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

a/ Enter the highest number of boats on the waterway at any one time on any one day in each quarter, excluding holidays and holiday weekends.

b/ A = Fishing; B = Combined recreational boating activities (fishing, water skiing, pleasure boating, etc.)

c/ On-water, foot, truck/vehicle, and/or air

d/ FT = Full-time; PT = Part-time. If less than full-time, specify patrol schedule on a separate sheet.



**Boating Safety and Enforcement Aid Program**  
**Proposed Personnel Costs -- 801.2**  
**Fiscal Year 2014-2015**

Agency

Sheriff's Department

County

County of Yuba

**Proposed Personnel Costs**

**Employee Compensation**

	Title	Grade	No. Hours or Months	Pay per Hour or Month	Total Compensation
1.	Deputy III	E	12.00	\$5,550.00	\$66,600.00
2.	Overtime		60.00	\$48.00	\$2,880.00
3.	Deputy III	E	12.00	\$5,650.00	\$67,800.00
4.	Overtime		60.00	\$49.00	\$2,940.00
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.	Total		144.00		\$140,220.00

22. Average Customary Fringe Benefit Percent 40.00%

23. Total Proposed Personnel Costs \$196,308.00



**Boating Safety and Enforcement Aid Program**  
**Proposed Operations, Maintenance and Equipment Costs -- 801.3**  
**Fiscal Year 2014-2015**

Agency Sheriff's Department

County County of Yuba

*Patrol Vessels:* Fuel \$19,775.00 + Repair \$3,500.00 + Storage \$3,000.00 = \$ 26,275

*Vehicles:* Miles 35,000 Mileage Allowance 0.57 = 19,775.00

## LIST OTHER O&amp;M AND EQUIPMENT

1. Hull Insurance	\$ 1,500.00
2. Maintenance of Dive Equipment and Training	\$ 3,000.00
3. Small Tools	\$ 500.00
4.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11.	\$
12.	\$
13.	\$
14.	\$
15.	\$
16.	\$
17.	\$
18.	\$
19.	\$
20.	\$
21.	\$
22.	\$
23.	\$
24.	\$
25.	\$
<b>Total</b>	<b>\$ 51,050.00</b>



## Documentation of Estimated Boat Tax Revenues -- 801.4 Fiscal Year 2014-2015

**Agency** Sheriff's Department  
**County** County of Yuba


Total estimated costs are offset by the estimated prior year vessel taxes received by the county to determine the maximum amount of financial aid you are eligible for. Vessel taxes received by the county represent 100% of the amount received by the county from the share of personal property taxes on vessels allocated to the County General Fund for boating safety and enforcement activities. Report on line 1 the estimated amount of prior year vessel taxes you anticipate you will receive.

**1. Estimated boat tax revenues from prior fiscal year** **\$ 22,669.00**

### C e r t i f i c a t i o n

I attest that I am a duly authorized representative of the auditor's office of  
Yuba county/city;  
and that this calculation results in the best estimate of boat tax revenues  
for the fiscal year noted.

  
\_\_\_\_\_  
SIGNATURE

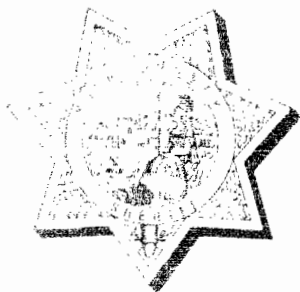
  
\_\_\_\_\_  
DATE

C. Richard Eberle, Auditor-Controller  
\_\_\_\_\_  
TYPED NAME AND TITLE

(530) 749-7810  
\_\_\_\_\_  
TELEPHONE

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# Yuba County Sheriff's Department

*Steven L. Durfor, Sheriff-Coroner*

215 5th Street, Suite 150, Marysville, CA 95901

Ph: 530-749-7777 • Fax: 530-741-6445



MARCH 11, 2014

TO: YUBA COUNTY BOARD OF SUPERVISORS

FR: STEVEN L. DURFOR, SHERIFF-CORONER *sdurfor*

RE: AGREEMENT WITH DEPARTMENT OF AGRICULTURE, TAHOE NATIONAL FOREST

**RECOMMENDATION:**

Approve and sign the cooperative agreements with the U.S. Forest Service to provide campground patrols on U.S. forestland.

**BACKGROUND:**

This is an annual agreement, which has been in effect for many years, and requires Board of Supervisor's approval to provide law enforcement services on a reimbursable basis. The Sheriff's Department provides campground patrols in areas of both the Tahoe and Plumas National Forests. The agreements will provide reimbursement in the amount of \$7,000 for campground patrols.

**DISCUSSION:**

The Sheriff will provide reimbursable law enforcement services to the Tahoe National Forests in accordance with the attached agreements. The Sheriff has adequate resources to provide the services in the same manner as provided in past years.

**FISCAL IMPACT:**

None. The agreements provide reimbursement from the U.S. Forest Service for law enforcement services rendered, creating additional revenue for the Sheriff's Department.

**COMMITTEE ACTION:**

Due to the routine nature of the request, this item was placed directly on the Board of Supervisor's agenda.

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FS Agreement No. 12-LE-11051360-003  
 Modification No. Mod 006  
 Cooperator Agreement No. \_\_\_\_\_

## EXHIBIT A

### COOPERATIVE LAW ENFORCEMENT ANNUAL PATROL OPERATIONS PLAN & FINANCIAL PLAN

Between The  
**YUBA COUNTY SHERIFF'S DEPARTMENT**  
 And the  
**USDA, FOREST SERVICE**  
**TAHOE AND PLUMAS NATIONAL FORESTS**

### 2014 ANNUAL OPERATING AND FINANCIAL PLAN

This Annual Financial and Operating Plan (Annual Operating Plan), is hereby made and entered into by and between the Yuba County Sheriff's Department, hereinafter referred to as "the Cooperator," and the USDA, Forest Service, Tahoe and Plumas National Forests, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #12-LE-1105-1360-003 executed on October 5, 2011. This Annual Operating Plan is made and agreed to as of the last date signed below and is for the estimated period beginning October 1, 2013 and ending September 30, 2014.

**FY2013 Total Annual Operating Plan: \$7,000.00**

#### I. GENERAL:

- A. The following individuals shall be the designated and alternate representative(s) of each party, so designated to make or receive requests for special enforcement activities.

#### Principal Cooperator Contacts:

<b>Cooperator Program Contact</b>	<b>Cooperator Administrative Contact</b>
Steve Durfor Sheriff, Yuba County Yuba County Sheriff's Office 215 5 <sup>th</sup> Street – Suite 150 Marysville, CA, 95901 Telephone: 530.749.7779	Beckie Howard Yuba County Sheriff's Office 215 5 <sup>th</sup> Street – Suite 150 Marysville, CA, 95901 Telephone: 530.749.7731 Email: <a href="mailto:bhoward@co.yuba.ca.us">bhoward@co.yuba.ca.us</a>



Ron Johnson  
Patrol Captain  
Yuba County Sheriff's Office  
215 5<sup>th</sup> Street  
Marysville, CA, 95901  
Telephone: 530.741.6331

**Principal U.S. Forest Service Contacts:**

<b>U.S. Forest Service Program Manager Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Michael Casey, Patrol Captain 825 N. Humboldt Avenue Willows, CA 95988 Telephone: 530-934-1261 FAX: 530-934-1128 Email: <a href="mailto:mecasey@fs.fed.us">mecasey@fs.fed.us</a>	Melissa Ewing 631 Coyote Street Nevada City, CA 95959 Telephone: 530-478-6166 FAX: 530-478-6179 Email: <a href="mailto:melissaewing@fs.fed.us">melissaewing@fs.fed.us</a>
	Constance Zipperer, Grants Management Specialist 1323 Club Drive Vallejo, CA 94592-1110 Telephone: 707-562-8782 FAX: 707-562-9144 Email: <a href="mailto:semilburn@fs.fed.us">semilburn@fs.fed.us</a>

- B. Reimbursement for all types of enforcement activities shall be at the following rates unless specifically stated otherwise. The following rates include wages, fringe benefits, and equipment:

Salary (base)	\$35.00 per hour, \$45.00/with mileage
Salary (overtime)	\$52.50 per hour, \$62.50/with mileage
Per diem costs	\$39.00/m&ie + \$65.00/lodging,

**II. PATROL ACTIVITIES:**

- A. Time schedules for patrols will be flexible to allow for emergencies, other priorities, and day-to-day needs of both the Cooperator and the U.S. Forest Service. Ample time will be spent in each area to make residents and visitors aware that law enforcement officers are in the vicinity. The emphasis for patrols should be focused on periods of higher visitor use, typically Fridays, Saturdays and Sundays. Actual work schedules may be negotiated between the designated representatives

1. Patrol in the following campgrounds, developed sites, or dispersed areas:



Cooperator agrees to make patrols through the campgrounds and areas of concentrated use, including but not limited to the high use areas of Hornswoggle, Schoolhouse, Dark Day, and Oregon Creek. Patrols shall be conducted on a call when needed basis or as scheduled by the designated representative.

When requested by the Forest Service designated representative, and as resources are available, the Cooperator will assist the Forest Service in conducting support activities related to the enforcement and investigation of violations of criminal law as they pertain to the mission of the Forest Service.

**Total reimbursement for this category shall not exceed the amount of: \$7,000.00.**

- B. Cooperator personnel assigned to duties in Section II must be regular employees of the Yuba County Sheriff's Office with at least POST certification to operate in a solo-officer capacity. The Cooperator's assigned personnel will utilize the County's standard equipment and vehicle, or perform foot patrol, and will be in standard uniform at all times, unless otherwise requested by the Forest Service.

The assigned Deputy will possess a Forest Service radio and maintain communications with Grass Valley ECC Dispatch, including going in and out of service, at all times during the patrols.

Duties for that day or time period will be entirely Forest Service oriented and patrol the areas at the request of the Forest Service designated representative. The assigned Deputy should not generally be available for routine calls for service other than those at the request of the Forest Service. Since the billable period is an hour, any calls off National Forest land that result in absence for an hour or more, will be documented and will not be billable. Patrols should be conducted with a designated Forest Officer accompanying the Deputy, as available.

For each patrol shift, the Deputy will complete and turn in a Daily Field Activity Report (DFAR, FS 5300-26, attached). The Sheriff's Deputy will complete the report after each activity and give to the Forest Service designated representative bi weekly.

The Cooperator will complete and submit to the Forest Service the Forest Service Cooperative Law Enforcement Activity Report (FS 5300-5, attached) identifying the number of crimes occurring on NFS lands. The report shall follow the FBI Uniform Crime Reporting groupings, Part I and Part II offenses. Offenses and arrest information shall be combined and reported for each crime. This report shall separate the crimes handled under this agreement from those handled by the cooperator during regular duties. Both report forms are attached to this Exhibit and/or the Cooperative Agreement. Each Forest Service designated representative will also provide the forms as needed.

The Cooperator may not be reimbursed for the services of personnel who are employed by the Forest Service in a law enforcement capacity and are also Reserve Officers of the Cooperator.



### III. EQUIPMENT AND SUPPLIES:

*See Cooperative Law Enforcement Agreement Provision IV-J for additional information.*

The Forest Service will loan those surplus items that will further the cooperative effort. These items are property, but in most cases will be expendable. The items will be tracked and accounted for by the Tahoe National Forest Patrol Captain. Items will be returned to the Forest Service when no longer needed and will report the damage or destruction of such property when applicable or no longer serviceable.

If any of these surplus items have original high value, serial numbers, sensitivity in storage, security or use, they will be loaned and accounted for on an amendment to this operating plan.

If the equipment is abused or neglected, as determined by the Forest Service, the Cooperator may be billed for the repairs or replacement of like equipment.

### IV. SPECIAL ENFORCEMENT SITUATIONS:

A. Special Enforcement Situations include but are not limited to: Fire Emergencies, Drug Enforcement, and certain Group Gatherings.

B. Funds available for special enforcement situations vary greatly from year to year and must be specifically requested and approved prior to any reimbursement being authorized. Requests for funds should be made to the U.S. Forest Service designated representative listed in Item I-A of this Annual Operating Plan. The designated representative will then notify the cooperator whether funds will be authorized for reimbursement. If funds are authorized, the parties will then jointly prepare a revised Annual Operating Plan.

1. Drug Enforcement: This will be handled on a case by case basis. The request will normally come from the patrol Captain; however, it may come from the Special Agent in Charge or their designated representative. Reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to the incident will coordinate all of their activities with the designated officer in charge of the incident.
2. Fire Emergency: During emergency fire suppression situations and upon request by the Forest Service pursuant to an incident resource order, the Cooperator agrees to provide special services beyond those provided under Section II-A, within the Cooperator's resource capabilities, for the enforcement of State and local laws related to the protection of persons and their property. The Cooperator will be compensated at the rate specified in Section I-B; the Forest Service will specify times and schedules. Upon concurrence of the local patrol Captain or their designated representative, an official from the Incident Management Team



managing the incident, Cooperator personnel assigned to an incident where meals are provided will be entitled to such meals.

3. Group Gatherings: This includes but is not limited to situations which are normally unanticipated or which typically include very short notices, large group gatherings such as rock concerts, demonstrations, and organization rendezvous. Upon authorization by a Forest Service representative listed in Section I-A for requested services of this nature, reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to this type of incident will normally coordinate their activities with the designated officer in charge of the incident.

This includes but is not limited to situations which are normally unanticipated or which typically include very short notice, large group gatherings such as rock concerts, demonstrations, and organizational rendezvous.

#### **V. BILLING FREQUENCY:**

*See Cooperative Law Enforcement Agreement Provisions II-H and III-B for additional information.*

For services requested in items I, II and agreed to under II and IV, reimbursement will be based upon itemized bills furnished monthly, along with certification that the services have been performed. Final billings for reimbursement must be received by the Forest Service before December 31, 2014.

- a. Mail copies of itemized billing statements and patrol logs to:

Melissa Ewing  
Law Enforcement & Investigations  
631 Coyote Street  
Nevada City, CA 95959

- b. The Albuquerque Service Center (ASC) is the payment center for all payments. Do not send backup documents to the ASC. Send only the hard copy invoice & Law Enforcement Billing Summary to the ASC via any of the following three options:

1. US Forest Service  
Albuquerque Service Center  
Payment – Grants and Agreements  
1001 B Sun Ave NE  
Albuquerque, NM 87109
2. Or FAX to : 877.687.4894 – Attn: Payments, Grants and Agreements
3. Or e-mail scanned invoice to: [asc\\_g&a@fs.fed.us](mailto:asc_g&a@fs.fed.us)




**NOTE: Annually update the Central Contractors Registration (CCR) of the County Sheriff's DUNS# on the CCR website at [www.ccr.gov](http://www.ccr.gov) for the verification of the Electronic Funds Transfer (EFT) banking information.**

- A. The following is a breakdown of the total estimated costs associated with this Annual Operating Plan.

Category	Estimated Costs	Not to Exceed by %
Patrol Activities	\$7,000.00	N/A
Training	0.00	N/A
Equipment and Supplies	0.00	N/A
Dispatch	0.00	N/A
Special Enforcement Situations	0.00	N/A
<b>Total</b>	<b>\$7,000.00</b>	<b>N/A</b>

- B. Any remaining funding in this Annual Operating Plan may be carried forward to the next fiscal year and will be available to spend through the term of the Cooperative Law Enforcement Agreement, or deobligated at the request of the U.S. Forest Service. *See Cooperative Law Enforcement Agreement Provision IV-D.*

In witness whereof, the parties hereto have executed this Annual Operating Plan as of the last date written below.

  
STEVE DURFOR, Sheriff  
Yuba County, CA

APPROVED AS TO FORM  
DATE 02/24/16 BY: PHIL P. MORRIS-JONES  
COUNTY COUNSEL

John Nicoletti, Chairman Yuba County Board of Supervisor Date

TOM QUINN, Forest Supervisor Date  
U.S. Forest Service, Tahoe National Forest

EARL W. FORD, Forest Supervisor Date  
U.S. Forest Service, Plumas National Forest

SCOTT HARRIS, Special Agent in Charge Date  
U.S. Forest Service, Pacific Southwest Region

The authority and format of this agreement have been reviewed and approved for





signature

CONSTANCE ZIPPERER, Grants Management

Specialist

U.S. Forest Service, Pacific Southwest Region

24 December 2013

Date

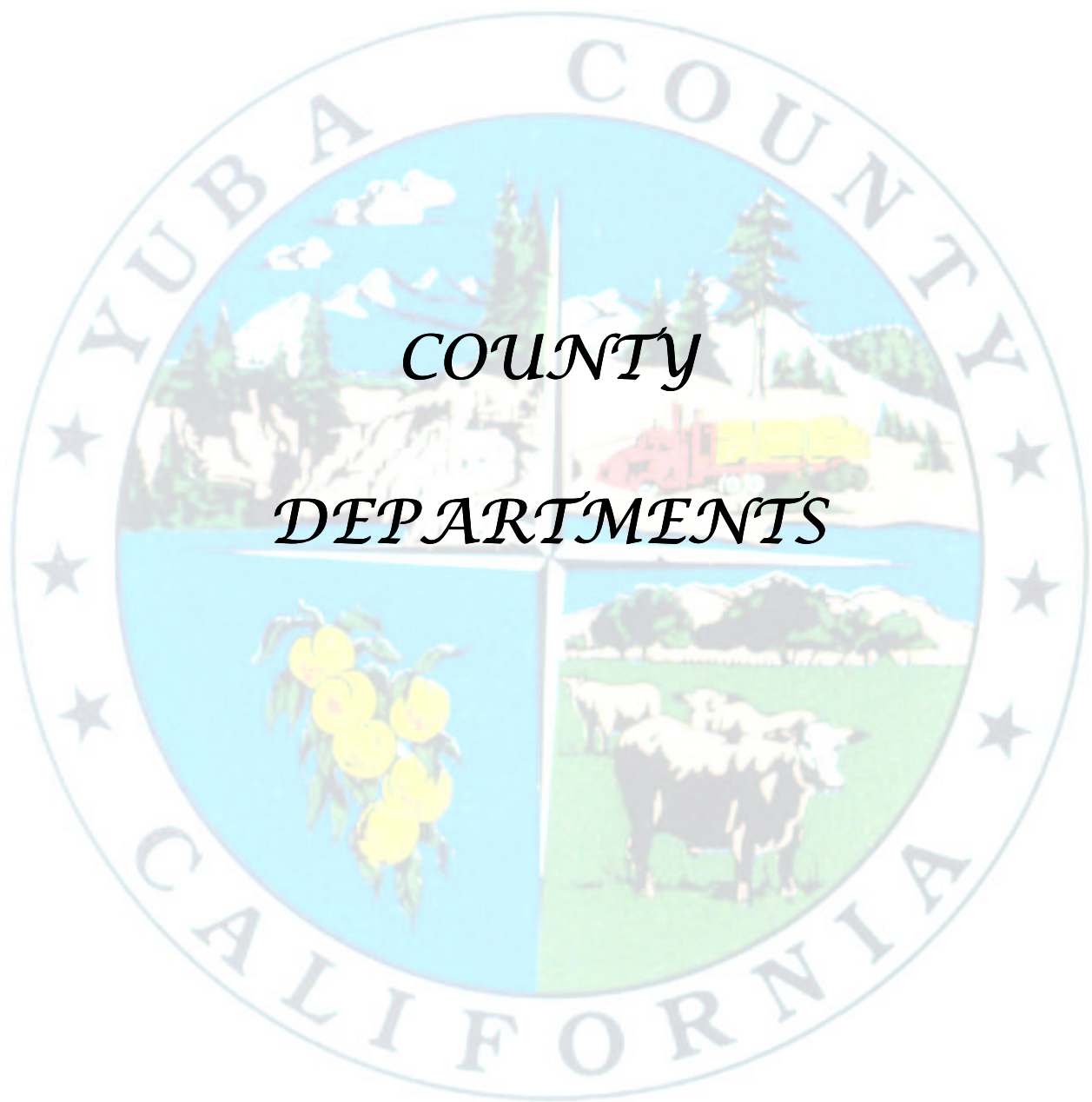
## Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

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*COUNTY*  
*DEPARTMENTS*

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# *The County of Yuba*

**Office of the County Administrator**

Robert Bendorf, County Administrator

TO: Yuba County Board of Supervisors  
FROM: Robert Bendorf, County Administrator *RB*  
Steve Durfor, Sheriff-Coroner *SD*  
Doug McCoy, Administrative Services Director *DM*  
RE: Tenant Improvements to Sheriff's Yuba Street Facility  
DATE: March 11, 2014

## **RECOMMENDATION**

It is recommended that the Board of Supervisors receive a status report regarding the Sheriff's Yuba Street Facility and provide direction as appropriate.

## **BACKGROUND**

Since the 1960s, the Yuba County Courthouse has served as the home for the Sheriff's Department, patrol, jail, special operations and communication functions. The facility serves as the home for the County's primary law enforcement function. As staff and level of services increased to meet the demands of a growing population, additional space has been needed to provide these functions.

Over the past five decades numerous remodels of the Courthouse, specifically the space occupied by sheriff's personnel, have occurred. These remodels have been completed at a significant cost to address the needs of a growing workforce, changes in the law enforcement field, and overall public safety demands.

The last proposed remodel was approved by the County in 2005. This remodel was intended to improve the efficiency of the limited space available in the Courthouse, specifically for the Sheriff's Department. The remodel was estimated to cost between \$2.5 and \$3 million. While improving operational efficiency of the Sheriff's Department, it would not have added any new operational space to the Courthouse and only minimally increased the Sheriff's occupied space. Consequently, the remodel was shelved in late 2006 to investigate the possibility of relocating the Sheriff's Department operational functions to another location.

For several years, beginning in 2007, staff began searching for a suitable location to build a new sheriff's facility or an existing building that could provide adequate space for current uses and into the future. A potential site was located to the south at Erle Road. Through discussions with the property owner, the County began to move forward with its due diligence. It was ultimately determined that the site faced wetland and drainage challenges, thus proving to be too costly. Preliminary estimates had the site and facility estimated at \$18-26 million. In addition, previous cost estimates from building and design professionals had estimated the cost of a new facility at approximately \$300 per square foot, excluding the land. Therefore, a 56,236 square foot facility at a construction cost of \$300 per sq ft would cost approximately \$16.8 million, excluding the cost of the land.

Among the alternatives discussed at the time was the 55,000 square foot Cal Trans building located on Yuba Street in Marysville. Originally listed at over \$11 million a few years prior and later at \$6.5 million, the building as well as an adjoining parcel on 7<sup>th</sup> Street was bought by the County for \$4.7 million. The County approved the purchase of the properties and the sale was completed in January 2011.

## **DISCUSSION**

Since the purchase of the Yuba Street building, a Request for Proposal was prepared for architectural and design services. Once completed and the contract was awarded, work began on space planning and the design process with Sheriff's department staff.

During the design process, the State of California introduced 2011 Prison Realignment (commonly referred to as AB 109) that became effective in October 2011. As your Board is familiar, this caused counties throughout the State to re-evaluate their offender programs, jail capacity and workforce assignments. Responding to this State Mandate a "Day Reporting Center" (DRC) concept was evaluated by the Sheriff's Department and the Community Corrections Partnership established in Yuba County. Fortunately, the purchase of the additional approximate one acre parcel on 7<sup>th</sup> Street was able to be improved and designed for the DRC. That facility has been open for over one year now and continues to meet the intent of the legislation, while meeting programmatic needs and alleviate jail overcrowding of local offenders.

Design of the primary facility continued as well as estimating costs. This work was completed in the fall of 2013. Concurrently, tenant improvements were estimated for the Public Works Corp yard building located on Skyway Drive. This building was purchased approximately two years ago, however funding was not identified as of yet for the tenant improvements.

