

# 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 18, 2014**

- 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 Vasquez
- 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. Community Development and Services
1. (092-14) Adopt 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 Leak Prevention Program, Fiscal Years 2014/2015 - 2018/2019. (Protective Inspection Committee)
- B. County Administrator
1. (093-14) Approve appointment extension of Interim Director of Health and Human Services Department for an additional six months effective April 1, 2014.
- IV. **SPECIAL PRESENTATION**
- A. (094-14) Present proclamation recognizing Sutter Buttes Garden Club for seventeen years of service at the County Courthouse Garden. (Five minutes estimate)
- B. (095-14) Present County Employee Service Awards. (No background material) (Thirty minute estimate)
- V. **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.**
- VI. **COUNTY DEPARTMENTS**
- A. Board of Supervisors
1. (103-14) Consider appointing one at-large representative for a term to end October 5, 2014 to Yuba County Fish and Game Advisory Commission and take action as appropriate. (Fifteen minute estimate)
- B. County Administrator
1. (096-14) Receive report on current legislation relevant to Yuba County and provide direction as appropriate. (Thirty minute estimate)

VII. **ORDINANCES AND PUBLIC HEARINGS:** If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing and such public comments will be limited to three minutes per individual or group.

- A. (097-14) Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and reenacting Chapter 10.05 of the Yuba County Ordinance Code relating to Building Standards and Construction Codes. (First Reading) (Land Use and Public Works Committee recommends approval) (Fifteen minute estimate)
- B. (098-14) Ordinance - Hold public hearing, waive reading, and introduce ordinance adding Chapter 10.50 to the Yuba County Ordinance Code relating to repair and reconstruction of structures. (First Reading) (Land Use and Public Works committee recommends approval) (Fifteen minute estimate)

VIII. **CORRESPONDENCE**

- A. (099-14) Notice from Sutter-Yuba Mosquito and Vector Control District advising of public health pesticide application to waters under district jurisdiction.
- B. (100-14) Notice from State of California Fish and Game Commission regarding proposed regulatory action relating to ocean salmon sport fishing.

IX. **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.

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

XI. **ADJOURN**

**11:00 A.M. Public Facilities Committee** - (Supervisors Griego and Vasquez - Alternate Supervisor Nicoletti)

- A. (101-14) Consider resolution regarding conveyance of a leasehold interest in County 4H Camp property in Dobbins to Environmental Alternatives and granting certain exemptions of Chapter 8.76 of the Ordinance Code - Administrative Services (Ten minute estimate)

**Land Use and Public Works Committee** - (Supervisors Abe and Vasquez - Alternate Supervisor Nicoletti)

- A. (102-14) Consider General Fund Contingency expenditure of \$15,000 for consultant support services regarding implementation of Phase II MS4 (Municipal Separate Storm Sewer Systems) general permit - Community Development and Services (Ten minute estimate)

**2:00 P.M. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY**

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

## 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



092-14

TO: Board of Supervisors

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 18, 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.

**Committee:** The Public Works and Land Use committee has recommended approval.

**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:

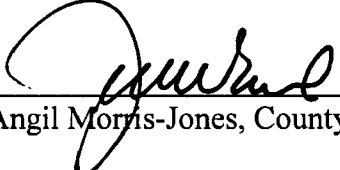
YUBA COUNTY

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 overfill 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	\$	\$	\$
<b>FISCAL YEAR TOTAL</b>	\$	\$	\$
<b>TOTAL</b>	\$		

\*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

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## OFFICE OF THE COUNTY ADMINISTRATOR

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GOVERNMENT CENTER - 915 8<sup>TH</sup> STREET, SUITE 115  
MARYSVILLE, CALIFORNIA 95901-5273  
(530) 749-7575 FAX (530) 749-7312



093-14

**ROBERT BENDORF**  
COUNTY ADMINISTRATOR

**JOHN FLEMING**  
ECONOMIC DEVELOPMENT COORDINATOR

**RUSS BROWN**  
COMMUNICATIONS & LEGISLATIVE  
AFFAIRS COORDINATOR

**GRACE M. MULL**  
MANAGEMENT ANALYST

**TEENA CARLQUIST**  
EXECUTIVE ASSISTANT TO THE  
COUNTY ADMINISTRATOR

TO: Board of Supervisors

FROM: Robert Bendorf, County Administrator *RB/lc*

DATE: March 18, 2014

SUBJECT: Approve Appointment Extension of Interim Director of Health & Human Services Department

### Recommendation:

Approve the recommendation to extend the temporary appointment of Jennifer Vasquez as the Interim Director of the Health and Human Services Department (HHSD) for an additional six months effective April 1, 2014.

### Background/Discussion:

With the departure of the Health & Human Services Director in December and to ensure a smooth continuity of all HHSD programs, the interim appointment of Ms. Vasquez was effective January 1, 2014.

Under the provisions of the Merit Resolution #2012-21, Article Fifteen, Section 3 Temporary Transfers: The appointing authority may temporarily transfer a regular employee to a regularly authorized position in a class having a higher salary range when the incumbent in such position is absent or when there is no incumbent for such position. Such temporary transfer shall not exceed a period of 90 days unless a longer period is specifically authorized by the Board.

### Committee Action:

This action has bypassed committee due to the time sensitivity of the extension.

### Fiscal Impact:

This extension will not have a fiscal impact on the General Fund and is budgeted for within the Health & Human Services FY 2013-14 budget.

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*SPECIAL  
PRESENTATIONS*

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THE COUNTY OF YUBA  
 BOARD OF SUPERVISORS



— P R O C L A M A T I O N —  
 RECOGNIZING  
 SUTTER BUTTES GARDEN CLUB

WHEREAS, since 1997 the Sutter Buttes Garden Club has been the keeper of the Yuba County Courthouse Garden; and

WHEREAS, efforts to support the beautification of the garden has been strictly volunteer, and was a contribution of time and effort including the cost of the design, irrigation system, plants and flowers; and

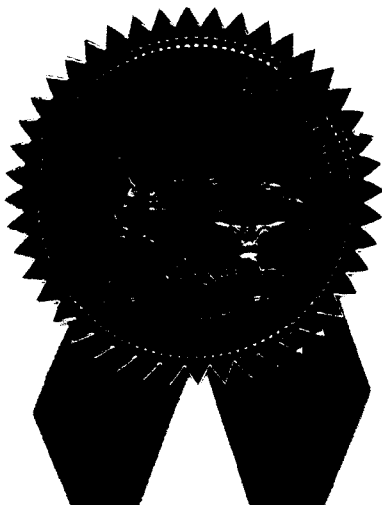
WHEREAS, the existing area of the gardens were originally a water fountain, which was transformed to three elevated and three ground planters by removing dirt, adding Columbian loam, and installing an irrigation system all with the assistance of Buildings and Grounds and youth from Juvenile Hall; and

WHEREAS, the Garden Club has kept the garden fresh and in bloom throughout the year, every year, removing old soil and replacing with Columbia loam, and in many other ways replacing and refreshing the garden; and

WHEREAS, through the tireless efforts of the numerous members of the Garden Club, the County Courthouse Garden has welcomed visitors with color and cheer throughout the seasons; and

WHEREAS, after seventeen years and more than 750 hours in service to the County Courthouse Garden, the Garden Club is laying down their gloves and spades in retirement.

THEREFORE BE IT RESOLVED the Yuba County Board of Supervisors hereby recognizes the Sutter Buttes Garden Club for their dedication and support and expresses sincere appreciation for seventeen years of making our community a more beautiful place.



*[Signature]*  
 CHAIRMAN

*[Signature]*  
 CLERK OF THE BOARD OF SUPERVISORS

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*COUNTY*

*DEPARTMENTS*

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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:** **Fish and Game Advisory Commission – At-Large Representative**

**Date:** March 18, 2014

## **Recommendation**

Consider appointing one an at-large representative for a term to end October 5, 2014 to the Yuba County Fish and Game Advisory Commission and take action as appropriate.

## **Background and Discussion**

This matter is coming to the Board at this time at the direction of Chairman Nicoletti. This is an unscheduled vacancy as of October 2013 which has been posted on the County website and on the Local Appointment List of all Boards/Commissions/Committees.

Applications have been received from Terry Oakes and Donald Rae which are attached for your review. Both applications have been provided to the Fish and Game Advisory Commission.

## **Fiscal Impact**

None. Committee service is voluntary.

## **Committee Action**

None.

attachments

# The County of Yuba

RECEIVED

DEC 2 2013

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: Yuba Co Fish & Game Comm.

APPLICANT NAME:

TERRY OAKES

MAILING ADDRESS -

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

[REDACTED] Marysville 95901

PHYSICAL ADDRESS

(Street, City, Zip):

SAME

TELEPHONE:

HOME:

[REDACTED]

WORK:

[REDACTED]

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:

RETIRED MPD OFFICER

SUPERVISOR/ DISTRICT  
NUMBER:

D2 JOHN NICOLETTI

REASONS YOU WISH TO

SERVE ON THIS BODY:

SERVED ON BOARD BEFORE. LEFT  
FOR OUT OF STATE WORK.

QUALIFICATIONS:

SPORTSMAN,

SERVED ON BOARD BEFORE, AVID HUNTER  
Hunter Ed Instructor -

LIST PAST AND CURRENT

Yuba Co. Fish & Game Commission

PUBLIC POSITIONS HELD:

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.

Terry Oakes  
SIGNATURE

DEC 2, 2013  
DATE

#### THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

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# The County of Yuba

RECEIVED

FEB 26 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: County Fish & Game Commission

APPLICANT NAME:

Donald A. RAE

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

[REDACTED], Plumas Lake, Ca 95961

PHYSICAL ADDRESS  
(Street, City, Zip):

TELEPHONE:

HOME:

[REDACTED]

WORK:

[REDACTED]

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:  
SUPERVISOR/ DISTRICT  
NUMBER:

Retired

Abo 4th

REASONS YOU WISH TO  
SERVE ON THIS BODY:

To provide advice of reason balancing property rights  
and freedoms and conservation of environment.

QUALIFICATIONS:

see attached

LIST PAST AND CURRENT  
PUBLIC POSITIONS HELD:

see attached

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.

SIGNATURE

[Signature]

DATE

02-26-14

**THIS SECTION FOR OFFICE USE ONLY**

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

# DONALD A. RAE

Plumas Lake, CA 95961

## PROFESSIONAL WORK EXPERIENCE

Cooperative Personnel Services,  
Sacramento, CA

Consultant

County of Sonoma, CA

City of Lancaster, CA  
City of Norwalk, CA  
City of Carson, CA  
City of Richmond

City of San Diego, CA

US Plywood Corporation, Redding, CA  
City of Pasadena, CA  
Copley Newspapers, CA  
(South Bay Daily Breeze & Glendale News-Press)

## OTHER WORK EXPERIENCE

Territorial Dispatch(Volunteer)  
Courthouse News Service, Pasadena, CA  
KUBA Radio, Yuba City, CA  
US Commerce Department Census Division  
Meals on Wheels (San Diego)  
San Diego Community Colleges  
California State University San Diego  
Antelope Valley College  
California State University Dominguez Hills  
San Diego Community Colleges

US Army Reserve/California National Guard

## Paid Chair/Class Studies(2000-2003)

Interview candidates for jobs, conduct  
Job and salary studies

## Self Employed(5/99 – present)

Perform Human Resource Projects  
for cities and counties

## Personnel Analyst III (2/98-2/99)

Class/salary projects; recruiting, examining,  
liaison; consultant in HR thru 2004

## Personnel Director (10-82/7-97) **Retired**

Department head of personnel departments-  
recruiting, examining, class and salary, labor  
relations, risk mgt, training and safety.

## Deputy Director (1967-1982)

Division head of Class & Salary, and  
Recruiting & Examining; Supt. of CETA,  
Youth Employment; Up to \$32M budgets

## Personnel Manager (1965-1967)

## Sr. Personnel Analyst (1963-1965)

## Reporter-Photographer (1961-19

## Reporter/Photographer 2008 to present

## News Gatherer(12/07 to Present)

## News Broadcaster(1/08 to 12/09)

## Enumerator 2010

## Courier(2005-6)

## Instructor, Adjunct Professor (1970/97)

Instructed classes in Personnel  
Administration, Supervision  
Management Principles, Wages & Salary,  
and Human Relations

## 1<sup>st</sup> Lt., Infantry (1962-68)

DONALD A. RAE

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EDUCATIONAL BACKGROUND

California Western University (USIU) San Diego

California State University Los Angeles

California State University San Diego

Western State University San Diego

Occidental College Los Angeles

San Diego Community Colleges

University of California Berkeley

California Military Academy

Public Risk & Insurance Management Assn

BA(Cum Laude)

Pol.Sci./History/Journalism

grad work – Education

grad work - Public Administration

Law

grad work - political science

Municipal Finance

Small Business Administration

Graduate

Certificate in Risk Management

VOLUNTEER EXPERIENCE

Friends of the Yuba County Library

Beale AFB Military Liaison Committee

Yuba County Republican Central Committee

Yuba County Plumas Lake Specific Plan Design Review

National Association of ADA Coordinators

League of California Cities

Life Member

2<sup>nd</sup> Vice Chair

Vice Chair

Board of Directors (founding)

Employee Relations Committee;

Chair, Health Care Reform

Subcommittee

Program Committee

Publications Advisory Committee

Board of Directors; Chair, Budget &

Administration Committee

Budget Committee

Advisory Committee

Citizens Advisory Council Chair

Member

CALPELRA

IPMA

Antelope Valley United Way

Shasta County United Way

Antelope Valley High School District

San Diego Unified School District

San Diego Citizens Interracial Council



# The County of Yuba



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## Office of the County Administrator

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Robert Bendorf, County Administrator  
John Fleming, Economic Development Coordinator  
Russ Brown, Communications & Legislative Affairs Coordinator  
Grace M Mull, Administrative Analyst  
Teena L. Carlquist, Executive Assistant to the County Administrator  
Yuba County Government Center  
915 8<sup>th</sup> Street, Suite 115  
Marysville, CA 95901

Phone: (530) 749-7575  
Fax: (530) 749-7312  
Email: rbendorf@co.yuba.ca.us  
jfleming@co.yuba.ca.us  
rbrown@co.yuba.ca.us  
gmull@co.yuba.ca.us  
tcarlquist@co.yuba.ca.us

DATE: March 18, 2014  
TO: Board of Supervisors  
FROM: Russ Brown, Communications & Legislative Affairs Coordinator *R.B.H.*  
SUBJECT: Current State legislation relevant to Yuba County

**Recommended Action:** Receive update on current State legislation

**Background & Discussion:** Yuba County has made a commitment to diligently track State and Federal legislation in order to actively participate in discussions on pending bills that may have a local impact. Periodically, the County updates its legislative platform to allow the Board to take positions on legislative bills that meet specific criteria (impede County's ability to govern own affairs, subject County to additional costs, etc.). Beyond the platform, Board members rely upon professional associations, discussions with County officials and their own research to identify legislation that could warrant a Board position. The attached document will serve to provide Board members with an informational overview of the current legislative landscape, offering an opportunity to identify bills that should be brought back to the Board for a position.

In the current legislative session, more than 2,000 bills have been introduced that must be reviewed for relevance to projects, programs, and processes in Yuba County. The State Legislature is currently in the second half of its two year bill cycle, which has seen about 4,400 bills introduced.

Yuba County's lobbyist recently completed a review of all current legislation and produced 67 lists containing more than 400 Senate and Assembly bills that may warrant further consideration by California counties. These lists were sorted and forwarded to Department Heads, who were asked look over the information, take into consideration the positions of their professional associations and see if they would recommend a position on legislation of interest. The options include support, oppose, oppose unless amended, and no position.

Attached is a summary of bills that were reviewed by Yuba County Department Heads and determined to benefit from further consideration.

**Committee Action:** This matter is informational for the full Board and was not presented at the committee level. Any direction to take positions on bills will be passed through the committee process.

**Fiscal Impact:** None

# **Summary of Yuba County**

## **Department Recommendations for State Legislation**

**March 18, 2014**

### **Agriculture**

#### **AB 1642 (Chesbro)**

Pest control: Pierce's disease – **SUPPORT**

#### **AB 2251 (Yamada)**

Weights and measures: beverage containers: redemption value – **SUPPORT** (with amendments)

#### **AB 2589 (Bloom)**

Weights and measures: county sealers: county ordinance: annual registration fee – **SUPPORT**

#### **AB 2602 (Eggman)**

Farm to School Program – **SUPPORT**

#### **AB 2657 (Bloom)**

Environmentally sensitive areas: use of anticoagulants – **OPPOSE**

#### **SB 1411 (Jackson)**

Pesticides: application safety – **OPPOSE**

### **County Counsel**

#### **AB 2492 (Jones-Sawyer)**

Local agencies: meetings: real property transactions – **SUPPORT**

#### **AB 2507 (Bocanegra)**

Public Records Act: exemptions: pending litigation – **SUPPORT**

#### **SB 1337 (DeSaulnier)**

Public records: electronic copies and media requests – **OPPOSE**

### **Elections**

#### **AB 280 (Alejo)**

Voting rights – **OPPOSE**

### **Health and Human Services**

#### **SB 1136 (Huff)**

Foster care providers: criminal records – **SUPPORT**

#### **AB 1703 (Hall)**

IHSS: reading services for blind and visually impaired recipients – **SUPPORT**

**AB 2382 (Bradford)**

CalWORKs: eligibility: truancy – SUPPORT

**SB 899 (Mitchell)**

CalWORKs: eligibility – SUPPORT

**SB 1029 (Hancock)**

CalWORKs and CalFresh eligibility – SUPPORT

**AB 1533 (Waldron)**

In-home supportive services: criminal background checks – SUPPORT

**Human Resources**

**AB 1522 (Gonzalez)**

Employment: paid sick days – OPPOSE

**AB 2053 (Gonzalez)**

Employment discrimination or harassment: education and training: abusive conduct -- OPPOSE

**AB 2030 (Campos)**

Employees: time off – OPPOSE

**AB 2126 (Bonta)**

Meyers-Milias-Brown Act: mediation – SUPPORT

**SB 1234 (Block)**

Workers' Compensation – OPPOSE

**AB 1824 (Rendon)**

County employees' retirement: optional settlements revision – OPPOSE

**AB 2472 (Com. on Public Emp., Retirement and SS)**

Public employees: retirement and health benefits – OPPOSE

**AB 2473 (Com. on Public Emp., Retirement and SS)**

County Employees Retirement Law of 1937: federal law compliance – SUPPORT

**AB 2474 (Com. on Public Emp., Retirement and SS)**

Final compensation: death benefits – SUPPORT

**SB 1219 (Torres)**

Public employees' retirement: service after retirement – OPPOSE

**AB 2052 (Gonzalez)**

Workers' compensation – OPPOSE

## **Probation**

### **AB 1449 (V. Manuel Pérez)**

Realignment Omnibus Act of 2014 – **SUPPORT**

### **AB 1920 (Campos)**

Board of State and Community Corrections – **OPPOSE**

### **SB 833 (Liu)**

Jails: discharge of prisoners – **SUPPORT**

### **SB 929 (Wright)**

Nonviolent felonies – **OPPOSE**

### **SB 957 (Vidak)**

Imprisonment: state prison – **SUPPORT**

## **Sheriff**

### **AB 1438 (Linder)**

Sex offenders: certificates of rehabilitation – **SUPPORT** in Concept

### **AB 1498 (Campos)**

Protective orders – **SUPPORT**

### **AB 1511 (Gaines)**

Criminal history information: animal control officers – **OPPOSE**

### **AB 1512 (Stone)**

Corrections: inmate transfers – **SUPPORT** (CSSA Sponsor)

### **AB 1526 (Holden)**

Wiretapping: authorization – **SUPPORT**

### **AB 1561 (Rodriguez)**

Taxpayer contributions: California firefighters' and peace officer memorial funds – **SUPPORT**

### **AB 1585 (Alejo)**

Human trafficking – **SUPPORT**

### **AB 1644 (Medina)**

Medi-Cal: Drug Medi-Cal Program providers – **SUPPORT**

### **AB 1646 (Frazier)**

Vehicles: electronic wireless communication devices: prohibitions – **SUPPORT**

### **AB 1649 (Waldron)**

Computer crimes – **SUPPORT**

### **AB 1652 (Ammiano)**

Inmates: prison gangs – **OPPOSE**

**AB 1686 (Medina)**

Trespass – SUPPORT in Concept / Watch for now

**AB 1688 (Conway)**

Developmental centers: crime – OPPOSE unless amended

**AB 1715 (Patterson)**

Probation: felons: disqualifying circumstances – SUPPORT

**AB 1735 (Hall)**

Nitrous oxide: dispensing and distributing – SUPPORT (CSSA Co-sponsored)

**SB 922 (Knight)**

Sex offenses: disabled victims – SUPPORT

**SB 930 (Berryhill)**

Arson – SUPPORT

**SB 939 (Block)**

Criminal jurisdiction – SUPPORT

**SB 941 (Monning)**

Vessel operator cards – SUPPORT

**SB 955 (Mitchell)**

Interception of electronic communications – SUPPORT

**SB 957 (Vidak)**

Imprisonment: state prison – SUPPORT

**SB 1027 (Hill)**

Criminal record information: commercial use – SUPPORT (technical fixes needed)

**Veterans**

**AB 2703 (Quirk-Silva)**

County veterans service officers – SUPPORT

**Hunting**

**AB 2205 (Donnelly)**

Mammals: use of dogs to pursue bears and bobcats – SUPPORT (co-sponsor?)

**Yuba County**  
**Department Recommendations for State Legislation**  
**March 18, 2014**

## **Agriculture**

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### ***AB 1642 (Chesbro)***

**Pest control: Pierce's disease – SUPPORT**

**EXISTING LAW:** allows money in the Pierce's Disease Management Account in the Food and Agriculture Fund to be expended as specified to combat Pierce's disease and its vectors, including the glassy-winged sharpshooter, and for purposes relating to other designated pests and diseases, as provided. Current law makes these provisions inoperative on March 1, 2016, and repeals them on January 1, 2017.

**THIS BILL:** would extend to March 1, 2021, the date on which the above provisions become inoperative, and would repeal those provisions on January 1, 2022. This bill contains other related provisions and other existing laws.

### ***AB 2251 (Yamada)***

**Weights and measures: beverage containers: redemption value – SUPPORT (with amendments)**

**EXISTING LAW:** makes it unlawful for a person, at the time of sale of a commodity, to charge an amount greater than the price that is advertised, posted, marked, displayed, or quoted for the commodity. Existing law requires the Department of Food and Agriculture and each county sealer to enforce these provisions. A violation of these provisions is a crime.

**The California Beverage Container Recycling and Litter Reduction Act** requires a beverage distributor to pay a redemption payment in a specified amount for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery, for deposit in the California Beverage Container Recycling Fund. **The Act** authorizes a dealer, as defined, to separately identify the amount of any redemption payment imposed on a beverage container in all advertising of beverage products and on shelf labels of the dealer's establishment.

**THIS BILL:** would require a dealer, at the time of sale of a beverage in a container subject to the act, to separately identify the amount of any redemption payment imposed on the beverage container pursuant to the act and to accurately identify the amount of any redemption payment required by the act. Because a violation of these provisions would be a crime, this bill would create a state-mandated local program.

