

# 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.

**DECEMBER 6, 2011**

- 1:00 P.M. YUBA COUNTY WATER AGENCY CANCELLED**
- 3:30 P.M. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY**
- 5:45 P.M. LAND USE AND PUBLIC WORKS COMMITTEE - (Supervisors Abe and Stocker - Alternate Supervisor Nicoletti)**
- A. Consider resolution adopting a reservation process and establishing fees and fee waivers at Hammon Grove and Sycamore Ranch - Community Development and Services (Five minute estimate) (514-11)
  - B. Consider ordinance amending Chapter 7, Title VII of the Yuba County Ordinance Code regarding payment and collection of unpaid refuse service bills - Community Development and Services (Ten minute estimate) (515-11)
- 6:00 P.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 Griego
  - 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. Assessor
      - 1. Adopt resolution authorizing Assessor to execute application for vessel registration information from California Department of Motor Vehicles. (Finance and Administration Committee recommends approval) (516-11)
      - 2. Adopt resolution exempting from property taxation all real property having a base year value and all personal property with a full cash value of \$5,000 or less. (Finance and Administration Committee recommends approval) (517-11)
    - B. Administrative Services
      - 1. Approve release of bid for demolition of South Annex facility. (Public Facilities Committee recommends approval) (518-11)
    - C. Board of Supervisors
      - 1. Adopt resolution approving grant application and execution of a grant contract with the California Arts Council. (519-11)
      - 2. Appoint representatives to Ramirez Water District pursuant to Election Code §10515; James J. Hill, II and Richard Markstein until 2015 and Sarah Swinerton until 2013. (520-11)
      - 3. Approve the certification statement regarding compositions of Local Planning Council membership and authorize the Chair to execute same. (521-11)

D. Clerk of the Board of Supervisors

1. Reappoint David C. Creps to the Wheatland Cemetery District for term to end December 6, 2015. (522-11)
2. Reappoint Dan Lucero to the Keystone Cemetery District for term to end December 6, 2015. (523-11)
3. Approve minutes of the meetings October 25, November 1, 8, and 15, 2011. (524-11)

E. Community Development and Services

1. Adopt resolution authorizing the Yuba County Community Development and Services Director or his designee to complete the purchase of single family residences APN 020-293-012 and 019-260-033 as part of the Neighborhood Stabilization program and execute all documents needed for completion of purchase, rehabilitation, and resale. (525-11)

IV. **SPECIAL PRESENTATION**

- A. Receive State of the Schools report from Yuba County Office of Education pursuant to the Williams Uniform Complaint Act. (Ten minute estimate) (526-11)

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. Appoint one individual from each supervisory district to the Yuba County Resource/Development Code Advisory Committee with term ending upon adoption of the Development Code update. (Ten minute estimate) (527-11)
2. Reconsider approval of repayment agreement with City of Marysville and take action as appropriate. (Ten minute estimate) (505-11)

B. Community Development and Services

1. Acknowledge typographical corrections to Supervisorial District Two and Five Boundaries contained in adopted Ordinance No. 1510. (Five minute estimate) (528-11)
2. Provide direction on Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy for 2035 Draft Environmental Impact Report and authorize preparation of comment letter and the Chair to execute. (Ten minute estimate) (529-11)

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.

- A. Ordinance - Hold public hearing, waive reading, and introduce ordinance amending section 13.00.050 and 13.00.056 of Chapter 13, Title XIII of the Yuba County Ordinance Code relating to the Sheriff's Department. (Law and Justice Committee recommends approval) (Ten minute estimate) (530-11)
- B. Appeal - Record appeal of the Staff Development Committee/Zoning Administrator's decision to approve AP2011-0002 (Oregon House Farms Produce Stand) and take action as appropriate. (30 minute estimate) (531-11)

VIII. **CORRESPONDENCE - (532-11)**

- A. Letter from Donald Rae regarding flood protection and Three Rivers Levee Improvement Authority.
- B. Two notices from California Fish and Game Commission regarding the American pika and cedars buckwheat.
- C. Notice from State of California Board of Forestry and Fire Protection regarding Emergency Rules to Implement State Responsibility Area Fees public comment period ended December 2, 2011.
- D. Letter from North Coast Long-term Services and Support Coalition regarding template for restructuring services for the 28 fee-for-service counties.