Once finalized, it was determined that a conservative tenant improvement cost for both facilities is estimated to be (updated estimates are provided in this report as an attachment):

Public Works Corp Yard	\$ 500,000
Sheriff's Yuba Street Building	<u>\$ 9,600,000</u>
<b>Total</b>	<b>\$ 10,100,000</b>

The total price for the Sheriff's facility could come in lower; however it is not known until the project is actually bid by the County or through a construction management firm. In addition, Sheriff's staff continues to work on seeking grant funding or modifying particular parts of the building design to lower costs.

#### *Sheriff's Facility – Operational Space Issues*

As stated previously there are factors in the existing facility that inhibit the Sheriff from conducting operations more efficiently. While the Sheriff has been able to occupy some vacant space in the courthouse, the spaces are confined, disparate, and not practical. The issues facing the operations for the Sheriff are listed separately and attached to this report.

#### Funding of the Tenant Improvements

Staff has worked internally to identify potential funding sources to pay for the remainder of the Sheriff's facility project and potentially the improvements to the Public Works Corp Yard. Funding sources available include impact fees and the Capital Outlay Fund. There is not enough funding contained in these accounts for completion of the entire project(s) resulting in a need to finance a certain amount. Staff has consulted with our financial advisor who is determining financing options and has discussed a variety of them from private placement to traditional certificates of participation and other potential mechanisms. Until approval is received to put the project out to bid and construction estimates are refined, staff cannot provide the level of financing detail.

#### *Alternatives to Completing the Yuba Street Facility*

If the County does not proceed with the improvements for the Yuba Street facility, the Sheriff's department would stay in its existing space until such time it's decided to move forward. While this is an alternative, staff has reached out to representatives of the construction industry and it is estimated that beginning in 2014, construction costs are estimated to rise between six and nine percent a year.

#### Committee Action

None; this request is submitted directly to the Board of Supervisors and has been discussed with the Sheriff's Facility Ad-Hoc committee.

## **FISCAL IMPACT**

As stated in the funding alternatives attached to this report. Not included in the potential funding scenarios is the cost for the Public Works Corp Yard tenant improvements, which is estimated to be \$800,000 to \$1,000,000.



## **SHERIFF'S FACILITY / COURTHOUSE OPERATIONAL SPACE ISSUES**

### **Superior Courts**

A competing need for space exists within the Courthouse between the Superior Court and the Sheriff. Since the Trial Court Facilities legislation was approved by the legislature, space need agreements with local courts needed to be memorialized and there were certain elements of agreements that provided for their needs. In Yuba County, the agreement was reached that the Superior Court is basically a tenant that is provided space by the County at no cost to the Courts.

In addition, on the third floor of the Courthouse the Sheriff occupies two specific areas for its operations. The courts use the previously designated Board of Supervisors chambers as an additional courtroom. Through a mutual agreement with court, and in recognition of the courts taking over the collections process for fines and fees, the County would provide space on the third floor for that particular operation and to free up space to support the additional courtroom. This has not been achieved due to the sheriff's facility not being completed.

While there is no time frame associated with the agreement, the courts have been very patient and continue to provide for the collections program, although within limited space allocations on the second floor.

### **Inability to Provide Secure Parking for Law Enforcement Vehicles**

Numerous law enforcement vehicles associated with the Jail and Operations division do not have secure parking. There are a limited number of spaces in the basement of the courthouse, which provides secure parking, therefore parking of these vehicles occurs around the courthouse, which leaves them unsecure and vulnerable. In addition, uniformed law enforcement officers arriving to work park their vehicles as close as possible to the courthouse up to a block away. This increases the potential for vandalism or officer safety issues, and makes it difficult for surrounding businesses or others visiting the courthouse to find a parking space.

Upon a move to a new facility, it would alleviate a majority of the issues stated above.

### **Parking Concerns – City of Marysville**

Similar to the comments mentioned previously, the City has voiced concerns over the parking issues surrounding the Courthouse. Through an agreement with the City the County must provide adequate parking for those visiting or working at the courthouse.

The County leases space from Union Pacific for two unimproved parking areas adjacent to the railroad tracks on 6<sup>th</sup> east of B Street. In addition, the County also leases space from the Bethel A.M.E church. Costs of the Union Pacific leases are increasing significantly each year, but the County has limited options. The cost for the parking leases is a general fund expense.

During the week and particularly around the time shift changes occur at the Sheriff's department, the parking issues can encroach into areas beyond the courthouse, thus impacting customer parking for local businesses. This has been an issue for several years which the County has attempted to remedy, however the 24/7 operations of the Sheriff's office, the impact from the courts, and also the workforce associated with Probation and the District Attorney provides a significant challenge.

#### General Purpose Space Needs

Over the last five decades, as the workforce of the Sheriff's department has expanded, numerous modifications have been made to the space occupied by that department. Actual square footage has increased only minimally. This was due to the necessity to locate the investigation unit and dispatch/records on the third floor because of space needs on the first floor. The move has made it very impractical for customers as the dispatch / records access for the public is separate from where deputies are located and the public must go to a separate location on the third floor, other than the Sheriff's department primary entrance and waiting room.

Currently the Sheriff's department does not have training rooms or community meeting rooms at its current facility. Since the purchase of the Yuba Street property, the Sheriff's department staff has been able to utilize this space for training, however cannot yet use it for community meeting rooms. Also, locker room space for staff is extremely limited in the courthouse.

Simply put, the courthouse has no further room to expand for operations of the Sheriff's Department or any other occupant for that matter. Over the last fifty years, with the exception of the jail expansion, no additional square footage has been added to the courthouse for County or Superior Court operations.

#### Communications

The Sheriff's Office has suffered with poor radio communication for many years, partially due to the varied terrain of the county and partially due to the age, type, location and limitations of the radio infrastructure. The recent Federal narrow-banding requirement only served to exacerbate the situation. The move to the Yuba Street facility includes the installation of a new radio tower that would not be possible at the Courthouse facility. The tower will be of sufficient height and construction to improve the signal to the field units and will also allow the Sheriff's Office to move forward with a

radio simulcast system funded through the Department of Homeland Security grant funding, that will greatly improve communications countywide.

### Flow/Adjacencies/Efficiencies

Currently, the Sheriff's Office occupies space in the basement and all three floors of the Courthouse. Units that would benefit from working in close proximity have been forced apart by space limitations. Work flow is adversely impacted by the lack of flow caused by the physical location of units. Records have been stored in closets and back hallways making access a difficult task. The plans for the Yuba Street facility address these shortcomings and will increase efficiencies and the Sheriff's Department's ability to serve the public.

### Public Interaction

When the Dispatch and Records function of the Sheriff's Department moved to the third floor, the ability for the public to access the Sheriff's Office was negatively impacted. The Sheriff's Office continues to have a lobby on the first floor of the Courthouse but it is not staffed. Consequently, visitors to the office must use a telephone in the lobby to try to reach the person or services they are seeking. A window was installed in a hallway on the third floor for records access. The window is difficult to find and provides no sense of privacy for the citizen. Having the two points of access is confusing and citizens are often sent from the third floor to the first floor lobby to wait to see a deputy or someone in Sheriff's Administration. The Yuba Street facility plans are citizen friendly with an obvious access point, two windows to allow privacy, adequate waiting area and an interview room directly off the lobby for deputies to make contact with citizens wishing to file reports or receive information. Public parking will also be readily available.

## **SHERIFF'S FACILITY**

### **ESTIMATED TOTAL COSTS and FUNDS "EXPENDED TO DATE"**

<b>Unimproved Facility and Land Costs</b>	<b>\$ 4,700,000</b>
Tobacco Securitization Revenues	\$ 2,135,764
Law Enforcement Capital Impact Fees	\$ 874,295
Criminal Justice Impact Fees	\$ 1,689,941
<b>Total Expended To Date</b>	<b>\$ 4,700,000</b>
 <b>Arch./Design/Engineering/Internal Staff Costs (est.)</b>	 <b>\$ 1,561,730</b>
Tobacco Securitization Revenues	\$ 208,801
Law Enforcement Capital Impact Fees	\$ 988,072
Capital Outlay Fund 200	\$ 25,308
<b>Total Expended To Date</b>	<b>\$ 1,222,182</b>
 <b>Tenant Improvement Costs (estimate)</b>	 <b>\$ 9,096,120</b>
<b>Total Expended to Date</b>	<b>\$ 0</b>
 <b>Construction Management Costs (estimate)</b>	 <b>\$ 250,000</b>
<b>Total Expended to Date</b>	<b>\$ 0</b>
<hr/>	
<b>Cost Estimate Total</b>	<b>\$ 15,607,850</b>
<b>Total Expended to Date</b>	<b><u>\$ 5,922,181</u></b>
<b>Funding Needed to Complete Project</b>	<b>\$ (9,685,668)</b>

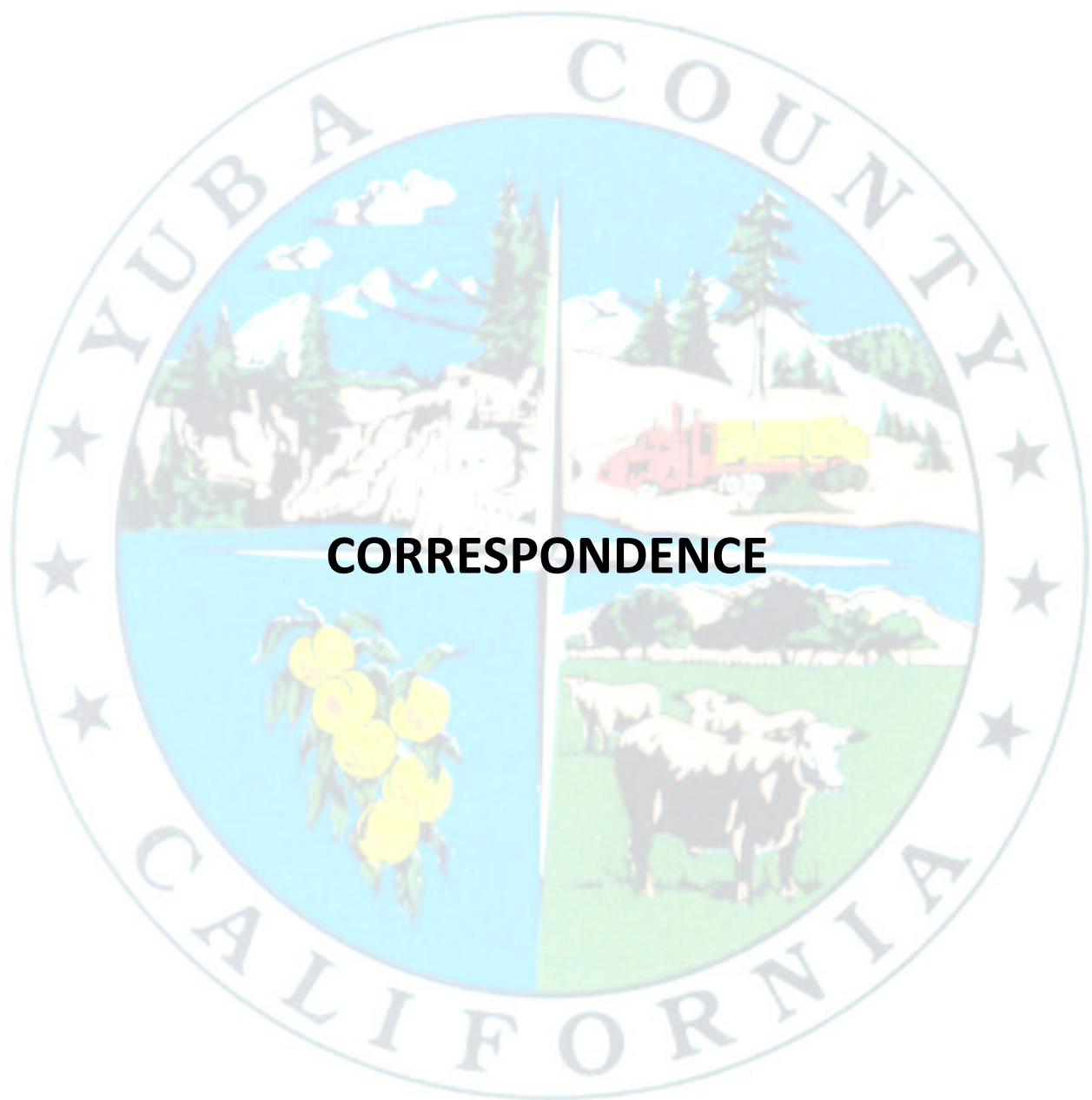
**SHERIFF'S FACILITY**

**POTENTIAL AVAILABLE FUNDING SOURCES**

<b>TYPE</b>	<b>FUND</b>	<b>AVAILABLE AS OF JANUARY 1, 2014</b>
Capital Facility Fees*	Fund 182 – General Government	\$ 40,500
Capital Facility Fees*	Fund 183 – Criminal Justice	\$ 2,280,246
Capital Facility Fees*	Fund 184 – Health/Social Services	\$ 250,655
Capital Facility Fees*	Fund 185 – Library	\$ 1,332,074
Capital Facility Fees	Fund 186 – Law Enforcement	\$ 67,100
General Fund	Fund 200 – Capital Outlay	\$ 2,297,266
TOTAL		\$ 6,200,741

*\*Use of these sources requires that FUND 186 – Law Enforcement and/or the General Fund repay these sources back.*

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EDMUND G. BROWN JR.  
GOVERNORMATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

### NOTICE OF A TEMPORARY URGENCY CHANGE PETITION BY YUBA COUNTY WATER AGENCY REGARDING PERMITS 15026, 15027, AND 15030 (APPLICATIONS 5632, 15204, AND 15574)

RECEIVED

FEB 24 2014

COUNTY: YUBA  
STREAM SYSTEM: YUBA RIVER

Clerk/Board of Supervisors

On February 5, 2014, Yuba County Water Agency (YCWA) filed a Temporary Urgency Change Petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) pursuant to California Water Code section 1435.

The requested changes would temporarily reduce minimum instream flows required by the State Water Board's Revised Decision 1644 and Corrected Order WR 2008-0014. YCWA anticipates that its operations this year may fall under the "Conference Year" designation and seeks to reduce minimum instream flows in the lower Yuba River required at the Smartsville Gage from 683 cubic feet per second (cfs) to 500 cfs for the February 1 through March 31, 2014 period. YCWA also requested to increase the required minimum instream flow at the Smartsville Gage for the period from April 1 to April 30, 2014 from no requirement to 500 cfs and increase the required minimum instream flow at the Marysville Gage for February 1 through March 31, 2014 from 245 cfs to 350 cfs. These changes would enable YCWA to more effectively manage the limited water supply in the Yuba River watershed due to the ongoing drought and would conserve water in New Bullards Bar Reservoir.

On February 19, 2014, the Division approved the TUCP with modifications.

This notice, YCWA's TUCP, an Order containing approval of the TUCP, and related project information can be viewed at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notices/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/index.shtml).

Pursuant to California Water Code section 1438(d), any interested person may file an objection to the TUCP. The procedure for addressing an objection is described in Water Code section 1438. Objections filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on **March 21, 2014**.

Send objections to both:

Mr. Greg Brown  
Permitting Section  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812  
[Greg.brown@waterboards.ca.gov](mailto:Greg.brown@waterboards.ca.gov)

Yuba County Water Agency  
c/o Mr. Ryan Bezzera  
Barkiewicz, Kronick & Shanahan  
1011 22<sup>nd</sup> Street  
Sacramento, CA 95816  
[RSB@bkslawfirm.com](mailto:RSB@bkslawfirm.com)

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

For more information regarding this project, including procedures for filing objections, please contact Greg Brown at (916) 323-1847 or [greg.brown@waterboards.ca.gov](mailto:greg.brown@waterboards.ca.gov).

DATE OF NOTICE: February 20, 2014



RECEIVED  
FEB 28 2014  
Clerk/Board of Supervisors



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

### NOTICE OF A TEMPORARY URGENCY CHANGE PETITION BY YUBA COUNTY WATER AGENCY REGARDING PERMIT 15026 (APPLICATION 5632)

COUNTY: YUBA  
STREAM SYSTEM: YUBA RIVER

On January 23, 2014, the Yuba County Water Agency (YCWA) filed a Temporary Urgency Change Petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), pursuant to California Water Code section 1435. On February 14, 2014, the Division approved the TUCP, with modifications, to temporarily authorize an additional point of diversion at San Luis Reservoir (SLR) and for continued storage of 7,400 acre-feet of Yuba Accord water in SLR into the March 1, 2014 Central Valley Project (CVP) contract year.

Members of the San Luis and Delta-Mendota Water Authority (SLDMWA) have conserved approximately 7,400 acre-feet (af) of Yuba Accord project water purchased in 2013 from the Department of Water Resources under the *Agreement for the Long-Term Purchase of Water from YCWA by the Department of Water Resources*. The TUCP proposes to add SLR as a point of diversion in YCWA's Permit 15026 to allow the Yuba Accord water currently stored in SLR to be carried over into the next Central Valley Project (CVP) contract year. An approved TUCP would allow SLDMWA to enter into a Warren Act contract with the U.S. Bureau of Reclamation (Reclamation) for the use of SLR for the storage of this water.

The request is made to allow SLDMWA members to put the 7,400 af of water currently stored in SLR to beneficial use in 2014 and would allow the districts to exercise multiple water management strategies to efficiently and beneficially use the stored water to the greatest extent under the critically dry hydrologic conditions of 2014.

This notice, YCWA's TUCP, an Order containing approval of the TUCP, and related project information can be viewed at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notice\\_s/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notice_s/index.shtml).

Pursuant to California Water Code section 1438(d), any interested person may file an objection to the TUCP. The procedure for addressing an objection is described in Water Code section 1438. Objections filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on **March 19, 2014**.

Send objections to both:

Mr. Greg Brown  
Permitting Section  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812  
[Greg.brown@waterboards.ca.gov](mailto:Greg.brown@waterboards.ca.gov)

Yuba County Water Agency  
c/o Mr. Ryan Bezzera  
Barkiewicz, Kronick & Shanahan  
1011 22<sup>nd</sup> Street  
Sacramento, CA 95816  
[RSB@bkslawfirm.com](mailto:RSB@bkslawfirm.com)

For more information regarding this project, including procedures for filing objections, please contact Greg Brown at (916) 323-1847 or [Greg.brown@waterboards.ca.gov](mailto:Greg.brown@waterboards.ca.gov).

DATE OF NOTICE: February 18, 2014

# The County of Yuba

AUDITOR - CONTROLLER

087-14

B



C. RICHARD EBERLE, CPA

915 8<sup>th</sup> Street, Suite 105  
Marysville, CA 95901-5273  
(530) 749-7810

February 13, 2014

**RECEIVED**

FEB 27 2014

Clerk/Board of Supervisors

Board of Supervisors  
County of Yuba  
915 8<sup>th</sup> Street Suite 109  
Marysville CA 95901

Honorable Members:

An Independent Audit of the financial records for the following agency has been completed for the year(s) specified:

RECLAMATION DISTRICT # 784

JUNE 30, 2013

Yours truly,

A handwritten signature in black ink, appearing to read "C. Eberle", is written over a horizontal line.

C. Richard Eberle  
Auditor-Controller

CRE/kmd  
Enclosure (1)

BOS CORRESPONDENCE B



*Yuba County, California*

January 21, 2014

Yuba County Auditor/ Controller  
C. Richard Eberle-Auditor  
915 8<sup>th</sup> Street, Suite 105  
Marysville, CA 95901

Subject: Reclamation District 784 Financial Statements for the Fiscal Year Ending  
June 30, 2013.

Dear Mr. Eberle,

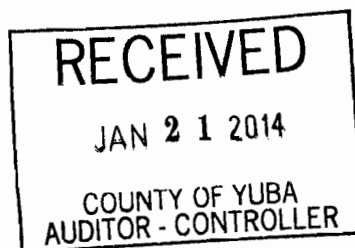
A bound copy of the Reclamation District 784 Financial Statements for the Fiscal Year Ending June 30, 2013 is included for your review. Another copy of the document is being mailed to the State Controller's Office.

Please feel free to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Steve Fordice".

Steve Fordice, General Manager  
Reclamation District 784  
1594 Broadway St.  
Arboga, CA 95961  
Phone: 530-742-0520  
Fax: 530-742-3021



**RECLAMATION DISTRICT NO. 784  
FINANCIAL STATEMENTS  
FOR THE FISCAL YEAR ENDED  
JUNE 30, 2013**

**RECLAMATION DISTRICT NO. 784**  
**FOR THE YEAR ENDED JUNE 30, 2013**  
**TABLE OF CONTENTS**

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P.O. Box 160  
661 5th Street, Suite 101  
Lincoln, CA 95648  
Office (916) 434-1662  
Fax (916) 434-1090

## INDEPENDENT AUDITOR'S REPORT

To the Members of the Board of Directors  
Reclamation District No. 784  
Arboga, California

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, and the major fund of Reclamation District No. 784 (the District), as of and for the year ended June 30, 2013, which collectively comprise the District's basic financial statements as listed in the table of contents.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

**Opinions**

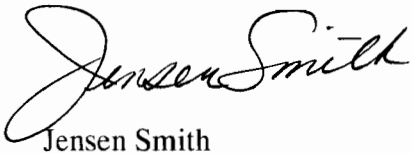
In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the District, as of June 30, 2013, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America and with the California State Controller's Minimum Audit Requirements and Reporting Guidelines for Special Districts.

**Other Matters*****Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 3 through 7 and 19 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

**Other Reporting Required by Government Auditing Standards**

In accordance with Government Auditing Standards, we have also issued our report dated January 14, 2014, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the District's internal control over financial reporting and compliance.



Jensen Smith  
Certified Public Accountants  
Lincoln, California  
January 14, 2014

## **RECLAMATION DISTRICT NO. 784 MANAGEMENT'S DISCUSSION AND ANALYSIS**

Our discussion and analysis of Reclamation District No. 784's financial performance provides an overview of the District's financial activities for the fiscal year ended June 30, 2013. Please read it in conjunction with the District's financial statements, which begin on page 7.

### **FINANCIAL HIGHLIGHTS – 2013**

The District's net position includes land, infrastructure (pump stations, ditches and canals), equipment and cash operating and reserve funds. The District's net position in the government-wide financial statements increased by \$4,314,466 or 48.4%. During the year, the District's revenue was \$5,855,798 and expenses were \$1,541,332. The majority of the increase in net position in the government-wide financial statements was attributable to \$3,954,320 of in kind contribution revenue, which was included in the District's total revenue. This in kind contribution revenue was the result of an amended reimbursement agreement with the Three Rivers Levee Improvement Authority that greatly reduced the District's reimbursement liability for infrastructure that had been contributed to the District in a prior year. The reduced amount was the result of the State of California reimbursing a significant portion of the cost.

The governmental fund activity reflected an increase in the overall fund balances of \$2,915,793 including principal payments on loans of \$4,328,747. The District's combined governmental fund revenue was \$5,860,798 and expenditures were \$8,776,591, which includes the principal payments on loans of \$4,328,747.

### **USING THIS ANNUAL REPORT**

This annual report consists of a series of financial statements. The Governmental Funds Balance Sheet/Statement of Net Position and the Statement of Revenues, Expenditures and Changes in Fund Balances/Statement of Activities (on Pages 7 and 8) provide information about the activities of the District as a whole and present a longer-term view of the District's finances and most significant funds.

#### **Reporting the District as a Whole**

The Statement of Net Position and the Statement of Activities report information about the District as a whole and about its activities. These statements include all assets and liabilities using the accrual basis of accounting, which is similar to the accounting used by most private-sector companies. All of the current year's revenue and expenses are taken into account regardless of when cash is received or paid.

These two statements report the District's net position and changes in it. You can think of the District's net position – the difference between assets and liabilities – as one way to measure the District's financial health, or financial position. Over time, increases or decreases in the District's net position are an indicator of whether its financial health is improving or deteriorating.

#### **Reporting the District's Funds**

Governmental funds – The District's basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at year-end that are available for spending. These funds are reported using an accounting method called modified accrual accounting, which measures cash and all other financial assets that can easily be converted to cash.