### ***AB 2589 (Bloom)***

**Weights and measures: county sealers: county ordinance: annual registration fee – SUPPORT**

**EXISTING LAW:** governing weights and measures provides that there is in each county the office of county sealer, as defined, of weights and measures to administer those provisions, as specified.

**EXISTING LAW:** requires a county sealer to weigh and measure packages, containers, or amounts of commodities sold, or in the process of delivery, in order to determine whether they contain the quantity or amount represented and whether they are being sold in accordance with law.

**THIS BILL:** in order to recover the costs of carrying out these provisions, would authorize a board of supervisors of a county to charge an annual registration fee, not to exceed the county's total cost of actually weighing and measuring packages, containers, or amounts of commodities sold, or in the process of delivery, in order to determine whether they contain the quantity or amount represented and whether they are being sold in accordance with law. **THIS BILL:** would require any adopted registration fee to be imposed on a business location operating in the county that packs, imports, warehouses, or distributes more than 10,000 packages or containers per year that intends to sell or distribute for sale those packages or containers. **THIS BILL:** would require an ordinance imposing a registration fee to exempt any person or entity operating a business location at which both retail sales and commodity packing operations are conducted if the retail sales activities constitute the significant majority of its business operations.

## ***AB 2602 (Eggman)***

### **Farm to School Program – SUPPORT**

**EXISTING LAW:** requires the State Department of Education to ensure that the nutrition levels of meals served to school age children pursuant to the federal National School Lunch Act be of the highest quality and greatest nutritional value possible.

**THIS BILL:** would establish the Farm to School Program, to be administered by the Department of Food and Agriculture, to provide for the allocation of grants and technical assistance to school districts and county offices of education for the purpose of increasing the provision of fresh and nutritious school meals to pupils. **THIS BILL:** would authorize the Secretary of Food and Agriculture to distribute grants to eligible school districts and county offices of education for the purpose of developing and maintaining a Farm to School program, and would authorize grants of up to \$2,500 for a school site with less than 1,000 enrolled pupils, and, for school sites with 1,000 or more enrolled pupils, would authorize grants of up to \$5,000 per school site. **THIS BILL:** would require a school district or county office of education that receives a grant pursuant to those provisions to comply with specified reporting requirements. **THIS BILL:** would require the secretary to convene an interagency working group on increasing the provision of fresh and nutritious school meals to pupils that includes representatives of the Department of Food and Agriculture, the State Department of Education, and the State Department of Health Care Services. **THIS BILL:** would make the implementation of the Farm to School Program contingent upon appropriation by the Legislature for those purposes.

## ***AB 2657 (Bloom)***

### **Environmentally sensitive areas: use of anticoagulants – OPPOSE**

**EXISTING LAW:** requires the Director of Pesticide Regulation to, by regulation, designate and establish a list of restricted materials based upon, among other criteria, hazards related to persistent residues in the soil resulting ultimately in contamination of the air, waterways, estuaries, or lakes, with consequent damage to fish, wild birds, and other wildlife. Existing law requires the director to control and otherwise regulate the use of restricted materials, as specified. **EXISTING LAW:** requires the Fish and Game Commission and the Department of Fish and Wildlife to protect and conserve the fish and wildlife resources of the state by establishing ecological reserves and by conserving, protecting, restoring, and enhancing any endangered species or any threatened species and its habitat.

**THIS BILL:** would prohibit the use of any poison, substance, or product, other than its use as a prescription drug under the direction of a licensed physician and surgeon, that contains one or more of specified anticoagulants, including brodifacoum and bromadiolone, in environmentally sensitive areas. **THIS BILL:** because a violation of this provision would be a misdemeanor, would create new crimes, thereby imposing state-mandated local program.

## *SB 1411 (Jackson)*

**Pesticides: application safety – OPPOSE**

**EXISTING LAW:** regulates pest control operations, and requires the Director of Pesticide Regulation and county agricultural commissioners to enforce those provisions. **EXISTING LAW:** authorizes a county agricultural commissioner to adopt regulations applicable in his or her county that are supplemental to those of the director that govern the conduct of pest control operations, as specified, and specifically authorizes a county agricultural commissioner to adopt regulations to regulate the timing, notification, and method of application for the agricultural use of any pesticide for agricultural production within 1/4 mile of a school. **EXISTING LAW:** specifies that the regulations become operative unless disapproved by the director. A violation of the provisions, or regulations adopted pursuant to those provisions, relating to pest control operations and pesticides is generally a misdemeanor.

**THIS BILL:** would also authorize a county agricultural commissioner to adopt regulations to prohibit the agricultural use of any pesticide within 1/4 mile of a school, subject to disapproval by the director.

**EXISTING LAW:** requires a person who operates a pest control business to be licensed by the director and registered by the county agricultural commissioner. Existing law requires public property, where public exposure is foreseeable, to be posted with warning signs prior to pesticide applications, as specified.

**THIS BILL:** would require an operator applying pesticide to a property by certain methods, including aerial applications or airblast applications of certain categories of pesticides, to ensure that the occupants of properties, including schools and residences, that are within 1,200 feet of the perimeter of the application or any required buffer zone receive notice of the planned pesticide application, as specified.

**EXISTING LAW:** requires the director, with participation by the Office of Environmental Health Hazard Assessment, to adopt regulations relating to pesticides and worker safety on specified subjects, including, among others, restricting worker reentry into areas treated with pesticides, and posting signs, in English and Spanish, in fields, areas, adjacent areas or fields, or storage areas.

**THIS BILL:** would require posting signs used to warn that a restricted entry interval is in effect to include specified information, including, but not limited to, the name of the pesticide product to be applied, and the telephone numbers of the county agricultural commissioner's office and the pesticide applicator.

**THIS BILL:** would require the pesticide applicator's telephone number to be answered 24 hours per day, 7 days per week, to answer calls from agricultural workers regarding the pesticide application.

**THIS BILL:** would state legislative findings and declarations relating to the bill's provisions. **THIS BILL:** would also make nonsubstantive changes, including incorporating changes to those provisions enacted by the Governor's Reorganization Plan of 1991.

## County Counsel

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### *AB 2492 (Jones-Sawyer)*

**Local agencies: meetings: real property transactions – SUPPORT**

**EXISTING LAW:** The Ralph M. Brown Act, requires all meetings of the legislative body of a local agency to be open and public, with specified exceptions. **EXISTING LAW:** Authorizes a legislative body of a local agency, after holding an open and public session as specified, to hold



a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

**THIS BILL:** would instead authorize the legislative body to hold a closed session to grant authority to the negotiator regarding the price and terms of the purchase, sale, exchange, or lease.

**EXISTING LAW:** constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

**THIS BILL:** would make legislative findings to that effect.

## *AB 2507 (Bocanegra)*

**Public Records Act: exemptions: pending litigation – SUPPORT**

**EXISTING LAW:** the California Public Records Act (CPRA), requires state and local agencies to make public records available upon receipt of a request that reasonably describes an identifiable record not otherwise exempt from disclosure, upon the payment of fees to cover costs. **EXISTING LAW:** exempts from the CPRA's disclosure requirements any records pertaining to pending litigation to which the public agency is a party, until the pending litigation or claim has been finally adjudicated or otherwise settled.

**THIS BILL:** would provide that public agency attorney billing records, when they are prepared in connection with pending litigation, are exempt from the CPRA's disclosure provisions during the pendency of the litigation.

**EXISTING LAW:** constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

**THIS BILL:** would make legislative findings to that effect.

## *SB 1337 (DeSaulnier)*

**Public records: electronic copies and media requests – OPPOSE**

**EXISTING LAW:** The California Public Records Act requires every state or local agency to make public records open to inspection at all times during regular office hours and provides that every person has a right to inspect any public record, except as specified.

**THIS BILL:** would require a state or local agency to provide an electronic copy of a public record when the public record is made available in response to a request. **THIS BILL:** would require a state or local agency to respond to a request for public records from a member of the press, as defined, within 14 days. By imposing additional duties upon local agencies in making public records available for inspection, this bill would impose a state-mandated local program.

**The California Constitution** requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

**THIS BILL:** would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

## Elections

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### *AB 280 (Alejo)*

**Voting rights – OPPOSE**

**EXISTING LAW:** the federal Voting Rights Act of 1965, provides that a change in voting procedures may not take effect in a state or political subdivision that is covered by the preclearance requirements of the federal act until the change is approved by a specified federal authority. A state or political subdivision is covered by the preclearance requirements of the federal act if it maintained a specified test or device as a prerequisite to voting, and had low voter registration or turnout, in the 1960s and early 1970s. The United States Supreme Court has held that the coverage formula of the federal act is unconstitutional and may not be used as a basis for requiring a jurisdiction to subject a proposed change in voting procedures to federal preclearance. Prior to that holding, the counties of Kings, Monterey, and Yuba were covered jurisdictions subject to the federal preclearance requirements.

**EXISTING LAW:** would establish a state preclearance system applicable only to the counties of Kings, Monterey, and Yuba. Under this system, if a county enacts or seeks to administer a voting qualification or prerequisite to voting, or a standard, practice, or procedure with respect to voting, that is different from that in force or effect on June 25, 2013, the county elections official would be required to submit the qualification, prerequisite, standard, practice, or procedure to the Attorney General for approval.

**THIS BILL:** would require the Attorney General to approve the qualification, prerequisite, standard, practice, or procedure only if it neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. **THIS BILL:** would provide that the qualification, prerequisite, standard, practice, or procedure shall not take effect or be administered in the county until the county receives the approval of the Attorney General. By requiring specified counties to seek approval of the Attorney General for changes to voting procedures, this bill would impose a state-mandated local program. **THIS BILL:** would make legislative findings and declarations as to the necessity of a special statute for the counties of Kings, Monterey, and Yuba.

## Health and Human Services

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### *SB 1136 (Huff)*

**Foster care providers: criminal records – SUPPORT**

**EXISTING LAW:** requires the State Department of Social Services to license and regulate community care facilities, including foster family homes, certified family homes of licensed foster family agencies, and group homes. **EXISTING LAW:** requires that persons providing care or services at these homes or facilities obtain either a criminal record clearance or an exemption from disqualification from the department, as prescribed.

**EXISTING LAW:** authorizes a child welfare agency to secure from an appropriate governmental criminal justice agency the state summary criminal history information for specified purposes, including an

assessment of the appropriateness of placing a child subject to the jurisdiction of the juvenile court with a relative or nonrelative extended family member.

**THIS BILL:** would authorize the State Department of Social Services to share all information related to a criminal record clearance or exemption granted by the department with a county child welfare agency with responsibility to monitor the health and safety of persons receiving care, treatment, or services from state licensed foster homes, certified homes of licensed foster family agencies and employees of those agencies, and licensed group homes. **THIS BILL:** would further authorize a county child welfare agency to receive state-summary criminal history information for purposes of assessing the appropriateness and safety of placing a child who has been detained or is a dependent of the court in a licensed foster family home, group home, or state-licensed foster home, and monitoring the health and safety of persons in those placements.

## ***AB 1703 (Hall)***

**In-home supportive services: reading services for blind and visually impaired recipients -- SUPPORT**

**EXISTING LAW:** provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. **EXISTING LAW:** provides for the county-administered In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. **EXISTING LAW:** county welfare departments are required to provide visually impaired applicants and recipients with information on, and referral services to, entities that provide reading services to visually impaired persons. Existing law defines "supportive services" for purposes of the IHSS program.

**THIS BILL:** would include within the definition of supportive services designated reading assistance services to a recipient of services under the IHSS program who is blind or visually impaired, or who has another disability that affects his or her ability to read. By expanding the scope of available services under the IHSS program, this bill would impose a state-mandated local program. **THIS BILL:** would also require the Director of Health Care Services to seek any federal approvals necessary to ensure that Medicaid funds may be used in implementing this provision.

## ***AB 2382 (Bradford)***

**CalWORKs: eligibility: truancy -- SUPPORT**

**EXISTING LAW:** (federal) provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program being known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria, including participating in specified welfare-to-work activities. **EXISTING LAW:** exempts from these welfare-to-work requirements a child who is under 16 years of age or attending an elementary, secondary, vocational, or technical school on a full-time basis.

**EXISTING LAW:** conditions the receipt of CalWORKs aid upon the school attendance of all children in an assistance unit who are subject to compulsory education, as specified. **EXISTING LAW:** further requires that this attendance requirement be included in the recipient's welfare-to-work plan. **EXISTING LAW:** if the county determines that an eligible child under 16 years of age is not regularly attending school as required, the county is prohibited from considering the needs of all adults in an assistance unit in computing the grant of a family, unless the county determines that good cause exists. **EXISTING LAW:**

prohibits the needs of a child 16 years of age or older from being considered in computing the grant to the family if the county determines that he or she has not been regularly attending school or participating in a welfare-to-work plan, unless the county determines that good cause exists.

**THIS BILL:** would revise these requirements by, among other things, deleting the requirement that the aid grant of a family be reduced if the county determines that an eligible child under 16 years of age is not regularly attending school. **THIS BILL:** would require that, if the county determines that a child who is 16 years of age or older is not attending school, the county inform the family of how to enroll the child in a continuation school within the county and screen the family to determine its eligibility for family stabilization services. **THIS BILL:** would require the county to document that the family was given this information and was screened for those services. **THIS BILL:** would prohibit the consideration of the child's needs in computing the grant to the family for any month in which the county is informed by a school district or a county school attendance review board that the child did not attend school unless one of several circumstances is present, including that the county is provided with evidence that the child has been attending school or there is good cause for school nonparticipation at any time during the month. **THIS BILL:** would provide that a child whose needs are excluded from computing the family grant would remain eligible for services that may lead to school attendance.

## ***SB 899 (Mitchell)***

### **CalWORKs: eligibility -- SUPPORT**

**EXISTING LAW:** requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of the child, with specified exceptions.

**THIS BILL:** would repeal that exclusion for purposes of determining the family's maximum aid payment and would expressly prohibit the denial of aid or denial of an increase in the maximum aid payment if a child, on whose behalf aid or an increase in aid is being requested, was born into an applicant's or recipient's family while the applicant's or recipient's family was receiving aid under the CalWORKs program. **THIS BILL:** would specify that an applicant or recipient is not entitled to an increased benefit payment for any month prior to January 1, 2015, as a result of the repeal of that exclusion or the enactment of that express prohibition. **THIS BILL:** would also prohibit the department from conditioning an applicant's or recipient's eligibility for aid on the applicant's or recipient's disclosure of information regarding rape, incest, or contraception, as specified, or the applicant's or recipient's use of contraception. **THIS BILL:** would make related findings and declarations.

## ***SB 1029 (Hancock)***

### **CalWORKs and CalFresh eligibility – Support**

**EXISTING LAW:** requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds.

**EXISTING LAW:** an individual is ineligible for aid if the individual has been convicted in state or federal court after December 31, 1997, of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance.

**THIS BILL:** would authorize CalWORKs benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalWORKs benefits during any period of revocation of that supervised release.

**EXISTING LAW:** provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. **EXISTING LAW:** a person convicted of specified drug offenses, including transporting, selling, furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, or manufacturing a controlled substance, is ineligible to receive CalFresh benefits. **EXISTING LAW:** authorizes the payment of CalFresh benefits to other convicted drug felons who have participated in, or are on the waiting list for, a drug treatment program, or who can show other evidence that the illegal use of controlled substances has ceased.

**THIS BILL:** would authorize CalFresh benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalFresh benefits during any period of revocation of that supervised release. **THIS BILL:** would also require the department to request a waiver from the federal government for the preenrollment of otherwise eligible applicants to the CalFresh program within one month of the applicant's reentry into the community from county jail or state prison, and would require the counties to implement the preenrollment program within 6 months of the waiver being granted. By requiring local agencies to provide a higher level of service, this bill would impose a state-mandated local program.

## ***AB 1533 (Waldron)***

### **In-home supportive services: criminal background checks -- SUPPORT**

**EXISTING LAW:** provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. **EXISTING LAW:** authorizes services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. **EXISTING LAW:** requires a county, public authority, or nonprofit consortium, as applicable, to conduct an investigation of the qualifications and background of an IHSS provider applicant, including specified criminal background checks.

**THIS BILL:** would require, as part of those criminal background checks, the Department of Justice to request federal summary criminal history information from the Federal Bureau of Investigation, and to review the information returned from the Federal Bureau of Investigation and provide it to the county, public authority, or nonprofit consortium.

# Human Resources

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## ***AB 1522 (Gonzalez)***

**Employment: paid sick days -- OPPOSE**

**EXISTING LAW:** authorizes employers to provide their employees paid sick leave.

**THIS BILL:** would provide that an employee, as defined, who works in California for 7 or more days in a calendar year is entitled to paid sick days, as defined, to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. **THIS BILL:** would require employers to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault. An employer would be prohibited from discriminating or retaliating against an employee who requests paid sick days. **THIS BILL:** would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would also make conforming changes.

**THIS BILL:** would require the Labor Commissioner to administer and enforce these requirements, including the promulgation of regulations, investigation, mitigation, and relief of violations of these requirements. **THIS BILL:** would authorize the Labor Commissioner to impose specified administrative fines for violations and would authorize an aggrieved person, the commissioner, the Attorney General, or an entity a member of which is aggrieved to bring an action to recover specified civil penalties against an offender, as well as attorney's fees, costs, and interest.

**THIS BILL:** would specify that it does not apply to employees covered by a collective bargaining agreement that provides for paid sick days, nor does it lessen any other obligations of the employer to employees. **THIS BILL:** would further specify that it does not apply to employees in the construction industry covered by a collective bargaining agreement if the agreement expressly waives the requirements of this article in clear and unambiguous terms. **THIS BILL:** would specify that it applies to certain public authorities, established to deliver in-home supportive services, except where a collective bargaining agreement provides for an incremental wage increase sufficient to satisfy the bill's requirements for accrual of sick days.

## ***AB 2053 (Gonzalez)***

**Employment discrimination or harassment: education and training: abusive conduct -- OPPOSE**

**EXISTING LAW:** makes specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. **EXISTING LAW:** further requires every employer to act to ensure a workplace free of sexual harassment by implementing certain minimum requirements, including posting sexual harassment information posters at the workplace and obtaining and making available an information sheet on sexual harassment. **EXISTING LAW:** also requires employers, as defined, with 50 or more employees to provide at least 2 hours of training and education regarding sexual harassment to all supervisory employees, as specified. Existing law requires each employer to provide that training and education to each supervisory employee once every 2 years.

**THIS BILL:** would additionally require that the above-described training and education include, as a component of the training and education, prevention of abusive conduct, as defined. The bill would also make technical, nonsubstantive changes to these provisions.

## ***AB 2030 (Campos )***

**Employees: time off -- OPPOSE**

**EXISTING LAW:** prohibits an employer who employs 25 or more employees working at the same location from discharging or in any way discriminating against an employee who is a parent, guardian, or grandparent having custody of a child in a licensed child day care facility or in kindergarten or grades 1 to 12, inclusive, for taking off up to 40 hours each year for the purpose of participating in school activities, subject to specified conditions including a limitation of 8 hours in any calendar month of the school year. **EXISTING LAW:** requires an employee to utilize existing vacation, personal leave, or compensatory time off for purposes of the planned absence authorized by this provision and also authorizes an employee to utilize time off without pay for this purpose, to the extent made available by his or her employer.

**THIS BILL:** would prohibit such an employer from discharging or discriminating against an employee taking time off, within those defined limitations, without loss of pay. **THIS BILL:** would prohibit an employee from being required to use existing vacation, personal leave, or compensatory time off for those purposes, unless otherwise provided by a collective bargaining agreement entered into before January 1, 2015, and in effect on that date, or from being required to use time off without pay for those purposes. **THIS BILL:** would prohibit the entitlement of any employee under those provisions from being diminished by any collective bargaining agreement term or condition that is agreed to on or after January 1, 2015.

## ***AB 2126 (Bonta)***

**Meyers-Milias-Brown Act: mediation -- SUPPORT**

The **Meyers-Milias-Brown Act** requires the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of a recognized employee organization. The act requires, if a tentative agreement is reached and the governing body adopts the tentative agreement, that the parties prepare jointly a non binding written memorandum of understanding of the agreement. Under existing law, if representatives of the public employee agency and the recognized employee organization fail to reach agreement, the parties may agree together upon the appointment of a mutually agreeable mediator.

**THIS BILL:** instead would permit either party to request mediation and would require the parties to agree upon a mediator. If the parties cannot agree upon a mediator, the bill would authorize either party to request the board to mappoint a mediation. **THIS BILL:** would require the board to appoint a mediator within 5 days after receipt of the party's request, as prescribed.

## ***SB 1234 (Block)***

**Workers' compensation -- OPPOSE**

**EXISTING LAW:** provides that certain peace officers, firefighters, and other specified state and local public employees are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment. The leave of absence is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system.

**THIS BILL:** would extend this leave of absence entitlement to certain peace officers who are not already described in these provisions, including, but not limited to, the Attorney General and special agents and investigators of the Department of Justice, certain park rangers designated by a local agency, and members of a California Community College police force.

## *AB 1824 (Rendon)*

**County employees' retirement: optional settlements revision – OPPOSE**

**The County Employees Retirement Law of 1937** permits a member or retired member of a retirement system established pursuant to its provisions, prior to the time that the first payment of any retirement allowance is made, to elect certain optional settlements, which operate to reduce the allowance payable to the member through his or her life and provide for a subsequent payment to another party or parties, including his or her spouse.

**THIS BILL:** upon adoption by a county, would permit a retired member to revise certain optional settlements if, at retirement, the retired member was unmarried or had been married less than one year, the retired member had retired before the county adopted other specified optional retirement settlements, and the application to revise includes the signature of the designated beneficiary of the optional settlement or a written declaration, as specified. **THIS BILL:** would provide a civil penalty for a person who knowingly provides false information in the declaration, to be brought at the option of a public prosecutor. **THIS BILL:** would also require, if the designated beneficiary of the optional settlement is a spouse or domestic partner of the member, that the application for revision evidence that person's agreement to the revision. **THIS BILL:** would provide, pursuant to this revision, that the retired member's allowance remain the same as provided by the optional settlement, adjusted for any cost-of-living increases that have been added to the retirement allowance. **THIS BILL:** would provide that the retirement system has no obligation to locate or otherwise contact retired members who may qualify for a revision. **THIS BILL:** would provide that any actions taken, as described above, do not excuse the obligation of a member to provide a continuing benefit to a former spouse pursuant to court order.

## *AB 2472 (Com. on Public Emp., Retirement and SS)*

**Public employees: retirement and health benefits – OPPOSE**

**The Public Employees' Retirement Law (PERL)** creates the Public Employees' Retirement System (PERS), which provides a defined benefit to its members based on age at retirement, service credit, and final compensation. **EXISTING LAW:** vests the management and control of the PERS in the Board of Administration of the PERS. **EXISTING LAW:** requires the board, in addition to any other reports it is required to make, to annually file a separate report with the Governor and the Legislature on all matters under its jurisdiction.