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. Potential litigation pursuant to Government Code §54956.9(b) - One Case

XI. **ADJOURN**

**12/9/11 – 11:00 A.M.      Olivehurst Public Utility District/County Liaison Committee**  
**OPUD Board Room**  
**1970 9th Avenue**  
**Olivehurst, California 95961**

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 one full business day 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**

**PUBLIC COMMUNICATIONS:** Members of the public shall be allowed to address the Board of Supervisors on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Board, provided that no action shall be taken unless otherwise authorized by law. 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.

**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.

**PUBLIC INFORMATION:** Copies of §6.7 shall be posted along with agendas. **End**

**THIS PAGE INTENTIONALLY LEFT BLANK**



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



### 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


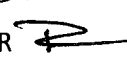
749-5420 • Fax 749-5424

### FINANCE AND ADMINISTRATION

749-5430 • Fax 749-5434

December 6, 2011

To: LAND USE AND PUBLIC WORKS COMMITTEE

From: MICHAEL LEE, PUBLIC WORKS DIRECTOR   
 RYAN MCNALLY, PARKS AND LANDSCAPE COORDINATOR 

Subject: CONSIDER AMENDED FEE RESOLUTION FOR HAMMON GROVE AND SYCAMORE RANCH TO  
 ALLOW FEE WAIVER FOR DISABLED VETERANS

### Recommendation

That the Board adopt the attached resolution which amends the prior to include a campsite fee waiver for veterans possessing a valid State of California Distinguished Veteran Pass for use at Sycamore Ranch.

### Background

The State of California Department of Parks and Recreation makes available a number of annual passes available to various eligible citizens. One of which is the Distinguished Veteran Pass, formerly known as the Disabled War Veteran / Prisoner of War Pass.

Eligibility of this pass is limited to California residents with a 50% or more service connected disability, or were held as prisoners of war by forces hostile to the United States, or are recipients of the Congressional Medal of Honor. Recipients of this pass are entitled the use of all basic California State Park System facilities including camping and day use areas at no further charge. Although this pass is only valid at State facilities, staff also recommends honoring those who have sacrificed in service by extending similar benefits locally to those recipients.

### Discussion

Staff proposes to issue fee waiver to all California Distinguished Veteran Pass holders which would entitle them to one individual campsite at Sycamore Ranch for a period of time not to exceed five consecutive days in a three month period. This limitation will prevent the tendency to foster long term residents, but is lenient enough to allow twenty free days per year to those who are eligible through their service to our nation.

### **Fiscal Impact**

Minimal fiscal impact. The County would only sacrifice a nominal amount in electricity use and associated charges incurred by those using the facilities. Although the argument could be made that the County might miss out on a potential \$400 annually per each eligible recipient who chooses to take full advantage of this offer, it is important to note that the majority of the sites remain vacant year round and it is hard to envision that a recipient would prevent another paying patron from enjoying the campground.

BEFORE THE COUNTY OF YUBA  
BOARD OF SUPERVISORS

IN RE:

RESOLUTION ADOPTING A RESERVATION )  
PROCESS AND ESTABLISHING FEES AT )  
AND FEE WAIVERS AT HAMMON GROVE )  
AND SYCAMORE RANCH ) RESOLUTION NO. \_\_\_\_\_

WHEREAS, the County of Yuba has adopted Chapter 8.79 of the Yuba County Ordinance Code that allows the Board of Supervisors by resolution to adopt regulations and policies with respect to the use of Hammon Grove Park and Sycamore Ranch; and,

WHEREAS, charging a minimal fee for reserving certain day use and campground areas within Hammon Grove and Sycamore Ranch would help defray maintenance costs associated with increased park usage by persons and groups; and,

WHEREAS, Section 8.79.070 of the Yuba County Ordinance Code allows the Board of Supervisors to set the fees for organized events, daytime use, and overnight camping by resolution and that the fee schedule may require periodic revisions; and,

WHEREAS, Section 8.79.060 further allows the Board of Supervisors to designate a department or designee to issue permits for organized events;

NOW, THEREFORE, the Board of Supervisors of Yuba County does hereby adopt the following:

**A. Hammon Grove and Sycamore Ranch Group Reservation Process:**

1. Group day use and overnight camping reservations are confirmed at time of payment which can be made in person or by mail to the Yuba County Public Works Department, located in the Government Center at 915 8<sup>th</sup> Street, Suite 125, Marysville, CA 95901. Hours of operation are 8a.m. to 5p.m., Monday through Friday. NO RESERVATIONS CAN BE MADE OVER THE PHONE. Telephone inquiries concerning available dates should not be considered as confirmed reservations. All permits are issued on a first-come, first-served basis. All fees must be paid upon completion of a reservation by CASH OR CHECK ONLY. Please make checks payable to: YUBA COUNTY PUBLIC WORKS.