The governmental fund statements provide a detailed short-term view of the district's general government operations and the basic services it provides. Governmental fund information helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the District's operation. We describe the relationship (or differences) between governmental funds in reconciliation at the bottom of the fund financial statements. The statements have been combined for presentation purposes.

## THE DISTRICT AS A WHOLE

The following analysis focuses on the net position (Table 1) and changes in net position (Table 2) on the District's governmental activities.

**Table 1**  
**Net Position**  
**(in Thousands)**

	<b>Governmental Activities</b>	
	<b><u>2013</u></b>	<b><u>2012</u></b>
Current and other assets	\$ 3,530	\$ 6,236
Capital assets	<u>24,783</u>	<u>21,864</u>
Total Assets	28,313	28,100
Current liabilities	321	80
Long-term debt outstanding	1,806	6,135
Deferred inflows	<u>12,959</u>	<u>12,971</u>
Total Liabilities	<u>15,086</u>	<u>19,186</u>
Net position:		
Invested in capital assets, net of debt	22,977	15,729
Unrestricted	<u>(9,749)</u>	<u>(6,815)</u>
Total Net Position	<u>\$ 13,228</u>	<u>\$ 8,914</u>

**Table 2**  
**Changes in Net Position**  
**(in Thousands)**

	<b>Governmental Activities</b>	
	<b><u>2013</u></b>	<b><u>2012</u></b>
Revenue:		
Special assessment and property taxes	\$ 736	\$ 721
Review fees/Other	28	20
Interest	50	76
Impact fees	240	-
Reimbursements	865	823
In kind contribution	3,954	-
Unrealized gains (losses)	<u>(17)</u>	<u>(44)</u>
Total Revenue	<u>5,856</u>	<u>1,596</u>
Expenses:		
Salaries and benefits	477	413
Insurance	25	37
Professional fees	71	74
Services and supplies	115	65
Levee, pumps, equipment and ditch maintenance	334	279
Other	71	46
Grant application expense	-	-
Interest	5	6
Depreciation	<u>443</u>	<u>430</u>
Total Expenses	<u>1,541</u>	<u>1,350</u>
Increase/(Decrease) in Net Position	<u><b>\$ 4,315</b></u>	<u><b>\$ 2,078</b></u>

## Governmental Activities

The revenues for the District's governmental activities as described in the Statement of Activities, increased by 375% (\$4,260,218) while total expenses increased by 14% (\$191,682). The increased revenue was largely the result of receiving a \$3,954,320 in-kind donation of improvements in the current year.

Aside from the in-kind donation, the increase in revenue was attributable to \$240,095 in impact fees collected, and a slight increase in the benefit assessments collected by Yuba County for the District, and in the TRLIA benefit assessment funding for the urban levee system operation and maintenance.

Some of the increase in expenses was due to additional personnel hired, and to increases in levee maintenance expense and in engineering costs to oversee repairs to the levee system. Utilities, fuel, security and other contract services expenses also increased. These increases were offset in part by a decrease in engineering and insurance expenses.

## GENERAL FUND BUDGETARY HIGHLIGHTS

### Income

Reimbursements, plan check fees and drainage basin impact fees are one time income that cannot be anticipated and therefore not budgeted. Interest income varies with account balances which vary based on completion of development projects.

### Expenditures

Salaries and benefits increased as a result of additional personnel being hired.

Engineering costs decreased versus the prior year due to costs associated with deferred maintenance.

Utilities costs increased due to late rains increasing pumping costs in the current year.

Fuel costs increased as a result of the continued high price of fuel despite economies instituted by management.

An increase in ditch and canal repair costs resulted from completing deferred projects.

Interest expense costs were reduced due to the payoff of the majority of the principal amount of the loan with the Yuba County Water Agency.

## CAPITAL ASSETS AND DEBT ADMINISTRATION

### Capital Assets

At June 30, 2013, the District had \$24,851,763 invested in capital assets (see Table 3).

**Table 3**  
**Capital Assets at Year-End**  
**(Net of Depreciation, in Thousands)**

	<u>Government Activities</u>	
	<u>2013</u>	<u>2012</u>
Equipment	\$ 68	\$ 79
Pumping Plants	8,110	8,348
Building	89	93
Ella Road Detention Pond	12,139	12,302
CIP Pumping Plant	4,377	1,042
Total	<u>\$ 24,783</u>	<u>\$21,864</u>

## Debt

At the end of fiscal year 2012-2013, the District had liabilities of \$2,126,787 outstanding versus \$6,214,662 in 2012, a decrease of 66%.

**Table 4**  
**Outstanding Debt at Year-End**  
**(in Thousands)**

	Governmental Activities	
	2013	2012
Accounts Payable	\$ 321	\$ 80
Notes Payable	1,806	6,135
Total	<u>\$ 2,127</u>	<u>\$ 6,215</u>

## MANAGEMENT ANALYSIS

Management adopted expense strategies to conserve operating funds to create reserve accounts for emergency operations including purchase of flood fight supplies and for emergency power bills. Savings were also earmarked for reserve accounts to purchase equipment identified in the initial TRLIA Assessment Engineering Study but budgeted by accrual over a period of years. The extensive use of temporary employment service personnel allowed management to assess the fulltime workforce needs.

Overall debt resulted from the acceptance of Pump Station 3 and the expanded Ella Basin and the corresponding debt reimbursement agreements. The added infrastructure increased the District's ability to protect its' constituents and will be paid for by future development.

Except as noted above, next year's budget categories are very similar to this year's budget. There was a small increase in the TRLIA benefit assessment funding level based on an annual inflation adjustment increase. The District anticipates very little residential growth in the near term.

## CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, customers and creditors with a general overview of the District's finances and to show the District's accountability for the money it receives. If you have questions about this report or need additional financial information, contact the District office at 1594 Broadway, Arboga, California.

**RECLAMATION DISTRICT NO. 784**  
**Governmental Funds Balance Sheet/Statement of Net Position**  
**June 30, 2013**

	Governmental Funds Balance Sheet			Statement of Net Position	
	General Fund	Capital Fund	Total	Adjustments	Total
<b>ASSETS</b>					
<b>CURRENT ASSETS</b>					
Cash	\$ 141,247	\$ -	\$ 141,247	\$ -	\$ 141,247
Cash in County Investment Pool	2,955,892	335,826	3,291,718	-	3,291,718
Accounts Receivable	15,881	-	15,881	41,744 a	57,625
Interest Receivable	6,000	472	6,472	-	6,472
Prepaid Insurance	33,598	-	33,598	-	33,598
Total Current Assets	3,152,618	336,298	3,488,916	41,744	3,530,660
<b>NON-CURRENT ASSETS</b>					
Capital Assets- net	-	-	-	24,783,221 b	24,783,221
<b>Total Assets</b>	<b>\$3,152,618</b>	<b>\$ 336,298</b>	<b>\$ 3,488,916</b>	<b>24,824,965</b>	<b>28,313,881</b>
<b>LIABILITIES AND FUND BALANCES</b>					
<b>CURRENT LIABILITIES</b>					
Personnel Costs Payable	\$ 1,588	\$ -	\$ 1,588	-	1,588
Accounts Payable	33,501	138,926	172,427	-	172,427
Construction Retention Payable	-	74,748	74,748	-	74,748
Compensated Absences	-	-	-	71,926 c	71,926
Total Current Liabilities	35,089	213,674	248,763	71,926	320,689
<b>LONG-TERM LIABILITIES</b>					
Loans Payable	-	-	-	1,806,098 d	1,806,098
Total Long-Term Liabilities	-	-	-	1,806,098	1,806,098
<b>Total Liabilities</b>	<b>35,089</b>	<b>213,674</b>	<b>248,763</b>	<b>1,878,024</b>	<b>2,126,787</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>					
Reimbursement Payable	-	5,376,584	5,376,584	-	5,376,584
Deferred Development Fees	-	7,582,267	7,582,267	-	7,582,267
<b>Total Deferred Inflows of Resources</b>	<b>-</b>	<b>12,958,851</b>	<b>12,958,851</b>	<b>-</b>	<b>12,958,851</b>
<b>FUND BALANCES</b>					
Nonspendable	33,598	-	33,598	(33,598)	-
Unassigned	3,083,931	(12,836,227)	(9,752,296)	9,752,296	-
<b>Total Fund Balances</b>	<b>3,117,529</b>	<b>(12,836,227)</b>	<b>(9,718,698)</b>	<b>9,718,698</b>	<b>-</b>
Total Liabilities and Fund Balances	\$3,152,618	\$ 336,298	\$ 3,488,916		
<b>NET POSITION</b>					
Invested in capital assets, net of related debt and accumulated depreciation				22,977,123	22,977,123
Unrestricted				(9,748,880)	(9,748,880)
<b>Total Net Position</b>				<b>\$ 13,228,243</b>	<b>\$ 13,228,243</b>

a - Accounts receivable collected more than sixty days after fiscal year end are not considered currently available and, therefore, are not reported as a fund asset.

b - Capital assets used in the governmental activities are not financial resources and, therefore, are not reported in the funds.

c - Compensated absences payable applicable to the District's governmental activities are not due and payable in the current period and, accordingly, are not reported as a fund liability

d - Loans Payable applicable to the District's governmental activities are not due and payable in the current period and, accordingly, are not reported as a fund liability.

**RECLAMATION DISTRICT NO. 784**  
**Statement of Revenues, Expenditures, and Changes in Fund Balances/Statement of Activities**  
**For the Year Ended June 30, 2013**

	General Fund				Statement of
	Unrestricted	Capital	Total	Adjustments	Activities
	Fund	Fund			Total
<b>Revenues</b>					
Property Taxes Secured	\$ 589,639	\$ -	\$ 589,639	\$ -	\$ 589,639
CSA Property Taxes	116,174	-	116,174	-	116,174
Taxes - Teeter	29,914	-	29,914	-	29,914
Reimbursements	778,906	90,781	869,687	(5,000) a	864,687
Impact Fees	240,095	-	240,095	-	240,095
Miscellaneous Revenue	19,609	-	19,609	-	19,609
Plan Check Review Fees	4,735	-	4,735	-	4,735
Rental Fees	3,436	-	3,436	-	3,436
Interest Income	31,307	18,789	50,096	-	50,096
In Lieu Fees	-	-	-	-	-
In Kind Contributions	-	3,954,320	3,954,320	-	3,954,320
Unrealized Gains (Losses)	(10,777)	(6,130)	(16,907)	-	(16,907)
Total Revenue	1,803,038	4,057,760	5,860,798	(5,000)	5,855,798
<b>Expenditures</b>					
Salaries, Wages, and Benefits	461,622	-	461,622	14,904 b	476,526
Engineering	37,126	-	37,126	-	37,126
Professional Fees	33,740	-	33,740	-	33,740
Insurance	24,577	-	24,577	-	24,577
Telecommunications	17,463	-	17,463	-	17,463
Utilities	50,352	-	50,352	-	50,352
Office Supplies & Costs	8,080	-	8,080	-	8,080
Scanning Services	6,220	-	6,220	-	6,220
Shop Supplies & Tools	10,514	-	10,514	-	10,514
Fuel & Oil	27,311	-	27,311	-	27,311
Equipment Maintenance & Repair	15,953	-	15,953	-	15,953
Pump Maintenance & Repair	56,928	-	56,928	-	56,928
Levee Maintenance & Repair	186,480	-	186,480	-	186,480
Ditch and Canals Repairs	74,467	-	74,467	-	74,467
Interest Expense	6,752	-	6,752	(1,727) c	5,025
Safety Equipment & Training	6,836	-	6,836	-	6,836
Flood Fight Training & Supplies	6,665	-	6,665	-	6,665
Security	10,095	-	10,095	-	10,095
Grant Writing Services	75	-	75	-	75
Contract Services	12,491	-	12,491	-	12,491
Meetings and Memberships	16,848	-	16,848	-	16,848
Permits & Fees	12,794	-	12,794	-	12,794
Miscellaneous	1,469	-	1,469	-	1,469
Fixed Asset Acquisitions	-	26,386	26,386	(26,386)	-
Construction in Progress	-	3,336,600	3,336,600	(3,336,600) d	-
Depreciation Expense	-	-	-	443,297 e	443,297
Total Expenditures	1,084,858	3,362,986	4,447,844	(2,906,512)	1,541,332
Excess (Deficiency) of Revenues Over Expenditures:	718,180	694,774	1,412,954	2,901,512	-
Other Financing Sources (Uses):					
Principal Payments on Loans	(372,338)	(3,956,409)	(4,328,747)	4,328,747	-
Excess (Deficiency) of Revenues and Other Financing Sources over Expenditures and Other Financing Uses:	345,842	(3,261,635)	(2,915,793)	2,915,793	-
Change in Net Position	-	-	-	4,314,466	4,314,466
Fund Balances/Net Position, June 30, 201	2,771,687	(9,574,592)	(6,802,905)	15,716,682	8,913,777
Fund Balances/Net Position, June 30, 201	\$3,117,529	\$(12,836,227)	\$(9,718,698)	\$ 22,946,941	\$ 13,228,243

a Receivables collected more than sixty days after fiscal year end are not considered currently available and, therefore, are not reported as a fund asset.

b, c, & e Some expenses reported in the statement of activities do not require the use of current financial resources, and therefore are not reported as expenditures in governmental funds.

b) Change in Compensated Absences

c) Change in Accrual of Interest Expense

e) Depreciation Expense

d Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is capitalized as fixed assets.



**RECLAMATION DISTRICT NO. 784**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

Financial Reporting Entity

Reclamation District No. 784 is a special district within the County of Yuba governed by an independent five member Board of Directors. Reclamation District No. 784 was established May 6, 1908, under the General Reclamation District Law.

The District complies with generally accepted accounting principles (GAAP). GAAP includes all relevant Governmental Accounting Standards Board (GASB) pronouncements. In the government-wide financial statements, Financial Accounting Standards Board (FASB) pronouncements and Accounting Principles Board (APB) opinions issued on or before November 30, 1989, have been applied unless those pronouncements conflict with or contradict GASB pronouncements, in which case, GASB prevails. The accounting and reporting framework and the more significant accounting policies are discussed in subsequent subsections of this note. The District has implemented the financial reporting requirements of GASB Statement Nos. 33 and 34. The District adopted GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*, and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*. These statements establish standards for reporting deferred outflows of resources, deferred inflows of resource, and net position for all state and local governments. The District has identified liabilities which should be classified as deferred inflows of resources which are presented on the Statement of Net Position.

Reporting for a component unit can be blended or discretely presented. Blended component units, although legally separate entities, are in substance, part of the District's operations. Blended component units are an extension of the District, so data from these units is combined with data of the District. Discretely presented component units are reported in a separate column in the combined financial statements to emphasize that they are legally separate from the District.

There are no component units of the District which meet the criteria of either the blended or discrete presentation.

The District's basic financial statements include both government-wide and fund financial statements. Both the government-wide and fund financial statements categorize primary activities by governmental type.

In the government-wide Statement of Net Position, the governmental activities are reported on a full accrual, economic resource basis, which recognizes all long-term assets and receivables as well as long-term debt and obligations. The District's net position is reported in three parts: net investment in capital assets, restricted, and unrestricted net position.

**RECLAMATION DISTRICT NO. 784**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued**

Basis of Accounting

Basis of accounting refers to the point at which revenue or expenditures/expenses are recognized in the accounts and reported in the financial statements. It relates to the timing of measurements made regardless of the measurement focus applied.

Accrual: The governmental activities in the government-wide financial statements are presented on the accrual basis of accounting. Revenue is recognized when earned and expenses are recognized when incurred.

Modified Accrual: The governmental fund financial statements are presented on the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenue is recorded when susceptible to accrual; i.e., both measurable and available. "Available" means collectible within the current period or within 60 days after year end. Expenditures are generally recognized under the modified accrual basis of accounting when the related liability is incurred. The exception to this general rule is that principal and interest on general obligation long-term debt, if any, is recognized when due.

Budgets and Budgetary Accounting

The District operates under the general laws of the State of California and annually adopts a budget to be effective July 1 for the ensuing fiscal year.

Unused appropriations for all annually budgeted funds lapse at the end of the year.

Budgeted amounts are the final authorized amounts as revised during the year. Budgeted amounts are adopted on a basis substantially consistent with generally accepted accounting principles. Accordingly, actual revenues and expenditures can be compared with related budgeted amounts without any significant reconciling items.

Cash and Investments

For financial statement purposes "cash and cash equivalents" includes all demand, savings accounts, certificates of deposit, or short-term investments with an original maturity of three months or less.

Inventory

Inventory is expensed as purchased. The amount on hand at June 30, 2013 was not considered significant.

Accumulated Compensated Absences

It is the District's policy to permit employees to accumulate a limited amount of earned but unused vacation and sick leave which will be paid to employees upon separation from District service. The amount accumulated as of June 30, 2013 was \$71,926.

**RECLAMATION DISTRICT NO. 784  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2013**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued**

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Special Assessments

In June, 1978, the District's portion of the Yuba County property taxes collected was reduced due to the passage of Proposition 13 to a level which was well below the funding needs of the District. Therefore, a resolution was passed removing the District from the tax rolls and levying a special assessment directly on the residents of the District. Collection and payment to the District of the total amount assessed is guaranteed by the County of Yuba. The collection of any delinquent assessments and any applicable interest or penalties is retained by the County of Yuba.

Capital Assets: Capital assets purchased or acquired with an original cost of \$1,000 or more are reported at historical cost or estimated historical cost. Contributed assets are reported at fair market value as of the date received. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Costs incurred for repairs and maintenance are expensed as incurred.

Useful lives are estimated as follows:

Buildings and Land Improvements	50 years
Pump Stations	30 years
Machinery	7 years

GASB Statement No. 34 required the District to report and depreciate new infrastructure assets effective for the fiscal year ended June 30, 2004. Infrastructure assets include drainage ditches and holding ponds. Neither their historical cost nor related depreciation has historically been reported in the financial statements. The retroactive reporting of infrastructure is optional for phase three governments and the District has elected not to retroactively report infrastructure. The District elected to implement the general provisions of GASB Statement No. 34 as of the year ended June 30, 2004.

Net Position

The government-wide activities fund financial statements utilize a net position presentation. Net position is categorized as invested capital assets (net of related debt), restricted and unrestricted.

*Invested in Capital Assets, Net of Related Debt* – This category groups all the capital assets into one component of net position. Accumulated depreciation and the

**RECLAMATION DISTRICT NO. 784**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued**

Net Position - Continued

outstanding balances of debt that are attributable to the acquisition, construction or improvement of these assets reduce the balance in this category.

*Restricted Net Position* – This category represents net position with external restrictions imposed by creditors, grantors, contributors or laws or regulations of other governments and restrictions imposed by law through constitutional provisions or enabling legislation.

*Unrestricted Net Position* – This category represents net position of the District, not restricted for any project or other purpose.

Fund Balances

The Government Accounting Standards Board (GASB) has issued Statement No. 54 *Fund Balance Reporting and Governmental Fund Type Definitions* (GASB 54). This statement defines the different types of fund balances that a governmental entity must use for financial reporting purposes.

GASB 54 requires the fund balance amounts to be properly reported within one of the fund balance categories as noted below.

**Nonspendable –**

This category includes elements of the fund balance that cannot be spent because of their form, or because they must be maintained intact. For example:

Assets that will never convert to cash, such as prepaid items and inventories of supplies;

Assets that will not convert to cash soon enough to affect the current period, such as non-financial assets held for resale; or

Resources that must be held intact pursuant to legal or contractual requirements, such as revolving loan fund capital or the principal of an endowment.

**Restricted –**

This category includes resources that are subject to constraints that are externally enforceable legal restrictions.

**Committed –**

Two criteria determine the committed fund balance:

First, use of funds is constrained by limits imposed by the government's highest level of decision making. The highest level of decision making for the District is the Board of Directors.

Second, removal or modification of use of funds can be accomplished only by formal action of the authority (i.e., Board of Directors) that established the constraints.

**RECLAMATION DISTRICT NO. 784**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - Continued**

**Committed – Continued**

Both commitments and modifications or removal must occur prior to the end of the reporting period; that is, the fiscal year being reported upon.

**Assigned –**

The assigned portion of the fund balance reflects the District's intended use of resources, which is established either by the Board of Directors, a body created by the District, such as a District finance committee, or an official designated by the District (e.g., a general manager). The "assigned" component is similar to the "committed" component, with two essential differences, shown in the following table:

Key Differences Between Committed and Assigned Fund Balance		
	Committed	Assigned
A decision to use funds for a specific purpose requires action of the Board of Directors	Yes	No
Formal action of Board is necessary to impose, remove or modify this constraint and formal action has taken place before end of reporting period	Yes	No

The Board of Directors can assign amounts under this category, and may also authorize the General Manager to assign amounts under this category when that decision is consistent with the approved long term financial plan.

**Unassigned –**

This category includes the fund balance that cannot be classified into any of the other categories.

If situations arise where there is a possibility of assignment into more than one category, the committed amount will be reduced first, followed by assigned or restricted amounts and then unassigned or unrestricted amounts.

**NOTE 2: CREDIT RISK, CARRYING AMOUNT, AND MARKET VALUE OF INVESTMENTS**

Investments of the District are summarized below. The investments that are presented by specific identifiable investment securities are classified as a credit risk by three categories as follows:

Category 1: Includes investments that are insured or registered or for which securities are held by the District or its agent in the District's name.

**RECLAMATION DISTRICT NO. 784**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**NOTE 2: CREDIT RISK, CARRYING AMOUNT, AND MARKET VALUE OF INVESTMENTS – Continued**

Category 2: Includes uninsured and unregistered investments for which the securities are held by the broker's or dealer's trust department or agent in the District's name.

Category 3: Includes uninsured and unregistered investments for which the securities are held by the broker or dealer, or by its trust department or agent, but not in the District's name.

Most cash at June 30, 2013 is pooled for investment purposes and held by Yuba County. Interest is apportioned quarterly to the District based on the average daily balances on deposit with the County. The Yuba County Treasury is an external investment pool for the District and the District is considered an involuntary participant. The District does not own any specific identifiable investments in the pool.

The investments made by the Treasurer are regulated by Article 6 Section 27131 of the California Government Code and by the County's investment policy. Investments are monitored annually by the Treasury Oversight Committee established by the County and by the Board of Supervisors.

State law and the County's investment policy limit investments in commercial paper to the rating of A1 by Standards & Poor's or P1 by Moody's Investors Services. State law and the County's investment policy also limit investments in corporate bonds to the rating of A by Standard & Poor's and Moody's Investors Services. Information regarding categorization of cash and investments held in the Yuba County Treasury can be found in the County of Yuba's financial statements. The carrying amount and fair value of pooled investments as of June 30, 2013 are as follows:

	Carrying Amount	Fair Value	Difference
Pooled Investments:			
Yuba County	\$ 3,298,728	\$ 3,291,718	\$ (7,010)

The difference between the carrying value and the fair value of cash and investments was considered material to the District's financial statements; therefore, an adjustment to fair value was made for GASB No. 31 compliance. The change in fair market value from the prior year is recorded as Unrealized Gain or Loss.

Credit Risk

Financial instruments which potentially subject the District to concentrations of credit risk, as defined by FASB Statement of Financial Accounting Standards No. 105, consist principally of cash accounts. The District places its temporary cash with creditworthy, high-quality financial institutions. At June 30, 2013, the District had no funds in excess of Federal Deposit Insurance Corporation (FDIC) insured limits. The District has not experienced any losses in these accounts.