**THIS BILL:** would repeal that requirement and make other conforming changes.

**EXISTING LAW:** provides that if a correction of the amount of compensation received by a member that is reported to the system requires additional employer contributions to be paid to the system, the contributions shall be computed using the employer rate in effect at the time of the adjustment.

**THIS BILL:** would instead provide that the employer contribution shall be computed using the employer contribution rate in effect at the time that the compensation requiring adjustment was earned.

**EXISTING LAW:** requires that an election, revocation, or change of retirement benefits be made prior to the making of the first payment on account of any retirement allowance, or any retirement allowance following a change in retirement status.

**THIS BILL:** would allow an election, revocation, or change of election to be made within 30 calendar days after the making of the first payment.



**EXISTING LAW:** requires the Board of Administration of the Public Employees' Retirement System to administer the Public Employees' Medical and Hospital Care Act and authorizes the board to contract for health benefit plans for employees and annuitants. **EXISTING LAW:** defines a family member, for purposes of the act as an employee's or annuitant's spouse or domestic partner and any child, including an adopted child, a stepchild, or recognized natural child.

**THIS BILL:** would include a foster child in the definition of family member.

**EXISTING LAW:** requires the board to conduct a study to examine the feasibility and cost-effectiveness of creating a single statewide health care pool that would cover all public school employees.

**THIS BILL:** would repeal that requirement.

**EXISTING LAW:** establishes the Judges' Retirement System II which provides retirement benefits to elected judges. Existing law provides that if a retired judge becomes entitled to any salary for assignment to a court by the Chairperson of the Judicial Council after retirement for disability, the retirement allowance otherwise payable pursuant to the Judges' Retirement System II Law shall, during the time he or she is entitled to receive that salary or other compensation, be reduced by the amount of that salary or compensation.

**THIS BILL:** would specify, except as provided, that if person who is retired for service or disability under the system is appointed or elected to serve as a judge, he or she shall reinstate from retirement and again become a member of the system.

## ***AB 2473 (Com. on Public Emp., Retirement and SS)***

### **County Employees Retirement Law of 1937: federal law compliance – SUPPORT**

**Federal tax law** regulates pension plans generally and regulates public pension plans specifically based on their status as governmental plans, as defined. In this regard, among other things, federal law requires that accrued member retirement benefits be nonforfeitable, as specified, establish conditions for the distribution of funds to members from a retirement system, prescribe requirements for the vesting of benefits, and limit the application of pension funds for medical benefits.

**The County Employees Retirement Law of 1937 (CERL)** permits counties and districts, as defined, to provide retirement benefits to their employees pursuant to its provisions, and vests the management of the retirement system in the board of retirement. **CERL** generally conditions distribution of benefits upon compliance with federal requirements. **CERL** requires a county to retain in its retirement fund specified excess earnings to maintain a reserve against possible future deficiencies in earnings, and to transfer certain of those excess earnings into county advance reserves for the sole purpose of paying the cost of benefits, as specified. **CERL** authorizes the use of these reserves for the payment of certain health and medical benefits, subject to specified limitations.

**THIS BILL:** would revise various provisions of CERL to explicitly conform with federal law. **THIS BILL:** in this regard, would provide that a member's accrued retirement benefits are nonforfeitable, in accordance with federal law, once the member attains normal retirement age, as specified, or upon termination of, or discontinuance of contributions under, the retirement system. **THIS BILL:** upon the withdrawal of a district from a retirement system, also would prohibit a refund, distribution, or transfer of contributions for other funds to an employee or district unless in compliance with prescribed federal law.

**THIS BILL:** would revise provisions authorizing a retirement system to apply specified earnings to designated health benefits provided federal requirements are met, and would allow the board of retirement to authorize payment of those benefits with county advance reserves. **THIS BILL:** would specify that, if a county establishes a Post-Employment Benefits Trust Account as a part of its retirement fund, that account shall be used exclusively to provide health benefits for retired members, their spouses, and dependents.

**THIS BILL:** would revise county procedures applicable to providing service credit to a member of the retirement system for all or part of his or her military service, in accordance with federal law.

**THIS BILL:** would require a county that elects to provide optional long-term care or vision benefits, to comply with applicable federal law and regulation, including maintaining separate trust funds for those benefits. The bill also would make various technical, nonsubstantive changes to CERL.

## ***AB 2474 (Com. on Public Emp., Retirement and SS)***

### **Final compensation: death benefits – SUPPORT**

**The County Employees Retirement Law of 1937 (CERL)** authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees and their beneficiaries. **The CERL** provides for a defined retirement benefit based upon credited service, final compensation, and age at retirement subject to specified formulas relating to membership classification.

**The California Public Employees' Pension Reform Act of 2013 (PEPRA)** requires a public retirement system, as defined, including county and district retirement systems created pursuant to CERL, to modify its pension plan or plans to comply with the act and, among other provisions, establishes new limits of pensionable compensation that may not be exceeded whenever pensionable compensation is used in the calculation of a benefit. **PEPRA** defines pensionable compensation for purposes of its provisions.

**THIS BILL:** would clarify that the definition of final compensation for members whose services is on a tenure that is temporary, seasonal, intermittent, or part time in the CERL, as described, also applies to those members meeting the same service criteria who are subject to PEPRA.

**The CERL** provides that the surviving spouses of members who die in service after a specified number of years of service or as a result of service-connected injury or disease may elect a benefit calculated using the annual compensation earned by the deceased in lieu of a death benefit or life annuity.

**THIS BILL:** would instead require that benefit to be calculated using the pensionable compensation earned by the deceased member, if that member was subject to PEPRA.

**The CERL** provides that a surviving spouse of a safety member who is killed in the performance of duty or who dies as the result of an accident or injury caused by external violence or physical force incurred in the performance of his or her duty be paid a one-time lump-sum benefit calculated using the annual compensation earnable by the deceased.

**THIS BILL:** would instead require that benefit to be calculated using the pensionable compensation earned by the deceased member, if that member was subject to PEPRA.

## *SB 1219 (Torres)*

**Public employees' retirement: service after retirement -- OPPOSE**

**EXISTING LAW:** the California Public Employees' Pension Reform Act of 2013 (PEPRA) establishes various limits on retirement benefits generally applicable to a public employee retirement system in the state, except as specified, and among other things, prescribes limits on service after retirement without reinstatement into the applicable retirement system. **The Public Employees' Retirement Law (PERL)** establishes the Public Employees' Retirement System (PERS) for the purpose of providing pension benefits to specified public employees. PERS is subject to the limits established by PEPRA, and PERL also prescribes limits on service after retirement without reinstatement that have been superceded by PEPRA.

**THIS BILL:** would repeal the superceded provisions in the PERL described above and would add provisions limiting service after retirement without reinstatement that conform with the requirements of PEPRA, with certain additions. **THIS BILL:** would specify that a retired person appointed without reinstatement, under those limitations, is prohibited from receiving any benefit, incentive, or compensation in lieu of benefits. **THIS BILL:** would add similar provisions specifically addressing service by academic staff of the California State University. **THIS BILL:** would require that a person who has not attained normal retirement age have a bona fide separation from employment, as specified, before working after retirement. **THIS BILL:** would prescribe the consequences for working without reinstatement in violation of these prohibitions, which would include reinstatement in PERS, reimbursement of retirement allowance received, and additional contributions to the system, as specified. **THIS BILL:** would except from the restrictions on service without reinstatement specified judicial officers, judges, and elective officers. **THIS BILL:** would require the suspension of a retirement allowance of certain elective officers whose allowances are based on service in that office, which allowances would then resume after the office is vacated.

## *AB 2052 (Gonzalez)*

**Workers' compensation -- OPPOSE**

**EXISTING LAW:** establishes a workers' compensation system to compensate an employee for injuries sustained arising out of and in the course of his or her employment. **EXISTING LAW:** designates illnesses and conditions that constitute a compensable injury for various employees, such as California Highway Patrol members, firefighters, and certain peace officers. These injuries include, but are not limited to, hernia, pneumonia, heart trouble, cancer, meningitis, and exposure to biochemical substances, when the illness or condition develops or manifests itself during a period when the officer or employee is in service of his or her employer, as specified.

**THIS BILL:** would expand the coverage of the above provisions relating to compensable injury, to include all peace officers described under specified provisions of law. To the extent that the bill would apply the provisions to additional local peace officers, the bill would impose a state-mandated local program.

## *Probation*

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### *AB 1449 (V. Manuel Pérez)*

**Realignment Omnibus Act of 2014 -- SUPPORT**

**EXISTING LAW:** certain specified felonies are punishable by imprisonment in a county jail for 16 months, or 2 or 3 years or, where the term is specified, for the term described in the underlying offense.

**EXISTING LAW:** notwithstanding these provisions, requires that a sentence be served in state prison where the defendant has a prior or current conviction for a serious or violent felony, has a prior felony conviction in another jurisdiction that has all of the elements of a serious or violent felony, is required to register as a sex offender, or has an aggravated white collar crime enhancement imposed as part of the sentence.

**THIS BILL:** would additionally require a sentence to be served in the state prison when the defendant is convicted of a felony or felonies otherwise punishable in a county jail and is sentenced to an aggregate term of more than 3 years.

**EXISTING LAW:** requires that all persons released from prison after serving a prison term for a felony, be subject to postrelease community supervision provided by a county agency for a period of 3 years immediately following release, except for persons released after serving a term for a serious felony, a violent felony, an offense for which the person was sentenced pursuant to the 3 strikes law, a crime where the person is classified as a high-risk sex offender, or a crime where the person is required to undergo treatment by the State Department of State Hospitals because the person has a severe mental disorder. **EXISTING LAW:** requires these persons to be subject to parole supervision by the Department of Corrections and Rehabilitation following release from state prison and the jurisdiction of the court in the county in which the parolee is released, resides, or in which an alleged violation of supervision has occurred.

**THIS BILL:** would also require any person who is released from prison who has a prior conviction for any of the above crimes to be subject to parole supervision by the department and the jurisdiction of the court in the county in which the parolee is released, resides, or in which an alleged violation of supervision has occurred.

**EXISTING LAW:** the Postrelease Community Supervision Act of 2011, requires certain inmates released from state prison to be subject to 3 years of supervision by a county agency. The act provides that if the supervising county agency has determined, following application of its assessment processes, that authorized intermediate sanctions are not appropriate, the supervising county agency is required to petition the revocation hearing officer to revoke and terminate postrelease supervision of the inmate.

**EXISTING LAW:** allows the revocation hearing officer to order the person to confinement in a county jail for a period not to exceed 180 days, among other sanctions.

**THIS BILL:** would, if the person has been found to have violated the conditions of postrelease community supervision on 2 or more prior occasions, allow the revocation hearing officer to revoke and terminate postrelease community supervision and order the person to confinement in the state prison for a period of one year.

## ***AB 1920 (Campos)***

### **Board of State and Community Corrections – OPPOSE**

**EXISTING LAW:** establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified **EXISTING LAW:** also requires the board to develop incentives for units of local government to develop comprehensive regional partnerships whereby adjacent jurisdictions pool grant funds in order to deliver services to a broader target population and maximize the impact of state funds at the local level.

**THIS BILL:** would specifically require that those services include job training and employment opportunities, and that the target population include at-risk youth.

## ***SB 833 (Liu)***

### **Jails: discharge of prisoners –SUPPORT**

**EXISTING LAW:** authorizes the sheriff to discharge a prisoner from the county jail at a time on the last day a prisoner may be confined that the sheriff considers to be in the best interests of that prisoner.

**EXISTING LAW:** allows for the accelerated release of inmates, as specified, upon the authorization of the presiding judge of the superior court.

**THIS BILL:** instead would authorize the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours. **THIS BILL:** would specify that this authorization does not prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the prisoners' express written consent.

## ***SB 929 (Wright)***

### **Nonviolent felonies – OPPOSE**

**EXISTING LAW:** provides that a crime punishable with death, by imprisonment in the state prison, or by imprisonment in a county jail for more than one year is a felony and all other offenses, except those that are classified as infractions, are misdemeanors. **EXISTING LAW:** further provides that a crime that is punishable, in the discretion of the court, as a felony or as a misdemeanor is a misdemeanor under certain circumstances, including when the court grants a defendant probation without imposing a sentence and, at the time of granting probation or on application of the defendant or probation officer thereafter, the court declares the offense to be a misdemeanor.

**THIS BILL:** would require, upon application of a defendant, a felony offense to be deemed a misdemeanor for all purposes, except as specified, if the court finds that certain circumstances apply, including that the defendant was not imprisoned in the state prison for the offense, the offense for which the defendant was convicted was not a serious or violent felony, as defined, the offense does not require registration as a sex offender, the defendant is not currently charged with and has not been convicted of an offense in the preceding 5 years, except as specified, and the defendant presents clear and convincing evidence that he or she has been rehabilitated.

## ***SB 957 (Vidak)***

### **Imprisonment: state prison – SUPPORT**

**EXISTING LAW:** certain specified felonies are punished by imprisonment in a county jail for 16 months, or 2 or 3 years or, where the term is specified, for the term described in the underlying offense.

**EXISTING LAW:** notwithstanding these provisions, requires that a sentence be served in state prison where the defendant has a prior or current conviction for a serious or violent felony, has a prior felony conviction in another jurisdiction that has all of the elements of a serious or violent felony, is required to register as a sex offender, or has an aggravated white collar crime enhancement imposed as part of the sentence.

**THIS BILL:** would additionally require a defendant to serve his or her sentence in state prison if he or she is convicted of a crime or crimes for which he or she is sentenced to an aggregate term of imprisonment of 10 years or more. **THIS BILL:** would declare that it is to take effect immediately as an urgency statute.

# Sheriff

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## *AB 1438 (Linder)*

### **Sex offenders: certificates of rehabilitation – SUPPORT in Concept**

**EXISTING LAW:** requires a person who has been convicted of specified sex offenses to register with local law enforcement authorities as a sex offender. **EXISTING LAW:** authorizes a person convicted of a felony or a misdemeanor violation of certain sex offenses, the accusatory pleading of which has been dismissed, to file a petition for certificate of rehabilitation and pardon provided that the petitioner has not been incarcerated since the dismissal of the accusatory pleading, is not on probation for the commission of another felony, and presents satisfactory evidence of 5 years residence in this state prior to the filing of the petition. **EXISTING LAW:** a petition for a certificate of rehabilitation and pardon does not apply to a person who, among other specified crimes, has been convicted of willfully and lewdly committing any lewd and lascivious act upon the body of a child who is under the age of 14. Under existing law, a person convicted of certain sex offenses is not, upon obtaining a certificate of rehabilitation, relieved of his or her duty to register as a sex offender.

**THIS BILL:** in addition, would make the provisions for obtaining a certificate of rehabilitation inapplicable to a person who is convicted of engaging in sexual intercourse, sodomy, oral copulation, or sexual penetration with a child who is 10 years of age or younger and would provide that such a person who has obtained a certificate of rehabilitation is not relieved of his or her duty to register as a sex offender.

## *AB 1498 (Campos)*

### **Protective orders – SUPPORT**

**EXISTING LAW:** authorizes a court with jurisdiction over a criminal matter to issue certain orders upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, including a protective order enjoining a party from, among other things, molesting, attacking, threatening, sexually assaulting, harassing, contacting, or coming within a specified distance of the other party, as specified. **EXISTING LAW:** requires a court to consider issuing a protective order on its own motion in all cases where the defendant is charged with a crime of domestic violence, as defined, and requires the court's records of all criminal cases involving domestic violence be clearly marked to alert the court of the issue. Existing law provides that a restraining order or protective order issued in a domestic violence case has precedence in enforcement over a civil court order, except as provided. **EXISTING LAW:** authorizes the court, in any case in which a complaint, information, or indictment charging domestic violence has been filed, to consider the underlying nature of the offense charged and other specified information in determining whether good cause exists to issue a protective order.

**THIS BILL:** would apply these provisions to all cases where the defendant is charged with specified sex crimes, including rape, spousal rape, and crimes for which a person is required to register as a sex offender. **THIS BILL:** would further authorize the court, in any case in which a complaint, information, or indictment charging any of the above-described sex crimes has been filed, to consider the defendant's relationship to the victim, the likelihood of continuing harm to the victim, the defendant's criminal history, as specified, and any current protective or restraining order issued by any civil or criminal court involving the defendant.

## ***AB 1511 (Gaines)***

### **Criminal history information: animal control officers – OPPOSE**

**EXISTING LAW:** requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, such as his or her name, date of birth, physical description, fingerprints, photographs, dates of arrest, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. **EXISTING LAW:** requires the department to furnish this information in response to a request from certain authorized agencies, organizations, or individuals that need the information to fulfill employment, certification, or licensing duties, including in response to a request from a humane officer. **EXISTING LAW:** similarly establishes procedures for the disclosure of local summary criminal history information by a local criminal justice agency for certain purposes, as specified.

**THIS BILL:** would require the Department of Justice and local criminal justice agencies to provide state and local summary criminal history information to an animal control officer for the purposes of performing his or her duties. **THIS BILL:** would permit a local agency to charge a reasonable fee sufficient to cover the costs of providing that information. By requiring local criminal justice agencies to provide this information, the bill would impose a state-mandated local program.

## ***AB 1512 (Stone)***

### **Corrections: inmate transfers – SUPPORT (CSSA Sponsor)**

**EXISTING LAW:** until July 1, 2015, authorizes the board of supervisors of a county, where, in the opinion of the county sheriff or the director of the county department of corrections, adequate facilities are not available for prisoners, to enter into an agreement with any other county whose county adult detention facilities are adequate for and accessible to the first county and requires the concurrence of the receiving county's sheriff or the director of the county department of corrections. **EXISTING LAW:** also requires a county entering into a transfer agreement with another county to report annually to the Board of State and Community Corrections on the number of offenders who otherwise would be under that county's jurisdiction but who are now being housed in another county's facility and the reason for needing to house the offenders outside the county.

**THIS BILL:** would extend the operation of those provisions until July 1, 2020.

**EXISTING LAW:** operative July 1, 2015, authorizes a county where adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities to enter into an agreement with the board or boards of supervisors of one or more nearby counties whose county adult detention facilities are adequate for, and are readily accessible from, the first county for the commitment of misdemeanants and persons required to serve a term of imprisonment in a county adult detention facility as a condition of probation in jail in a county that is party to the agreement. **EXISTING LAW:** operative July 1, 2015, requires these agreements to provide for the support of a person so committed or transferred by the county from which he or she is committed.

**THIS BILL:** would provide that those provisions become operative July 1, 2020.

## ***AB 1526 (Holden)***

### **Wiretapping: authorization – SUPPORT**

**EXISTING LAW:** establishes a procedure for a prosecutor to apply for, and a court to issue, an order authorizing law enforcement to intercept a wire or electronic communication. **EXISTING LAW:** requires the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council, and

the Director of the Administrative Office of the United States Courts regarding these interceptions, as specified. **EXISTING LAW:** provides that a violation of these provisions is punishable as a misdemeanor with specified penalties, or as a felony. Existing law further provides that these provisions shall remain in effect until January 1, 2015.

**THIS BILL:** would extend the operation of these provisions until January 1, 2020

## ***AB 1561 (Rodriguez)***

**Taxpayer contributions: California firefighters' and peace officer memorial funds – SUPPORT**

**EXISTING LAW:** The Personal Income Tax Law authorizes an individual to contribute amounts in excess of his or her tax liability for the support of specified funds, including, among others, the California Firefighters' Memorial Fund and the California Peace Officers' Memorial Foundation Fund. Existing law provides for the repeal of the contribution provisions for these funds on January 1, 2016.

**THIS BILL:** would instead repeal those provisions on January 1, 2026.

## ***AB 1585 (Alejo)***

**Human trafficking – SUPPORT**

**EXISTING LAW:** defines and proscribes the crimes of human trafficking, solicitation, and prostitution.

**EXISTING LAW:** authorizes a court, in its discretion and in the interests of justice, to grant various forms of relief to a petitioner who completes conditions of probation, including the dismissal of the accusation or information against that person.

**EXISTING LAW:** requires the Department of Justice to maintain state summary criminal history information, and to furnish that information to specified entities for various purposes, including for purposes of fulfilling employment, licensing, and certification requirements. **EXISTING LAW:** also authorizes the State Department of Social Services and county or licensed adoption agencies to secure a person's full criminal record in connection with an adoption application, as specified.

**THIS BILL:** would provide that if a defendant has been convicted of solicitation or prostitution and has completed any term of probation for that conviction, the defendant may petition the court for relief if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking, and would authorize a court to issue an order that (1) sets forth a finding that the defendant was a victim of human trafficking, as specified, (2) dismisses the accusation or information against the defendant, or orders other relief, and (3) notifies the department that the defendant was a victim of human trafficking when he or she committed the crime and the relief that has been ordered.

**THIS BILL:** would also exclude records of conviction for which the relief described above has been granted from the criminal records that may be disseminated for various purposes, including the full criminal record obtained in connection with an adoption application.

## ***AB 1644 (Medina)***

**Medi-Cal: Drug Medi-Cal Program providers – SUPPORT**

**EXISTING LAW:** provides for the Drug Medi-Cal (DMC) Treatment Program, under which counties enter into contracts with the State Department of Health Care Services for providing various drug treatment services to Medi-Cal recipients, or the department directly contracts for those services if a county elects not to do so.



**THIS BILL:** would require a county or the department, before contracting with a certified DMC provider, to obtain criminal background information to determine if the owner has been convicted of a felony or a crime involving fraud and to request subsequent arrest notification for those crimes. **THIS BILL:** would also limit the term of contracts with DMC providers to a maximum of 2 years.

## ***AB 1646 (Frazier)***

### **Vehicles: electronic wireless communication devices: prohibitions – SUPPORT**

**EXISTING LAW:** requires the Department of Motor Vehicles to examine applicants for specific driver's licenses and requires that the examination include, among other things, a test of the applicants knowledge and understanding of the provision of the Vehicle Code governing the operation of vehicles upon the highways.

**THIS BILL:** would require the above-described examination to also include a test of the applicant's understanding of the distractions and dangers of handheld cellular phone use and text messaging while operating a motor vehicle.

**EXISTING LAW:** establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as points against a driver's record for purposes of suspension or revocation of the privilege to drive. **EXISTING LAW:** it is an infraction for any person to drive a motor vehicle while using a wireless telephone, or an electronic wireless communications device to write send, or read a text-based communication, unless the telephone or electronic wireless communications device is designed and configured to allow voice-operated and hands-free operation, and is used in that manner while driving, except as otherwise provided. A person under 18 years of age is prohibited from driving a motor vehicle while using a wireless telephone or an electronic wireless communications device, even if equipped with a hands-free device.

**THIS BILL:** would assess a violation point for a 2nd or subsequent conviction of a violation of these provisions. **THIS BILL:** would also increase the base fines for a violation of any of the above-described prohibitions involving driving a motor vehicle while using a wireless telephone or an electronic wireless communications device from \$20 to \$50, and the fine for a 2nd or subsequent offense from \$50 to \$100.

## ***AB 1649 (Waldron)***

### **Computer crimes – SUPPORT**

**EXISTING LAW:** makes it a crime to knowingly and without permission disrupt or cause the disruption of computer services or deny or cause the denial of computer services to an authorized user of a computer, computer system, or computer network. **EXISTING LAW:** makes a violation of this provision punishable by a fine not exceeding \$10,000, or by imprisonment in a county jail for 16 months, or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

**THIS BILL:** would increase the fine to \$20,000 for a felony violation, and to \$10,000 for a misdemeanor violation, for a person who knowingly and without permission disrupts or causes the disruption of government computer services or public safety infrastructure computer system computer services, as defined, or denies or causes the denial of government computer services or public safety infrastructure computer system computer services to an authorized user.

**EXISTING LAW:** makes it a crime to knowingly access and without permission add, alter, damage, delete, or destroy any data, computer software, or computer program which resides or exists internal or

external to a computer, computer system, or computer network. **EXISTING LAW:** makes a violation of this provision punishable by a fine not exceeding \$10,000, or by imprisonment in a county jail for 16 months, or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

**THIS BILL:** would increase the fine to \$20,000 for a felony violation, and to \$10,000 for a misdemeanor violation, for a person who knowingly accesses and without permission adds, alters, damages, deletes, or destroys any data, computer software, or computer programs which reside or exist internal or external to a public safety infrastructure computer system computer, computer system, or computer network.

**EXISTING LAW:** makes it a crime to knowingly and without permission provide or assist in providing a means of accessing a computer, computer system, or computer network in violation of law. **EXISTING LAW:** makes a violation this provision punishable by a fine not exceeding \$1,000 for a first violation that does not result in injury, by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment for a violation that results in a victim expenditure in an amount not greater than \$5,000, or for a 2nd or subsequent violation, and by a fine not exceeding \$10,000, or by imprisonment in a county jail for 16 months, or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for a violation that results in a victim expenditure in an amount greater than \$5,000.

**THIS BILL:** would increase the fine to \$2,000 for a first violation that does not result in injury, to \$10,000 for a violation that results in a victim expenditure in an amount not greater than \$5,000, or for a 2nd or subsequent violation, and to \$20,000 for a felony violation and to \$10,000 for a misdemeanor violation, for a violation that results in victim expenditure in an amount greater than \$5,000 for any person who knowingly and without permission provides or assists in providing a means of accessing a public safety infrastructure computer system computer, computer system, or computer network.

**EXISTING LAW:** makes it a crime to knowingly introduce a computer contaminant into any computer, computer system, or computer network. **EXISTING LAW:** makes a violation of this provision punishable by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for a first violation that does not result in injury, and by a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year, or by imprisonment in a county jail for 16 months, 2 or 3 years, or by both that fine and imprisonment for a violation that results in injury, or for a 2nd or subsequent violation.

**THIS BILL:** would increase the fine to \$10,000 for a first violation that does not result in injury, and to \$20,000 for a violation that results in injury, or for a 2nd or subsequent violation.

**EXISTING LAW:** makes it a crime to knowingly and without permission use the Internet domain name of another individual, corporation, or entity in connection with the sending of one or more electronic mail messages, and to thereby damage a computer, computer system, or computer network. **EXISTING LAW:** makes a violation of these provisions punishable by a fine of \$1,000 for a first violation that does not cause injury, and by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$5,000, or by both that fine and imprisonment, for a violation that results in injury or for a 2nd or subsequent offense.

**THIS BILL:** would revise this crime to apply to any person who knowingly and without permission uses the Internet domain name or profile, as defined, of another individual, corporation, or entity in connection with the sending of one or more electronic mail messages or posts and thereby causes damage. **THIS BILL:** would define electronic mail for these purposes. By expanding the definition of a crime, this bill would impose a state-mandated local program.

## ***AB 1652 (Ammiano)***

Inmates: prison gangs – OPPOSE

**EXISTING LAW:** requires a prisoner of the Department of Corrections and Rehabilitation to be awarded credit reductions from his or her term of confinement of 6 months for every 6 months of continuous confinement, as specified. **EXISTING LAW:** provides for up to 6 weeks of additional credit in a 12-month period for the successful completion of certain rehabilitative programs, as specified. Existing law makes a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for specified misconduct, or upon validation as a prison gang member or associate, ineligible to earn credits pursuant to these provisions.

**THIS BILL:** would remove the provision making a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit upon validation as a prison gang member or associate ineligible to receive the above-specified credits. **THIS BILL:** would require that an inmate assigned to a Security Housing Unit as a validated member, associate, or affiliate of a gang or security threat group receive a determinate term of not more than 36 months if the assignment is based solely on that status.

## ***AB 1686 (Medina)***

Trespass – SUPPORT in Concept / Watch for now

**EXISTING LAW:** provides that a person commits a trespass, which is punishable as a misdemeanor, when he or she willfully refuses or fails to leave land, real property, or structures belonging to, or lawfully occupied by, another person and not open to the general public, after being requested to leave by a peace officer acting at the request of the owner, the owner's agent, or the person in lawful possession, and after being informed by the peace officer that he or she was so acting, or after being requested to leave by the owner, the owner's agent, or the person in lawful possession. Existing law permits, for the purposes of this provision, a single request to be made for a peace officer's assistance for a period of 6 months or less when the premises or property is closed to the public and posted as being closed.

**THIS BILL:** would instead permit that single request to be made for a period not to exceed 12 months.

## ***AB 1688 (Conway)***

Developmental centers: crime – OPPOSE unless amended

**EXISTING LAW:** requires, upon the filing of a claim for reimbursement, a city, county, or superior court to be reimbursed for reasonable and necessary costs connected with state prisons or prisoners in connection with certain circumstances, including with any crime committed in a prison, with any hearing on any return of a writ of habeas corpus prosecuted by or on behalf of a prisoner, or with any costs incurred by a coroner in connection with the death of a prisoner.

**THIS BILL:** would similarly require that, upon the filing of a claim for reimbursement, a city, county, or superior court be reimbursed for reasonable and necessary costs connected with developmental centers or residence of a developmental center in connection with specified circumstances, including with any crime committed at a developmental center, with any hearing on return of a writ of habeas corpus prosecuted by or on behalf of a resident, or with any costs incurred by a coroner in connection with the death of a resident.

**EXISTING LAW:** requires a developmental center to immediately, but no later than within 2 hours of the developmental center observing, obtaining knowledge of, or suspecting abuse, report certain incidents involving a resident to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located. **EXISTING LAW:** provides that this reporting requirement does not prevent a developmental center from reporting any other criminal act constituting a danger to the health or safety of the residents of the developmental center to the local law enforcement agency.

**THIS BILL:** would require a local law enforcement agency having jurisdiction over the city or county in which the developmental center is located to respond within 24 hours of receiving an allegation that a crime has occurred at the developmental center. By imposing new duties on local officials, this bill would impose a state-mandated local program.

## *AB 1715 (Patterson)*

**Probation: felons: disqualifying circumstances – SUPPORT**

**EXISTING LAW:** defines probation to mean the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. Existing law authorizes probation for some, but not all, felony convictions. **EXISTING LAW:** prohibits granting probation for a felony conviction for, among other instances, a person who is convicted of a violent felony or a serious felony and who was on probation or parole for a felony offense at the time of the commission of the new felony offense.

**THIS BILL:** would similarly make that probation unavailable to a person who is convicted of a violent felony or a serious felony and who was on mandatory supervision or post release community supervision for a felony offense at the time of the commission of the new felony offense.

## *AB 1735 (Hall)*

**Nitrous oxide: dispensing and distributing – SUPPORT (CSSA Co-sponsored)**

**EXISTING LAW:** makes it a misdemeanor for any person to possess nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or to knowingly and with the intent to do so be under the influence of nitrous oxide or any material containing nitrous oxide.

**THIS BILL:** would make it a misdemeanor to dispense or distribute nitrous oxide to a person, knowing or having reason to believe that the nitrous oxide will be used in violation of the above provisions. **THIS BILL:** would impose a mandatory fine of \$1,000 for a first conviction, a mandatory fine of \$2,000 for a 2nd conviction, and a mandatory fine of \$5,000 for a 3rd or subsequent conviction, and would allow the crime to also be punished by imprisonment in a county jail, not to exceed 6 months. By creating a new crime, this bill would impose a state-mandated local program.

**THIS BILL:** would require any person who dispenses or distributes nitrous oxide to record each transaction in a physical written document, as provided, and would require the person to make the document available for inspection during normal business hours to officers or employees of the California State Board of Pharmacy or other law enforcement agencies. **THIS BILL:** would require the purchaser to sign the document and provide a government-issued photo identification and residential address. **THIS BILL:** would require the person dispensing or distributing the nitrous oxide to mark the packaging or tank containing the nitrous oxide with a label that identifies the person who dispensed or distributed the nitrous oxide and the person's business address.

**THIS BILL:** would require each cartridge or tank of nitrous oxide to be as a printed warning, as specified.

## *SB 922 (Knight)*

### **Sex offenses: disabled victims – SUPPORT**

**EXISTING LAW:** a person who commits rape against a person incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, where that fact is known or reasonably should be known by the person committing the act, shall be punished by imprisonment in the state prison for 3, 6, or 8 years. **EXISTING LAW:** a person who commits that crime voluntarily acting in concert with another person, by force or violence and against the will of the victim, shall be punished by imprisonment in the state prison for 5, 7, or 9 years.

**THIS BILL:** would instead make these crimes punishable by imprisonment in the state prison for 9, 11, or 13 years, and 10, 12, or 14 years, respectively.

## *SB 930 (Berryhill)*

### **Arson – SUPPORT**

**EXISTING LAW:** defines the crime of aggravated arson, and makes a person guilty of that crime if the person has been previously convicted of arson on one or more occasions within the past 10 years, or if the fire caused damage to, or the destruction of 5 or more inhabited structures. **EXISTING LAW:** until January 1, 2014, made a person guilty of aggravated arson if the fire caused property damage and other losses in excess of \$6,500,000, and specified the costs to be included in calculating property damages for purposes of that provision.

**THIS BILL:** would reenact that provision until January 1, 2019. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

## *SB 939 (Block)*

### **Criminal jurisdiction – SUPPORT**

**EXISTING LAW:** requires, when more than one violation of certain specified provisions of law occurs in more than one jurisdictional territory, that jurisdiction for any of those offenses is in any jurisdiction where at least one of the offenses occurred if all district attorneys in counties with jurisdiction of the offenses agree to the venue.

**THIS BILL:** would include human trafficking, pimping, and pandering to the specified offenses to which the above jurisdictional requirements apply.

## *SB 941 (Monning)*

### **Vessel operator cards – Support**

**EXISTING LAW:** prohibits the operation or navigation of a for-hire vessel, as defined, in the waters of California while carrying passengers, except by a person who holds a valid operator's license issued by the Division of Boating and Waterways. **EXISTING LAW:** a person applying for an operator's license is required to undergo an examination that may include, among other things, an inspection of the for-hire vessel.

**EXISTING LAW:** requires the division to approve boating safety courses and personal watercraft education courses, as specified.

**THIS BILL:** would prohibit the operation of a vessel that is propelled by an engine in the waters of the state except by a person who is in possession of a valid vessel operator card developed and issued by the division, and would impose that prohibition on persons pursuant to a specified schedule. The bill would exempt certain persons from that requirement and would allow a person who rents a vessel to instead possess a rental vessel operator card, as specified.

**THIS BILL:** would require the division to develop vessel operator cards and issue a vessel operator card to a person who provides the division with proof that the person has passed a vessel operator examination and would require the division to develop an examination and provide links to approved examinations on its Internet Web site. **THIS BILL:** would require the division to charge an unspecified fee for those cards, would establish the Vessel Operator Certification Account in the Harbors and Watercraft Revolving Fund, and would require the fees to be deposited in that account. **THIS BILL:** would authorize the division to expend the moneys in the account, upon appropriation by the Legislature, for purposes of the vessel operator card program.

**THIS BILL:** would require the division to adopt implementing regulations. **THIS BILL:** would require an amount not to exceed \$4,000,000 to be transferred, upon appropriation in the annual Budget Act, from the Harbors and Watercraft Revolving Fund to the Vessel Operator Certification Account in the form of a loan to be used by the division to develop and establish the program. **THIS BILL:** would require the division to repay the loan from fees received from the issuance of vessel operator cards within 3 years of the effective date of the regulations issued by the division.

**THIS BILL:** would provide that a violation of the bill's provisions is an infraction, and would require a court to order a person who violates those provisions to complete and pass a boating safety course approved by the division. By creating a new crime, this bill would impose a state-mandated local program.

## ***SB 955 (Mitchell)***

### **Interception of electronic communications – SUPPORT**

**EXISTING LAW:** until January 1, 2015, authorizes the court to issue an order authorizing interception of electronic communications if the judge finds, among other things, that there is probable cause to believe that an individual is committing, has committed, or is about to commit, several offenses, including, among others, possession for sale of certain controlled substances, murder, and certain felonies involving destructive devices.

**THIS BILL:** would add human trafficking to the list of offenses for which interception of electronic communications may be ordered pursuant to those provisions. The bill would extend the operation of the provisions described above until January 1, 2020.

## ***SB 957 (Vidak)***

### **Imprisonment: state prison – SUPPORT**

**EXISTING LAW:** certain specified felonies are punished by imprisonment in a county jail for 16 months, or 2 or 3 years or, where the term is specified, for the term described in the underlying offense.

**EXISTING LAW:** notwithstanding these provisions, requires that a sentence be served in state prison where the defendant has a prior or current conviction for a serious or violent felony, has a prior felony conviction in another jurisdiction that has all of the elements of a serious or violent felony, is required to register as a sex offender, or has an aggravated white collar crime enhancement imposed as part of the sentence.

**THIS BILL:** would additionally require a defendant to serve his or her sentence in state prison if he or she is convicted of a crime or crimes for which he or she is sentenced to an aggregate term of imprisonment of 10 years or more.

## *SB 1027 (Hill)*

**Criminal record information: commercial use – SUPPORT (if amended to fix a few technical issues)**

The California Public Records Act requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records, and provides that every person has a right to inspect any public record, except as provided.

**EXISTING LAW:** requires a business to take reasonable steps to protect unintended disclosure of customer information and limits the way personal information on customers can be used and disseminated.

**THIS BILL:** would prohibit a person who publishes criminal record information, as defined, via print or electronic means from soliciting or accepting a fee or other consideration to remove, correct, or modify that information, as specified. The bill would establish civil penalties for violations of these provisions.

## Veterans

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### *AB 2703 (Quirk-Silva)*

**County veterans service officers – SUPPORT**

**EXISTING LAW:** requires the Department of Veterans Affairs to disburse funds, appropriated to the department for the purpose of supporting county veterans service officers pursuant to the annual Budget Act, on a pro rata basis, to counties that comply with certain conditions. **EXISTING LAW:** requires the Department of Veterans Affairs to annually determine the amount of new or increased monetary benefits paid to eligible veterans by the federal government attributable to the assistance of county veterans service officers, and requires the department to prepare and transmit its determination for the preceding fiscal year to the Department of Finance and the Legislature on or before October 1 of each year.

**THIS BILL:** would require the department, no later than July 1, 2015, to develop an allocation formula based upon performance to encourage innovation and reward outstanding service by county veterans service officers. **THIS BILL:** would also appropriate \$6,000,000 from the General Fund to the Department of Veterans Affairs for disbursement to the counties to fund the activities of county veterans service officers, as specified, and to encourage innovation and reward outstanding service by these officers.

## Hunting

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### *AB 2205 (Donnelly)*

**Mammals: use of dogs to pursue bears and bobcats – SUPPORT (co-sponsor?)**

**EXISTING LAW:** with specified exceptions, makes it unlawful to permit or allow a dog to pursue any bear, as defined, or bobcat at any time. **EXISTING LAW:** authorizes the Department of Fish and Wildlife to capture a dog not under the reasonable control of its owner or handler that is pursuing any bear or

bobcat in violation of this prohibition or to capture or dispatch a dog inflicting injury or immediately threatening to inflict injury on any bear or bobcat at any time.

**THIS BILL:** would eliminate this prohibition, the exceptions, and this authority of the department. **THIS BILL:** would instead require the Department of Fish and Wildlife to make a specified report to the Fish and Game Commission on the status of bear populations, management, and related issues every 3 years. **THIS BILL:** would require the first report to be submitted on or before December 15, 2015, and would require the department, not later than December 15 of each year the report is submitted, to notify, by certified mail, the board of supervisors of each county affected by bear interactions with the general public, of public safety impacts or concerns, bear depredation permit requests, and economic impacts due to bear damage to the extent of those incidences or impacts, and of its recommendations to the commission. **THIS BILL:** would generally prohibit a person from using dogs to hunt, pursue, or molest bears, except when recommended to the Department of Fish and Wildlife by a vote of the board of supervisors of any affected county following a public hearing, as specified. **THIS BILL:** would require the commission to authorize the use of dogs under those circumstances. **THIS BILL:** would permit the use of one dog per hunter for the hunting of bears during open deer season, and the use of more than one dog per hunter during the open bear season except during the period when archery deer seasons or regular deer seasons are open. By imposing new duties on local public officials, the bill would impose a state-mandated local program.

**EXISTING LAW:** authorizes the Fish and Game Commission to establish a hound tag program, imposing certain requirements on the licensure and use of hounds, as defined, to pursue mammals. For these purposes, existing law defines a hound as a dog used to pursue mammals

**THIS BILL:** would repeal this authorization.

**EXISTING LAW:** except as excluded, violations of the Fish and Game Code are misdemeanors.

**THIS BILL:** by changing the definition of a crime, would impose a state-mandated local program.



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## **Williamson Act**

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### **AB 1729 (Logue R) Local government: agricultural land.**

**Introduced:** 2/14/2014

**Status:** 2/18/2014-From printer. May be heard in committee March 20.

**Location:** 2/14/2014-A. PRINT

**Summary:**

Current law establishes the California Land Conservation Act of 1965, otherwise known as the Williamson Act, for purposes of preserving agricultural land within the state. Current law authorizes a city or a county, for this purpose, to contract with a landowner to limit the use of agricultural land located in an agricultural preserve designated by the city or county. This bill would make technical, nonsubstantive changes to the authorization provisions.

### **AB 1961 (Eggman D) Land use: planning: Sustainable Farmland Strategy.**

**Introduced:** 2/19/2014

**Status:** 2/20/2014-From printer. May be heard in committee March 22.

**Location:** 2/19/2014-A. PRINT

**Summary:**

Would require each county with significant agricultural land resources, as defined, to develop, on or before January 2, 2018, a sustainable farmland strategy. The bill would require the Sustainable Farmland Strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain agriculturally zoned land where practical and mitigate the loss of agriculturally zoned land to nonagricultural uses or zones, and a page on the county's Internet Web site with the relevant documentation for the goals, strategies, and related policies and ordinances, as specified.

### **AB 2241 (Eggman D) Local government: agricultural land.**

**Introduced:** 2/21/2014

**Status:** 2/21/2014-Introduced. To print.

**Location:** 2/21/2014-A. PRINT

**Summary:**

Would require a city or county to charge the property owner a recession fee of 10% of the fair market value of the property at the time of the recession for both land under a Williamson Act contract and land designated as a farmland security zone. This bill contains other related provisions and other existing laws.

### **SB 1353 (Nielsen R) Local government: Williamson Act.**

**Introduced:** 2/21/2014

**Status:** 2/21/2014-Introduced. To Com. on RLS. for assignment. To print.

**Location:** 2/21/2014-S. PRINT

**Summary:**

Would delete the January 1, 2016, date and thereby authorize a county to utilize the process for revising or entering into contracts so as to specify 9 or 18 year terms indefinitely. The bill would also make conforming changes.

# **Yuba County State Legislative Update**

**March 18, 2014**

County Counsel

AB 2492, as introduced, Jones-Sawyer. Local agencies: meetings: real property transactions. – support

Existing law, the Ralph M. Brown Act, requires all meetings of the legislative body of a local agency to be open and public, with specified exceptions. Existing law authorizes a legislative body of a local agency, after holding an open and public session as specified, to hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

This bill would instead authorize the legislative body to hold a closed session to grant authority to the negotiator regarding the price and terms of the purchase, sale, exchange, or lease.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

AB 2507, as introduced, Bocanegra. Public Records Act: exemptions: pending litigation. – support

Existing law, the California Public Records Act (CPRA), requires state and local agencies to make public records available upon receipt of a request that reasonably describes an identifiable record not otherwise exempt from disclosure, upon the payment of fees to cover costs.

Existing law exempts from the CPRA's disclosure requirements any records pertaining to pending litigation to which the public agency is a party, until the pending litigation or claim has been finally adjudicated or otherwise settled.

This bill would provide that public agency attorney billing records, when they are prepared in connection with pending litigation, are exempt from the CPRA's disclosure provisions during the pendency of the litigation.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

SB 1337 – oppose. These are proposed additions to the Public Records Act. PRA requests tend to be a pain in the butt and this adds to it. GC 6353 already gives us a 10 day window in which to respond to a PRAR, but has a provision for an extension of time to actually produce the records if they are voluminous or if it would be a lot of work to dig them out. This amendment provides a 14 day response time if the requester is a member of the press, but it does not have the extension of time provisions for onerous requests (a bad thing). In addition, the bill would require providing copies in an electronic format. That is not a problem if the records are kept in an electronic format, but can be troublesome if the records are not so kept (maps, etc.). It adds a layer of work for the local agency in trying to figure out how to make an electronic copy of a hard document—obviously it can be done in most cases, but it is just more work.

Agriculture Commissioner

AB 1642 (Chesbro D) Pest control: Pierce's disease. SUPPORT

Current law allows money in the Pierce's Disease Management Account in the Food and Agriculture Fund to be expended as specified to combat Pierce's disease and its vectors, including the glassy-winged sharpshooter, and for purposes relating to other designated pests and diseases, as provided. Current law makes these provisions inoperative on March 1, 2016, and repeals them on January 1, 2017. This bill would extend to March 1, 2021, the date on which the above provisions become inoperative, and would repeal those provisions on January 1, 2022. This bill contains other related provisions and other existing laws.

AB 2251 (Yamada D) Weights and measures: beverage containers: redemption value. SUPPORT (but this bill stills need language amendments)

Would require a dealer, at the time of sale of a beverage in a container subject to the act, to separately identify the amount of any redemption payment imposed on the beverage container pursuant to the act and to accurately identify the amount of any redemption payment required by the act. Because a violation of these provisions would be a crime, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2589 (Bloom D) Weights and measures: county sealers: county ordinance: annual registration fee. SUPPORT

Current law governing weights and measures provides that there is in each county the office of county sealer, as defined, of weights and measures to administer those provisions, as specified. Current law requires a county sealer to weigh and measure packages, containers, or amounts of commodities sold, or in the process of delivery, in order to determine whether they contain the quantity or amount represented and whether they are being sold in accordance with law. This bill contains other current laws.

AB 2602 (Eggman D) Farm to School Program. SUPPORT (MAY NOT BE A CACASA ITEM, BUT WILL RECOMMEND THAT YUBA COUNTY SUPPORT)

Would establish the Farm to School Program, to be administered by the Department of Food and Agriculture, to provide for the allocation of grants and technical assistance to school districts and county offices of education for the purpose of increasing the provision of fresh and nutritious school meals to pupils. The bill would authorize the Secretary of Food and Agriculture to distribute grants to eligible school districts and county offices of education for the purpose of developing and maintaining a Farm to School program.