**RECLAMATION DISTRICT NO. 784**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**NOTE 3: GENERAL FIXED ASSETS**

The following is a summary of changes in general fixed assets of the District at June 30, 2013:

	Balances June 30, 2012	Additions	Retirements and Adjustments	Balances June 30, 2013
Equipment	\$ 491,264	\$ 26,386	\$ -	\$ 517,650
Pumping Plants	9,073,863	-	-	9,073,863
Buildings	169,510	-	-	169,510
Detention Ponds	13,294,836	-	-	13,294,836
Construction in Progress	1,041,306	3,336,600	-	4,377,906
<b>Total Assets at Historical or Estimated Cost</b>	<b>24,070,779</b>	<b>3,362,986</b>	<b>-</b>	<b>27,433,765</b>
<b>Less Accumulated Depreciation</b>				
Equipment	(412,459)	(37,307)	-	(449,766)
Pumping Plants	(1,183,083)	(238,520)	-	(1,421,603)
Buildings	(76,514)	(4,172)	-	(80,686)
Detention Ponds	(535,191)	(163,298)	-	(698,489)
<b>Total Accumulated Depreciation</b>	<b>(2,207,247)</b>	<b>(443,297)</b>	<b>-</b>	<b>(2,650,544)</b>
<b>Governmental Activities Capital Assets, Net</b>	<b>\$ 21,863,532</b>	<b>\$ 2,919,689</b>	<b>\$ -</b>	<b>\$ 24,783,221</b>

Depreciation expense for the year ended June 30, 2013 was \$443,297.

**NOTE 4: CHANGES IN GENERAL LONG-TERM DEBT**

At June 30, 2013, general long-term debt consisted of the following:

	Balance June 30, 2012	Additions	Retirements	Balance June 30, 2013
Yuba Co. Water Agency Loan #2	\$ 373,337	\$ -	\$ 372,337	\$ 1,000
TRLIA Pump #3	4,146,000	-	3,954,320	191,680
TRLIA Pump #6	1,583,125	-	-	1,583,125
TRLIA Pump #10	32,383	-	2,090	30,293
<b>Total</b>	<b>\$ 6,134,845</b>	<b>\$ -</b>	<b>\$4,328,747</b>	<b>\$ 1,806,098</b>

Maturities of long-term debt are as follows for the year ending:

<u>June 30<sup>th</sup></u>	
2014	\$ 1,000
2015	-
2016	-
2017	-
2018	-
Thereafter	1,805,098
<b>Total</b>	<b>\$ 1,806,098</b>

**RECLAMATION DISTRICT NO. 784**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**NOTE 4: CHANGES IN GENERAL LONG-TERM DEBT - Continued**

Yuba County Water Agency Loan #2 is a line of credit not to exceed \$2,000,000 for the purpose of completing a number of deferred maintenance projects. The average interest rate for the fiscal year ended 2012-2013 was 1.55%.

The Yuba County Water Agency loan is secured by a rate covenant that provides for the District to fix and collect fees, charges and/or assessments authorized by law which shall produce sufficient revenues to make full loan repayments.

Other Debts:

- 1) On November 7, 2007 the District signed an agreement with the Three Rivers Levee Improvement Authority (TRLIA) to provide for payments in recognition of TRLIA's reconstruction of Pump Station No. 6. Payments will be made from drainage impact fees collected until the total of such payments is \$1,583,125.
- 2) On January 29, 2008 the District signed an agreement with the TRLIA to provide funds in recognition of TRLIA's construction of Pump Station No. 10 discharge pipe crossing of the Feather Setback Levee.

Payments will be made from drainage impact fees collected until the total of such payments reaches an amount equal to the final bid for the construction of the Pipe Crossing, not to exceed \$537,500.

At June 30, 2013, construction of Pump Station 10 was not complete and the District was holding \$30,293 of drainage impact fees due to TRLIA per this agreement.

- 3) On December 4, 2007 the District signed an agreement with the TRLIA to provide funds in recognition of TRLIA's relocation of Pump Station No. 3. On April 2, 2013, the District approved an amended agreement based on the State of California funding more of the cost share. Payments will be made from drainage impact fees collected until the total of such payments is \$191,680, instead of the \$4,146,000 included in the original agreement. The \$3,954,320 difference between the amended payable amount and the fair market value of the infrastructure assets contributed to the District is recorded as in kind contribution revenue on the financial statements.



**RECLAMATION DISTRICT NO. 784**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**NOTE 5: DEFINED CONTRIBUTION PENSION PLAN**

Plan Description

The District's Board has adopted a Defined Contribution Pension Plan which provides retirement and benefits to plan members and beneficiaries. The name of the plan is "Reclamation District No. 784 Defined Contribution Plan". The plan is administered by an independent trustee, Attleberry & Searle, Inc.

The Plan's original effective date was January 1, 1997 and the Plan was restated effective May 1, 2011. The Plan year is defined as a calendar year.

Eligibility

To become a participant in the plan, an eligible employee must be employed a minimum of six (6) months, but not exceeding 24 months. If more than 12 months, 100% vesting is required. Service need not be continuous (no minimum hours of service required; mere passage of time is sufficient.)

Plan Contributions

The District's contribution is 9% of each participant's compensation for the plan year. Employees may make "after-tax" contributions to the Plan.

Annual Pension Cost

The District's annual pension costs were as follows:

<u>Fiscal Year</u>	<u>Amount</u>
2012-2013	\$22,506
2011-2012	\$14,440
2010-2011	\$14,362
2009-2010	\$ 9,567
2008-2009	\$ 9,604

The District reserves the right to change retirement plans without prior notice.

**NOTE 6: RISK MANAGEMENT**

The District is exposed to various risks of loss related to torts; damage to, and theft or destruction of assets; errors and omissions; injuries to employees and natural disaster.

During 2012-2013, the District contracted with Golden State Risk Management for liability, property, and crime damage. The policy limit is \$50,000,000 per occurrence for general liability. The policy covers Officers and Board of Trustees, Errors and Omissions, Auto Liability and Pollution Liability coverage. There is no aggregate limit on this coverage. Property coverage is all risk, replacement cost, and provides up to \$600,000 per covered loss, including physical damage to vehicles, mobile equipment, boiler and machinery.

**RECLAMATION DISTRICT NO. 784**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**NOTE 6: RISK MANAGEMENT - Continued**

The District has had no significant reduction in insurance coverage from prior years. The District has had no settlements exceed insurance coverage for the past seven years.

The District's group health insurance program is through Anthem Blue Cross.

Workers' compensation coverage is maintained by paying premiums to the Special District Risk Management Authority. The premium is calculated based upon accident history and administrative costs.

**NOTE 7: DEVELOPERS' DEPOSITS AND REIMBURSEMENTS**

The District acts as a fiduciary for various developers in Reclamation District No. 784. The funds are deposited by various developers to meet their obligation under the Reclamation District No. 784 Master Drainage Plan to ensure that the drainage systems are fully funded and built.

At June 30, 2013, the District was holding the following developers' fees and funds for administration, engineering and contingencies:

<u>Developer Fees</u>	<u>Administration, Engineering &amp; Contingencies</u>
\$4,486,039	\$1,349,571

The District has been collecting developer deposits for the Master Drainage Plan since fiscal year 2003-2004. During this period of time various developers have transferred their interests in various developments to other developers. The records of which deposits have been utilized are kept by the District but the subsequent developers must rely upon the District's accounting for these deposits, as previous developers have not shared that information with them. Accordingly, subsequent developers cannot provide third-party verification of the District's accounting for deposits.

**NOTE 8: SUBSEQUENT EVENTS**

Events subsequent to June 30, 2013 have been evaluated through January 14, 2014, the date at which the District's audited financial statements were available to be issued. No events requiring disclosure have occurred through this date.

## SUPPLEMENTARY INFORMATION

**RECLAMATION DISTRICT NO. 784**  
**Statement of Revenues, Expenses, and Change in Fund Balance**  
**Budget to Actual-General Fund**  
**For the Year Ended June 30, 2013**

	Final Amended Budget	Actual	Variance Over (Under) Budget
<b><u>Revenues</u></b>			
Property Taxes	\$ 763,154	\$ 619,553	\$ (143,601)
CSA Property Taxes	-	116,174	116,174
Rental Fees	3,661	3,436	(225)
Reimbursements	858,655	778,906	(79,749)
Impact Fees	-	240,095	240,095
Interest Income	-	31,307	31,307
Plan Check Review Fees	-	4,735	4,735
Unrealized Gains	-	(10,777)	(10,777)
Other Income	22,264	19,609	(2,655)
Total Revenue	1,647,734	1,803,038	155,304
<b><u>Expenditures</u></b>			
Salaries and Benefits	570,018	461,622	(108,396)
Professional Fees	55,000	33,740	(21,260)
Engineering	110,000	37,126	(72,874)
Insurance	32,000	24,577	(7,423)
Telecommunications	17,000	17,463	463
Utilities	37,500	50,352	12,852
Office Supplies & Costs	8,100	8,080	(20)
Scanning Services	5,500	6,220	720
Shop Supplies & Costs	9,000	10,514	1,514
Fuel & Oil	40,000	27,311	(12,689)
Chemicals	16,000	-	(16,000)
Equipment Maintenance & Repair	30,000	15,953	(14,047)
Equipment Rentals	50,000	-	(50,000)
Pump Maintenance & Repair	85,500	56,928	(28,572)
Levee Maintenance & Repair	192,847	186,480	(6,367)
Ditch and Canal Repairs	85,000	74,467	(10,533)
Interest Expense/Loan Payments	36,000	379,090	343,090
Capital Assets	55,000	-	(55,000)
Safety Equipment & Training	28,500	6,836	(21,664)
Flood Fight Training & Supplies	75,500	6,665	(68,835)
Security	56,000	10,095	(45,905)
Grant Writing Services	15,000	75	(14,925)
Contract Services	86,000	12,491	(73,509)
Meetings and Memberships	17,800	16,848	(952)
Permits & Fees	4,000	12,794	8,794
Miscellaneous	-	1,469	1,469
Total Expenditures	1,717,265	1,457,196	(260,069)
Change in Fund Balance	(69,531)	345,842	415,373
Fund Balance, June 30, 2012	2,771,687	2,771,687	
Fund Balance, June 30, 2013	<u>\$ 2,702,156</u>	<u>\$ 3,117,529</u>	

See the accompanying notes to financial statements

P.O. Box 160  
661 5th Street, Suite 101  
Lincoln, CA 95648  
Office (916) 434-1662  
Fax (916) 434-1090

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF  
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT  
AUDITING STANDARDS**

To the Board of Directors  
Reclamation District No. 784  
Arboga, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of Reclamation District No. 784 (RD 784), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise RD 784's basic financial statements, and have issued our report thereon dated January 14, 2014.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered RD 784's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of RD 784's internal control. Accordingly, we do not express an opinion on the effectiveness of RD 784's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

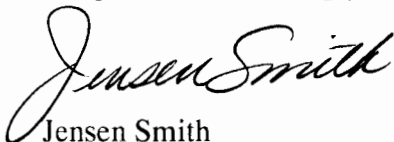
Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether RD 784's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in cursive script that reads "Jensen Smith".

Jensen Smith  
Certified Public Accountants  
Lincoln, California  
January 14, 2014

P.O. Box 160  
661 5th Street, Suite 101  
Lincoln, CA 95648  
Office (916) 434-1662  
Fax (916) 434-1090

January 14, 2014

Board of Directors  
Reclamation District No. 784  
Arboga, CA

Dear Ladies and Gentlemen,

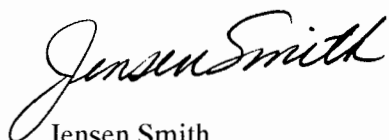
The audit went very smoothly this year. The assistance from the outside accountant in preparing for the audit and the preparation of the financial statements was a great help to us.

In planning and performing our audit of the financial statements of Reclamation District No. 784 (the District) for the year ended June 30, 2013, we considered the District's internal controls in order to determine our auditing procedures for the purpose of expressing an opinion on the financial statements and not to provide assurance on internal control.

We previously reported on the District's internal control in our report dated January 14, 2014. This letter does not affect that report or the report on the financial statements dated January 14, 2014.

We would like to thank your staff for their assistance in completing this audit. We wish you continued success in the current year.

Sincerely,



Jensen Smith  
Certified Public Accountants  
Lincoln, California

# The County of Yuba

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AUDITOR - CONTROLLER

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C. RICHARD EBERLE, CPA

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915 8<sup>th</sup> Street, Suite 105  
Marysville, CA 95901-5273  
(530) 749-7810

February 18, 2014

Board of Supervisors  
County of Yuba  
915 8<sup>th</sup> Street Suite 109  
Marysville CA 95901

**RECEIVED**

FEB 27 2014

Clerk/Board of Supervisors

Honorable Members:

An Independent Audit of the financial records for the following agency has been completed for the year(s) specified:

SUTTER-YUBA MOSQUITO and VECTOR CONTROL DIST

JUNE 30, 2013

Yours truly,

A handwritten signature in black ink, appearing to read "C. Eberle", with a long, sweeping horizontal line extending to the right.

C. Richard Eberle, CPA,  
Auditor-Controller

CRE/mrj  
Enclosure (1)



**SUTTER-YUBA MOSQUITO  
and  
VECTOR CONTROL DISTRICT  
FINANCIAL STATEMENTS**

**JUNE 30, 2013**

**SUTTER-YUBA MOSQUITO AND VECTOR CONTROL DISTRICT  
SUTTER AND YUBA COUNTIES  
CALIFORNIA**

BOARD OF TRUSTEES

2012-2013

<u>Member</u>	<u>Term Expires December 31</u>
David Schmidl	2015
Erica Jeffrey	2016
John Sanbrook, Secretary	2016
Rob Klotz	2015
Bill Harris, President	2015
Justin Guzman	2014
John Dukes	2014

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**MICHAEL L. HINZ, CPA, INC**  
CERTIFIED PUBLIC ACCOUNTANT

476 Century Park Drive, Ste. A  
Yuba City, California 95991

TEL: (530) 673-9500  
FAX: (530) 673-2535

**Board of Trustees  
Sutter-Yuba Mosquito and Vector Control District  
Yuba City, California**

I have audited the accompanying statement of the governmental activities of Sutter-Yuba Mosquito and Vector Control District as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the District's basic financial statements.

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

My responsibility is to express opinions on these financial statements based on my audit. I conducted my audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the district's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in circumstances, but not for the purpose of expressing an opinion on the effectiveness of the district's internal control. Accordingly, I express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinions.

In my opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities of Sutter-Yuba Mosquito and Vector Control District as of June 30, 2013, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

*Michael L. Hinz*

**December 15, 2013**

## **SUTTER-YUBA MOSQUITO AND VECTOR CONTROL DISTRICT MANAGEMENT'S DISCUSSION AND ANALYSIS**

This discussion and analysis is intended to be an easily readable analysis of the Sutter-Yuba Mosquito and Vector Control District's financial activities based on currently known facts, decisions, or conditions. This information is presented in conjunction with the audited basic financial statements, which follow this section.

### **Financial Highlights for Fiscal Year 2012-2013**

1. The District's total net assets increased by \$122,376 to \$4,364,751, and its unrestricted net assets increased by \$175,743 to \$1,694,524.
2. Revenues increased by \$133,907, while expenses increased by \$79,025 resulting in a net profit of \$122,376, compared to a prior year net profit of \$67,494.

### **Overview of the Financial Statements**

This annual report consists of the following parts: Management's Discussion and Analysis, Basic Financial Statements and Notes to Financial Statements.

1. The Statement of Net Assets presents a snapshot of the assets of the District, the District's liabilities and the net difference reflected as its net assets at the end of the fiscal year.
2. The Statement of Activities and Changes in Net Assets measures the extent to which the District's operating costs were funded from general revenues.
3. The Notes to Financial Statements provide additional disclosures and information to assist the reader in understanding the district's financial condition.

### **Capital Assets**

The District owns real property at its office and yard location on Bogue Road and on Market Street, which is currently used as rental property, but which may be used as a future yard location. In addition, the District owns a considerable amount of vehicles and specialized spraying equipment used by District personnel in performing mosquito control activities. These fixed assets, net of accumulated depreciation, are reflected in the District's financial statements.

## Net Assets

A condensed summary of net assets and changes in net assets is as follows:

	<u>6-30-13</u>	<u>6-30-12</u>	<u>Change</u>
Current Assets	3,953,640	3,981,460	( 27,820)
Fixed Assets	724,130	711,851	12,279
Liabilities	( 313,019)	( 450,936)	137,917
Net Assets	<u>4,364,751</u>	<u>4,242,375</u>	<u>122,376</u>
Operating Revenues	2,925,227	2,791,320	133,907
Operating Expenses	<u>2,802,851</u>	<u>2,723,826</u>	<u>79,025</u>
Changes in Net Assets	<u>122,376</u>	<u>67,494</u>	<u>54,882</u>

The primary cause for the change in the operating expenses between the June 30, 2012 and the June 30, 2013 fiscal years was an increase in the spraying and operational costs related to the protection from and eradication of the West Nile Virus.

## Additional Financial Information

This financial report is designed to provide the District's Financial Statement users with an overview of the District's financial operations and financial condition. Additional information can be obtained from the Sutter-Yuba Mosquito and Vector Control District, in care of Cathy Burns, 701 Bogue Road, Yuba City, CA 95991

**SUTTER-YUBA MOSQUITO AND VECTOR CONTROL DISTRICT  
COMBINED STATEMENT OF NET ASSETS  
ALL FUND TYPES AND ACCOUNT GROUPS  
JUNE 30, 2013**

**ASSETS**

	<u>6/30/13</u>	(Memo) <u>6/30/12</u>
Current Assets:		
Petty Cash	200	200
Cash in Sutter County	3,380,227	3,428,796
Cash Reserve, VCJPA	552,786	532,779
Accounts Receivable (note)	<u>20,427</u>	<u>19,685</u>
Total Current Assets	3,953,640	3,981,460
Fixed Assets, Net (note)	<u>724,130</u>	<u>711,851</u>
Total Assets	<u>4,677,770</u>	<u>4,693,311</u>

**LIABILITIES AND NET ASSETS**

Current Liabilities:		
Accounts Payable	206,069	341,206
Accrued Vacation Payable	<u>106,950</u>	<u>109,730</u>
Total Current Liabilities	<u>313,019</u>	<u>450,936</u>
Net Assets:		
Investment in General Fixed Assets	724,130	711,851
Restricted	1,946,097	2,011,743
Unrestricted	<u>1,694,524</u>	<u>1,518,781</u>
Total Net Assets	<u>4,364,751</u>	<u>4,242,375</u>
Total Liabilities and Net Assets	<u>4,677,770</u>	<u>4,693,311</u>

**See Accompanying Notes to Financial Statements**

**SUTTER-YUBA MOSQUITO AND VECTOR CONTROL DISTRICT  
STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS  
ALL FUND TYPES AND ACCOUNT GROUPS  
FOR THE YEAR ENDED JUNE 30, 2013**

	<u>6/30/13</u>	(Memo) <u>6/30/12</u>
Revenue (Scheduled)	2,925,227	2,791,320
Expenditures (Scheduled)	<u>2,802,851</u>	<u>2,723,826</u>
Excess of Revenue and Other Sources Over Expenditures and Other Uses	122,376	67,494
Net Assets - Beginning	<u>4,242,375</u>	<u>4,174,881</u>
Net Assets - Ending	<u>4,364,751</u>	<u>4,242,375</u>

See Accompanying Notes to Financial Statements

**SUTTER-YUBA MOSQUITO AND VECTOR CONTROL DISTRICT**  
**STATEMENT OF REVENUE AND EXPENDITURES - BUDGET AND ACTUAL**  
**GENERAL FUND**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	<u>Budget</u>	<u>Actual</u>	Over (Under) <u>Budget</u>
Revenue:			
Property Taxes:			
Secured	2,329,155	2,442,081	112,926
Unsecured	124,772	165,055	40,283
HOPTR	25,342	39,091	13,749
Supplemental	36,368	39,458	3,090
Prior Year	38,931	17,153	( 21,778)
Special Assessment	29,768	32,866	3,098
Interest Earned	66,001	67,593	1,592
Federal Wildlife Refuge	-0-	727	727
Other State in Lieu	616	436	( 180)
Other Revenue	1,704	6,658	4,954
Charges for Services	8,249	6,510	( 1,739)
Rental Income	34,800	34,800	-0-
Insurance Reserve Gain	-0-	18,865	18,865
Other Agency RDA	<u>14,172</u>	<u>53,934</u>	<u>39,762</u>
	<u>2,709,878</u>	<u>2,925,227</u>	<u>215,349</u>
Expenditures:			
Salaries and Wages	1,006,508	997,893	( 8,615)
Agricultural Services	600,000	599,249	( 751)
Employee Benefits	618,153	617,565	( 588)
Professional and Specialized Services	180,000	269,934	89,934
Depreciation	102,000	85,310	( 16,690)
Repairs and Maintenance	30,000	35,655	5,655
Insurance	45,000	45,757	757
Gas and Travel Expenses	40,000	44,889	4,889
Utilities	20,000	18,363	( 1,637)
Entomology Lab	20,000	17,158	( 2,842)
Memberships	9,000	9,000	-0-
Biological Control	15,000	9,618	( 5,382)
Office Supplies	7,500	9,320	1,820
Special Department Expense	10,000	9,076	( 924)
Clothing and Personal Supplies	8,000	8,344	344
Communications	8,000	6,875	( 1,125)
Rent and Leases	13,000	11,650	( 1,350)
Household Expenses	2,000	1,084	( 916)
Publications - Legal Notices	7,000	4,660	( 2,340)
Shop Tools and Supplies	<u>2,000</u>	<u>1,451</u>	<u>( 549)</u>
	<u>2,743,161</u>	<u>2,802,851</u>	<u>59,690</u>
Excess of Revenue Over (Under) Expenditures	<u>( 33,283)</u>	<u>122,376</u>	<u>155,659</u>

See Accompanying Notes to Financial Statements



**SUTTER-YUBA MOSQUITO AND VECTOR CONTROL DISTRICT  
SUPPLEMENTAL SCHEDULE OF REVENUE AND EXPENDITURES  
FOR THE YEARS ENDED JUNE 30, 2013 AND 2012**

	<u>6/30/13</u>	<u>6/30/12</u>
Revenue:		
Property Taxes:		
Secured	2,442,081	2,363,832
Unsecured	165,055	116,498
HOPTR	39,091	40,984
Supplemental	39,458	36,368
Prior Year	17,153	38,930
Special Assessment	32,866	29,768
Interest Earned	67,593	76,699
Federal Wildlife Refuge	727	-0-
Other State in Lieu	436	616
Other Revenue	6,658	1,704
Charges for Services	6,510	8,249
Rental Income	34,800	34,800
Insurance Reserve Gain	18,865	42,872
Other Agency RDA	53,934	-0-
	<u>2,925,227</u>	<u>2,791,320</u>
Expenditures:		
Salaries and Wages	997,893	937,093
Agricultural Services	599,249	698,263
Employee Benefits	617,565	575,491
Professional & Specialized Services	269,934	208,241
Depreciation (note)	85,310	74,583
Repairs and Maintenance	35,655	29,526
Insurance	45,757	50,858
Gas and Travel Expenses	44,889	39,354
Biological Control	9,618	13,416
Utilities	18,363	16,238
Memberships	9,000	9,000
Entomology Lab	17,158	20,205
Office Supplies	9,320	7,828
Clothing and Personal Supplies	8,344	8,003
Special Department Expenses	9,076	9,351
Communications	6,875	9,275
Rent and Leases	11,650	6,606
Publications - Legal Notices	4,660	6,119
Shop Tools and Supplies	1,451	2,319
Household Expenses	1,084	2,057
	<u>2,802,851</u>	<u>2,723,826</u>
Excess of Revenues Over/Under Expenditures	<u>122,376</u>	<u>67,494</u>

**See Accompanying Notes to Financial Statements**

**SUTTER-YUBA MOSQUITO AND VECTOR CONTROL DISTRICT**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2013**

**Nature of Operations**

The Sutter-Yuba Mosquito and Vector Control District was formed by legislation which became law on September 15, 1945. It operates under the provisions of the Health and Safety Code of the State of California, Section 2000 through 2093, for the purpose of controlling local mosquito populations for the benefit of public health.