AB 2657 (Bloom D) Environmentally sensitive areas: use of anticoagulants. OPPOSE

Would prohibit the use of any poison, substance, or product, other than its use as a prescription drug under the direction of a licensed physician and surgeon, that contains one or more of specified anticoagulants, including brodifacoum and bromadiolone, in environmentally sensitive areas. This bill contains other related provisions and other existing laws.

SB 1328 (Hill D) Weights and measures. NO OFFICIAL POSITION AT THIS TIME (pending meeting with CDFA/Division of Measurements Standards)

Would authorize the secretary, by regulation, to establish a uniform policy consistent with federal law relating to the use of dry tare weight or wet tare weight methods of measurement for the retail sale of meat, poultry, and fish products. Because a violation of a regulation adopted pursuant to those provisions would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 1411 (Jackson D) Pesticides: application safety. OPPOSE

Would authorize a county agricultural commissioner to adopt regulations to prohibit the agricultural use of any pesticide within 1/4 mile of a school, subject to disapproval by the director. This bill contains other related provisions and other existing laws.

## Probation

AB 1449 (V. Manuel Pérez D) Realignment Omnibus Act of 2014. – SUPPORT IF WE ARE GOING TO SUPPORT SHERIFF-BILL ALSO ALLOWS TO PRCS THAT VIOLATED CAN TO BE SENTENCED TO STATE PRISON

Would require a sentence to be served in the state prison when the defendant is convicted of a felony or felonies otherwise punishable in a county jail and is sentenced to an aggregate term of more than 3 years. This bill contains other related provisions and other existing laws.

AB 1920 (Campos D) Board of State and Community Corrections. – OPPOSE- WOULD REQUIRE GRANTS FUNDS TO INCLUDE JOB TRAINING AND TARGET 18-25 POPULATION

Current law requires the Board of State and Community Corrections to develop incentives for units of local government to develop comprehensive regional partnerships whereby adjacent jurisdictions pool grant funds in order to deliver services to a broader target population and maximize the impact of state funds at the local level. This bill would specifically require that those services include job training and employment opportunities, and that the target population include at-risk youth.

SB 833 (Liu D) Jails: discharge of prisoners. –SUPPORT- VOLUNTARY PROGRAM FOR PRISONERS- RELEASE TO PROGRAM OR DURING DAYTIME HOURS

Would authorize the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours. The bill would specify that this authorization does not prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the prisoners' express written consent.

SB 929 (Wright D) Nonviolent felonies. – OPPOSE- WANTS TO REDUCE FELONIES TO MISDEMEANORS

Would require, upon application of a defendant, a felony offense to be deemed a misdemeanor for all purposes, except as specified, if the court finds that certain circumstances apply, including that the defendant was not imprisoned in the state prison for the offense, the offense for which the defendant was convicted was not a serious or violent felony, as defined, the offense does not require registration

as a sex offender, the defendant is not currently charged with and has not been convicted of an offense in the preceding 5 years, except as specified, and the defendant presents clear and convincing evidence that he or she has been rehabilitated.

SB 957 (Vidak R) Imprisonment: state prison. SUPPORT IF GOING TO SUPPORT SHERIFF

Would require a defendant to serve his or her sentence in state prison if he or she is convicted of a crime or crimes for which he or she is sentenced to an aggregate term of imprisonment of 10 years or more. This bill contains other related provisions.

#### Veterans

AB 2703 (Quirk-Silva D) County veterans service officers. -- SUPPORT

Would require the department, no later than July 1, 2015, to develop an allocation formula based upon performance to encourage innovation and reward outstanding service by county veterans service officers. The bill would also appropriate \$6,000,000 from the General Fund to the Department of Veterans Affairs for disbursement to the counties to fund the activities of county veterans service officers, as specified, and to encourage innovation and reward outstanding service by these officers.

#### Sheriff

AB 1438, as introduced, Linder. Sex offenders: certificates of rehabilitation. – Support in Concept

Existing law requires a person who has been convicted of specified sex offenses to register with local law enforcement authorities as a sex offender. Existing law authorizes a person convicted of a felony or a misdemeanor violation of certain sex offenses, the accusatory pleading of which has been dismissed, to file a petition for certificate of rehabilitation and pardon provided that the petitioner has not been incarcerated since the dismissal of the accusatory pleading, is not on probation for the commission of another felony, and presents satisfactory evidence of 5 years residence in this state prior to the filing of the petition. Under existing law, a petition for a certificate of rehabilitation and pardon does not apply to a person who, among other specified crimes, has been convicted of willfully and lewdly committing any lewd and lascivious act upon the body of a child who is under the age of 14. Under existing law, a person convicted of certain sex offenses is not, upon obtaining a certificate of rehabilitation, relieved of his or her duty to register as a sex offender.

This bill, in addition, would make the provisions for obtaining a certificate of rehabilitation inapplicable to a person who is convicted of engaging in sexual intercourse, sodomy, oral copulation, or sexual penetration with a child who is 10 years of age or younger and would provide that such a person who has obtained a certificate of rehabilitation is not relieved of his or her duty to register as a sex offender.

AB 1498, as introduced, Campos. Protective orders. – Support

Existing law authorizes a court with jurisdiction over a criminal matter to issue certain orders upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, including a protective order enjoining a party from, among other things, molesting, attacking, threatening, sexually assaulting, harassing, contacting, or coming within a specified distance of the other party, as specified. Existing law requires a court to consider issuing a protective order on its own motion in all cases where the defendant is charged with a crime of domestic violence, as defined, and requires the court's records of all criminal cases involving domestic violence be clearly marked to alert the court of the issue. Existing law provides that a restraining order or protective order issued in a domestic violence case has precedence in enforcement over a civil court order, except as provided. Existing law authorizes the court, in any case in which a complaint, information, or indictment charging domestic violence has been filed, to consider the underlying nature of the offense charged and other specified information in determining whether good cause exists to issue a protective order.

This bill would apply these provisions to all cases where the defendant is charged with specified sex crimes, including rape, spousal rape, and crimes for which a person is required to register as a sex offender. The bill would further authorize the court, in any case in which a complaint, information, or indictment charging any of the above-described sex crimes has been filed, to consider the defendant's relationship to the victim, the likelihood of continuing harm to the victim, the defendant's criminal history, as specified, and any current protective or restraining order issued by any civil or criminal court involving the defendant.

AB 1511, as introduced, Beth Gaines. Criminal history information: animal control officers. – Oppose

Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, such as his or her name, date of birth, physical description, fingerprints, photographs, dates of arrest, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. Existing law requires the department to furnish this information in response to a request from certain authorized agencies, organizations, or individuals that need the information to fulfill employment, certification, or licensing duties, including in response to a request from a humane officer. Existing law similarly establishes procedures for the disclosure of local summary criminal history information by a local criminal justice agency for certain purposes, as specified.

This bill would require the Department of Justice and local criminal justice agencies to provide state and local summary criminal history information to an animal control officer for the purposes of performing his or her duties. The bill would permit a local agency to charge a reasonable fee sufficient to cover the costs of providing that information. By requiring local criminal justice agencies to provide this information, the bill would impose a state-mandated local program.

AB 1512, as introduced, Stone. Corrections: inmate transfers. – Support (CSSA Sponsor)

Existing law, until July 1, 2015, authorizes the board of supervisors of a county, where, in the opinion of the county sheriff or the director of the county department of corrections, adequate facilities are not available for prisoners, to enter into an agreement with any other county whose county adult detention facilities are adequate for and accessible to the first county and requires the concurrence of the receiving county's sheriff or the director of the county department of corrections. Existing law also requires a county entering into a transfer agreement with another county to report annually to the Board of State and Community Corrections on the number of offenders who otherwise would be under that county's jurisdiction but who are now being housed in another county's facility and the reason for needing to house the offenders outside the county.

This bill would extend the operation of those provisions until July 1, 2020.

Existing law, operative July 1, 2015, authorizes a county where adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities to enter into an agreement with the board or boards of supervisors of one or more nearby counties whose county adult detention facilities are adequate for, and are readily accessible from, the first county for the commitment of misdemeanants and persons required to serve a term of imprisonment in a county adult detention facility as a condition of probation in jail in a county that is party to the agreement. Existing law, operative July 1, 2015, requires these agreements to provide for the support of a person so committed or transferred by the county from which he or she is committed.

This bill would provide that those provisions become operative July 1, 2020.

AB 1526, as amended, Holden. Wiretapping: authorization. – Support

Existing law establishes a procedure for a prosecutor to apply for, and a court to issue, an order authorizing law enforcement to intercept a wire or electronic communication. Existing law requires the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Courts regarding these interceptions, as specified. Existing law provides that a violation of these provisions is punishable as a misdemeanor with specified penalties, or as a felony. Existing law further provides that these provisions shall remain in effect until January 1, 2015.



This bill would extend the operation of these provisions until January 1, 2020

AB 1561, as introduced, Rodriguez. Taxpayer contributions: California firefighters' and peace officer memorial funds. – Support

The Personal Income Tax Law authorizes an individual to contribute amounts in excess of his or her tax liability for the support of specified funds, including, among others, the California Firefighters' Memorial Fund and the California Peace Officers' Memorial Foundation Fund. Existing law provides for the repeal of the contribution provisions for these funds on January 1, 2016.

This bill would instead repeal those provisions on January 1, 2026.

AB 1577, as introduced, Atkins. Certificates of death: transgender decedent. – Need to review more with CSCA

Existing law establishes the State Department of Public Health under the direction of the State Public Health Officer. Existing law sets forth its powers and duties of the State Public Health Officer, including, but not limited to, designation as the State Registrar of Vital Statistics, having supervisory powers over local registrars and responsible for the uniform and thorough enforcement of provisions relating to the registration of certain vital statistics.

Existing law requires that each death be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found. Existing law sets forth the persons responsible for completing the certificate of death and the required contents of the certificate, including, but not limited to, the decedent's name, sex, and birthplace. Certain violations of these requirements are a crime.

This bill would require a person completing the certificate of death to record the decedent's gender as that reported by the informant, unless the person completing the certificate is presented with a legal document that memorializes the decedent's gender transition, in which case the document would control. The bill would grant immunity from liability for costs or damages arising from any claims based upon a person entering a decedent's gender as required by this bill.

AB 1585, as introduced, Alejo. Human trafficking. – Support

Existing law defines and proscribes the crimes of human trafficking, solicitation, and prostitution. Existing law authorizes a court, in its discretion and in the interests of justice, to grant various forms of relief to a petitioner who completes conditions of probation, including the dismissal of the accusation or information against that person.

Existing law requires the Department of Justice to maintain state summary criminal history information, and to furnish that information to specified entities for various purposes, including for purposes of fulfilling employment, licensing, and certification requirements. Existing law also authorizes the State Department of Social Services and county or licensed adoption agencies to secure a person's full criminal record in connection with an adoption application, as specified.

This bill would provide that if a defendant has been convicted of solicitation or prostitution and has completed any term of probation for that conviction, the defendant may petition the court for relief if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking, and would authorize a court to issue an order that (1) sets forth a finding that the defendant was a victim of human trafficking, as specified, (2) dismisses the accusation or information against the defendant, or orders other relief, and (3) notifies the department that the defendant was a victim of human trafficking when he or she committed the crime and the relief that has been ordered.

The bill would also exclude records of conviction for which the relief described above has been granted from the criminal records that may be disseminated for various purposes, including the full criminal record obtained in connection with an adoption application.

#### AB 1644, as introduced, Medina. Medi-Cal: Drug Medi-Cal Program providers. – Support

Existing law provides for the Drug Medi-Cal (DMC) Treatment Program, under which counties enter into contracts with the State Department of Health Care Services for providing various drug treatment services to Medi-Cal recipients, or the department directly contracts for those services if a county elects not to do so.

This bill would require a county or the department, before contracting with a certified DMC provider, to obtain criminal background information to determine if the owner has been convicted of a felony or a crime involving fraud and to request subsequent arrest notification for those crimes. The bill would also limit the term of contracts with DMC providers to a maximum of 2 years.

#### AB 1646, as introduced, Frazier. Vehicles: electronic wireless communication devices: prohibitions. – Support

(1) Existing law requires the Department of Motor Vehicles to examine applicants for specific driver's licenses and requires that the examination include, among other things, a test of the applicants

knowledge and understanding of the provision of the Vehicle Code governing the operation of vehicles upon the highways.

This bill would require the above-described examination to also include a test of the applicant's understanding of the distractions and dangers of handheld cellular phone use and text messaging while operating a motor vehicle.

(2) Existing law establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as points against a driver's record for purposes of suspension or revocation of the privilege to drive.

Under existing law, it is an infraction for any person to drive a motor vehicle while using a wireless telephone, or an electronic wireless communications device to write send, or read a text-based communication, unless the telephone or electronic wireless communications device is designed and configured to allow voice-operated and hands-free operation, and is used in that manner while driving, except as otherwise provided. A person under 18 years of age is prohibited from driving a motor vehicle while using a wireless telephone or an electronic wireless communications device, even if equipped with a hands-free device.

This bill would assess a violation point for a 2nd or subsequent conviction of a violation of these provisions. This bill would also increase the base fines for a violation of any of the above-described prohibitions involving driving a motor vehicle while using a wireless telephone or an electronic wireless communications device from \$20 to \$50, and the fine for a 2nd or subsequent offense from \$50 to \$100.

AB 1649, as introduced, Waldron. Computer crimes. – Support

(1) Existing law makes it a crime to knowingly and without permission disrupt or cause the disruption of computer services or deny or cause the denial of computer services to an authorized user of a computer, computer system, or computer network. Existing law makes a violation of this provision punishable by a fine not exceeding \$10,000, or by imprisonment in a county jail for 16 months, or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

This bill would increase the fine to \$20,000 for a felony violation, and to \$10,000 for a misdemeanor violation, for a person who knowingly and without permission disrupts or causes the disruption of government computer services or public safety infrastructure computer system computer services, as defined, or denies or causes the denial of government computer services or public safety infrastructure computer system computer services to an authorized user.

(2) Existing law makes it a crime to knowingly access and without permission add, alter, damage, delete, or destroy any data, computer software, or computer program which resides or exists internal or external to a computer, computer system, or computer network. Existing law makes a violation of this provision punishable by a fine not exceeding \$10,000, or by imprisonment in a county jail for 16 months,

or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

This bill would increase the fine to \$20,000 for a felony violation, and to \$10,000 for a misdemeanor violation, for a person who knowingly accesses and without permission adds, alters, damages, deletes, or destroys any data, computer software, or computer programs which reside or exist internal or external to a public safety infrastructure computer system computer, computer system, or computer network.

(3) Existing law makes it a crime to knowingly and without permission provide or assist in providing a means of accessing a computer, computer system, or computer network in violation of law. Existing law makes a violation this provision punishable by a fine not exceeding \$1,000 for a first violation that does not result in injury, by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment for a violation that results in a victim expenditure in an amount not greater than \$5,000, or for a 2nd or subsequent violation, and by a fine not exceeding \$10,000, or by imprisonment in a county jail for 16 months, or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for a violation that results in a victim expenditure in an amount greater than \$5,000.

The bill would increase the fine to \$2,000 for a first violation that does not result in injury, to \$10,000 for a violation that results in a victim expenditure in an amount not greater than \$5,000, or for a 2nd or subsequent violation, and to \$20,000 for a felony violation and to \$10,000 for a misdemeanor violation, for a violation that results in victim expenditure in an amount greater than \$5,000 for any person who knowingly and without permission provides or assists in providing a means of accessing a public safety infrastructure computer system computer, computer system, or computer network.

(4) Existing law makes it a crime to knowingly introduce a computer contaminant into any computer, computer system, or computer network. Existing law makes a violation of this provision punishable by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for a first violation that does not result in injury, and by a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year, or by imprisonment in a county jail for 16 months, 2 or 3 years, or by both that fine and imprisonment for a violation that results in injury, or for a 2nd or subsequent violation.

This bill would increase the fine to \$10,000 for a first violation that does not result in injury, and to \$20,000 for a violation that results in injury, or for a 2nd or subsequent violation.

(5) Existing law makes it a crime to knowingly and without permission use the Internet domain name of another individual, corporation, or entity in connection with the sending of one or more electronic mail messages, and to thereby damage a computer, computer system, or computer network. Existing law makes a violation of these provisions punishable by a fine of \$1,000 for a first violation that does not cause injury, and by imprisonment in a county jail not exceeding one year, or by a fine not exceeding

\$5,000, or by both that fine and imprisonment, for a violation that results in injury or for a 2nd or subsequent offense.

This bill would revise this crime to apply to any person who knowingly and without permission uses the Internet domain name or profile, as defined, of another individual, corporation, or entity in connection with the sending of one or more electronic mail messages or posts and thereby causes damage. The bill would define electronic mail for these purposes. By expanding the definition of a crime, this bill would impose a state-mandated local program.

AB 1652, as introduced, Ammiano. Inmates: prison gangs. – Oppose

Existing law requires a prisoner of the Department of Corrections and Rehabilitation to be awarded credit reductions from his or her term of confinement of 6 months for every 6 months of continuous confinement, as specified. Existing law provides for up to 6 weeks of additional credit in a 12-month period for the successful completion of certain rehabilitative programs, as specified. Existing law makes a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for specified misconduct, or upon validation as a prison gang member or associate, ineligible to earn credits pursuant to these provisions.

This bill would remove the provision making a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit upon validation as a prison gang member or associate ineligible to receive the above-specified credits.

This bill would require that an inmate assigned to a Security Housing Unit as a validated member, associate, or affiliate of a gang or security threat group receive a determinate term of not more than 36 months if the assignment is based solely on that status.

AB 1686, as introduced, Medina. Trespass. – Support in Concept / Watch for now

Existing law provides that a person commits a trespass, which is punishable as a misdemeanor, when he or she willfully refuses or fails to leave land, real property, or structures belonging to, or lawfully occupied by, another person and not open to the general public, after being requested to leave by a peace officer acting at the request of the owner, the owner's agent, or the person in lawful possession, and after being informed by the peace officer that he or she was so acting, or after being requested to leave by the owner, the owner's agent, or the person in lawful possession. Existing law permits, for the purposes of this provision, a single request to be made for a peace officer's assistance for a period of 6 months or less when the premises or property is closed to the public and posted as being closed.

This bill would instead permit that single request to be made for a period not to exceed 12 months.

AB 1688, as introduced, Conway. Developmental centers: crime. – Oppose unless amended

Existing law requires, upon the filing of a claim for reimbursement, a city, county, or superior court to be reimbursed for reasonable and necessary costs connected with state prisons or prisoners in connection with certain circumstances, including with any crime committed in a prison, with any hearing on any return of a writ of habeas corpus prosecuted by or on behalf of a prisoner, or with any costs incurred by a coroner in connection with the death of a prisoner.

This bill would similarly require that, upon the filing of a claim for reimbursement, a city, county, or superior court be reimbursed for reasonable and necessary costs connected with developmental centers or residence of a developmental center in connection with specified circumstances, including with any crime committed at a developmental center, with any hearing on return of a writ of habeas corpus prosecuted by or on behalf of a resident, or with any costs incurred by a coroner in connection with the death of a resident.

Existing law requires a developmental center to immediately, but no later than within 2 hours of the developmental center observing, obtaining knowledge of, or suspecting abuse, report certain incidents involving a resident to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located. Existing law provides that this reporting requirement does not prevent a developmental center from reporting any other criminal act constituting a danger to the health or safety of the residents of the developmental center to the local law enforcement agency.

This bill would require a local law enforcement agency having jurisdiction over the city or county in which the developmental center is located to respond within 24 hours of receiving an allegation that a crime has occurred at the developmental center. By imposing new duties on local officials, this bill would impose a state-mandated local program.

AB 1715, as introduced, Patterson. Probation: felons: disqualifying circumstances. – Support

Existing law defines probation to mean the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. Existing law authorizes probation for some, but not all, felony convictions. Existing law prohibits granting probation for a felony conviction for, among other instances, a person who is convicted of a violent felony or a serious felony and who was on probation or parole for a felony offense at the time of the commission of the new felony offense.

This bill would similarly make that probation unavailable to a person who is convicted of a violent felony or a serious felony and who was on mandatory supervision or postrelease community supervision for a felony offense at the time of the commission of the new felony offense.

AB 1735, as introduced, Hall. Nitrous oxide: dispensing and distributing. – Support (CSSA Co-sponsored)

Existing law makes it a misdemeanor for any person to possess nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or to knowingly and with the intent to do so be under the influence of nitrous oxide or any material containing nitrous oxide.

This bill would make it a misdemeanor to dispense or distribute nitrous oxide to a person, knowing or having reason to believe that the nitrous oxide will be used in violation of the above provisions. The bill would impose a mandatory fine of \$1,000 for a first conviction, a mandatory fine of \$2,000 for a 2nd conviction, and a mandatory fine of \$5,000 for a 3rd or subsequent conviction, and would allow the crime to also be punished by imprisonment in a county jail, not to exceed 6 months. By creating a new crime, this bill would impose a state-mandated local program.

The bill would require any person who dispenses or distributes nitrous oxide to record each transaction in a physical written document, as provided, and would require the person to make the document available for inspection during normal business hours to officers or employees of the California State Board of Pharmacy or other law enforcement agencies. The bill would require the purchaser to sign the document and provide a government-issued photo identification and residential address. The bill would require the person dispensing or distributing the nitrous oxide to mark the packaging or tank containing the nitrous oxide with a label that identifies the person who dispensed or distributed the nitrous oxide and the person's business address.

The bill would require each cartridge or tank of nitrous oxide to be as a printed warning, as specified.

AB 1822, as introduced, Bonta. Tissue banks. – Need more review with CSCA

Existing federal law governs the processing, storage, and use of human tissue and human cell, tissue, or cellular- or tissue-based products (HCT/P), as specified, and imposes certain regulatory duties relating to HCT/P upon the federal Food and Drug Administration (FDA).

Existing state law requires the State Department of Public Health to license and regulate tissue banks, which process, store, or distribute human tissue for transplantation into human beings. Existing law generally requires every tissue bank operating in this state to have a current and valid tissue bank license issued or renewed by the department, but exempts certain activities from that requirement, including the storage of HCT/P by a licensed physician or podiatrist, as specified, if the products were obtained from a California licensed tissue bank, stored in strict accordance with manufacturer instructions, and used solely for the express purpose of direct implantation into or application on the practitioner's own patient, among other criteria.

This bill would create an additional exemption from the tissue bank licensing requirement for the storage of HCT/P regulated by the FDA, as specified, by a person who is licensed to provide health care services, if specified circumstances apply, including that the HCT/P are obtained from a licensed tissue bank, stored in strict accordance with FDA regulations, and used for the express purpose of implantation into or application on a patient.

AB 2399, as introduced, John A. Pérez. Organ and tissue donor registry: driver's license information. – Need to review more with CSCA

The Uniform Anatomical Gift Act authorizes specified state organ procurement organizations to establish a not-for-profit entity designated the California Organ and Tissue Donor Registrar, and requires that entity to establish and maintain the Donate Life California Organ and Tissue Donor Registry. The act requires the registrar to submit an annual written report to the State Public Health Officer and the Legislature with specified information, including the general characteristics of donors as may be determined by information provided on donor registry forms.

Existing law authorizes a business to swipe a driver's license or identification card issued by the Department of Motor Vehicles in any electronic device for prescribed verification and informational purposes. Existing law prohibits a business that swipes a driver's license or identification card in an electronic device from maintaining or using that information for any other purpose. A violation of those provisions is a misdemeanor.

This bill would authorize an organ procurement organization, as defined, to swipe a driver's license or identification card to transmit information to the registry described above for the purpose of allowing an individual to identify himself or herself as a registered organ donor. The bill would require the registrar's annual report to include the general characteristics of donors as may be determined by information transmitted to the registry, as specified. By expanding the types of information that a business may obtain, the unauthorized retention or use of which would be a crime, this bill would impose a state-mandated local program.

SB 922, as introduced, Knight. Sex offenses: disabled victims. – Support

Under existing law, a person who commits rape against a person incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, where that fact is known or reasonably should be known by the person committing the act, shall be punished by imprisonment in the state prison for 3, 6, or 8 years. Under existing law, a person who commits that crime voluntarily acting in concert with another person, by force or violence and against the will of the victim, shall be punished by imprisonment in the state prison for 5, 7, or 9 years.

This bill would instead make these crimes punishable by imprisonment in the state prison for 9, 11, or 13 years, and 10, 12, or 14 years, respectively.



An act to amend, repeal, and add Section 451.5 of the Penal Code, relating to arson, and declaring the urgency thereof, to take effect immediately. – Support

Existing law defines the crime of aggravated arson, and makes a person guilty of that crime if the person has been previously convicted of arson on one or more occasions within the past 10 years, or if the fire caused damage to, or the destruction of 5 or more inhabited structures. Existing law, until January 1, 2014, made a person guilty of aggravated arson if the fire caused property damage and other losses in excess of \$6,500,000, and specified the costs to be included in calculating property damages for purposes of that provision.

This bill would reenact that provision until January 1, 2019. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

SB 939 (Block D) Criminal jurisdiction. -- SUPPORT

Introduced: 2/3/2014

Status: 2/20/2014-Referred to Com. on PUB. S.

Location: 2/20/2014-S. PUB. S.

Summary:

Current law requires, when more than one violation of certain specified provisions of law occurs in more than one jurisdictional territory, that jurisdiction for any of those offenses is in any jurisdiction where at least one of the offenses occurred if all district attorneys in counties with jurisdiction of the offenses agree to the venue. This bill would include human trafficking, pimping, and pandering to the specified offenses to which the above jurisdictional requirements apply.

SB 941, as introduced, Monning. Vessel operator cards. – Support

(1) Existing law prohibits the operation or navigation of a for-hire vessel, as defined, in the waters of California while carrying passengers, except by a person who holds a valid operator's license issued by the Division of Boating and Waterways. Under existing law, a person applying for an operator's license is required to undergo an examination, that may include, among other things, an inspection of the for-hire vessel.

Existing law requires the division to approve boating safety courses and personal watercraft education courses, as specified.

This bill would prohibit the operation of a vessel that is propelled by an engine in the waters of the state except by a person who is in possession of a valid vessel operator card developed and issued by the division, and would impose that prohibition on persons pursuant to a specified schedule. The bill would exempt certain persons from that requirement and would allow a person who rents a vessel to instead possess a rental vessel operator card, as specified.

The bill would require the division to develop vessel operator cards and issue a vessel operator card to a person who provides the division with proof that the person has passed a vessel operator examination and would require the division to develop an examination and provide links to approved examinations on its Internet Web site. The bill would require the division to charge an unspecified fee for those cards, would establish the Vessel Operator Certification Account in the Harbors and Watercraft Revolving Fund, and would require the fees to be deposited in that account. The bill would authorize the division to expend the moneys in the account, upon appropriation by the Legislature, for purposes of the vessel operator card program.

The bill would require the division to adopt implementing regulations.

The bill would require an amount not to exceed \$4,000,000 to be transferred, upon appropriation in the annual Budget Act, from the Harbors and Watercraft Revolving Fund to the Vessel Operator Certification Account in the form of a loan to be used by the division to develop and establish the program. The bill would require the division to repay the loan from fees received from the issuance of vessel operator cards within 3 years of the effective date of the regulations issued by the division.

The bill would provide that a violation of the bill's provisions is an infraction, and would require a court to order a person who violates those provisions to complete and pass a boating safety course approved by the division. By creating a new crime, this bill would impose a state-mandated local program.

SB 955 (Mitchell D) Interception of electronic communications. -- SUPPORT

Introduced: 2/6/2014

Status: 2/20/2014-Referred to Com. on PUB. S.

Location: 2/20/2014-S. PUB. S.

Summary:

Current law, until January 1, 2015, authorizes the court to issue an order authorizing interception of electronic communications if the judge finds, among other things, that there is probable cause to believe that an individual is committing, has committed, or is about to commit, several offenses, including, among others, possession for sale of certain controlled substances, murder, and certain felonies involving destructive devices. This bill would add human trafficking to the list of offenses for

which interception of electronic communications may be ordered pursuant to those provisions. The bill would extend the operation of the provisions described above until January 1, 2020.

SB 957, as introduced, Vidak. Imprisonment: state prison. – Support

Under existing law, certain specified felonies are punished by imprisonment in a county jail for 16 months, or 2 or 3 years or, where the term is specified, for the term described in the underlying offense. Notwithstanding these provisions, existing law requires that a sentence be served in state prison where the defendant has a prior or current conviction for a serious or violent felony, has a prior felony conviction in another jurisdiction that has all of the elements of a serious or violent felony, is required to register as a sex offender, or has an aggravated white collar crime enhancement imposed as part of the sentence.

This bill would additionally require a defendant to serve his or her sentence in state prison if he or she is convicted of a crime or crimes for which he or she is sentenced to an aggregate term of imprisonment of 10 years or more.

SB 1027, as introduced, Hill. Criminal record information: commercial use. – Support if amended to fix a few technical issues

The California Public Records Act requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records, and provides that every person has a right to inspect any public record, except as provided.

Existing law requires a business to take reasonable steps to protect unintended disclosure of customer information and limits the way personal information on customers can be used and disseminated.

This bill would prohibit a person who publishes criminal record information, as defined, via print or electronic means from soliciting or accepting a fee or other consideration to remove, correct, or modify that information, as specified. The bill would establish civil penalties for violations of these provisions.

## ELECTIONS

AB 280, as amended, Alejo. Voting rights. -- OPPOSE

Existing law, the federal Voting Rights Act of 1965, provides that a change in voting procedures may not take effect in a state or political subdivision that is covered by the preclearance requirements of the

federal act until the change is approved by a specified federal authority. A state or political subdivision is covered by the preclearance requirements of the federal act if it maintained a specified test or device as a prerequisite to voting, and had low voter registration or turnout, in the 1960s and early 1970s. The United States Supreme Court has held that the coverage formula of the federal act is unconstitutional and may not be used as a basis for requiring a jurisdiction to subject a proposed change in voting procedures to federal preclearance. Prior to that holding, the counties of Kings, Monterey, and Yuba were covered jurisdictions subject to the federal preclearance requirements.

This bill would establish a state preclearance system applicable only to the counties of Kings, Monterey, and Yuba. Under this system, if a county enacts or seeks to administer a voting qualification or prerequisite to voting, or a standard, practice, or procedure with respect to voting, that is different from that in force or effect on June 25, 2013, the county elections official would be required to submit the qualification, prerequisite, standard, practice, or procedure to the Attorney General for approval. This bill would require the Attorney General to approve the qualification, prerequisite, standard, practice, or procedure only if it neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. This bill would provide that the qualification, prerequisite, standard, practice, or procedure shall not take effect or be administered in the county until the county receives the approval of the Attorney General. By requiring specified counties to seek approval of the Attorney General for changes to voting procedures, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the counties of Kings, Monterey, and Yuba.



*ORDINANCES  
AND  
PUBLIC HEARINGS*

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# 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)



749-5 097-14 .6

**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:** Board of Supervisors

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

**Date:** March 18, 2014

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

**RECOMMENDATION:** Approve repealing and reenacting Chapter 10.05, Building Standards and Construction Code, in its entirety.

**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).

**COMMITTEE ACTION:** Land Use & Public Works committee recommends approval

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

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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 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 10.05 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.

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# 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)



**098-14**

**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:** Board of Supervisors

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

**DATE:** March 18, 2014

**SUBJECT:** Ordinance Creating Chapter 10.50, Repair and Reconstruction, of the Yuba County Ordinance Code

**RECOMMENDATION:** Approve creating Ordinance Chapter 10.50, Repair and Reconstruction Code, and adding it to the Yuba County Ordinance Code.

**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).

**COMMITTEE ACTION:** The Land Use & Public Works committee recommends approval.

**FISCAL IMPACT:** The proposed ordinance will not have any impact on the General Fund. User Fees fund all Building Department Activities.

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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 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 10.50 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 IEBC, as specified in items a through e below. Structures or portions of structures that comply with the applicable requirements in IEBC 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 IEBC 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 IEBC 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.**

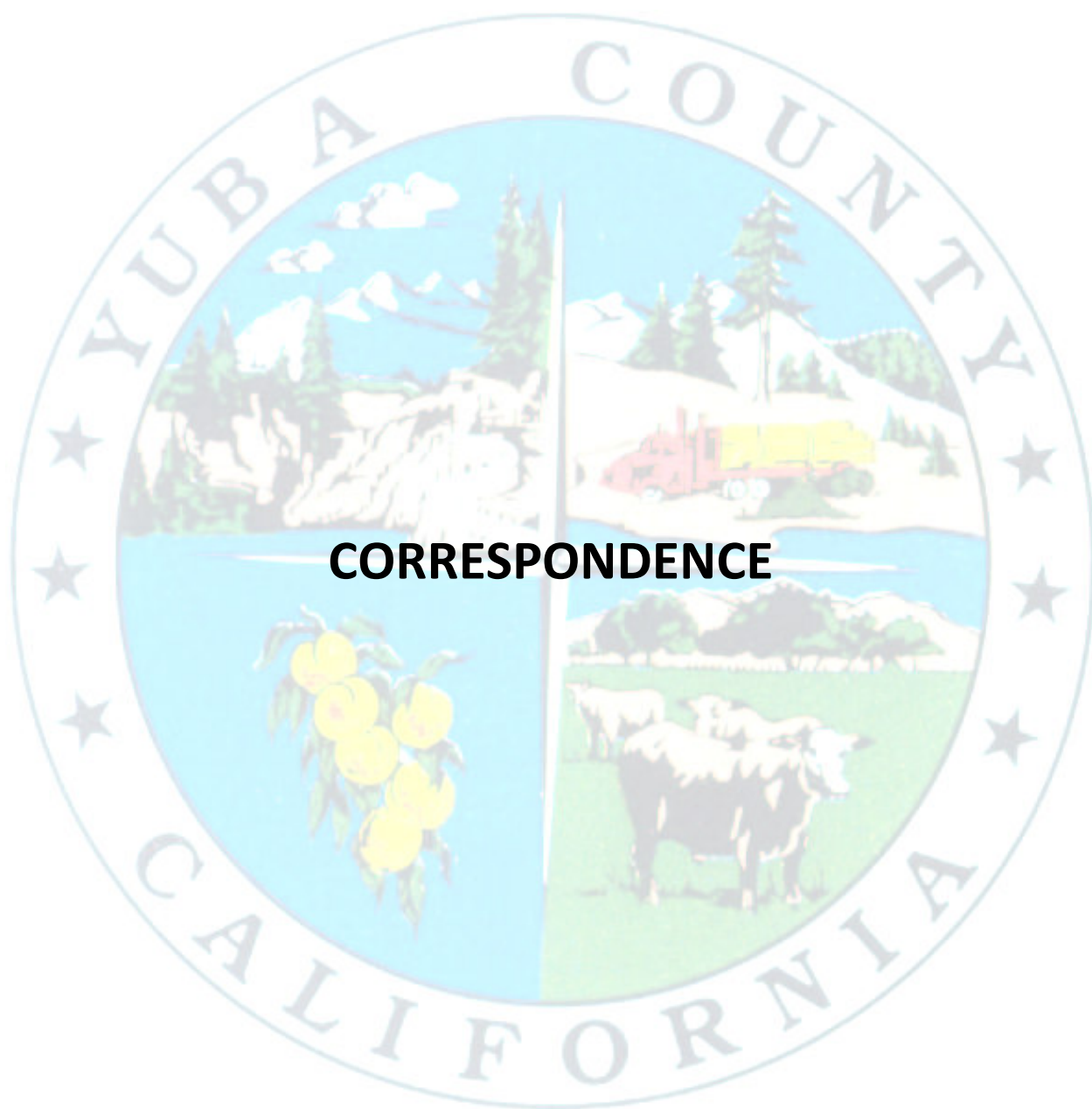
Standard Reference Number	Title	Referenced In Code Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3405.6:1, Table 3405.6 3405.6.2:3
ASCE 41-06	Seismic Rehabilitation of Existing Buildings	3405.6:2, 3405.6.1:2 Table 3405.6 3405.6.2:4

**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.

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*Sutter-Yuba*  
*Mosquito & Vector Control District*

099-14

A

**MANAGER**

*Michael R. Kimball*

**GENERAL FOREMAN**

*Stephen E. Abshier*

**ADMIN. MGR.**

*Cathy F. Burns*

**RECEIVED**

MAR 5 2014

Clerk/Board of Supervisors

March 4, 2014

To: Public Agencies

Re: **Public Health Pesticide Application Notification**

Dear Agency:

The Sutter-Yuba Mosquito & Vector Control District may be making public health pesticide applications to waters of the U.S. under your jurisdiction for mosquito control to prevent mosquito-borne diseases, such as West Nile virus. The District will be using larvicides and adulticides listed in the National Pollutant Discharge Elimination System (NPDES) permit for biological and residual pesticides discharges to waters of the United States for vector control operations.

Attached is a list of pesticides that the District could potentially use. Your agency could expect to see applications between January 1 and December 31 of this year. However, the majority of applications occur between May 1 and October 31. The District is required to notify all government agencies that may be affected by these applications under the requirements of the general NPDES permit. Please contact Michael Kimball at 530-674-5456 ext. 101 or Stephen Abshier at ext. 106 if you have additional questions.

Respectively,



Michael Kimball  
District Manager

**BOS CORRESPONDENCE A**

*Post Office Box 726, 701 Bogue Road  
Yuba City, California 95992  
530/674-5456  
Fax 530/674-5534*

**ATTACHMENT E – LIST OF PERMITTED ADULTICIDE PRODUCTS**

<b>Product Name</b>	<b>Registration Number</b>
Allpro Evoluer 4-4 ULV	769-982
Allpro Evoluer 30-30 ULV	769-983
Anvil 10+10 ULV	1021-1688
Anvil 2+2 ULV	1021-1687
AquaANVIL Water-based Adulticide	1021-1807
Aquaduet	1021-2562-8329
Aquahalt Water-Based Adulticide	1021-1803
Aqua-Kontrol Concentrate	73748-1
Aqualuer 20-20	769-985
Aqua-Reslin	432-796
Biomist 4+12 ULV	8329-34
Biomist 4+4	8329-35
Dibrom Concentrate	5481-480
Duet Dual-Action Adulticide	1021-1795
Evergreen Crop Protection EC 60-6	1021-1770
Fyfanon ULV Mosquito	67760-34
Kontrol 2-2	73748-3
Kontrol 30-30 Concentrate	73748-5
Kontrol 4-4	73748-4
Permanone 31-66	432-1250
Permanone RTU 4%	432-1277
Prentox Perm-X UL 4-4	655-898
Prentox Pyronyl Crop Spray	655-489
Prentox Pyronyl Oil Concentrate #525	655-471
Prentox Pyronyl Oil Concentrate or 3610A	655-501
Pyrenone 25-5 Public Health Insecticide	432-1050
Pyrenone Crop Spray	432-1033
Pyrocid Fogging Formula 7067	1021-1199
Pyrocid Mosquito Adulticide 7453	1021-1803
Pyrocid Mosquito Adulticiding Concentrate for ULV Fogging 7395	1021-1570
Pyrocid Mosquito Adulticiding Concentrate for ULV Fogging 7396	1021-1569
Scourge Insecticide with Resmethrin/Piperonyl Butoxide 18%+54% MF Formula II	432-667
Scourge Insecticide with Resmethrin/Piperonyl Butoxide 4%+12% MF Formula II	432-716
Trumpet EC Insecticide	5481-481
Zenivex E4 RTU	2724-807
Zenivex E20	2724-791



**ATTACHMENT F – LIST OF PERMITTED LARVICIDE PRODUCTS**

Product Name	Registration Number
5% Skeeter Abate	8329-70
Abate 2-BG	8329-71
Agnique MMF G	53263-30
Agnique MMF Mosquito Larvicide & Pupicide	53263-28
AIPro Provect 1G Larvicide	769-723
AIPro Provect 5G Larvicide	769-722
Aquabac 200G	62637-3
Aquabac xt	62637-1
BVA 2 Mosquito Larvicide Oil	70589-1
BVA Spray 13	55206-2
FourStar Briquets	83362-3
FourStar SBG	85685-1
Masterline Kontrol Mosquito Larvicide	73748-10
Metalarv S-PT Mosquito Growth Regulator Spherical Pellet	73049-475
Mosquito Larvicide GB-1111	8329-72
Natular 2EC	8329-82
Natular G	8329-80
Natular G30	8329-83
Natular T30	8329-85
Natular XRT	8329-84
Spheratax SPH (50 G)	84268-2
Spheratax SPH (50 G) WSP	84268-2
Summitt BTI Briquets	6218-47
Teknar HP-D	73049-404
Teknar SC Biological Larvicide Aqueous Suspension	73049-435
Vectobac Technical Powder	73049-13
Vectobac-12 AS	73049-38
Vectobac GS	73049-10
Vectobac-G Biological Mosquito Larvicide Granules	73049-10
Vectobac WDG	73049-56
Vectolex CG Biological Larvicide	73049-20
Vectolex WDG Biological Larvicide	73049-57
Vectolex WSP Biological Larvicide	73049-20
Vectomax CG Biological Larvicide	73049-429
Vectomax G Biological Larvicide/Granules	73949-429
Vectomax WSP Biological Larvicide	73049-429
Zoecon Altosid Liquid Larvicide Concentrate	2724-446
Zoecon Altosid Liquid Larvicide Mosquito Growth Regulator	2724-392
Zoecon Altosid Pellets	2724-448
Zoecon Altosid 30-Day Briquets	2724-375
Zoecon Altosid SBG Single Brood Granule	2724-489
Zoecon Altosid XR Entended Residual Briquets	2724-421
Zoecon Altosid XR-G	2724-451

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**Commissioners**  
**Michael Sutton**, President  
 Monterey

**Jack Baylis**, Vice President  
 Los Angeles

**Jim Kellogg**, Member  
 Discovery Bay

**Richard Rogers**, Member  
 Santa Barbara

**Jacque Hostler-Carmesin**, Member  
 McKinleyville

STATE OF CALIFORNIA  
 Edmund G. Brown Jr., Governor

## Fish and Game Commission



**Sonke Mastrup**, Executive Director  
 1416 Ninth Street, Room 1320  
 Sacramento, CA 95814  
 (916) 653-4899  
 (916) 653-5040 Fax  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

B

RECEIVED

MAR 7 2014

March 3, 2014

Clerk/Board of Supervisors

### Notice of Location Change for Adoption Hearing on Proposed Regulatory Action

In a notice of proposed regulatory action published in the California Regulatory Notice Register 2014, No. 3-Z, on January 17, 2014, the Fish and Game Commission (Commission) proposed to amend subsection 27.80(c) and add subsection 27.80(e), Title 14, CCR, regarding ocean salmon sport fishing during April 2014 and ocean salmon possession limits. The location of the adoption hearing relevant to this action has been changed from the Justice Joseph Rattigan Building, 50 D Street, Room 410 A/B, Santa Rosa, California, on Wednesday, March 19, 2014, at 8:00 a.m., to a teleconference meeting, on Wednesday, March 19, 2014, at **10:00 a.m.**

The public may participate at any of the following locations:

Fish and Game Commission  
 Conference Room  
 1416 Ninth Street, Room 1320  
 Sacramento, California

Department of Fish and Wildlife  
 50 Ericson Court  
 Arcata, California

Department of Fish and Wildlife  
 20 Lower Ragsdale Drive, Suite 100  
 Monterey, California

Department of Fish and Wildlife  
 1933 Cliff Drive, Suite 9  
 Santa Barbara, California

Baldwin Hills Scenic Overlook Ranger Station  
 6300 Hetzler Road  
 Culver City, California

Please refer to the original notice for additional information.

Sincerely,

Sherrie Fonbuena  
 Associate Governmental Program Analyst

cc: Yuba County Fish & Game Advisory Commission/rf

BOS CORRESPONDENCE B

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Public Facilities Committee





## Administrative Services Memorandum

**To:** Public Facilities Committee  
**CC:** Robert Bendorf, County Administrator  
**From:** Doug McCoy, Director, Administrative Services   
**Date:** March 18, 2014  
**Re:** County 4H Camp property in Dobbins

### Recommendation

Recommend the Board adopt the resolution to authorize and approve a leasehold interest in the County 4H Camp property to Environmental Alternatives of Jackson, CA; to grant an exemption to Chapter 8.76 of the Ordinance Code as listed in the Operations and Maintenance Agreement attached as Exhibit 'A,' and authorize Chair to execute the Agreement.

### Background

Last August, the Board released the Yuba County Office of Education from its Agreement with the County to operate the 4H Camp in Dobbins effective October 1, 2013. As part of that action the Board directed Administrative Services to conduct a Request for Proposal to find a new operator for the Camp.

In December of 2013, an RFP was released. A fairly extensive outreach campaign was conducted by Purchasing to maximize the exposure to this request. Notifications were sent to many of the non-profits in the area, most of the church organizations, and others.

Environmental Alternatives (EA), a California non-profit Foster Family Agency, and the organization that operates the Lake Francis campground, was the leading respondent.

### Discussion

EA proposed a program focused on 'family-centered' activities for families and individuals. They envision an assortment of program that focus on a wide variety of outdoor education such as fire safety, outdoor cooking, rope work, hiking and biking, and so on. Their experience with operating an organized camp seemed to be a solid fit with the County's intentions for the use of the Camp.

In the attached agreement, with the Board's approval the County proposes to waive certain portions of the County's Parks and Recreation Ordinance Code Chapter 8.76 as a way to facilitate the camping experience. Proposed sections to be waived include:

- The ordinance requires camps operate only during daytime hours. The agreement proposes to let the operator set the hours and to allow overnight camping.
- Glass containers are currently prohibited; this agreement will allow them
- Under the code the Board is allowed to waive the restriction on the use of bows & arrows or pneumatic rifles (with supervision); the agreement would allow these to be used.
- The code restricts the sale of packaged snacks, drinks, and general merchandise; the agreement would allow these to be sold to campers.
- The code also allows the Board to authorize the consumption of alcoholic beverages. This agreement would allow consumption within the confines of the law.