The District approved a resolution to include Meridian in its service area on November 10, 1994.

**Accounts and Records**

The District maintains a complete set of books and accounts for transactions using the "modified accrual method of accounting". Income is recognized as it is apportioned by the County Treasurer while expenses are recognized when incurred.

Fixed assets are recorded on the cost basis. Depreciation has been calculated on the straight-line method over estimated useful lives ranging from 10 to 25 years.

Total columns on the Combined Statements are captioned "Memorandum Only" to indicate that they are presented only to facilitate financial analysis. Neither is such data comparable to a consolidation.

**Concentration of Risks**

The District has an inherit risk due to its funding sources being confined to its landowner base within the District boundaries in Sutter and Yuba Counties.

**GASB 34**

In compliance with the provisions of Government Accounting Standards Board (GASB) Statement # 34, these financial statements are prepared in accordance with the prescribed reporting model. This includes the Management Discussion and Analysis located at the beginning of this financial statement.

In addition, changes have been implemented to reflect depreciation expense and accumulated depreciation for the current year. Where appropriate, prior year fixed asset values have been restated for consistency purposes.

**Sutter-Yuba Mosquito and Vector Control District**  
**Notes to Financial Statements**  
**June 30, 2013**

**Use of Estimates**

The preparation of the general purpose financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the general purpose financial statements and the reported amount of revenue and expenditures or expenses during the reporting period. Actual results could differ from those estimates.

**Assessed Valuations and Tax Rates**

The assessed valuation of the property in the district is as follows:

	<u>Sutter County</u> <u>Net Value</u>	<u>Yuba County</u> <u>Net Value</u>	<u>Total</u>
Secured Roll	6,888,362,640	3,052,413,332	9,940,775,972
Unsecured Roll	546,723,822	176,000,647	722,724,469
Utility Roll	179,161,571	2,838,716	182,000,287

The county wide tax rates for Sutter County and Yuba County for the fiscal year ended June 30, 2013 were \$1.00 for each county. The District's apportionment factors were .023433 for Sutter County secured and unsecured taxes and .0175767 for Yuba County secured and unsecured taxes.

**Accounts Receivable**

Accounts Receivable at June 30, 2013 and 2012 reflect amounts apportioned by Sutter County to the District but which have not been deposited in the County Treasury. They are detailed as follows:

	<u>6/30/13</u>	<u>6/30/12</u>
Interest Receivable	20,427	19,685
Tax Revenue Receivable	<u>-0-</u>	<u>-0-</u>
	<u>20,427</u>	<u>19,685</u>

**Sutter-Yuba Mosquito and Vector Control District**  
**Notes to Financial Statements**  
**June 30, 2013**

**Fixed Assets**

	Balance June 30, 2012	Additions	Retirements	Balance June 30, 2013
Office Furniture & Fixtures	231,986	7,856		239,842
Spraying Equipment	511,745	-0-		511,745
Automotive Equipment	861,461	87,080		948,541
Shop Equipment	106,545	1,182		107,727
Building and Improvements	753,868	1,471		755,339
Land	<u>143,812</u>	<u>-0-</u>		<u>143,812</u>
	2,609,417	97,589	-0-	2,707,006
Accumulated Depreciation	( <u>1,897,566</u> )	( <u>85,310</u> )	<u>-0-</u>	( <u>1,982,876</u> )
	<u>711,851</u>	<u>12,279</u>	<u>-0-</u>	<u>724,130</u>

**Detail of Additions:**

2012 Caterpillar Backhoe	87,080
Phone System	6,490
Computers (2)	1,366
Storage Shed	1,471
Chairs	<u>1,182</u>
	<u>97,589</u>

**Sutter-Yuba Mosquito and Vector Control District**  
**Notes to Financial Statements**  
**June 30, 2013**

**Insurance**

The District maintains its insurance through pooling in the Vector Control Joint Powers Agency and Member Districts' policies with Johnson & Higgins Insurance Company and Robert F. Driver Associates. The insurance coverage maintained under this policy is summarized as follows:

	<u>Limits</u>
Comprehensive General Liability, per occurrence	\$ 1,000,000
Automobile Physical Damage, \$500 deductible	\$ 30,000
Comprehensive Automobile, per occurrence	\$ 1,000,000
Workers Compensation, self-insured retention	\$ 5,000,000
\$500,000 per occurrence	Stop Loss
Public Entity Property Insurance, \$10,000 deductible, per occurrence	1,000,000,000
Employment Practices Liability, per occurrence	\$ 1,000,000
Special Excess Liability, self-insured retention per occurrence	\$ 28,000,000
Boiler and Machinery, \$2,500 deductible	\$100,000,000
Business Travel Accident, per occurrence	\$ 150,000
Group Fidelity Program, \$5,000 deductible	\$ 1,000,000
Underground Storage Tank, \$5,000 deductible	
Per occurrence	\$ 1,000,000
Aggregate	\$ 2,000,000

In addition to the coverage provided above, the District maintains a trust fund as a safeguard against future insurance costs. The trust fund balance at June 30, 2013 was \$552,786.

**Sutter-Yuba Mosquito and Vector Control District**  
**Notes to Financial Statements**  
**June 30, 2013**

**Pension Plan**

**Plan Description:** The District reporting entity participates in a single-employer, public employee retirement system. Assets are held separately and may be used only for the payment of benefits to the members of the plan as follows:

Sutter-Yuba Mosquito & Vector Control District Defined Benefit Plan provides retirement for substantially all full time employees. Information in this note is provided as of the latest actuarial valuation, July 1, 2011. Actuarial valuations are performed annually.

**Funding Policy:** The District is required to contribute at an actuarially determined amount; for the June 30, 2013 plan year this amount was \$153,782.

**Annual Pension Cost:** The District's annual pension cost of \$174,067 was equal to the District's required and actual contributions. The required contribution was determined as part of the July 1, 2012, actuarial valuation using the entry age normal actuarial cost method. The actuarial assumption included (a) 7.5% pre-retirement and 5.5% post-retirement investment rates of return; (b) projected annual salary increases that vary by duration of service, and (c) future salary increases of 3.5% per year. The actuarial value of plan assets was market value except for funding standard account purposes where they are valued at market value less any credit balance.

**Three Year Trend Information**

<u>Fiscal Year</u>	<u>Annual Pension Cost (APC)</u>	<u>Percentage of APC Contributed</u>	<u>Net Pension Obligation</u>
6/30/11	165,000	100%	0
6/30/12	170,000	100%	0
6/30/13	174,067	100%	0

**Required Supplementary Information**  
**Funded Status of Plan**

<u>Valuation Date</u>	<u>Entry Age Normal Accrued Liability</u>	<u>Actuarial Value of Assets</u>	<u>Unfunded Liability/ (Excess Assets)</u>	<u>Funded Status</u>	<u>Annual Covered Payroll</u>	<u>UAAL As a % of Payroll</u>
6/30/10	3,159,029	3,201,978	( 42,949)	101.4%	841,604	( 5.10%)
6/30/11	3,442,629	3,510,004	( 67,375)	102.0%	767,832	( 8.77%)
6/30/12	4,257,838	3,835,799	422,039	90.1%	851,883	49.54%

**Sutter-Yuba Mosquito and Vector Control District**  
**Notes to Financial Statements**  
**June 30, 2013**

**Deferred Compensation Plan**

The District maintains a deferred compensation plan for its employees under the provisions of Section 457 of the Internal Revenue Code. The assets of the plan remain the property of the District until paid, subject only to claims of the employers' general creditors. The District maintains a fiduciary responsibility to the participants and shall be held harmless by the participants for acts performed in the management of the plan assets, when such acts are performed in good faith.

Participants are allowed to defer compensation annually in the amount of the lesser of \$15,500 or one-third of their includible compensation.

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Land Use and Public Works Committee



# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
 915 8<sup>th</sup> Street, Suite 123  
 Marysville, California 95901  
[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



**BUILDING**  
 749-5440 • Fax 749-5616

**CODE ENFORCEMENT**  
 749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
 749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
 749-5460 • Fax 749-5464

**PLANNING**  
 749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
 749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
 749-5430 • Fax 749-5434

**To:** Land Use and Public Works Committee

**From:** Martin Griffin; Chief Building Official  
 Jeremy Strang; Supervising Building Official

**Date:** March 11, 2014

**Subject:** Ordinance Repealing and Reenacting in its entirety Chapter 10.05, Building Standards and Construction Codes, of the Yuba County Ordinance Code

**RECOMMENDATION:** Consider revisions and updates to Chapter 10.05 and recommend approval for repealing and reenacting the Ordinance in its entirety to the Board of Supervisors.

**BACKGROUND:** The State Building Standards Commission adopts building construction standards on a triennial basis which are codified in Title 24 of the California Code of Regulations. Various state and local agencies are required to begin enforcement of these regulations within 180 days of publication and may adopt the regulations by reference.

**DISCUSSION:** Although this action is considered normal and regular due to the reoccurring nature of adopting the State mandated regulations, this cycle staff decided that certain changes were necessary to ensure alignment with the County's Strategic Plan as well as create consistency in Department practices.

For years Chapter 10.05 has incorporated, by reference, the administrative provisions of the California Building and Construction Codes. Over the years the administrative provisions have moved from an individual book of their own, to being included as an appendix chapter, to being contained in each part of the Code; this movement creates confusion and inconsistencies. The proposed ordinance eliminates the reference to those provisions and inserts them directly into the County Code. By making this move, the Department makes the information more accessible to the public as well as removing

confusing amendments and modifications. This action also creates greater transparency and aligns the Department's policy with the County's Strategic Plan by creating public interest and earning public trust. Streamlining processes and enhancing the quality of life are also some of the many goals of the County's 2030 General Plan.

The administrative provisions being included in the proposed ordinance, including previous amendments and modifications, are substantially the same as they have always been; the proposed ordinance may look different yet its operations remain essentially the same.

### Side-by-Side Comparison

PREVIOUS SECTION	CURRENT SECTION
10.05.010 Authority	10.05.110
10.05.015 Building Official	10.05.310
10.05.020 California Administrative Code	10.05.180 A&B
10.05.025 California Building Code	
10.05.030 California Residential Code	
10.05.035 California Electrical Code	
10.05.040 California Mechanical Code	
10.05.035 California Plumbing Code	
10.05.035 California Energy Code	
10.05.035 California Fire Code	
10.05.060 California Green Building Standards	
10.05.065 Uniform Housing Code	
10.05.070 Uniform Code for the Abatement of Dangerous Buildings	
10.05.075 International Wildland-Urban Interface Code	Deleted
10.05.080 Uniform Swimming Pool, Spa and Hot Tub Code	10.05.180.B.2
10.05.085 Uniform Solar Energy Code	10.05.180.B.3
10.05.090 Uniform Sign Code	Deleted
10.05.095 Administrative Provisions	Essentially all of 10.05
10.05.100 Liability	10.05.300.H
10.05.110 Compliance	10.05.700
10.05.120 Appeals Board	10.05.730 & 740
10.05.125 Housing Advisory and Appeals Board	10.05.750.B
10.05.128 Administrative Law Judge	10.05.750
10.05.130 Variances	10.05.340
10.05.135 Waiver of Fees	10.05.580
10.05.140 Penalties	10.05.720
10.05.145 Straw Bale Construction	10.05.180.C
10.05.150 Repair and Reconstruction of Damaged Structures	New Chapter 10.50

### **Summary of Substantial Changes:**

- Placed all administrative provisions (along with modifications) in one location
- Reorganized information
- Added definitions section
- Moved Repair and Reconstruction sections to new Ordinance, Chapter 10.50
- Expanded and Clarified
  - Building Official duties
  - Temporary uses and structures
  - Record keeping and document release
  - Remedies
  - Application of fees
- Extended permit life to 2 years (previously 18 months residential/24 months non-residential)

#### **ENVIRONMENTAL DETERMINATION:**

Pursuant to the State Guidelines to implement the California Environmental Quality Act (CEQA), the ordinance has been reviewed for its potential to impact the environment. It is recommended that the Board of Supervisors determine that the proposal consists of the adoption of Codes for the regulation and safe construction of otherwise permitted structures within the unincorporated County. As the Ordinance addresses safety standards and shall not allow land uses by right-of-zone that are not otherwise allowed, it can be seen that the proposed ordinance will not have an adverse impact upon the environment and it is, therefore, EXEMPT from further environmental review pursuant to CEQA Section 15061(b)(3).

#### **FISCAL IMPACT:**

The proposed ordinance will not have any impact on the General Fund. User fees fund all Building Department activities.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 10.05 OF THE YUBA COUNTY  
ORDINANCE CODE RELATING TO STANDARDS OF BUILDING CONSTRUCTION**

The following ordinance consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson of the Board of Supervisors  
of the County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

APPROVED AS TO FORM  
ANGIL MORRIS-JONES:

By: \_\_\_\_\_



**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES ORDAIN AS  
FOLLOWS:**

Section 1. This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. Chapter 10.05 of Title X of the Yuba County Ordinance Code is hereby amended to read as follows:

**CHAPTER 10.05**

**BUILDING STANDARDS AND CONSTRUCTION CODE**

(Prior Ordinance Numbers 448; 488; 586; 929; 996; 1039; 1090; 1183; 1205; 1236; 1275; 1305;  
1405; 1425; 1440; 1464; 1483; 1501; 1523)

**SECTIONS:**

**10.05.100 Title.**

**10.05.110 Authority.**

**10.05.120 Purpose.**

**10.05.130 Scope.**

**10.05.140 Adoption of Codes and Standards.**

**10.05.150 Conflicts.**

**10.05.160 Other Laws.**

**10.05.170 Referenced codes and standards.**

**10.05.180 Existing Structures and Occupancy.**

**10.05.200 Definitions.**  
**10.05.300 Enforcement agency.**  
**10.05.310 Appointment.**  
**10.05.320 Deputies.**  
**10.05.330 Duties and Powers of the Building Official.**  
**10.05.340 Code Modifications, Variances, Materials & Design**  
**10.05.400 Permits Required.**  
**10.05.410 Work Exempt from Building Permit**  
**10.05.420 Permit Application.**  
**10.05.430 Permit.**  
**10.05.440 Temporary Structures and Uses.**  
**10.05.450 Document Submittals**  
**10.05.460 Approval of Construction Documents.**  
**10.05.470 Building Department Records.**  
**10.05.500 Schedule of Permit Fees.**  
**10.05.510 Application of Fees**  
**10.05.520 Payment of Fees.**  
**10.05.530 Building Permit Valuations.**  
**10.05.540 Cost of Enforcement.**  
**10.05.550 Work Commencing Before Permit Issuance.**  
**10.05.560 Related Fees.**  
**10.05.570 Deferred Fees.**  
**10.05.580 Refunds.**  
**10.05.590 Fee Waivers.**  
**10.05.600 Inspections.**  
**10.05.610 Required Inspections.**  
**10.05.620 Special Inspections and Other Inspections.**  
**10.05.630 Connection of Service Utilities.**  
**10.05.640 Use and Occupancy.**  
**10.05.650 Certificate Issued.**  
**10.05.660 Revocation.**  
**10.05.700 Unlawful Acts.**  
**10.05.710 Remedies.**  
**10.05.720 Violation Penalties.**  
**10.05.730 Appeals.**  
**10.05.740 Board of Appeals Established.**  
**10.05.750 Alternative Hearings.**  
**10.05.800 Severability.**



## **Building Standards and Construction Code**

### **ARTICLE 1 SCOPE AND APPLICATION**

**10.05.100 Title.** These regulations, as part of Title X of the Yuba County Ordinance Code, shall be known as the Building Standards and Construction Codes of the County of Yuba, hereinafter referred to as “this code.”

**10.05.110 Authority.** This chapter is enacted pursuant to the authority granted by Article XI, Section 7 of the California Constitution to Counties to make and enforce within their limits all local police, sanitary, and other ordinances and regulations not in conflict with general law; and pursuant to the authority granted by Sections 17960 of the California Health and Safety Code which requires counties to enforce all provisions published in the State Building Standards Code as adopted by the California Building Standards Commission.

**10.05.120 Purpose.** It is the intent of the Board of Supervisors in adopting this Ordinance to provide the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**10.05.130 Scope.** The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure, or portion thereof, or any appurtenances connected or attached to such buildings or structures throughout the unincorporated area of the County of Yuba.

**10.05.140 Adoption of Codes and Standards.** The following codes, standards, and/or publications are hereby adopted by reference and incorporated in this code.

- A. California Code of Regulations, Title 24, Building Standards Code.** The current triennial version of the California Code of Regulations, Title 24, published by the California Building Standards Commission including the most current errata, are hereby adopted

as listed and amended below. The provisions of the Administrative sections as well as the appendixes shall not apply unless specifically adopted below.

1. 2013 California Administrative Code, Title 24 Part 1
2. 2013 California Building Code, Title 24, Part 2, Volumes 1 and 2, including Appendixes C, F and J
3. 2013 California Residential Code, Title 24, Part 2.5
4. 2013 California Electrical Code, Title 24, Part 3
5. 2013 California Mechanical Code, Title 24, Part 4
6. 2013 California Plumbing Code, Title 24 Part 5, including Appendixes A and C
7. 2013 California Energy Code, Title 24 Part 6
8. 2013 California Historical Code, Title 24 Part 8
9. 2013 California Fire Code, Title 24 Part 9
10. 2013 California Existing Building Code, Title 24 Part 10
11. 2013 California Green Building Standards, Title 24 Part 11
12. 2013 California Building Standards, Title 24 Part 12

**B. Supplementary Codes and Standards**

1. 2012 ICC International Property Maintenance Code, including Appendix A
  - a. Exception: Scope and Administrative provisions contained in Sections 103, 106, 107, 110.2 and 111 shall not apply. Administrative and Abatement activities shall comply with Chapter 7.36 of the Yuba County Ordinance Code
2. 2012 IAPMO Uniform Swimming Pool, Spa and Hot Tub Code
3. 2012 IAPMO Uniform Solar Code
4. 1997 ICBO Uniform Code For The Abatement Of Dangerous Buildings, Chapter 3
5. 1997 ICBO Uniform Housing Code, Chapters 4, 5, 6, 7, 8, 9 and 10

**C. Straw Bale Construction**

1. By adopting Assembly Bill 1314 (Chapter 941, statutes of 1995), the State Legislature provided the opportunity for local agencies to adopt construction standards and permit the use of straw bales in the construction of certain structures;
2. The use of straw bales will promote cost and energy efficient structures and will assist the agricultural community by providing another outlet for use of a by-product of their industry.
3. The air quality within the County of Yuba is adversely affected by the burning of straw and it is therefore desirable to encourage other uses of straw such as construction materials, and since air quality regulations are restricting the burning of straw, it is important and necessary to allow other uses; and,
4. The application of the guidelines found in AB 1314 is necessary because of local climatic and economic conditions.

5. The use of straw bales shall be permitted as an alternate construction material in the construction of certain structures as provided for and subject to the standards set forth in Health and Safety Code Div. 13, Pt. 2.5 Ch 4.5 (Health and Safety Code § 18944.30 et seq.) Chapter 4.5 (commencing with section 18944.30) of part 2.5 of division 13 of the California Health and Safety Code.

**10.05.150 Conflicts.**

- A. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where administrative provisions of other California Building Standards and Construction Codes are in conflict with provision adopted herein, these Administrative provisions shall apply.
- B. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**10.05.160 Other Laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**10.05.170 Referenced Codes and Standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code.

- A. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the California Codes listed in Section 10.05.130, the provisions of this code or the California Codes listed in Section 10.05.130, as applicable, shall take precedence over the provisions in the referenced code or standard.
- B. All reference to International Codes or other similar codes in referenced standards shall be replaced by equivalent provisions in the California Building Standards Codes.

**10.05.180 Existing Structures and Occupancy.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the California Building Code or the California Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

## ARTICLE 2 DEFINITIONS

**10.05.200** For the purposes of this Chapter, the following definitions shall govern:

- A. Alteration** – to change or modify an existing building or structure, whether dilapidated or not, where such change or modification does not cause an increase in the building or structure footprint or square footage. Alteration shall have the same meaning as remodel.
- B. As-Built Plans** – means detailed drawings of an existing non-compliant building or structure constructed without permits including reviews and approvals
- C. Chief Building Official** – shall mean the person, certified pursuant to the California Health and Safety Code, who oversees the Building Department and is assigned the responsibility of enforcing the provisions of this code including his or her deputies, designees or contract employees. The Chief Building Official may also be referred to as “Building Official” or the “Director of the Building Department”.
- D. Costs of Enforcement** - means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of an Administrative Law Judge (ALJ), the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.
- E. Emplacement** – to place a building or structure that is already prebuilt or preassembled onto a parcel.
- F. Existing Construction** – development including buildings and structures that have been maintained in good condition, have been in continuous use and do not otherwise create a public nuisance, or health or safety hazard.
- G. Like Materials** – shall mean materials, either new or used, that are equivalent to original materials. Like materials shall in no case perform less than the original materials or as prescribed by this code.
- H. Master Plan** – Building or structure plans that will result in 3 or more buildings or structures being built within the County of Yuba.

- I. **New Construction** – Construction where no construction has ever occurred before, or construction on a lot where work begins two or more years after a disaster has been declared, or where 50% or more of any structural components, exclusive of the foundation, or 75% of any nonstructural components are being replaced with new materials.
- J. **Non-Compliant Structure** – a building or structure built, or emplaced, without required reviews, approvals and permits.
- K. **Permit, Reinstatement** – to make an expired permit operative again under the original permit's approved terms and conditions, provided that no changes have been made to the building or plans.
- L. **Permit, Renewal** – to extend an unexpired permit for a specific amount of time allowing continuous work under the original permit's approved terms and conditions.
- M. **Prebuilt** – designed, manufactured and assembled off site at a remote location and transported to a final site complete.
- N. **Prefabricated** – designed and manufactured off site and then assembled on-site.
- O. **Production House** – Housing that is built pursuant to a Master Plan.
- P. **Rehabilitation** – to fix, repair or replace building materials that have become deteriorated, dilapidated or obsolete making the building or structure anew without altering the structure or building. Rehabilitation may be considered new construction based on the scope of work to be performed.
- Q. **Remodel** – to reconfigure space or to replace building materials, including appliances, with new materials. Remodel shall have the same meaning as Alteration but not repair or rehabilitation.
- R. **Repair, Major** – the act of fixing or replacing building materials where the work is not limited in scope. Major repair shall be the same as Rehabilitation where no alterations are being made.
- S. **Repair, Minor** – the act of replacing, putting back together or reassembling existing building materials to fix what is broken. Minor repairs are limited to 10% or less, in any consecutive 12 month period, to one wall line or plane (delimited by changes in direction of any degree) and may include both structural and nonstructural elements. Minor repairs shall not result, when combined over time, in major repair or rehabilitation.
- T. **Replacement** – for the purposes of fee application, replacement structures shall have an internal configuration, footprint and square footage similar to the original building or structure being replaced, and must fall within the two (2) year period as outlined in Chapter 10.35.
- U. **Rules, Mandatory** – are rules that identify actions that are specifically required or prohibited and are characterized by the use of the terms shall or shall not.

- V. Rules, Permissive** – are those that identify actions that are allowed but not required, are normally used to describe options or alternative methods, and are characterized by the use of the terms may, shall be permitted, shall not be required or is authorized.
- W. Scope of Work** - means a written detail, which may or may not include plans, of anticipated work and shall accurately identify all areas and components of the structure that will be altered, repaired, replaced, removed or rehabilitated.
- X. Story** – one floor level consisting of rooms and does not include an attic or basement.
- Y. Unsafe Structures, Property or Equipment** – Shall mean insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, and shall also include but not be limited to the definitions as listed in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings, Section 1001 of the Uniform Housing Code (1997 Editions), shall be deemed an unsafe condition. A vacant structure that is not secured against entry shall be deemed unsafe.