Other terms to note: this five year agreement provides for Environmental Alternatives to use the Camp rent free, but requires them to provide all care and maintenance of the Camp and for such maintenance to be funded through camp fees. The only cost to the County shall be when the Board chooses to authorize funds from the County's Timber Harvest Fund to support capital improvements to the Camp.

It also preserves the right of Yuba Sutter 4H, the Tri-County Women, and the County to use the Camp on a scheduled basis.

#### **Fiscal Impact**

There is no impact to the General Fund from this action.



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

**A RESOLUTION AUTHORIZING AND  
APPROVING THE CONVEYANCE OF  
A LEASEHOLD INTEREST IN THE  
COUNTY'S 4H CAMP PROPERTY IN  
DOBBINS TO ENVIRONMENTAL  
ALTERNATIVES AND GRANTING  
EXEMPTIONS TO CHAPTER 8.76 OF  
THE ORDINANCE CODE AS LISTED  
IN OPERATIONS AND MAINTENANCE  
AGREEMENTS ATTACHED HERE TO  
AS 'EXHIBIT A.'**

**) RESOLUTION NO. \_\_\_\_\_**  
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**WHEREAS**, the county is the owner of certain real property situated in the County of Yuba, State of California, commonly known as the 4H Camp in Dobbins and more specifically described in the attached Exhibit 'A' ; and

**WHEREAS**, the park is devoted to and held for the primary use of education of the youth and families of our community and thus the County is empowered under the provisions of California Government Code 25536 to enter into a management and operations agreement involving all or a portion of said property; and

**WHEREAS**, the County has recently completed a Request for Proposal process for a camp operator and has identified Environmental Alternatives as the best respondent; and

**WHEREAS**, the County desires to enhance the park and make it available for the greatest public benefit, and believes that granting certain exemptions to Chapter 8.76 of the ordinance code supports that goal; and

**WHEREAS**, Environmental Alternatives has exhibited excellent experience in their management of the Camp at Lake Francis in Yuba County; and

**WHEREAS**, the skills and expertise of Environmental Alternatives management of the Camp property will further the purpose of enhancing the Camp and making it available to the families and general public of Yuba County and our surrounding region.

**NOW, THEREFORE, BE IT RESOLVED**, The Yuba County Board of Supervisors, after reading and considering the Operations and Maintenance agreement for the Yuba County 4H Camp property attached hereto marked as '**Exhibit A**' hereby authorizes and approves the conveyance of the leasehold interest in the 4H Camp property to Environmental Alternatives upon the terms and conditions, including the exemptions to the requirements of Chapter 8.76 of the ordinance code as outlined herein, and specified in '**Exhibit A**,' attached hereto and incorporated herein by reference.

**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:

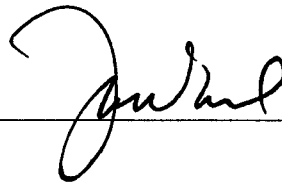
ABSTAIN:

\_\_\_\_\_  
John Nicoletti  
Chair

ATTEST:     DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_

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

\_\_\_\_\_  


**Operations and Maintenance Agreement  
For the  
Yuba County 4H Camp Property**

This operations and maintenance agreement (hereinafter referred to as "agreement") is made and entered into by and between the County of Yuba, a political subdivision of the State of California (and hereinafter referred to as "County") and Environmental Alternatives (hereinafter referred to as "Operator"), this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**WHEREAS**, the County is the owner of all that certain real property situated in the County of Yuba, State of California, commonly known as the 4H Camp in Dobbins and more specifically described as follows:

The EAST ONE HALF of the SOUTHWEST ONE QUARTER of the NORTHWEST ONE QUARTER of the SOUTHWEST ONE QUARTER OF Section 26, Township 18 North, Range 7 East M.D.B. & M., and the WEST ONE HALF of the SOUTHEAST ONE QUARTER of the NORTHWEST ONE QUARTER of the SOUTHWEST ONE QUARTER of Section 26, Township 18 North, Range 7 East M.D.B. & M.

- Also known as A.P.N. 064-260-005
- 15356 Oregon Hill Road, Challenge, CA

Also excepting from the above mentioned parcels any easements of record, utilities, and timber harvest rights and agreements that may exist through usage.

**WHEREAS**, said park property is devoted to and held for the ultimate use for park, recreation, and educational purposes and thus, County is empowered under the provisions of Section 25536 of California Government Code to enter into management and operation agreements involving all or a portion of said property without complying with the provisions of Title 3, Division 2, Part 1, Chapter 5, Article 8 (commencing with Section 25520) of the California Government Code; and

**WHEREAS** the County desires to enhance the park and make it available for the greatest public benefit; and

**WHEREAS** the Operator management of the park property will further the purpose of enhancing the park and making it available for the benefit of the youth and general public of the County.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

The County hereby conveys a leasehold interest in the above referenced property and agrees to grant a concession to the Operator, upon the terms and conditions for the consideration herein specified, to manage and operate said park property herein described. The Operator agree to operate and manage park property and to comply with all terms conditions, and covenants herein

stated, and to provide the maximum educational benefit for the youth and general public of Yuba County under these terms herein described.

## **TERMS AND CONDITIONS**

### **1. CONDITION OF AGREEMENT**

County and Operator hereby certify that this agreement is executed for the purpose of enhancing recreational uses as a benefit to the public and the Operator agrees to use the park property consistent therewith.

The agreement is further subject to the provisions of Chapter 8.76 of Title VIII of the Yuba County Ordinance Code which governs use of the 4H Camp property; and Operator warrants and certifies that it has read, is familiar with, and understands the provisions of Chapter 8.76.

The County hereby certifies the following exemptions to Section 8.76 of Yuba County Ordinance Code:

- (1) The County grants an exemption to section 8.76.030 – Hours, which limits camp utilization to daylight hours only in order to allow the Operator to set the times of Camp activity and occupancy.
- (2) The County also waives section 8.76.050(f) which prohibits overnight camping.
- (3) The County also waives the ban on any glass containers on the premises to allow appropriate food stuffs to be transported and utilized in the camp kitchen.
- (4) The County also waives the usual fees for county services that are for the purpose of maintaining or additions to the camp and its facilities.
- (5) The Board of Supervisors shall authorize the use of bows & arrows and pneumatic guns as allowed under item 8.76.050(5) and 8.76.050(7).
- (6) The Board shall approve and authorize the sale of packaged snacks, drinks, and general merchandise to campers as authorized under item 8.76.050(18).
- (7) Ordinance Code 8.76.090 allows the Board of Supervisors to approve and authorize the operator to allow the consumption of alcoholic beverages onsite. Operator will ensure that an ABC permit is obtained whenever required by law.

### **2 . TERM**

The term of this Agreement shall continue in effect from the date hereinabove written for a period of five (5) years. County grants to Operator an option to renew this Agreement, subject to renegotiation as to the terms, conditions, and consideration, in increments of five-year periods. In the event the Operator desires to exercise the option to renew herein, it shall be automatically extended, unless there is a breach of this contract or by direction of the Board of Supervisors to

not renew. Either party may notify the other in writing, by Certified or Registered mail, at least 90 days prior to the expiration of the term of their desire to amend or terminate the agreement.

### **3 .     CONSIDERATION**

- 1) The County hereby agrees to lease the camp property to the Operator free of rent with the understanding the Operator will operate the camp as a self-sustaining operation with the limited funding exceptions from the County and other sources noted in this agreement.
- 2) It is the intent of this agreement to make the camp available primarily for educational opportunities for the youth of our community; the Operator may, at their option, also rent the camp to other organizations in a manner so as not to interfere with this intent.
- 3) County hereby authorizes Operator to collect reasonable camp rental fees from any organization desiring admittance to the camp Property. Operator shall use fee receipts for operation and maintenance expenses as well as for improvements to property and as compensation for providing the services hereinabove described.
  - a) An agreement between the County and Applied Forest Management (AFM) allows AFM to harvest timber on the County's 4H Camp property when market conditions make it advantageous to both parties. The decision on when to harvest the timber lies with CHY Company and with the County's prior knowledge. Proceeds from the sale of harvested timber are placed in a 'Board Special' account and are earmarked only for capital improvement to the Camp. These funds are allocated by the Board of Supervisors.
  - b) Operator must obtain prior approval from Board of Supervisors for any long term leases/rentals (defined as 4 weeks or longer in length) that are not the Operator or the 4H organization or function.
  - c) If at any time receipts from camp rentals and/or usage fees exceed the operational expenses of the camp on an annual basis (operational profit), the funds are primarily intended to be reinvested into the camp; either as operating expense or as capital investment for property development but may also be as a secondary benefit back to the operator's parent organization.
- 4) The Operator and its management shall have full authority to operate, manage, and maintain the camp as they see appropriate within the parameters of this agreement.
  - a) Operator may contract the management and operation of the camp to an outside agency or organization only with the prior, express written approval of the Board of Supervisors.
- 5) Operator is free to seek and apply for any appropriate grant funding to support camp operation and/or camp programming without input / approval from the County so long as the grant terms do not encumber the County for potential payback of the funds.
- 6) Operator shall prepare a camp budget and operations plan for the upcoming year, an operational review for the prior year and share it with the Yuba County Board of Supervisors annually after the first of the year. Operator shall demonstrate management and financial ability to manage and operate the camp to the satisfaction of the Board of Supervisors in conjunction with this annual report.

- a) Requests for utilization of timber harvest proceeds shall be made at this time. If an unanticipated need for use of the timber harvest proceeds occurs during the year, a request to the Board of Supervisor may be made at another time; the County's preference is that this request be made in conjunction with the annual report.
  - b) A bi-annual operational review will also be presented to the Board and coordinated between Operator and the County's Administrative Services department. The frequency of these presentations can be amended by Board direction.
- 7) The Operator will maintain in as good or better condition, excluding normal wear and tear all facilities in the park in the same conditions as they are on the date of this contract. The Operator agrees to consult with County before any major reconstruction or remodeling of established camp property, buildings, or other structures. The County shall remain sole owner of any capital improvements at the camp.
- a) The Operator is free to use whichever contractors or services groups they wish to facilitate camp maintenance and upkeep under their established procurement rules and ordinances.
  - b) Prior to construction of any new facilities or significant improvements on the camp property, Operator shall notify and seek the appropriate permission from the County Board of Supervisors or their designee. Operator shall also seek appropriate land use permit from the County Community Development Agency and shall also obtain any other permits required by any local, state or federal government, including but not limited to Yuba County Public Works Department, Yuba County Environmental Health Department, State Reclamation Board, Feather River Air Quality Management District, and California Department of Fish and Game. County fees shall be waived for all County permits and inspections.
- 8) Operator shall comply with established building codes as required for its location.
- 9) Operator is free to determine the programs it wishes to provide at the Camp.
- 10) As this property remains under the ownership of Yuba County and remains a County facility, the Yuba County Board of Supervisors shall name the County's Administrative Services Department as their liaison designee to act on their behalf to serve as a primary contact point for the Operator in regards to questions and/or requests of the Board for any camp related issue;
- a) Any interactions with the Board of Supervisors shall be coordinated with the Department of Administrative Services; and shall go to the Board jointly. If for any reason Administrative Services is not available, the County Administrator's Office will serve as the substitute.
  - b) This Liaison will coordinate with the Operator to conduct a bi-annual operational review of camp activity, progress, and utilization for presentation to the Board of Supervisors; as well as the annual budget review highlighted in Provision 6.
- 11) Operator shall maintain the property in such a way as to minimize any potential fire hazards including maintaining a plant / debris free perimeter space around every building,

- 12) Operator shall, prior to renting the camp to any third party shall obtain a proof of liability insurance (per Section 5 – Insurance) or a Waiver of All Liability form; either of which shall release both Operator and County from any liability for any personal injury or property damage which may occur while on the premises. Such release of liability form shall be approved by the Operator, the Yuba County Office of the County Counsel, and County Risk Management prior to allowing said party access to the camp property.
- 13) Operator shall develop policies and procedures for all camp users which shall include at a minimum:
  - a) A requirement for the proper supervision of campers due to fire risk in the area.
  - b) Proper campfire procedures
  - c) Swimming pool rules
  - d) Overall safety procedures in accordance with American Camp Association rules.
- 14) All scheduling / reservations for camp will be managed and approved by the Operator.
  - a) As part of this agreement, both parties agree to make every effort to allow the following three organizations to have access to the camp on an annual basis:
    - i) The Yuba-Sutter 4H Organization will be allowed to use the camp for one week each year.
    - ii) The Tri-County Women's group will be allowed to continue to use the camp for one week each year.
    - iii) The County will be allowed to use the camp for up to 4 days per year to be scheduled with prior approval of the Operator. Both parties agree these days will NOT fall during 'peak season'; (i.e., between Memorial Day and Labor Day).
- 15) Annual Camp operation requires the following;
  - i) Well water shall be tested according to rules and regulations of Yuba County Environmental Health. Additionally, kitchen and living quarters shall be inspected by Environmental Health. Bedding and housing areas shall be disinfected annually or more often as needed.
  - ii) Notification should be made to the California Department of Forestry fire tower at the beginning of the camping season that camp is open, and additionally when camp will be occupied and camp fires may be used.
  - iii) Fire extinguishers shall be inspected annually, or as additionally required by law. Any repairs or replacements shall be made promptly by Operator.
  - iv) Kitchen ansul/fire suppression system shall be inspected annually, or as additionally required by law. Any repairs or replacements shall be made promptly by Operator.
  - v) The swimming pool must be tested and permitted at the beginning of the season by Yuba County Environmental Health. Throughout the swimming season the camp operator (Operator) is responsible for monitoring and testing pool water according the State and Local codes.

- vi) Operator will be responsible for disposal of any trash accumulated, and see that it is properly hauled away on a regular basis.
- vii) The County will assist the Operator with its knowledge of opening and closing procedures for annual camp operation at no cost to the Operator, for the first full year of operation by the Operator. The County shall provide written copies of its notes on opening and closing procedures, and vendors currently used.
- viii) All State & Local codes, laws and regulations that apply in any way to the operation of this camp must be followed. The Operator is responsible for understanding and following all such regulations. In those areas where Operator is exempt from laws, codes and regulations they will be permitted.

16) The County supports the concept of a caretaker on the property, but cannot provide a person nor provide any management of this person in any way.

#### **4. UTILITIES**

The Operator agrees to install and maintain all utility connections and service at the property for regular camp operation. All utilities shall be kept current. Utilities shall be transferred to Operator within 30 days of the execution of this agreement.

**5 . INSURANCE** See Attachment "A" attached

#### **6 . IMPROVEMENTS AND ALTERATIONS**

Any improvements, modifications, attachments and appurtenances made to the premises by Operator shall become the sole and exclusive property of County on termination of this Agreement. Any alterations or improvements shall be done at the expense of the Operator and are permitted only with the prior written consent and approval by the County of plans and specifications submitted by Operator. No allowance or credit will be granted by County for Operator costs of improvements except by specific written agreement approved in advance. Any such agreement shall become a part of this Agreement.

Operator shall submit, prior to the commencement of construction of any improvement, fixture or appurtenance, a development plan, showing the location, type of construction and external appearance of said facility or facilities. The development plan shall be submitted to and approved by the Yuba County Board of Supervisors. All improvements shall conform to and comply with the development plan as approved.

#### **7 . MAINTENANCE**

Operator shall maintain all property situated on the camp property in a safe, clean and orderly manner, including any improvements made subsequent to the commencement of the Agreement. In addition, Operator shall surrender the premises in good and sanitary condition, excepting reasonable wear and tear.

#### **8 . REPAIRS**



Operator shall keep the camp property and improvements in a good state of repair, at Operator's expense. Major structural repairs or replacements shall be done by the Operator; however, County retains the right to approve major structural repairs or replacements prior to their construction or installation. Requests to use timber harvest moneys for this purpose will be presented to the Board of Supervisors and considered an appropriate request.

As stated under Consideration; item #6; there is capital funding available resulting from timber sales that may be used for capital improvement to the camp property. This funding is accessible through and by vote of the Yuba County Board of Supervisors. All improvements using this fund shall be the sole property of the County.

## **9 . USE OF PREMISES**

The camp property shall be used, occupied and conducted exclusively as and for public educational purposes and recreational events. Operator agree not to use or permit the use of the premises in any illegal manner, and further agrees that it will not conduct any business in violation of Federal, State or County laws, rules or regulations or in such a manner as to interfere with use of the general premises by County, the public, or other occupants or to create a nuisance thereon.

## **10 . INSPECTION**

County shall have the right to inspect the camp property at any reasonable time. In the event of fire or other imminent catastrophe, County or its agents shall have the right to force entry at any time.

## **11 . DEFAULT**

If Operator fails or neglects to perform, meet or observe any of Operator' obligations under this Agreement and such failure or neglect continues for a period of thirty (30) days after written notice thereof, County may, at any time thereafter without further notice or demand, take any or several remedies to gain compliance up to and including termination of this agreement.

Operator shall not be held to have failed to comply with obligations imposed upon it by or under this Agreement if Operator has not complied with that obligation by reason of circumstances beyond its control (Force Majeure), such as fire, flood, explosion, accident, emergency, riot or war, or other major accidents or circumstances of a similar nature. Operator may temporarily interrupt for a reasonable amount of time the rendering of any service at the camp property when necessary to make repairs of facilities damaged by such circumstances.

An Event of Default under this Agreement shall include, but is not limited to, the following:

- (a) If Operator fails within thirty days after written notice to correct any breach or default of the other covenants, terms, or conditions of this Agreement;

- (b) If Operator vacates, abandons, or surrenders the camp property prior to the end of the Term.

## **1 2 . AGENCY, EMPLOYEE, OR REPRESENTATIVE RELATIONSHIP**

The legal 'relationship' between the County and the Operator shall be governed by the following:

- (a) Operator shall determine the method, details and means of performing camp services to be provided by Operator as described in this Agreement.
- (b) Operator shall be responsible to the County for the requirements and results specified by this Agreement and shall not be subject to the County's control with respect to the means, method, physical actions or activities of Operator in fulfillment of the services to be provided by Operator.
- (c) Operator shall not have the authority, express or implied, to act on behalf of, bind or obligate the County or any of County's departments, agents, or employees in any way without the written consent of the County.

## **1 3 . POSSESSORY INTEREST**

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. For all purposes of compliance by County with the provisions of the California Revenue and Taxation Code, §107.6, this recital shall be deemed full compliance by the County of Yuba. Any exemptions from taxation shall be recognized by the County.

## **1 4 . ASSIGNMENT**

This Agreement and the rights and duties hereunder shall not be assigned, either in whole or in part, nor shall use of the property or any portion thereof be assigned without prior written consent of County. Any attempted assignment in violation of this paragraph is void and may be considered a breach of this agreement. The use of a subcontractor or assignee shall not relieve Operator of any of its obligations under this Agreement and Operator shall be as responsible for the activities of any subcontractor or assignee as it is for its own activities.

## **1 5 . HOLD HARMLESS**

Operator and County shall defend, indemnify, and hold harmless each other, 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 the other party.

## **1 6 . CONDEMNATION**

In the event of the taking of either the whole or part of the camp property by any public authority or entity under eminent domain, or similar statutes, the County, at County's election, may terminate this Agreement forthwith, and Operator shall have no right to participate in any of the compensation generated by said eminent domain proceedings.

#### **17. TERMINATION**

Should the County, in its sole discretion determine that Operator has failed, refused or neglected to perform any of the terms and conditions of this Agreement, the County, after thirty (30) days written notice as hereinafter provided, may take possession of the camp property without process of law and remove the property of Operator. If during the 30 day period, the Operator makes a good faith effort to resolve the cause for potential termination, or if weather or unusual conditions prevent performance of said conditions, an extension of time may be granted.

If either party desires to terminate this agreement without cause, each party must be notified in writing 180 days prior to termination of agreement.

#### **18. NON-DISCRIMINATION**

Throughout the duration of this Agreement, Operator shall not unlawfully discriminate against any employee of the Operator or of the County or applicant for employment or for services or any member of the public because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation. Operator 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.

Operator 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. Operator 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. Operator shall give written notice of its obligations under this clause in any labor agreement. Operator shall include the non-discrimination and compliance provision of this paragraph in all subcontracts to perform work under this Agreement.

#### **19. REHABILITATION ACT OF 1973 / AMERICANS WITH DISABILITIES ACT OF 1990**

In addition to application of the non-discrimination provision of this Agreement, above, Operator 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, members of the public, or recipients of services.

## **2 0 . 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.

## **2 1 . COMPLETENESS OF INSTRUMENT**

This Agreement 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.

## **2 2 . 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.

## **2 3 . 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.

## **2 4 . 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.

## **2 5 . PARTIAL INVALIDITY**

If any term, covenant, phrase, 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.

## **2 6 . 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.

## **27 . CONTROLLING LAW**

The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

## **28 . 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 nor conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.

## **29 . CONFLICT OF INTEREST**

Neither an employee of County whose position with the 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 be employed in any capacity by Operator herein, or have any other direct or indirect financial interest in this Agreement.

## **30 . 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:

If to "County":

Director Administrative Services Department  
County of Yuba  
Suite 119  
915 Eighth Street  
Marysville, California 95901

With a copy to:  
County Counsel  
County of Yuba  
Suite 111  
915 Eighth Street  
Marysville, CA 95901

If to "Operator":

Environmental Alternatives  
Attn: Tim Wilkinson  
756 East Ave.  
Chico, California 95926

### 31. NO PRESUMPTIVE CONSTRUCTION

The parties acknowledge that this Agreement is the product of negotiation and no interference is to be drawn in favor of or against any party regarding any patent or latent ambiguity or for any other reason whatsoever.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this date :  
\_\_\_\_\_, 2014

COUNTY OF YUBA

OPERATOR

By: \_\_\_\_\_  
John Nicoletti  
Chairman, Board of Supervisors

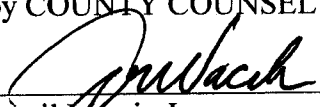
By: \_\_\_\_\_  
Name:  
Title:

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_  
APPROVED AS TO RISK  
by RISK MANAGER

\_\_\_\_\_  
Martha Wilson  
Director, HR / Risk Management

APPROVED AS TO FORM  
by COUNTY COUNSEL

  
\_\_\_\_\_  
Angil Morris-Jones  
County Counsel

## **ATTACHMENT A**

### **INSURANCE REQUIREMENTS**

**E. INSURANCE.** PROVIDER 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 PROVIDER, his agents, representatives, employees or SUBPROVIDERS. If PROVIDER fails to maintain the Insurance provided herein, COUNTY may secure such insurance and deduct the cost thereof from any funds owing to PROVIDER.