### **ARTICLE 3 ADMINISTRATION**

**10.05.300 Enforcement Agency.** The Yuba County Building Department (“Building Department”), as part of the Community Development and Services Agency, is hereby charged with and shall enforce the provisions of this code. The official in charge of the Building Department shall be known as the Chief Building Official.

**10.05.310 Appointment.** The Chief Building Official (“building official”) shall be appointed by the County Administrator of the jurisdiction.

**10.05.320 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint deputies that shall act as technical officers, inspectors, plan examiners and other employees and/or outside contractors. Such employees and/or contractors shall have powers as delegated by the building official.

**10.05.330 Duties and Powers of the Building Official.**

- A. General.** The building official is hereby authorized and directed to enforce the administrative and technical provisions of this code. The building official shall have the

authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

- B. Applications and Permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code. The building official may require as a condition of receiving a building permit that the permittee, or the permittee's designee, participate in a preconstruction meeting (CHSC 19872).
- C. Inspections.** The building official shall make, or cause to make, all of the inspections required herein, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise. The building official is authorized to make, or cause to make, any other inspections deemed necessary to carry out the provisions of this code.
- D. Identification.** The building official and his or her deputies shall carry proper identification, issued by the Building Department, when inspecting structures or premises in the performance of duties under this code.
- E. Right of Entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
- F. Department Records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and any notices. Such records shall be retained in the official records of the department for the period required by this code in section 10.05.470 (CHSC 19850-19853)
- G. Notices.** The building official shall issue all necessary Notices, described herein, to ensure compliance with this code.

**H. Liability.** The building official, members of the board of appeals or current or past employees in good standing with the County, that is or was charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer, or employee, past or current, because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative by the County of Yuba until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

#### **10.05.340 Code Modifications, Variances, Materials & Design**

- A. Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon written application of the owner or owner's representative along with good cause, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be documented and entered in the files of the Building Department.
- B. Listed and Approved Materials and Equipment.** Listed materials, equipment and devices approved by the building official shall be constructed and installed in accordance with their listing.
- C. Used Materials and Equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.
- D. Unlisted, Alternative Materials, Design and Methods of Construction and Equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall meet the satisfaction of the building official and may be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of



that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

- E. Research Reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not listed or are not specifically provided for in this code, shall consist of valid research reports from approved sources.
- F. Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved testing agency. Reports of such tests shall be retained in the building department file.

## **ARTICLE 4**

### **PERMITS, DOCUMENT SUBMITTAL AND RECORDS**

#### **10.05.400 Permits Required.**

- A.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. As part of the application process and prior to permit issuance the permit applicant shall complete all necessary declarations regarding Worker's Compensation, Owner-Builder and State Contractor's Law (CHSC 19825-19829).
  - 1. Exception: Where, in an emergency situation, equipment replacements and/or repairs must be performed, the permit application shall be submitted within the next working business day to the building official.
- B.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent

the building official from requiring the correction of errors in the construction documents and other data. The building official may also prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**10.05.410 Work Exempt from Building Permit.** Exemptions from building permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction including but not limited to Development Code, Design Review and Zoning Regulations. Building permits shall not be required for the following:

**A. Building:**

1. One-story detached buildings not greater than 120 square feet used as storage sheds, playhouses or other uses accessory to a legally established, principally permitted use where the roof overhang is not more than 12 inches and no other services (plumbing, mechanical, electrical) are installed. Buildings shall not be placed or built within any mandatory setback or FEMA designated Flood Hazard Area and may be further regulated by the Development Code.
2. Fences not over 7 feet high.
3. Oil derricks.
4. Walls constructed of concrete block, masonry block or equivalent material that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids. (SEE 11.25.070:D)
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
6. Outdoor surfacing such as sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Decks accessory to detached one- and two-family dwellings that are free standing and not attached to any other structure; do not serve the exit door; and are not more than 30 inches above adjacent grade at any point. All decks shall at a minimum meet the requirements as set forth in Section R311.3 of the California Residential Code, Part 2.5.
8. General maintenance and finish work such as painting, flooring, cabinets, and counter tops.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground and derive power from an existing ground fault circuit interrupter receptacle

11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems or membrane structures.
12. Swings and other playground equipment accessory to detached one- and two-family dwellings.
13. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
14. Decorative landscape features and structures that are accessory to detached one- and two-family dwellings, are free-standing and not attached to another structure, including the dwelling, and do not have a solid-covered roof including but not limited to arbors, trellises, and lattice work. Features or structure shall not be placed within any mandatory setback and may be further regulated by the Development Code.
15. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

**B. Electrical:**

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**C. Mechanical:**

1. Portable, non-fixed, appliances and equipment utilizing power from a plug-cord connection to an existing receptacle.
2. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
3. Replacement of any minor part of a component piece of equipment that does not alter the approval of equipment or make such equipment unsafe.
4. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

**D. Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same

with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

- E. **Public Service Agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.
- F. **Minor Repairs.** Minor repairs to buildings and/or structures for ordinary maintenance may not, at the discretion of the Building Official, require a building permit. Such repairs shall not include the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

#### **10.05.420 Permit Application.**

- A. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose. Unless the building official waives the need for any information listed below, the following shall accompany the application:
  1. Scope of Work - identify and describe the work to be covered by the permit for which application is made.
  2. Site/Plot Plan - describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work; see Section 10.05.450.B.5.
  3. Indicate the use and occupancy for which the proposed work is intended.
  4. Be accompanied by construction documents and other information as required in Section 10.05.450.
  5. State the valuation of the proposed work.
  6. Be signed by the applicant, or the applicant's authorized agent.
  7. Give such other data and information as required by the building official including but not limited to the declarations regarding Worker's Compensation, Owner-Builder and State Contractor's Law.
- B. **Action on Application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the

reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

- C. Time Limitation of Application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official may grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated and an additional fee for permit processing, as set forth in Title XIII of the Yuba County Ordinance Code, shall be applied.

#### **10.05.430 Permit.**

- A. Placement of Permit and Job-Site Placard.** The building permit, or copy thereof, shall be kept on the site of the work until the completion of the project. In addition, the "Job Site" placard shall be posted at all times on the site in a conspicuous location, near the work being completed that is readily visible from the right-of-way or the driveway. Where a Job Site card has been issued, but has not been properly displayed, a Stop Work Notice may be issued. Prior to any new inspections being schedule or made the fee for "Stop Work" as listed in Title XIII shall be paid.
- B. Expiration.** Every permit issued shall expire, where no final approvals have been granted, 24 months after the issuance date. Where work on the site authorized by such permit has not commenced or if the work is suspended or abandoned for a period of 180 days after the time the work is commenced the permit authorizing such work shall become null and void. For the purposes of this code, commencement of work shall mean successful completion of required inspections including their approvals (CHSC 19870:(5)).
- C. Suspension and Revocation.** The building official may suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.
- D. Permit Renewal.** Prior to permit expiration or where a permit has been expired for less than 180 days, the building official may renew a permit for one or more extensions of time. Extension shall be good for one calendar year. Where the permit has expired, the extension shall be requested in writing and justifiable cause demonstrated. The maximum fee for such extension shall be set in Title XIII of the Yuba County Ordinance Code and such fee may be reduced by pro-rating the amount on a per-month basis for the estimated time needed to final the permit.
- E. Permit Reinstatement.** 180 days or more after permit expiration or if a permit has been revoked or voided, the building official may reinstate an expired, suspended, revoked or

voided permit where good cause has been presented in writing, construction documents have been previously approved or the documents have been modified to comply with this code and the fee as prescribed by Title XIII of the Yuba County Ordinance has been paid. For the purposes of this provision, the reinstated permit shall be valid for the same time period as for a new permit.

#### **10.05.440 Temporary Structures and Uses.**

- A. General.** The building official may issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official may, upon written request supported by good cause, to grant a one-time extension of not more than 90 days. An application for temporary permit shall be made to the building official and shall contain a plot plan that accurately, to a scale of ¼ inch per foot, identifies property lines, required setbacks (structure to structure, property lines to structures, septic and well locations), grading activities (a separate permit may be required), existing structures and the proposed structure. The application shall also contain a signed and notarized acknowledgement stating that the structure is temporary and must be removed by the permit expiration date and that failure to do so will result in the issuance of a Notice and Order to Abate Public Nuisance (pursuant to Chapter 7.36 of the Yuba County Ordinance Code) along with all applicable enforcement costs and penalties.
- B. Conformance.** Temporary structures and uses shall be limited to the U Occupancy classification; limited to 400 square foot, or less, in size; with non-hazardous storage or an agricultural/horticultural use; vehicle, chemical or hazardous material storage is prohibited. Construction documentation and plan-check service as required by this code shall not be required; however the structure must conform to generally accepted construction and/or engineering practices and shall not pose a fire/life/safety hazard to the community. The building official shall collect the fee for temporary structures as prescribed in Title XIII of the Yuba County Ordinance Code. Inspections pursuant to this Section include, but are not limited to, apparent fire/life/safety hazards, verification of setbacks, construction method, ground-attachment, temporary plumbing and electrical services/fixtures. In addition, verification of the structure's final removal shall also be authorized by the permit.
- C. Termination of Approval.** Where the temporary structure or use creates a hazard or is otherwise determined to be a public nuisance, the building official is authorized to terminate such permit for the temporary structure or use and to order the temporary structure or use to be discontinued. No refund of any fee paid pursuant to this section shall be reimbursed to the owner, applicant or authorized agent after a permit has been issued.

## **10.05.450 Document Submittals**

### **A. Plan Submittals**

1. Shall contain sufficient information for the building official to review for code compliance.
2. Consist of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in three (3) or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by law. Where special conditions exist, the building official may require additional construction documents to be prepared by a registered design professional.
  - a. Exception: The building official may waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.
3. Be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

### **B. Plan Information.** Where specific or additional information is required by the Building Official, construction documents may include but not be limited to the following:

1. Fire protection systems. Drawings for the fire protection system (s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation.
2. Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
3. Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

4. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.
5. Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures and other improvements on the site, distances from lot lines and other required setbacks, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official may waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.
6. Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Yuba County Ordinance Code, Chapter 10.30, Federal Code of Regulations Chapter 44 and Section 1612.3.1 of the California Building Code.

**C. Deferred Submittals.**

1. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.
2. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.
3. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

**D. Amended Construction Documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are



not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**10.05.460 Approval of Construction Documents.**

- A. Examination of Documents.** The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.
- B. Approval of Documents.** When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.
- C. Previous Approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.
  - 1. **Geotechnical Soils Reports.** Where development has ceased, and land has laid fallow for 2 years or more, the approved geotechnical soils report maintained by the building department shall be updated with a supplemental geotechnical report. The supplemental report shall be issued by the same author of the original report. Where the original author is unable to provide the supplemental report the building official may accept a supplemental report from another certified individual, firm or corporation.
- D. Phased Approval.** The building official may issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.
- E. Design Professional in Responsible Charge.** When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties

required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

1. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

#### **10.05.470 Building Department Records.**

**A. Retention of Construction Documents (CHSC 19850).** Commencing January 1, 2014, the building department shall maintain an official copy of plans for every building, for the life of the building, for which the building department issues a permit.

1. Exception: This section shall not apply to the following:
  - a. Single or multiple dwellings not more than two stories and a basement in height.
  - b. Garages and other structures appurtenant to buildings describe in "1." above.
  - c. Farm or ranch buildings.
  - d. One-story, wood-framed buildings where the span between bearing walls does not exceed 25 feet.
2. For the buildings described in the exception above, one set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work.

**B. Construction Documents, Plans and Specifications as Public Records (CHSC 19851).** Documents retained by the building department are public record and shall be open and available for inspection by the public, except for information specifically exempted under law shall be redacted from the file prior to inspection. The documents requested for inspection shall be made available as soon as practicable by the department, normally being one business day, and may only be viewed on the premises of the building department.

**C. Release of Construction Documents, Plans and Specifications (CHSC 19851).** Documents, plans and specification may be released, in whole or in part, where the following provisions have first been met:

1. Written permission from:
  - a. The certified, licensed or registered professional, or his/her successor, who signed the original documents.
  - b. The original or current owner of the building, or from the board of directors if the building is a common interest development.

- c. The above requirements shall not apply where there is a proper order of the court or to any state agency.
2. The person requesting copies or the release of documents shall also provide a signed affidavit, provided by the building department, which states following provisions:
  - a. That the copy of the plans shall only be used for the maintenance, operation, and use of the building.
  - b. That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
  - c. That Subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports, or documents where the changes are not authorized or approved by the architect that originally signed the plans.
3. The requested documents shall not be released until a fee for administrative and reproduction costs have been paid to the department.

## **ARTICLE 5 FEES**

**10.05.500 Schedule of Permit Fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the Yuba County Board of Supervisors and contained in Title XIII of the Yuba County Ordinance Code. Where a specific fee has not been identified or listed in the fee matrix tables, fees for services shall be applied per the department's hourly rate as stated in Section 10.05.510 below.

**10.05.510 Application of Fees.** Any work which requires the issuance of a permit, including but not limited to, pre-inspections, department routing clearances, plan check services, permit issuance and required inspections shall have a corresponding fee applied to the permit process. Where a specific fee has not been identified, the building official shall first estimate the amount of time necessary to perform the required duties to meet code requirements and then apply the current hourly rate as listed in Title XIII of the Yuba County Ordinance Code.

**10.05.520 Payment of Fees.** A permit shall not be valid until the fees prescribed by this code, as listed in Title XIII of the Yuba County Ordinance Code have been paid, nor shall an amendment to a permit be released until additional fees, if any, have been paid.

**10.05.530 Building Permit Valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit valuation shall be set using the permit valuation table as set by the building official.

**10.05.540 Work Commencing Before Permit Issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits and where a Stop Work Notice has been issued pursuant to Section 10.05.710B, the permittee shall be subject to a fee, as listed in Title XIII of the Yuba County Ordinance Code, that shall be in addition to the required permit fees.

**10.05.550 Cost of Enforcement.** Where it is necessary for the building official to enforce various provisions of this code, the Yuba County Ordinance Code or any state or federal laws, the building official shall keep an itemized accounting of cost related to enforcement. The cost of enforcement shall become the responsibility of property owner of the property on which the violation occurred.

**10.05.560 Related Fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by the Yuba County Ordinance Code or any other state or federal law.

**10.05.570 Deferred Fees.** The building official is hereby authorized to issue a permit prior to the collection of all fees associated with development where the Yuba County Ordinance Code specifically authorizes the deferment of certain fees.

**10.05.580 Refunds.**

- A. The building official may authorize a full refund of any fee paid which was erroneously paid or collected. The building official may authorize a refund of not more than 80 percent of the permit fee paid where no work has been done under the permit issued in accordance with this code. The building official may authorize a refund of not more than 80% of the plan review fee paid when an application for a permit for which a plan

review fee has been paid is withdrawn or canceled by the applicant before any plan review has been completed.

- B. The building official shall not authorize the refund of any fee paid where the request for refund is received 180 days or more after the original date of the payment of the fee and the permit is considered null and void or abandoned.
- C. The building official shall not authorize the refund of any fee paid to any person who is not the original person who paid the fee, except where the original person who paid the fee provides a request that contains a written authorization releasing the refund to a different recipient.

**10.05.590 Fee Waivers.** Pursuant to Resolution 1999-22, adopted by the Yuba County Board of Supervisors on February 2, 1999, fees imposed by this code and listed in Title XIII of the Yuba County Ordinance Code shall not be waived except that where an incident is officially declared to be a local emergency, the Board of Supervisors may, conditionally or not, waive fees established by County Ordinance otherwise chargeable to victims of such an incident and directly related to such victims' recovery from the incident.

## **ARTICLE 6**

### **INSPECTIONS, CONNECTION TO UTILITIES, AND CERTIFICATE OF OCCUPANCY**

**10.05.600 Inspections.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. All approved construction documents shall be onsite for each inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of Yuba County. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the County shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- A. **Inspection Requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. Inspections will generally be performed the following business day after the request has been received, except that Inspections may be performed the same business day when requested through the County's automated IVR system no later than 7:00am. It shall be

the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

- B. Inspection Approval Required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. Where the building official has previously cited work to be corrected and a new inspection reveals noncompliance, the building official may apply a fee for reinspection.

**10.05.610 Required Inspections.** The building official, upon notification, shall make the inspections set forth in Sections A through H and/or Section 10.05.620. The job-site inspection card issued along with the building permit shall be on site for each inspection that has been scheduled with the building department.

- A. Footing and Foundation Inspection.** Footing and foundation inspections, including property line setback distance, shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
- B. Concrete Slab and Under-Floor Inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed including the subfloor.
- C. Frame Inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
1. **Moisture Content Verification.** Moisture content of framing members shall be verified in accordance with the California Green Building Standards Code (CALGreen), Chapter 4, Division 4.5.
- D. Lath and Gypsum Board Inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
1. Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

- E. Fire- and Smoke-Resistant Penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.
- F. Energy Efficiency Inspections.** Shall include, but not be limited to, inspections for envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.
- G. Green Building Standards.** Shall include, but not be limited to: design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency and environmental quality.
- H. Final inspection.** The final inspection shall be made after all work required by the building permit is completed. The final inspection shall not be made prior to the Building Department receiving all development approvals from all reviewing departments and agencies.
  - 1. Operation and Maintenance Manual. At the time of final inspection, a manual, compact disc, web-based reference or other media acceptable to the enforcing agency shall be placed in the building in accordance with the California Green Building Standards Code (CALGreen), Chapter 4, Division 4.4.

#### **10.05.620 Special Inspections and Other Inspections.**

- A. Preliminary Inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. The building official may charge the department's hourly rate for time spent during the preliminary inspection.
- B. Special Inspection.** In addition to the inspections specified in Sections 10.05.610, the building official is authorized to make or require special inspections or any other inspections of any construction work including accepting reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability to ascertain compliance with the provisions of this code and other laws that are enforced by the building department.
- C. Reinspections.** Where the work for which an inspection has been requested has not been completed, or where the work has not remained accessible or exposed, or where necessary construction documents are not onsite and available for the inspector at the time of inspection, the building official may require a fee for reinspection to be assessed and paid prior to any new inspections being made.

**10.05.630 Connection of Service Utilities.** Where public utilities are within 300 feet of the property line of a development (existing or new), the building or structure to be served shall be connected to such utility.

- A. Permanent Approval.** Connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, shall require approval by the building official. A green, adhesive-backed, authorization tag with the words "Acceptance Notice" shall be affixed to the service equipment and/or piping as close as practicable to the service utility connection to the site being served.
- B. Temporary Connection.** The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power. Once authorized a white tag with the words "Temporary Service Acceptance Notice" shall be affixed by tie-wrap (aka zip tie) to the service equipment and/or piping as close as practicable to the service utility connection to the site being served. Temporary utilities shall either be made permanent within 180 days of authorization or the installation shall be considered hazardous and the building official shall cause such service to be disconnected. For the purposes of this section, "permanent" shall mean where a final inspection has been made and a permanent green Acceptance Notice tag has been affixed to the service entrance.
- C. Authority to Disconnect Service Utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without a permit authorizing such connection. The building official shall give notice to the serving utility of his/her decision to disconnect along with the reason for the disconnection. Except during an emergency or when there is an immediate hazard, the building official shall also give notice to the owner and/or occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

**10.05.640 Use and Occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**10.05.650 Certificate Issued.**

- A.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building department, the building official shall issue a certificate of occupancy.
  - 1. Exception: The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit,



provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

2. Certificate of Occupancy are not required for:
  - a. Work exempt in section 10.05.410
  - b. Building or structures accessory to single family dwellings

**B. The Certificate of Occupancy shall contain the following:**

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy.
9. The type of construction.
10. The design occupant load, where applicable.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

**10.05.660 Revocation.**

- A. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.
- B. Where no Certificate of Occupancy has been issued or where the Certificate of Occupancy has been revoked pursuant to this code, the building or structure shall not be occupied or used and shall be considered dangerous and unsafe to occupy and may be posted as such.

## **ARTICLE 7**

### **VIOLATIONS, REMEDIES AND APPEALS**

#### **10.05.700 Unlawful Acts.**

- A.** It shall be unlawful and a violation of this Chapter to do anything in contrary to the provisions set forth in this code.
- B.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.
- C.** It shall be unlawful for any person, firm or corporation to cause, allow or maintain any property, building or structure, or any equipment thereon to become a public nuisance dangerous or unsafe.
- D.** It shall be unlawful and a violation of this Chapter to remove or deface any notice issued by the building official where such notice has been posted on any property, building or structure.

**10.05.710 Remedies.** Any violation of this code may be abated by any enforcement process authorized by law or as outlined in the Yuba County Ordinance Code.

- A. Unsafe to Use or Occupy.** Where a structure, property or equipment is deemed unsafe, an Unsafe to Use or Occupy placard shall be posted. Where a structure has been posted unsafe the building official shall make a determination as to what use or occupancy may be appropriate based on the conditions present and identify restrictions, either by posting another placard or displaying the restrictions on the original posting placard. The placard shall be conspicuously posted at, or as close as practicable, to all entry and exit doors.
- B. Stop Work.** Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.
  - 1. Issuance.** The Stop Work order shall be posted on the property where the work is being completed. The order may also be served by mail or by personal service to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the action, and the conditions under which the cited work will be permitted to resume.
  - 2. Penalty.** Where a Stop Work Order has been served pursuant to commencement of work prior to permit issuance, a penalty as listed in Title XIII

of the Yuba County Ordinance Code for "Stop Work" shall apply and be collected when a permit for such work has been applied for and the permit has been obtained.

3. Where a Stop Work Order has been served pursuant to work completed in conflict or to the contrary of the permit authorizing such work, a penalty as listed in Title XIII for "re-inspection" shall apply and be collected prior to any corrective work being completed or any new inspections being scheduled or made.
- C. Notice of Violation.** The building official is authorized to serve a Notice of Violation on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a code, or in violation of a permit or certificate issued under the provisions of this code. Such notice shall be a request for the discontinuance of the illegal action or condition and the abatement of the violation.
- D. Notice & Order to Abate.** The building official is authorized to serve a Notice and Order to Abate Public Nuisance to the owner of a property or to the person creating the violation, or to both, pursuant to the guidelines set forth in Chapter 7.36 of the Yuba County Ordinance Code. Such Notice shall be mandatory and shall order the abatement of a violation of this code within a time certain.
- E. Notice of Non-Compliance.** The building official is authorized to cause a Notice of Non-Compliance to be recorded against a parcel where a permit has expired, has been suspended or revoked, has become null and void, or where work has been completed without first obtaining a permit or where a building, structure, piece of equipment or property is deemed unsafe or where a building has been occupied prior to the issuance of a Certificate of Occupancy. A copy of the Notice of Non-Compliance shall be kept on file within the Building Department's records. The building official may provide advance notice of the recording of Notice of Non-Compliance to the property owner and may cause a copy of said Notice to be delivered to owner of record as it appears on the last equalized assessment role or to another address as the owner directs.
- F. Notice of Compliance.** Where work or conditions cited in any notice issued by the building department has been corrected or removed, the building official may cause a Notice of Compliance to be recorded. The Notice of Compliance shall reference the original Notice of Non-Compliance. The property owner, or owner's agent, requesting the Notice of Compliance to be recorded shall pay the document preparation and recording fees as set forth in Title XIII of the Yuba County Ordinance Code.
- G. Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

#### **10.05.720 Violation Penalties.**

- A. Misdemeanor.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code is guilty of a misdemeanor and upon conviction thereof is punishable by imprisonment in the County jail for not more than 6 months or by a fine not exceeding \$1,000.00, or by both a fine and imprisonment. Each day, or portion thereof, during which any such violation continues shall be deemed a separate offense.
- B. Unlawful Continuance.** Any person who continues to use, occupy or work after having been served with any notice contained herein, except such work as that person is directed to perform to abate a violation or unsafe condition, may be subject to other penalties as prescribed by law.

#### **10.05.730 Appeals.**

- A.** Appeals pursuant to orders or decisions of the building official shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed.
- B.** Appeals shall be in writing and shall be filed with the building official within 15 days after written notice of the order or decision of the building official has been mailed to the applicant. The building official shall schedule a hearing that is set for a date not less than 15 days and not more than 60 days from the date that the request is filed with the building official.

**10.05.740 Board of Appeals Established.** Pursuant to the authority granted in this code and in section 17920.5 of the California Health and Safety Code, the Board of Appeals is hereby created.

- A. Hearing Authority.** The Board of Appeals is authorized to hear appeals regarding all decisions of the building official or any issue referred to it by the building official, including:
  - 1. The denial of modifications, variances, materials and design from the provisions of this chapter.
  - 2. Determine the suitability of alternate materials and types of construction, and
  - 3. Provide reasonable interpretation of the technical provisions of this chapter.
  - 4. The Board of Appeals shall have no authority to waive requirements of this code nor shall the board have any authority as to the interpretation of the Administrative sections of this code or wave any requirements thereof.

**B. Appointment of Members.** The Board of Appeals shall consist of five (5) regular members and two (2) alternate members, who are County residents, and are not employees of the County, and shall be appointed by the Yuba County Board of Supervisors as follows:

1. One for five years; one for four years; one for three years; one for two years; and one for one year; alternate members shall be appointed for five years or serve until a successor has been appointed.
2. Thereafter, each new member shall serve for five years or until a successor has been appointed.

**C. Qualifications.** Board members shall be qualified by experience and training to pass on matters pertaining to building construction as follows:

1. Qualifications:
  - a. One (1) Registered Design Professional, Structural or Civil Engineer or Architect.
  - b. Two (2) General Building Contractors.
  - c. One (1) Fire Science Degree/experience.
  - d. One (1) Member of the General Public.
2. Alternate members may have any of the qualifications listed above.
3. The building official shall be appointed as an ex-officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board.

**D. Other Duties.**

1. The Board of Appeals shall hold the office at the pleasure of the Board of Supervisors.
2. The Board of Appeals shall adopt rules of procedure for conducting its business.
3. Hearings shall be conducted based on the procedures as set forth in Article 5, of Chapter 7.36 of the Yuba County Ordinance Code commencing with Section 7.36.510.
4. The Board of Appeals shall select one of its members annually to serve as Chairperson.

**E. Conflicts.** Where a conflict exists or may be perceived to exist, an individual Appeals Board member shall take appropriate action to eliminate the conflict up to and including abstaining from voting.

#### **10.05.750 Alternative Hearings.**

**A.** Where the Board of Appeals is unable or unavailable to hear appeals pursuant to this section, an Administrative Law Judge or the Yuba County Board of Supervisors is hereby authorized to carry out the Board of Appeals' duties.

- B. Appeals related to housing issues shall be heard pursuant to the rules established in Chapter 7.36 of the Yuba County Ordinance Code. Appeals shall only be requested pursuant to a Notice and Order to Abate Public Nuisance.

## **ARTICLE 8 SEVERABILITY**

**10.05.800 Severability.** If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this Chapter.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



089-14

**BUILDING**  
749-5440 • Fax 749-5616

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

**To:** Land Use and Public Works Committee  
**From:** Martin Griffin; Chief Building Official  
Jeremy Strang; Supervising Building Official  
**Date:** March 11, 2014  
**Subject:** Ordinance Creating Chapter 10.50, Repair and Reconstruction, of the Yuba County Ordinance Code

**RECOMMENDATION:** Consider creating Ordinance Chapter 10.50, Repair and Reconstruction as part of the revision to Yuba County Ordinance Code Chapter 10.05 and recommend adoption by the Board of Supervisors.

**BACKGROUND:** On September 22, 2009 the Yuba County Board of Supervisors added the provisions contained in the proposed ordinance to Chapter 10.05 commencing with section 10.05.150.

**DISCUSSION:** The proposed ordinance is representative of technical provisions and is no longer appropriate within Chapter 10.05 as it represents administrative provisions. Minor changes have been made so that the chapter will be consistent with the current California Building Code.

### Summary of Changes:

- Renumber sections to be consistent with the California Building Code
- Deleted duplicative sections

**ENVIRONMENTAL DETERMINATION:** Pursuant to the State Guidelines to implement the California Environmental Quality Act (CEQA), the ordinance has been reviewed for its potential to impact the environment. It is recommended that the Board of Supervisors determine that the proposal consists of a minor technical update to an existing ordinance. As the ordinance addresses safety standards for existing structures it can be seen that the proposed technical update will not have an adverse impact upon the environment and it is, therefore, EXEMPT from further environmental review pursuant to CEQA Section 15061(b)(3).

**FISCAL IMPACT:** The proposed ordinance will not have any impact on the General Fund. User Fees fund all Building Department Activities.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADDING CHAPTER 10.50 TO THE YUBA COUNTY ORDINANCE CODE  
RELATING TO REPAIR AND RECONSTRUCTION OF STRUCTURES**

The following ordinance consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson of the Board of Supervisors  
of the County of Yuba, State of California

ATTEST: DONNA STOTTEMEYER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

APPROVED AS TO FORM  
ANGIL MORRIS-JONES:

By: \_\_\_\_\_





**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES ORDAIN  
AS FOLLOWS:**

Section 1. This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. Chapter 10.50 of Title X of the Yuba County Ordinance Code is hereby created as follows:

**CHAPTER 10.50**

(Formerly Chapter 10.05, Section 10.05.150; Prior Ord. No. 1483; 1501)

**REPAIR AND RECONSTRUCTION ORDINANCE**

**SECTIONS:**

**10.50.100 Purpose.**

**10.50.110 Findings.**

**10.50.120 Conflicts.**

**10.50.130 Section 3402 Additional Language.**

**10.50.140 Section 3405 Additional Language.**

**10.50.150 Severability.**

**10.50.100 Purpose.** It is the intent of the Board of Supervisors in adopting this Ordinance to provide additional measures regarding the repair of buildings or structures damaged as a result of natural disaster. These additions and amendments to Chapter 34 of the California Building Code (CBC) are intended to reduce the amount of time for repairs thus minimizing the amount of time owners and/or occupants are displaced from their buildings.

**10.50.160 Findings.** These additions and amendments are necessary to further safeguard the public health, safety and general welfare because of local geological conditions that present a danger to the County's existing buildings and structures. Pursuant to California Health and Safety Code Section 17958.7, these express findings are either on file or will be filed with the California Building Standards Commission prior to the effective date of this Ordinance.

**10.50.170 Conflicts.** In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern.

**10.50.180 Section 3402 Additional Language.** For the purposes of this Chapter, the following definition applies and is hereby added to Section 3402, *Definitions*, of the California Building Code:

**A. SUBSTANTIAL STRUCTURAL DAMAGE.** A condition where:

1. In any story, the vertical elements of the lateral-force resisting-system have suffered damage such that the lateral load-carrying capacity of the structure in any direction has been reduced by more than 20 percent from its pre-damaged condition, or:
2. The capacity of any vertical gravity load-carrying component, or any group of such components that supports more than 30 percent of the total area of the structures floor(s) and roof(s) has been reduced more than 20 percent from its pre-damaged condition, and the remaining capacity of such affected elements with respect to all dead and live loads is less than 75 percent of that that required by the building code for new buildings of similar structure, purpose and location.

**10.50.190 Section 3405 Additional Language.** The following Sections are hereby added to Section 3405, *Repairs*, in Volume 2 of the California Building Code:

**A. 3405.6 Seismic Evaluation and Design.** Existing buildings, structure and their components shall be based on the following criteria:

1. California Building Code
2. American Society of Civil Engineers (ASCE) 31, Seismic Evaluation of Existing Buildings
3. American Society of Civil Engineers (ASCE) 41, Seismic Rehabilitation of Existing Buildings
4. Appendix A of the International Existing Building Code (IEBC)

**B. 3405.6.1 Seismic Forces.** When seismic forces are required to meet the levels prescribed by the Building Code, they shall be one of the following:

1. 100 percent of the values as prescribed in the Building Code. The R factor used for analysis in accordance with Chapter 16 of the Building Code shall be the R factor

specified for structural systems classified as “Ordinary” unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as “Intermediate” or “Special”.

2. Where ASCE 41 is used, the corresponding BSE-1 and BSE-2 Earthquake Hazard Levels performance levels as shown in Table 3405.6 shall be used.

**TABLE 3405.6**  
**ASCE 41 and ASCE 31 PERFORMANCE LEVELS**

<b>OCCUPANCY CATEGORY (Based on CBC Table 1604.5)</b>	<b>PERFORMANCE LEVEL FOR USE WITH ASCE 31 and ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL</b>	<b>PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL</b>
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note (a)	Note (a)
IV	Immediate Occupancy (IO)	Life Safety (LS)

Note(a). Performance Levels for Occupancy Category III shall be taken as halfway between the performance levels specified for Occupancy Category II and Occupancy Category IV.

- C. 3405.6.2 Reduced CBC level seismic forces.** When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor as specified in Section 3405.6.1 item 1.
2. In accordance with the applicable chapters in Appendix A of the IBC, as specified in items a through e below. Structures or portions of structures that comply with the applicable requirements in IBC Appendix A shall be deemed to comply with the requirements for reduced building code force levels.
  - a. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in IBC Appendix Chapter A1.
  - b. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in IBC Appendix Chapter A2.
  - c. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or

- II are permitted to be based on the procedures specified in IEBC Appendix Chapter A3.
- d. Seismic evaluation and design of soft, weak, or open-front wall conditions in existing multi-unit residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in IEBC Appendix Chapter A4.
  - e. Seismic evaluation and design of existing concrete buildings and concrete with masonry infill buildings in all Occupancy Categories are permitted to be based on the procedures specified in IEBC Appendix Chapter A5.
- 3. Where ASCE 31 is used, the performance levels as shown in Table 3405.6
  - 4. Where ASCE 41 is used, the performance level as shown in Table 3405.6. Additionally the design spectral response acceleration parameters  $S_x$  and  $S_{x1}$  shall not be taken less than 75 percent of the respective design spectral response acceleration parameters  $S_{DS}$  and  $S_{D1}$  defined by the IBC and its reference standards.

**D. 3405.6.3 Referenced Standards.**

Standard Reference Number	Title	Referenced In Code Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3405.6:1, Table 3405.6 3405.6.2:3
ASCE 41-06	Seismic Rehabilitation of Existing Buildings	3405.6:2, 3405.6.1:2 Table 3405.6 3405.6.2:4

**10.50.1100 Severability.**

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this Chapter.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.



Protective Inspection Committee



# The County of Yuba

## Environmental Health Department

### Clark Pickell Hazardous Materials Supervisor

915 8<sup>th</sup> Street, Suite 123, Marysville, California 95901

Phone: (530) 749-7523 FAX: (530) 749-5454



090-14

TO: Protective Inspection Committee

FROM: Tejinder Maan/ Environmental Health Director *TM*  
Clark Pickell/ Certified Unified Program Agency *CP*

SUBJECT: Approval of Resolution to apply for the Rural  
Underground Storage Leak Prevention Program Grants

Date: March 11, 2014

**Recommendation:** Authorize the Chair of the Board of Supervisors to approve a resolution authorizing the Director of Environmental Health to apply for and enter into agreements with the State of California for a grant to implement the Rural Underground Storage Tank Prevention Program in the amount of \$118,529, administered by the California Environmental Protection Agency.

**Background:** Grant funds have been made available to rural agencies to improve local programs with regards to underground storage tank leak prevention. These funds may be used to reimburse the CUPA for increased inspection, enforcement and program development in the underground storage tank program administered by CUPAs.

**Discussion:** This grant provides funds to implement the Rural Underground Storage Tank Prevention Program. The funding will be used to reimburse the Yuba County Environmental Health Department for expenses that are not covered by the current single fee structure in regards to implementing and improving the local underground storage tank program. The grants are two year cycles spanning FY 2014-2016 and FY2016-2018.

**Fiscal Impact:** The Environmental Health Department proposes to enter into an agreement with the State of California to receive a grant which provides funding to implement the Rural Underground Storage Tank Prevention Program. The funds received from this grant will reimburse the Environmental Health Department for currently unreimbursed expenses in implementing the underground storage tank program. There is no fiscal impact to the general fund.

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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

IN RE: )  
 ) Resolution No. \_\_\_\_\_  
RESOLUTION AUTHORIZING THE DIRECTOR OF )  
ENVIRONMENTAL HEALTH TO APPLY FOR AND )  
ENTER INTO AGREEMENT WITH THE STATE OF )  
CALIFORNIA AND TO SIGN THE GRANT )  
AGREEMENT, AND ANY AMENDMENTS THERETO )  
FOR THE RURAL UNDERGROUND STORAGE TANK )  
PREVENTION PROGRAM, FISCAL YEARS 2014/2015- )  
2018/2019. )

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WHEREAS, funds are allocated and available from the California Environmental Protection Agency for grants to Certified Unified Program Agencies (CUPA) to implement the Rural Underground Storage Tank Prevention Program; and

WHEREAS, the Certified Unified Program Agency has been delegated the responsibility and authority to administer the underground storage tank program within California; and

WHEREAS, the County of Yuba Environmental Health Department shall use these grant funds made available pursuant to the grant agreement with the California Environmental Protection Agency to implement the Rural Underground Storage Tank Prevention Program;

NOW, THEREFORE, be it resolved that the Yuba County Board of Supervisors: Authorizes the Yuba County Environmental Health Director or designee, to apply for and enter into agreement with the California Environmental Protection Agency for the Rural Underground Storage Tank Prevention Program grant. Subject to approval of County Counsel, the chair of the Board of Supervisors, or their designee, is hereby authorized and empowered to execute in the name of Yuba County Environmental Health Department all necessary applications, contracts, payment

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requests, agreements and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the application and certifies the County of Yuba is in compliance with all applicable laws and regulations.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the

following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:


YUBA COUNTY

By: \_\_\_\_\_  
Chair of the Board of Supervisors  
John Nicoletti

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

APPROVED AS TO FORM

  
\_\_\_\_\_  
Angil Morris-Jones, County Counsel

# RURAL UNDERGROUND STORAGE TANK (UST) LEAK PREVENTION PROGRAM GRANT APPLICATION FORM

## 1. Entity Information:

Certified Unified Program Agency Name (CUPA): Yuba County

GRANTEE	GRANT CONTACT (if different from Project Director)
Name of Project Director, Title: Tejinder Maan, Director of Environmental Health	Name: Clark Pickell
Street Address: 915 8 <sup>th</sup> Street, Suite 123	Street Address: 915 8 <sup>th</sup> Street, Suite 123
City, Zip: Marysville, 95901	City, Zip: Marysville, 95901
Phone: 530-749-5450	Phone: 530-749-7523
Fax: 530-749-5454	Fax: 530-749-5454
e-mail: tmaan@co.yuba.ca.us	e-mail: cpickell@co.yuba.ca.us

2. Grant Amount: \$ **118,529.00**

## 3. Scope of Work

The state's Underground Storage Tank (UST) Leak Prevention Program includes requirements for tank installation, construction, testing, leak detection, spill containment, and overflow protection. While the primary focus of the Rural CUPA UST Prevention Grant is to ensure that all USTs are inspected at least annually and that Significant Operational Compliance is documented during the inspections, other efforts that support the prevention program are eligible for reimbursement. To ensure that the primary focus is met, the Yuba County CUPA will ensure that every UST identified in the jurisdiction is inspected by qualified personnel at least two times during the performance period of this grant.

Grant funds may be used to increase the availability of existing staff, hire new staff or contract with services that provide UST inspections to accomplish this deliverable. The Yuba County CUPA will use part of the grant funds to redirect existing Environmental Health Department staff to be trained as UST inspectors to provide additional resources to allow improved follow-up, enforcement, facility assistance and overall program development.

Prevention efforts are also served by a strong education and enforcement program to deter business violation of the UST program's regulatory requirements. Therefore, work efforts to improve enforcement processes involving USTs are part of this grant. The Yuba County CUPA will assign a dedicated staff member to conduct follow-up for every UST facility. The goal of this project is to conduct a full review of each facility to determine deficiencies or weaknesses in the overall UST program conducted by the facility, to work individually with these facilities to correct these deficiencies or program weaknesses (e.g.: Tank Forms, Monitoring and Response Plans, training programs, daily or routine monitoring procedures, testing requirements, documentation procedures), and to reach full Return to Compliance (RTC) for each facility. The regulatory compliance activities will follow the Yuba County

Inspection and Enforcement Plan for graduated enforcement actions including using the Unified Program's Administrative Enforcement Order (AEO) capability.

The UST prevention effort is also served by the training of existing staff and training of local business owners on the requirements of the UST program. The Yuba County CUPA will plan and implement formalized training for its staff and businesses as part of this grant. Two existing permanent Environmental Health staff persons that are not trained in UST inspections will be scheduled for on-the-job training, formal UST Inspector training, and California UST ICC certification.

The Yuba County CUPA will report the results of the UST inspections semiannually to the Cal/EPA Unified Program on the provided form as part of the grant reporting.

#### **4. Work Plan**

The work plan describes the Yuba County CUPA's activities and tasks that support the UST prevention program. The list of activities and tasks are provided below.

1. Identification of the regulated facilities with USTs with the number of USTs  
The Yuba County CUPA UST data in an Excel spread sheet is attached to this application.
2. Inspection schedule covering the Period of Performance  
The Yuba County CUPA UST inspection schedule is attached to this application.
3. Staff augmentation plan  
The Yuba County CUPA will add 604 hours paid by the grant to fund the training of two new trainees. Some of this training will be to standardize UST inspections by conducting joint inspections with all staff under a senior inspector's oversight. The single fee does not cover all expenses related to conducting a thorough UST program, therefore, the Yuba County CUPA will use the grant to fund additional hours to conduct non-routine inspections, file reviews, on-site analysis and assistance to facilities to improve their UST monitoring programs, assistance with accurate completion of required tank forms to make sure the UST systems are properly documented and compliance with UST data entry into the California Environmental Reporting System (CERS). The total cost over the two year grant cycle is estimated at \$83,229. The staff will use this time in the following area:
  - a) On the job training for new staff to conduct file review, inspections and report writing.
  - b) To conduct joint inspections upon completion of training and ICC certification.
  - c) Allow, experienced staff, time to conduct the follow-up project as described in the scope of work.
  - d) Provide specific compliance assistance to UST facilities as part of inspections or as deemed necessary or appropriate.
  - e) Maintenance of the statewide standardized electronic inspection forms.

4. Staff Training

The Yuba County CUPA will train two additional staff as certified UST inspectors. The estimated time for studying and completing the ICC certification exam is 64 hours at an estimated cost of \$9,000. The Yuba County CUPA will also send all inspectors to an UST inspector refresher course annually at a cost of \$4,500. As part of the grant funding additional trainings, such as attending the UST Technical Advisory Groups (TAGs) and other training required to maintain their ICC certification should be funded. It is estimated that a minimum of 64 hour of training will be attended over the grant period at a cost of \$20,000. The total training cost over the two year grant period would be \$33,500.

5. Business Training

The Yuba County CUPA will provide individual specific and customized training to business as appropriate. The costs include staff time to provide the training and assist in implementation. Estimated staff time at 145 hours over the two year grant period, including materials provided to the participants (binders, printing, paper, thumb-drives for electronic information etc.). This cost/time is included as part of the staff augmentation see task 3.

6. Enforcement Program and Return to Compliance Improvement

Yuba County ensures compliance through a graduated enforcement program as described in the Yuba County Inspection and Enforcement Plan. This plan details escalation of enforcement from a Notice to Comply to a Notice of Violation for informal enforcement and then advancing to a compliance inspection and then to an administrative enforcement order (AEO) or referral to the district attorney for formal enforcement. CUPA staff have attended formal enforcement trainings and as part of the training program are expected to attend refresher or continuing training on this topic. It is anticipated that the grant will allow additional time for experienced staff to conduct compliance activities.

See task 3.

7. The Yuba County CUPA will participate in a statewide workgroup to maintain the standardized electronic inspection checklists for conducting UST inspections. The estimated staff time is 60 hours.

See task 3.

8. The Yuba County CUPA would like to purchase two televisions for business outreach and compliance assistance. One will be used to provide a continuous loop showing the UST inspection process in our lobby. The second will be used to provide compliance assistance/training to businesses and as a training tool for our inspectors using UST inspection videos created by Sacramento County. The estimated cost would be \$1500.00. The CUPA would also like to purchase an easy-up and portable chairs and table to assist conducting UST inspections at facilities with no cover at an estimated cost of \$300.00.

This work plan incorporates estimated time and costs. Actual time may vary between the tasks, increasing or decreasing budgeted items based on need.

### 5. Projected Budget:

Program Costs	Fiscal Year 13/14	Fiscal Year 14/15	Fiscal Year 15/16
Personnel Services*	\$10,506.00	\$43,774.00	\$33,267.00
Operating Expenses	\$3,502.00	\$14,591.00	\$11,089.00
Travel Expenses	\$	\$	\$
Supplies/Materials	\$	\$	\$
Equipment/Software	\$	\$1,800.00	\$
Professional/Consultant Services	\$	\$	\$
FISCAL YEAR TOTAL	\$	\$	\$
TOTAL	\$		

\*Indirect costs may not exceed 35% of grant allotment

### CERTIFICATION

I certify under penalty of perjury that the information I have entered on this application is true and complete to the best of my knowledge and that I am an employee of the applicant authorized to submit the application on behalf of the applicant. I further understand that any false, incomplete, or incorrect statements may result in the disqualification of this application. By signing this application, I waive any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent provided in this program.

Applicant Signature

Date

Printed Name of Applicant

# The County of Yuba

**Agricultural Commissioner – Weights & Measures**  
**915 8<sup>th</sup> Street, Suite 127 – Marysville, CA 95901**


**LOUIE B. MENDOZA, JR.**  
 AGRICULTURAL COMMISSIONER  
 DIRECTOR OF WEIGHTS & MEASURES



**(530) 749-5400**  
**Fax (530) 749-5404**  
**yubaag@co.yuba.ca.us**

**KEVIN ROUSH**  
 ASSISTANT  
 AGRICULTURAL COMMISSIONER  
 DIRECTOR OF WEIGHTS & MEASURES

**To:** Honorable Board of Supervisors  
 Protective Inspection Committee

**From:**  Louie B. Mendoza Jr., Agricultural Commissioner

**Subject:** Consider approval of Agreement with Applied Forest Management Inc. for Consultant Services to coordinate activities of the Yuba Watershed Protection and Fire Safe Council for Fiscal Years 2014/2015 and 2015/2016 and recommend authorization to the Chair of the Board to sign the Agreement

**Date:** March 11, 2014

## **Recommendation:**

Consider approval of Agreement with Applied Forest Management Inc. (AFM) for Consultant Services to coordinate activities of the Yuba Watershed Protection and Fire Safe Council for Fiscal Years 2014/2015 and 2015/2016 and recommend authorization to the Chair of the Board to sign the Agreement.

## **Background:**

The Board has approved this Agreement for Consultant Services for the Yuba Watershed Protection and Fire Safe Council for the past eight years. This is a continuation of an existing agreement with Applied Forest Management Inc. that will provide consultant services for Fiscal Years 2014/2015 and 2015/2016. By way of this agreement, Applied Forest Management Inc. will provide the services of a Fire Safe Coordinator. In a separate agenda item (February 11, 2014) the Board of Supervisors approved the Fire Safe Coordinator as a Title III project under the Secure Rural Schools and Community Self-Determination Act of 2000 (HR2389).

## **Discussion:**

Approval of this Agreement will provide for the continuing services of the currently contracted Fire Safe Council Coordinator position. This will allow continued fire education and planning to occur in high fire risk areas of Yuba County for fiscal years 2014/2015 and 2015/2016.