**E.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.

**E.2 MINIMUM LIMITS OF INSURANCE.** PROVIDER shall maintain limits no less than:

General Liability: (including operations, products and completed operations.)	<b>\$3,000,000</b>	per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
Aggregate	<b>\$5,000,000</b>	
Automobile Liability:	<b>\$1,000,000</b>	per accident for bodily injury and property damage.
Workers' Compensation:	As required by the State of California.	
Employer's Liability:	<b>\$1,000,000</b>	each accident, <b>\$1,000,000</b> policy limit bodily injury by disease, <b>\$1,000,000</b> each employee bodily injury by disease.

If the PROVIDER maintains higher limits than the minimums shown above, the COUNTY shall be entitled to coverage for the higher limits maintained by the PROVIDER.

**E.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 PROVIDER shall provide a financial guarantee satisfactory to the COUNTY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

**E.4 OTHER INSURANCE PROVISIONS.** The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

- a. 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 PROVIDER; and with respect to liability arising out of work or operations performed by or on behalf of the PROVIDER 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 PROVIDER'S insurance policy, or as a separate owner's policy.
- b. For any claims related to this project, the PROVIDER'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 PROVIDER'S insurance and shall not contribute with it.
- c. 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.

**E.5 WAIVER OF SUBROGATION.** PROVIDER hereby agrees to waive subrogation which any insurer of PROVIDER may acquire from PROVIDER by virtue of the payment of any loss. PROVIDER 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 PROVIDER, its employees, agents and SUBPROVIDERS.

**E.6 ACCEPTIBILITY OF INSURERS.** Insurance is to be placed with insurers with a current A.M. Best's rating if no less than A:VII unless otherwise acceptable to the COUNTY.

**E.7 VERIFICATION OF COVERAGE.** PROVIDER 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.

**E.8 SUBPROVIDERS.** PROVIDER shall require and verify that all SUBPROVIDERS maintain insurance meeting all the requirements stated herein.





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

March 18, 2014

TO: Land Use & Public Works Committee

FROM: Michael Lee, Director of Public Works

SUBJECT: Implementation of the Phase II Small MS4 (Municipal Separate Storm Sewer Systems) General Permit, and Authorize Expenditure of \$15,000 from General Fund Contingency for Consultant Support Services Regarding Same

### RECOMMENDATION:

Discuss implementation of the Phase II Small MS4 General Permit, and authorize expenditure of \$15,000 from General Fund Contingency for consultant support services regarding same.

### BACKGROUND:

As part of the Clean Water Act, discharge of pollutants to waters of the U.S. from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. Subsequently, in 1990, the U.S. EPA promulgated regulations for permitting storm water discharges from MS4s serving a population of 100,000 people or more. These were known as Phase I regulations, and required medium to large operators to obtain storm water permits. In December 1999, U.S. EPA promulgated additional regulations, known as Phase II, requiring permits for storm water discharges from small MS4s, or those not permitted under Phase I. The smaller municipalities, like Yuba County, fall under Phase II regulations.

A municipal separate storm sewer is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) designed or used for collecting or conveying storm water, and are typically owned or operated by a local or state government, a special flood control or drainage district, or the federal government.

Federal regulations allow two permitting options for storm water discharges: individual permits and general permits. The California State Water Resources Control Board (SWRCB) elected to adopt a statewide General Permit for Small MS4s in order to efficiently regulate numerous storm water discharges under a single permit. The existing General Permit was adopted by the SWRCB in April 2003, and we were operating under that Permit until July 1, 2013, at which time the State adopted the new General Permit for Small MS4s. Permittees, like Yuba County, obtain coverage under the new General Permit by filing a Notice of Intent (NOI) to comply with the terms of the General Permit through the SWRCB and paying an annual permit fee. The new General Permit for small MS4s is a 5-year permit and each of those years more cumbersome and expensive tasks are required of permittees.

#### DISCUSSION:

The new General Permit for small Phase II MS4s is much more stringent than the previous version that we have been operating under since the early 2000's. With our current staffing level, Public Works has been struggling to keep up with the requirements stipulated in the former General Permit, and we will not be able to accommodate the extensive list of requirements of the new General Permit (see list attached). Currently we estimate using approximately 1/3 to 1/2 of a full time equivalent employee at the Engineering Tech level to minimally adhere to the MS4 permit requirements, at a cost to the Road Fund of roughly \$40,000 annually. This is in addition to the MS-4 requirements (SWPP permit, storm drain cleaning, and street sweeping) as well as some management time to help administer the program, currently funded by the Yuba County Water Agency (YCWA), to the tune of approximately \$90,000 annually. So total bare bones cost to operate under the former MS4 permit we estimate at \$130,000 annually.

The large scope of work required by the new General Permit will require one additional full-time project management level position dedicated to it starting in FY 14/15, supplemented by consultant support services. We estimate this additional cost to the County to be approximately \$150,000 to \$200,000 annually. This cost is only an estimate as it is hard to precisely quantify the full level of effort required to adhere to the permit requirements.

It is important to note that adhering to the MS4 permit is not simply a Public Works requirement, but rather a Countywide function. The list of duties is extensive and will require coordination across multiple departments including Administrative Services, Agricultural Commissioner, and essentially all departments within CDSA. Some of the duties include ongoing education/outreach, construction site inspection/enforcement, ongoing water quality testing, as well as creating new programs such as Post-Construction Storm Water Management Program, and Landscape Design/Maintenance Program. It makes sense for Public Works to coordinate the County's MS4 program, but the Road Fund cannot be used to pay for the majority of this work since only a small portion pertains to roads. That is in addition to the fact that the Road Fund is largely underfunded to simply maintain the existing road network anyway.

The year one requirements of the new MS4 permit are the least onerous. We are requesting your Board's authorization to expend \$15,000 from the General Fund Contingency to hire a consultant who will help us set up necessary programs and conduct reporting requirements to comply with the new permit.

#### FISCAL IMPACT:

\$15,000 in General Fund Contingency for the remainder of the current fiscal year. We estimate \$150,000 to \$200,000 in annual funding needs for future fiscal years.

WHITE AUDITOR - CONTROLLER  
YELLOW - COUNTY ADMINISTRATOR  
PINK - DEPARTMENT

AUDITOR - CONTROLLER TRANSFER NO. \_\_\_\_\_

**COUNTY OF YUBA**  
**REQUEST FOR TRANSFER OR**  
**REVISION OF APPROPRIATION, ESTIMATED REVENUE OR FUNDS**

DATE: March 18 20 14

DEPARTMENT CDSA / PUBLIC WORKS

**REQUEST APPROVAL OF THE FOLLOWING TRANSFER FISCAL YEAR ENDING JUNE 30, 20 14**

**BUDGET OR ESTIMATED REVENUE**

☒ **ESTIMATED REVENUE INCREASED**

☐ **APPROPRIATION DECREASED**

☒ **APPROPRIATION INCREASED**

ACCOUNT NO.	NAME	AMOUNT
102-0000-372-99-05	Other Transfers In	15,000

ACCOUNT NO.	NAME	AMOUNT
102-9100-431-23-00	Professional Services	15,000

**FUND TRANSFERS**

**FUNDS TO BE REDUCED:**

FUND	AMOUNT
101 General Fund Contingency	15,000

**FUNDS TO BE INCREASED:**

FUND	AMOUNT
102 Road Fund	15,000

**GENERAL LEDGER (AUDITOR - CONTROLLER USE ONLY)**

FUND	ACCOUNT	AMOUNT		FUND	ACCOUNT	AMOUNT	
		DEBIT	CREDIT			DEBIT	CREDIT

**REASON FOR TRANSFER:**

Implementation of the Phase II MS4 General Permit Consultant Support Services

**APPROVED:**

☐ **AUDITOR - CONTROLLER**

Signature

Date

Signature

*Robert Benning*

DEPARTMENT OR PUBLIC OFFICIAL

☒ **COUNTY ADMINISTRATOR**

Signature

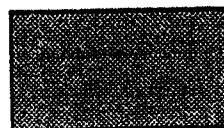
Date

3/6/14 Public Works Director

TITLE

Approved as to Availability of Budget Amounts and Balances  
in the Auditor/Controllers Office.

AUDITOR - CONTROLLER



Auditor/Controller,

Approved:

BOARD OF SUPERVISORS

Clerk of the Board

Date

Yuba County Guidance Document

Corresponding Permit Section

A.1.b.4.a: Overall Planning

A.1.b.4.b

Responsible Parties

AG Agriculture Commissioner  
BG Buildings and Grounds  
BLD Building Department  
CE Code Enforcement

CUPA Certified Unified Program Agencies  
PD Planning Department  
PW Public Works

PERMIT SECTION AND ELEMENT		Permit Compliance Year (June 30th unless otherwise noted)	Permit Year	Responsible Implementing Party		Additional implementation notes (i.e., goals, milestones, etc.)
				Local MS4 Department	SIE, Regional Organization or, Co-permittee	
PROGRAM MANAGEMENT ELEMENT						
E.6.a	Legal Authority (update or create ordinance)	2015	2	PW		
E.6.b	Certification	2015	2	PW		
E.6.c	Enforcement Response Plan	2016	3	PW/CE		
EDUCATION AND OUTREACH PROGRAM						
E.7.a	Public Outreach and Education					
	Select outreach option. If regional program, develop agreements	2014	1	PW		
	(a) Develop and implement comprehensive education and outreach program	2015	2	PW		
	(b)Conduct surveys 2x during permit term (1)	2016	3	PW		
	(b)Conduct surveys 2x during permit term (2)	2018	5	PW		
	(d)Disseminate education materials to target audiences and translate as appropriate	2015	2	PW		
	(e)Utilize public input in developing outreach program	2015	2	PW		
	(g)Provide water efficient/ stormwater friendly landscaping information	2015	2	PD		
	(h)Promote reporting of illicit discharges	2015	2	PW		
	(i)Provide pesticide/fertilizer application information	2015	2	AG		
	(j)Provide materials to school children	2015	2	PW		
	(k,l,m)Develop messaging to reduce discharges from organized car washes, mobile cleaning and pressure washing	2015	2	PW		
E.7.b.	Staff and Site Operator Training and Education					
E.7.b.1	Illicit Discharge Detection and Elimination Training	2016	3	PW		

Yuba County Guidance Document

PERMIT SECTION AND ELEMENT	Permit Compliance Year (June 30th unless otherwise noted)	Permit Year	Responsible Implementing Party		Additional implementation notes (i.e., goals, milestones, etc.)
			Local MSA Department	SIE, Regional Organization or, Co- permittee	
<b>E.7.b.2 Construction Outreach and Education</b>					
(a) Annual Permittee Staff Training	2015	2	PW		
(b) Construction Site Operator Education	2016	3	PW		
<b>E.7.b.3 Pollution Prevention and Good Housekeeping Staff Training</b>					
Biennial employee training	2015	2	PW		
<b>E.8 PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM</b>					
Develop program with input of the public and implement	2015	2	PW		
(a) Develop Public Involvement strategy	2015	2	PW		
(b) Consider Citizen Advisory Group	2015	2	PW		
(c) Create Involvement Opportunities	2015	2	PW		
(d) Ensure public can access info about program	2015	2	PW		
(f) Engage in IRWMP or equivalent	2015	2	PW		
<b>E.9 ILLICIT DISCHARGE DETECTION AND ELIMINATION</b>					
<b>E.9.a Outfall Mapping</b>					
Create and maintain accurate outfall map including a site visit to each outfall	2015 (Summer 2014)	2	PW		
<b>E.9.b Illicit Discharge Source/Facility Inventory</b>					
Create inventory of all industrial/commercial facilities and update annually	2015	2	CUPA/PW		
Assess priority areas once during permit term	2017	4	CUPA/PW		
<b>E.9.c Field Sampling to Detect Illicit Discharges</b>					
Sample any flowing outfalls while conducting E.9.a	2015 (Summer 2014)	2	PW		
Annually sample priority area outfalls determined in E.9.b.	Summer 2015	3	CUPA		
Conduct follow up investigation within 72 hours if action levels exceeded	2015 (Summer 2014)	2	CUPA/PW		
<b>E.9.d Illicit Discharge Detection and Elimination Source Investigations and Corrective Actions</b>					
Develop written procedures for investigations and corrective actions	2015 (Summer 2014)	2	CUPA/PW		
Once source of discharge is identified, require responsible party to correct within 72 hours of notification and verify with follow-up investigation	2015 (Summer 2014)	2	CUPA/PW		
Conduct follow up investigation within 72 hours if action levels exceeded	2015 (Summer 2014)	2	CUPA/PW		

Yuba County Guidance Document

PERMIT SECTION AND ELEMENT		Permit Compliance Year (June 30th unless otherwise noted)	Permit Year	Responsible Implementing Party		Additional Implementation notes (i.e., goals, milestones, etc.)
				Local MSA Department	SIE, Regional Organization or, Co- permittee	
E.9.e	Spill Response Plan					
	Develop plan	2014	1	CUPA/PW		
E.10	<b>CONSTRUCTION SITE STORM WATER RUNOFF CONTROL PROGRAM</b>					
E.10.a	Construction Site Inventory					
	Create inventory of all projects subject to local stormwater ordinance	2014	1	BLD/PW		
E.10.b	Construction Plan Review and Approval Procedures					
	Develop procedures to review and approve construction plan documents (i.e., erosion and sediment control plans)	2014	1	BLD/PW		
E.10.c	Construction Site Inspection and Enforcement					
	Inspect construction sites	2015	2	BLD/PW		
E.11	<b>POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR PERMITTEE OPERATIONS PROGRAM</b>					
E.11.a	Inventory of Permittee-Owned and Operated Facilities					
	Develop and maintain inventory of all permittee owned or operated facilities that are a potential threat to water quality	2015	2	PW/BG		
E.11.b	Map of Permittee-owned or Operated Facilities					
	Develop a map of inventoried facilities	2015	2	PW		
E.11.c	Facility Assessment					
	Conduct comprehensive annual assessment and identify subset of facilities that could be considered hotspots	2016	3	PW		
	Document comprehensive assessment procedures and results	2016	3	PW		
E.11.d	Stormwater Pollution Prevention Plans					
	Develop SWPPPS for hotspots	2017	4	PW		
E.11.e	Inspections, Visual Monitoring and Remedial Action					
	Quarterly visual inspection of hotspots	2018	5	PW		
	Annual comprehensive hotspot inspection	2018	5	PW		
	Quarterly hotspot visual observation of storm water and non- stormwater discharges	2018	5	PW		
	<b>Non-Hotspots</b> - Inspect each inventoried facility that is not a hotspot once during permit	2018	5	PW		



PERMIT SECTION AND ELEMENT		Permit Compliance Year (June 30th unless otherwise noted)	Permit Year	Responsible Implementing Party		Additional Implementation notes (i.e., goals, milestones, etc.)
				Local MS4 Department	SIE, Regional Organization or, Co- permittee	
E.11.f	<b>Storm Drain System Assessment and Prioritization</b>					
	Implement procedures to assess and prioritize maintenance of storm drain system infrastructure. Assign a priority to each facility based on accumulation of sediment, trash and/or debris	2015	2	PW		
E.11.g	<b>Maintenance of Storm Drain System</b>					
	Inspect storm drain systems based on assigned priorities.	2016	3	PW		
	Inspect high priority catch basins annually	2016	3	PW		
	Clean high priority storm drains	2016	3	PW		
	Label catch basins	2016	3	PW		
	Maintain surface drainage structures	2016	3	PW		
	Develop procedure to dispose of waste materials removed from catch basins	2016	3	PW		
E.11.h	<b>Permittee Operations and Maintenance Activities (O&amp;M)</b>					
	Develop program to assess O&M activities for potential to discharge pollutants and inspect all O&M BMP's quarterly	2016	3	PW/BG		
E.11.i	<b>Incorporation of Water Quality and Habitat Enhancement Features in Flood Management Facilities</b>					
	Develop and implement process for incorporating water quality and habitat enhancement into new and rehabilitated flood management projects	2016	3	PW		
E.11.j	<b>Landscape Design and Maintenance</b>					
	Implement a landscape design and maintenance program to reduce the amount of water, pesticides and fertilizers used by Permittees	2015	2	PW/BG		
	Evaluate use of pesticides, herbicides and fertilizers	2015	2	PW/BG		
	Implement best practices to reduce pesticides and fertilizers	2015	2	PW/BG		
	Proper disposal of unused chemicals	2015	2	PW/BG		
	Evapo-based irrigation and rain sensors	2015	2	PW/BG		
	Record amount of chemical usage	2015	2	PW/BG		
E.12	<b>POST CONSTRUCTION STORMWATER MANAGEMENT PROGRAM</b>					
E.12.a	<b>Post-Construction Treatment Measures</b>					

Yuba County Guidance Document

PERMIT SECTION AND ELEMENT	Permit Compliance Year (June 30th unless otherwise noted)	Permit Year	Responsible Implementing Party		Additional implementation notes (i.e., goals, milestones, etc.)
			Local MSA Department	SLE, Regional Organization or, Co-permittee	
	Regulate development to comply with the following sections, E.12.b through E.12.i	2015	2	PW/PD/BLD	
E.12.b	Site Design Measures				
	Require implementation of site design measures on projects that create or replace 2,500-5,000 SF impervious area (incl single family homes)	2015	2	PW/PD/BLD	
E.12.c	Regulated Projects				
	Implement standards on projects that create or replace >5,000 SF impervious area, aka Regulated Projects	2015	2	PW/PD/BLD	
	Road and Utility Projects creating 5,000 sf or more of contiguous impervious surface that are public or fall under planning authority of a county shall comply with LID except 85th percentile can follow EPA Guidance on green infrastructure	2015	2	PW/PD	
E.12.d.	Source Control Measures - Regulated Projects shall implement source control measures	2015	2	PW/PD/BLD	
E.12.e	LID Standards - all Regulated Projects shall implement LID standards to treat storm water and provide baseline hydromodification management to meet numeric sizing criteria under E.12.e(i)(i)(c)	2015	2	PW/PD/BLD	
E.12.f	Hydromodification Management	2016	3	PW/PD	
E.12.g	Enforceable Mechanisms				
	Develop or modify enforceable mechanisms to implement E.12.b - E.12.f	2016	3	PW/CE	
E.12.h	Operation and Maintenance of Post-Construction Stormwater Management Measures				
	Implement an O&M verification program for stormwater treatment and baseline hydromod (defined in E.12.e.ii.f) on all regulated projects	2015	2	PW/BLD	
E.12.i	Post-Construction BMP Condition Assessment				
	Inventory and assess the maintenance condition of structural post-construction BMP's within permittees jurisdiction	2016	3	PW/BLD	
E.12.j	Planning and Development Review Process				

Yuba County Guidance Document

PERMIT SECTION AND ELEMENT	Permit Compliance Year (June 30th unless otherwise noted)	Permit Year	Responsible Implementing Party		Additional implementation notes (i.e., goals, milestones, etc.)
			Local MSA Department	SIE, Regional Organization or, Co- permittee	
Conduct review using an existing guide such as Municipal Regulatory Update Assistance Program	2016	1-3	PD		
Conduct an analysis of the landscape code to correct gaps hindering post construction requirements	2014	1	PD		
Complete any changes to landscape code to administer post-construction req	2015	2	PD		
<b>E.12.k</b> Post Construction Storm Water Management Requirements Based on Assessment and Maintenance of Watershed Processes	TBD		TBD		
<b>E.12.l</b> Alternative Post-Construction Storm Water Management Program					
For multiple benefit projects a permittee may propose alternative Post Const. Requirements (address water quality, supply, flood control, habitat enhancement, open space preservation, recreation, climate change)	No date provided - permittee may propose if desired		TBD		
<b>E.13</b> WATER QUALITY MONITORING					
<b>E.13.a.</b> ASBS Monitoring - MS4s that discharge to ASBS and are covered by an Ocean Plan exception comply with Attachment C	2014	1	N/A		
<b>E.13.b.</b> TMDL Monitoring - MS4s w TMDLs must comply with Attachment G and consult with Regional Board within 1 year of effective date to determine monitoring requirements and schedule. And shall implement TMDL monitoring as specified by RA Executive Officer	2014	1	TBD		
<b>E.13.c.</b> 303(d) Monitoring - MS4s discharging to 303(d) listed waterbodies shall consult with Regional Board within 1 year of effective date to determine whether monitoring is necessary.	2014	1	TBD		
<b>E.13.d.</b> Receiving Water Monitoring and Special Studies (Select either Receiving Water Monitoring or Special Studies, if not already conducting E.13.a, b or c monitoring)			N/A		
<b>E.13.d.1</b> Receiving Water Monitoring					
Select one urban/rural site and one urban area site to monitor	2014	1	N/A		
Monitor urban/rural and urban area sites	2015	2	N/A		

Yuba County Guidance Document

PERMIT SECTION AND ELEMENT	Permit Compliance Year (June 30th unless otherwise noted)	Permit Year	Responsible Implementing Party		Additional Implementation notes (i.e., goals, milestones, etc.)
			Local MS4 Department	SIE, Regional Organization or, Co- permittee	
Complete and have available a report that includes a summary of baseline data collections and discussion of monitoring program results	2015	2	N/A		
Complete and have available a report that includes a comparison of data collection to baseline data and discussion of monitoring program results	2018	5	N/A		
<b>E.13.d.2 Special Studies</b>					
Develop and implement special study monitoring program and submit to Regional Board for review and approval	2014	1	N/A		
Implement approved special study plan	2015	2	N/A		
Complete and have available a report that includes a summary of baseline data collections and discussion of monitoring program results	2015	2	N/A		
Complete and have available a report that includes a comparison of data collection to baseline data and discussion of monitoring program results	2018	5	N/A		
<b>E.14 PROGRAM EFFECTIVENESS ASSESSMENT</b>					
<b>Program Effectiveness Assessment and Improvement Plan (PEAIP)</b>					
Submit PEAIP	2015	2	PW		
<b>E.14.b Storm Water Program Modifications</b>					
Identify and summarize BMP and/or program modifications identified in priority program areas that will be made in the next permit term	2018	5	PW		
<b>E.15 TOTAL MAXIMUM DAILY LOADS COMPLIANCE REQUIREMENTS</b>					
<b>E.15.a</b> Comply with all approved TMDLs (Attachment G)	2014	1	PW		
<b>E.15.b</b> Waste load allocations are incorporated herein by reference as enforceable parts of this Order	2014	1	PW		
<b>E.15.c</b> Regional Board reviews TMDLs within one year of effective date and may propose modifications to requirements	2014	1	PW		
<b>E.15.d</b> Report status of implementation via SMARTS	2014	1	PW		
<b>E.15.e</b> Comply with Clean Water Act Sections 303d, 306b and 314	2014	1	PW		

Yuba County Guidance Document

PERMIT SECTION AND ELEMENT	Permit Compliance Year (June 30th unless otherwise noted)	Permit Year	Responsible Implementing Party		Additional Implementation notes (i.e., goals, milestones, etc.)
			Local MS4 Department	SIE, Regional Organization or, Co- permittee	
			ANNUAL REPORTING PROGRAM		
E.16.a	Use SMARTS to report and certify	2014-2018	all years	PW	
E.16.b	Complete and retain annual reports and make available to RWQCB during working hours	2014-2018	all years	PW	
E.16.c	Submit detailed written or oral report to RWQCB if directed.	2014-2018	all years	PW	
E.16.d	May coordinate reporting if regional programs	2014-2018	all years	PW	