## **Fiscal Impact:**

This project is funded by Title III funds under the Secure Rural Schools and Community Self-Determination Act of 2000 (HR2389) which are already on deposit with the Yuba County Auditor Controller and requires no County General Funds. Funding for this project under Title III has been decreasing, once the funding has terminated or has been exhausted for Title III, the agreement can be terminated upon 30 days notice. AFM is aware of funding situation and is working with the firesafe council and the Agricultural Commissioner on alternative funding solutions.

Enclosure: Agreement

**AGREEMENT FOR  
CONSULTANT SERVICES FOR  
THE YUBA WATERSHED PROTECTION AND FIRE SAFE COUNCIL**



THIS AGREEMENT for CONSULTANT Services ("Agreement") is made as of the Agreement Date set forth below by and between the County of Yuba, a political subdivision of the State of California ("the COUNTY"), and

APPLIED FOREST MANAGEMENT, INC.,  
a California Corporation,  
("CONSULTANT")

In consideration of the Services to be rendered, the sums to be paid, and each and every covenant and condition contained herein, the parties hereto agree as follows:

**OPERATIVE PROVISIONS**

**1. SERVICES.**

The CONSULTANT shall provide those services described in Attachment "A", Provision A-1 (hereinafter, the "Services"). CONSULTANT shall provide said services at the time, place and in the manner specified in Attachment "A", Provisions A-1 through A-4.

**2. TERM.**

Commencement Date: July 1, 2014

Termination Date: June 30, 2016

**3. PAYMENT.**

COUNTY shall pay CONSULTANT for services rendered pursuant to this Agreement at the time and in the amount set forth in Attachment "B". The payment specified in Attachment "B" shall be the only payment made to CONSULTANT for services rendered pursuant to this Agreement. CONSULTANT shall submit all billings for said services to COUNTY in the manner specified in Attachment "B".



**4. FACILITIES, EQUIPMENT AND OTHER MATERIALS AND OBLIGATIONS OF COUNTY.**

CONSULTANT shall, at its sole cost and expense, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement, unless an exception to this requirement is provided in Attachment "A", Provision A-4.

**5. ADDITIONAL PROVISIONS.**

Those additional provisions unique to this Agreement are set forth in Attachment "C".

**6. GENERAL PROVISIONS.**

The general provisions set forth in Attachment "D" are part of this Agreement. Any inconsistency between said general provisions and any other terms or conditions of this Agreement shall be controlled by the other term or condition insofar as it is inconsistent with the general provisions.

**7. DESIGNATED REPRESENTATIVES.**

The Yuba County Agricultural Commissioner and HR2389 Project Director, is the representative of the COUNTY and will administer this Agreement for the COUNTY.

Stevan W. Andrews is the authorized representative for CONSULTANT. Changes in designated representatives shall occur only by advance written notice to the other party.

**8. ATTACHMENTS.**

All attachments referred to herein are attached hereto and by this reference incorporated herein. Attachments include:

Disclosure Statement (page 4)  
Attachment A – Services (page 5)  
Attachment B – Payment (page 7)  
Attachment C – Additional Provisions (page 8)  
Attachment D – General Provisions (page 9)

9. **TERMINATION.** COUNTY and CONSULTANT shall each have the right to terminate this Agreement upon thirty (30) days written notice to the other party.



IN WITNESS WHEREOF, the parties hereto have executed this  
Agreement on \_\_\_\_\_, 2014.

"COUNTY"

"CONSULTANT"

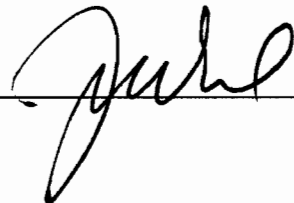
COUNTY OF YUBA

APPLIED FOREST MANAGEMENT, INC.  
A California Corporation

\_\_\_\_\_  
Chairman, Yuba County  
Board of Supervisors

  
\_\_\_\_\_  
STEVAN W. ANDREWS  
Manager

APPROVED AS TO FORM:  
COUNTY COUNSEL

  
\_\_\_\_\_

RISK MANAGEMENT

  
\_\_\_\_\_

## DISCLOSURE STATEMENT

COUNTY hereby discloses that this agreement was prepared as a component of the project funded by the Secure Rural Schools and Community Self-Determination Act of 2000 (HR2389). The maximum funding for this agreement is in the amount of \$64,000.00 for Fiscal Years 2014/15 & 2015/16 (\$32,000 each fiscal year).

---

Agricultural Commissioner/HR2389  
Project Director

## ATTACHMENT A

### A.1 SCOPE OF SERVICES AND DUTIES.

The services to be provided by CONSULTANT and the scope of CONSULTANT's duties shall be to coordinate the activities of the Yuba Watershed Protection & Fire Safe Council (the "COUNCIL"), as directed by the HR2389 Project Director and the COUNCIL, under authority of the Yuba County Board of Supervisors, which held a Public Hearing on February 7, 2006 and approved funding of a Fire Safe Coordinator position as a Title III project. The Coordinator position is intended to conduct fire safe education and planning for high fire risk areas of Yuba County. Those duties include the following:

**Responsibility:** CONSULTANT will work under the direction of HR2389 Project Director and in cooperation with the COUNCIL in coordinating the activities of the COUNCIL.

**Specific Duties:** CONSULTANT agrees to perform the following Services, which Services may be modified from time to time by CONSULTANT, HR2389 Project Director and COUNCIL, as the time and funds set forth in Attachment "B" will provide for; said Services being as prioritized and approved by the COUNCIL for completion under its 2005-2006 strategic operating plan:

#### Operations

1. Assist the COUNCIL's Chair/Facilitator in preparing for meetings. Prepare and email agenda packets and all supporting reports and documentation, and attend all meetings.
2. Attend all committee and Task groups meetings and provide assistance as required.
3. Communicate with other county Fire Safe Councils.

#### Grants

1. Perform the tasks (deliverables) required and funded by grants. Report progress to the COUNCIL through written monthly reports. Prepare periodic reports to grant funders as required.
2. Prepare a monthly Executive Summary for the COUNCIL on all grants in progress.

### Projects

1. Work with the COUNCIL, CalFire, local Fire Districts, and the community to develop and implement Community Coordinated Landscape Plans including the Yuba County All-Hazards Mitigation Planning effort.
2. Reengage local communities with the COUNCIL.
3. Provide general oversight and assistance in implementing a Community Defensible Space Chipping and Shredding Program.

### Outreach

1. Conduct community awareness campaigns by speaking to community groups, preparing press releases, planning and conducting community events, television and radio interviews. Coordinate all press and public relations activities and inquiries related to the activities of the Council. Reply to requests and inquiries from the community.
2. Prepare flyers, brochures, posters and other materials to educate the public about fire safety.

#### **A.2. TIME SERVICES RENDERED.**

CONSULTANT shall provide services in a timely basis within the term of this Agreement.

#### **A.3. MANNER SERVICES ARE TO BE PERFORMED.**

As an independent contractor, CONSULTANT shall be responsible for providing services and fulfilling obligations hereunder in a professional manner. COUNTY shall not control the manner of performance.

#### **A.4. FACILITIES FURNISHED BY COUNTY.**

CONSULTANT shall, at his/her sole cost and expense, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement.

## **ATTACHMENT B**

### **PAYMENT**

COUNTY shall pay CONSULTANT as follows:

**B.1 BASE CONTRACT FEE.** Pursuant to Operative Provision 2. above, COUNTY shall pay CONSULTANT on a monthly basis, a contract fee not to exceed Two Thousand Six Hundred, Sixty Six Dollars, Sixty Six Cents (\$2,666.66) per month for CONSULTANT to perform Forty One Hours (41) per month in the provision of the services set forth in Attachment "A". CONSULTANT shall submit requests for payment after completion of services or no later than the tenth (10th) day of the month following provision of services. In no event shall total compensation paid to CONSULTANT under this Provision B.1 exceed Sixty Four Thousand Dollars (\$64,000) without an amendment to this Agreement approved by the Yuba County Board of Supervisors.

**B.2 TRAVEL COSTS.** COUNTY shall not pay CONSULTANT for meals, lodging or other travel costs not included in this Agreement unless said costs are approved in advance by the COUNTY representative (Operative Provision 7) and then COUNTY shall pay COUNTY per diem rates in effect on the date of invoice upon presentation of invoices.

**B.3 AUTHORIZATION REQUIRED.** Services performed by CONSULTANT and not authorized in this Agreement shall not be paid for by COUNTY. Payment for additional services shall be made to CONSULTANT by COUNTY if, and only if, this Agreement is amended by both parties in advance of performing additional services.

## **ATTACHMENT C**

### **OTHER TERMS**

**C.1 FUNDING AVAILABILITY.** CONSULTANT acknowledges that COUNTY is the recipient of funds which are being used to pay for the services of CONSULTANT. Should the funds become unavailable, COUNTY shall have the right to immediately terminate this agreement upon giving written notice of termination to CONSULTANT. This notice shall be effective starting with the date it is mailed.

### **C.2 CONFLICT OF INTEREST.**

a. CONSULTANT certifies that CONSULTANT is aware the Political Reform Act (California Government Code section 81000 and following) prohibits CONSULTANT from using its official position to influence the making of any decision that will affect a financial interest of the CONSULTANT. A violation of the Political Reform Act subjects the CONSULTANT to administrative, civil, and criminal penalties. Additionally, California Government Code section 1090 prohibits employees and officers of the County from being financially interested in any grant or contract made by them in their official capacity, and provides that any such grant or contract is void from its inception. A violation of Government Code section 1090 is a felony and a conviction results in depriving the officer or employee from holding any office in the State of California.

b. CONSULTANT shall be subject to the terms of the Yuba County Conflict of Interest Code and shall be required to file a Statement of Financial Interest with the Yuba County Clerk prior to providing services pursuant to this Agreement, annually during the term of this Agreement, and within thirty days after the Agreement terminates. CONSULTANT shall be required to disclose all investments and business positions in business entities, sources of income and interests in real property within the County of Yuba and within two miles of the exterior boundaries of Yuba County.

## **ATTACHMENT D**

### **GENERAL PROVISIONS**

**D.1 INDEPENDENT CONTRACTOR.** At all times during the term of this Agreement, CONSULTANT shall be responsible for their own operating costs and expenses, property and income taxes, workers' compensation insurance and any other costs and expenses in connection with performance of services under this Agreement. CONSULTANT shall be an independent contractor and shall not be an employee of the COUNTY. COUNTY shall have the right to control CONSULTANT only insofar as the results of CONSULTANT's services rendered pursuant to this Agreement. COUNTY shall not have the right to control the means by which CONSULTANT accomplishes services rendered pursuant to this Agreement.

**D.2 LICENSES, PERMITS, ETC.** CONSULTANT represents and warrants to COUNTY that it has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for CONSULTANT to practice its profession. CONSULTANT represents and warrants to COUNTY that CONSULTANT shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, and approvals which are legally required for CONSULTANT to practice its profession at the time the services are performed. Failure of the CONSULTANT to comply with this provision shall authorize the COUNTY to immediately terminate this agreement notwithstanding Operative Provision No. 9.

**D.3 TIME.** CONSULTANT shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary for the satisfactory performance of CONSULTANT's obligations pursuant to this Agreement. Neither party shall be considered in default of this Agreement to the extent performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the party.

**D.4 INSURANCE.** CONSULTANT shall produce and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONSULTANT, his agents, representatives, employees or SUBCONTRACTORS. If CONSULTANT fails to maintain the Insurance provided herein, COUNTY may secure such insurance and deduct the cost thereof from any funds owing to CONSULTANT.

**D.4.1 MINIMUM SCOPE OF INSURANCE.** Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01).
2. Insurance Services Office Form Number CA 00 01 covering Automobile Liability, code 1 (any auto).



3. Worker's Compensation insurance as required by the State of California and Employer's Liability Insurance.

**D.4.2 MINIMUM LIMITS OF INSURANCE.** CONSULTANT shall maintain limits no less than:

- |   |   |  |
|---|---|--|
| 1. General Liability:<br>(including operations,<br>products and completed<br>operations.) | <b>\$1,000,000</b>                      | per occurrence for bodily injury,<br>personal injury and property damage. If<br>Commercial General Liability insurance<br>or other form with a general aggregate<br>limit is used, either the general<br>aggregate limit shall apply separately to<br>this project/location or the general<br>aggregate limit shall be twice the<br>required occurrence limit. |
| 2. Automobile Liability:  | <b>\$1,000,000</b>                      | per accident for bodily injury and<br>property damage.   |
| 3. Workers' Compensation:   | As required by the State of California. |  |
| 4. Employer's Liability:  | <b>\$1,000,000</b>                      | each accident, <b>\$1,000,000</b> policy limit<br>bodily injury by disease, <b>\$1,000,000</b><br>each employee bodily injury by disease.  |

If the CONSULTANT maintains higher limits than the minimums shown above, the COUNTY shall be entitled to coverage for the higher limits maintained by the CONSULTANT.

**D.4.3 DEDUCTIBLES AND SELF-INSURED RETENTIONS.** Any deductibles or self-insured retentions must be declared to and approved by the COUNTY. At the option of the COUNTY, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the COUNTY, its officers, officials, employees and volunteers; or the CONSULTANT shall provide a financial guarantee satisfactory to the COUNTY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

**D.4.4 OTHER INSURANCE PROVISIONS.** The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The COUNTY, its officers, officials, employees, and volunteers are to be covered as insured's with respect to liability arising out of automobile's owned, leased, hired or borrowed by or on behalf of the CONSULTANT; and with respect to liability arising out of work or operations performed by or on behalf of the CONSULTANT including materials, parts or

equipment furnished in connection with such work or operations. General Liability coverage shall be provided in the form of an Additional Insured endorsement (CG 20 10 11 85 or equivalent) to the CONSULTANT'S insurance policy, or as a separate owner's policy.

2. For any claims related to this project, the CONSULTANT'S insurance coverage shall be primary insurance as respects the COUNTY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the COUNTY, its officers, officials, employees, or volunteers shall be excess of the CONSULTANT'S insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) day's prior written notice has been provided to the COUNTY.

**D.4.5 WAIVER OF SUBROGATION.** CONSULTANT hereby agrees to waive subrogation which any insurer of CONSULTANT may acquire from CONSULTANT by virtue of the payment of any loss. CONSULTANT agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the COUNTY for all work performed by the CONSULTANT, its employees, agents and SUBCONTRACTORS.

**D.4.6 ACCEPTIBILITY OF INSURERS.** Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII unless otherwise acceptable to the COUNTY.

**D.4.7 VERIFICATION OF COVERAGE.** CONSULTANT shall furnish the COUNTY with original certificates and endorsements effecting coverage required by this clause. The endorsements should be forms provided by the COUNTY or on other than the COUNTY'S forms, provided those endorsements or policies conform to the requirements. All certificates and endorsements are to be received and approved by the COUNTY before work commences. However, failure to do so shall not operate as a waiver of these insurance requirements. The COUNTY reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

**D.4.8 SUBCONTRACTORS.** CONSULTANT shall require and verify that all SUBCONTRACTORS maintain insurance meeting all the requirements stated herein.

**D.5 INDEMNITY.** CONSULTANT shall defend, indemnify, and hold harmless COUNTY, its elected and appointed councils, boards, commissions, officers, agents, and employees from any liability for damage or claims for damage for personal injury, including death, as well as for property damage, which may arise from the intentional or

negligent acts or omissions of CONSULTANT in the performance of services rendered under this Agreement by CONSULTANT, or any of CONSULTANT's officers, agents, or employees, provided that this indemnification shall not apply to any damage or injury which is caused by the intentional or negligent acts of COUNTY, its elected and appointed councils, boards, commissions, officers, agents, or employees. This indemnification shall specifically survive the termination or expiration of this Agreement.

COUNTY shall defend, indemnify, and hold harmless CONSULTANT, its officers, agents, and employees from any liability for damage or claims for damage for personal injury, including death, as well as for property damage, which may arise from the intentional or negligent acts or omissions of COUNTY in the performance of its duties under this Agreement by COUNTY or any of COUNTY's elected and appointed councils, boards, commissions, officers, agents, or employees; provided that this indemnification shall not apply to any damage or injury which is caused by the intentional or negligent acts of CONSULTANT, its officers, agents, or employees. This indemnification shall specifically survive the termination or expiration of this Agreement.

**D.6 CONSULTANT NOT AGENT.** Except as COUNTY may specify in writing, CONSULTANT shall have no authority, express or implied, to act on behalf of COUNTY in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement to bind COUNTY to any obligation whatsoever.

**D.7 ASSIGNMENT PROHIBITED.** CONSULTANT may not assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no legal effect.

**D.8 PERSONNEL.** CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that COUNTY, in its sole discretion, at any time during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT to perform services pursuant to this Agreement, CONSULTANT shall remove any such person immediately upon receiving written notice from COUNTY of its desire for removal of such person or persons.

**D.9 STANDARD OF PERFORMANCE.** CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged. All products of whatsoever nature which CONSULTANT delivers to COUNTY pursuant to this Agreement shall be prepared in a first class and workmanlike manner and shall conform to the standards or quality normally observed by a person practicing in CONSULTANT's profession.

**D.10 POSSESSORY INTEREST.** The parties to this Agreement recognize that certain rights to property may create a "possessory interest", as those words are used in the California Revenue and Taxation Code (107). For all purposes of compliance by COUNTY with Section 107.6 of the California Revenue and Taxation Code, this recital

shall be deemed full compliance by the COUNTY. All questions of initial determination of possessory interest and valuation of such interest, if any, shall be the responsibility of the County Assessor and the granting parties hereto. A taxable possessory interest may be created by this grant; and if created, the party in whom such an interest is vested will be subject to the payment of property taxes levied on such an interest.

**D.11 TAXES.** CONSULTANT hereby grants to the COUNTY the authority to deduct from any payments to CONSULTANT any COUNTY imposed taxes, fines, penalties and related charges which are delinquent at the time such payments under this Agreement are due to CONSULTANT.

**D.12 TERMINATION.** Upon termination of this Agreement as otherwise provided herein, CONSULTANT shall immediately cease rendering service upon the termination date and the following shall apply:

**D.12.1** CONSULTANT shall deliver copies of all writings prepared by it pursuant to this Agreement. The term "writings" shall be construed to mean and include: handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing, and form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.

**D.12.2** COUNTY shall have full ownership and control of all such writings or other communications delivered by CONSULTANT pursuant to this Agreement.

**D.12.3** COUNTY shall pay CONSULTANT the reasonable value of services rendered by CONSULTANT to the date of termination pursuant to this Agreement not to exceed the amount documented by CONSULTANT and approved by COUNTY as work accomplished to date; provided, however, COUNTY shall not in any manner be liable for lost profits which might have been made by CONSULTANT had CONSULTANT completed the services required by this Agreement. In this regard, CONSULTANT shall furnish to COUNTY such financial information as in the judgment of the COUNTY is necessary to determine the reasonable value of the services rendered by CONSULTANT. In the event of a dispute as to the reasonable value of the services rendered by CONSULTANT, the decision of the COUNTY shall be final. The foregoing is cumulative and does not affect any right or remedy which COUNTY or CONSULTANT may have in law or equity.

CONSULTANT may terminate its services under this Agreement upon thirty (30) days written notice to the COUNTY, without liability for damages, if CONSULTANT is not compensated according to the provisions of the Agreement or upon any other material breach of the Agreement by COUNTY.

**D.13 NON-DISCRIMINATION.** Throughout the duration of this Agreement, CONSULTANT shall not unlawfully discriminate against any employee of the CONSULTANT or of the COUNTY or applicant for employment or for services or any member of the public because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age or sex.

CONSULTANT shall ensure that in the provision of services under this Agreement, its employees and applicants for employment and any member of the public are free from such discrimination. CONSULTANT shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900, et seq.). The applicable regulations of the Fair Employment Housing Commission implementing Government Code Section 12900, set forth in Chapter 5, Division 4 of Title 2 of the California Code of Regulations are incorporated into this Agreement by reference and made a part hereof as if set forth in full. CONSULTANT shall also abide by the Federal Civil Rights Act of 1964 and all amendments thereto, and all administrative rules and regulations issued pursuant to said Act. CONSULTANT shall give written notice of its obligations under this clause to any labor agreement. CONSULTANT shall include the non-discrimination and compliance provision of this paragraph in all subcontracts to perform work under this Agreement.

**D.14 REHABILITATION ACT OF 1973/AMERICANS WITH DISABILITIES ACT OF 1990.** In addition to application of the non-discrimination provision of this Agreement, above, CONSULTANT agrees to comply with all provisions of section 504 et seq. of the Rehabilitation Act of 1973, and with all provisions of the Americans with Disabilities Act of 1990, and all amendments thereto, and all administrative rules and regulations issued pursuant to said Acts, pertaining to the prohibition of discrimination against qualified handicapped and disabled persons, in all programs or activities, as to employees or recipients of services.

**D.15 OWNERSHIP OF INFORMATION.** Notwithstanding anything to the contrary contained herein, all professional and technical information and writings developed under this Agreement and all work sheets, reports, and related data shall become the property of COUNTY, and CONSULTANT agrees to deliver reproducible copies of such documents to COUNTY on completion or termination of the services hereunder. The COUNTY agrees to defend, indemnify and hold CONSULTANT harmless from any claim arising out of reuse of such documents for other than this project or arising out of any change in or alteration of such documents by COUNTY to which changes CONSULTANT has not previously consented to in writing.

**D.16 WAIVER.** A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is in writing and signed by the party so waiving.

**D.17 COMPLETENESS OF INSTRUMENT.** This Agreement, together with its specific references and attachments, constitutes all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the parties hereto. Unless set forth herein, neither party shall be liable for any representations made express or implied.

**D.18 SUPERSEDES PRIOR AGREEMENTS.** It is the intention of the parties hereto that this Agreement shall supersede any prior agreements, discussions, commitments, representations, or agreements, written or oral, between the parties hereto.

**D.19 CAPTIONS.** The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

**D.20 DEFINITIONS.** Unless otherwise provided in this Agreement, or unless the context otherwise requires, the following definitions and rules of construction shall apply herein.

**D.20.1 NUMBER AND GENDER.** In this Agreement, the neuter gender includes the feminine and masculine, and the singular includes the plural, the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

**D.20.2 MANDATORY AND PERMISSIVE.** "Shall" and "will" and "agrees" are mandatory. "May" is permissive.

**D.21 TERM INCLUDES EXTENSIONS.** All references to the term of this Agreement or the Agreement Term shall include any extensions of such term.

**D.22 SUCCESSORS AND ASSIGNS.** All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

**D.23 MODIFICATION.** No modification or waiver of any provision of this Agreement or its attachments shall be effective unless such waiver or modification shall be in writing, signed by all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which given.

**D.24 COUNTERPARTS.** This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

**D.25 OTHER DOCUMENTS.** The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and to that end, agree to execute and deliver

such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

**D.26 PARTIAL INVALIDITY.** If any term, covenant, condition or provision of this Agreement is held by a Court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**D.27 JURISDICTION.** It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a Court of competent jurisdiction in the County of Yuba, State of California.

**D.28 CONTROLLING LAW.** The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

**D.29 TIME IS OF THE ESSENCE.** Time is of the essence of this Agreement and each covenant and term a condition herein.

**D.30 AUTHORITY.** All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Further, by entering into this Agreement, neither party hereto shall have breached the terms or conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.

**D.31 CONFLICT OF INTEREST.** Neither a COUNTY employee whose position in COUNTY enables such employee to influence the award of this Agreement or any competing Agreement, nor a spouse or economic dependent of such employee, shall knowingly be employed in any capacity by CONSULTANT herein, or have any other direct or indirect financial interest in this Agreement.

**D.32 NOTICES.** All notices and demands of any kind which either party may require or desire to serve on the other in connection with this Agreement must be served in writing either by personal service or by registered or certified mail, return receipt requested, and shall be deposited in the United States Mail, with postage thereon fully prepaid, and addressed to the party so to be served as follows:

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