2. Facility reservations may be made for the current year beginning the first working day in January.
3. Group site reservations at Sycamore Ranch must be made and paid for at least one (1) week in advance.
4. Permit holders must immediately notify the Yuba County Public Works Department of any cancellations or changes.
5. When a cancellation is initiated, refunds will be processed as follows:
  - At least 30 days in advance . . . . . all but \$15 processing fee.
  - Less than 30 days in advance . . . . . NO REFUNDS

Refunds take approximately 4 weeks and will be sent by mail. Cancellations must be made in person or by mail with a copy of the permit or proof of identification. Any changes that a permit holder wishes to make to a reservation must be done in person at the Yuba County Public Works Department.

6. If a permit holder is unable to use the facility due to inclement weather conditions, contact must be made with Yuba County Public Works Department on the next business day after the scheduled event to receive a refund. A refund cannot be given if notification is not made within the next business day. Refunds are the full amount less a \$15 processing fee. Refunds take approximately 4 weeks and will be sent by mail
7. The person responsible for the conduct of an activity must sign the facility permit, e.g. school principal, president, owner, manager. Permit holder is responsible for the supervision and safety of all participants at this event. The permit must be kept at the facility during use and shown to anyone requesting verification.
8. Picnic facilities will be clean and ready for permit holder by 9 a.m. We cannot guarantee their condition after 9 a.m. Permit holder is responsible for leaving area clean on departure.
9. During periods of major construction or due to emergency repairs and maintenance, the Yuba County Public Works Department reserves the right to cancel or reschedule permits.
10. The permit holder should always attempt to resolve any reservation conflict with caretaker. In the event the permit holder is unsuccessful in resolving the conflict, please notify Public Works at 749-5420 during normal business hours or the Sheriff's Department at 749-7777 outside business hours.
11. Organized events or overnight camping are available in designated areas for groups meeting ordinance criteria, with advance approval from the Yuba County Board of Supervisors or a designee thereof.
12. If a deposit was paid for an organized event/overnight camping reservation, a refund will be issued minus any damages or cleanup charges. Refunds take approximately 4 weeks and will be sent by mail.

**B. Sycamore Ranch Individual Campsite Permits:**

1. Permits for individual campsites shall be issued on a daily basis onsite at Sycamore Ranch via a locked self service strongbox and upon receipt of CASH or CHECK ONLY made payable to YUBA COUNTY PUBLIC WORKS. Individual campsite permits are issued on a first come, first serve basis. Parties staying multiple days shall either pay for each day stayed in advance or renew daily. All individual campsite permits are final and non refundable.
2. Veterans who present a valid State of California Distinguished Veteran Pass and photo identification shall be granted a fee waiver for one (1) individual campsite for a period of time not to exceed five (5) consecutive days every three (3) months.
3. Pursuant to Yuba County Ordinance Section 8.79.060, no person shall, without the prior written approval of the County, park more than two (2) motor vehicles or one (1) motor vehicle and one (1) boat or other trailer at any one (1) campsite.

**C. Fee Schedule(s):**

<b>Hammon Grove Day Use and Picnic Area</b>			
		<i>0 - 4 HOURS</i>	<i>4+ HOURS</i>
<b>A</b>	½ of Large Built in BBQ and Four (4) Tables	\$25	\$45
<b>B</b>	½ of Large Built in BBQ and Four (4) Tables	\$25	\$45
<b>C</b>	Large Built in BBQ, Nine (9) Tables and Stage	\$45	\$85
Optional Electricity for Packages A - C		\$25	\$25

<b>Hammon Grove Group Camping (Per Night)</b>	
<b>Special Event Only</b>	FEES TO BE DETERMINED BY THE PUBLIC WORKS DIRECTOR

<b>Sycamore Ranch Campsites (Per Night)</b>			
<b>Individual Site</b>	("First Come, First Serve" – no reservations)	\$ 20.00	EA
<b>Group Site A</b>	(60 person capacity - must be reserved in advance)	\$ 200.00	EA
<b>Group Site B</b>	(60 person capacity - must be reserved in advance)	\$ 200.00	EA
<b>Group Site C</b>	(72 person capacity - must be reserved in advance)	\$ 250.00	EA
<b>Group Site D</b>	(20 person capacity - must be reserved in advance)	\$ 75.00	EA

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_, CHAIR

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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

APPROVED AS TO FORM

  
ANGEL MORRIS-JONES  
COUNTY COUSEL

# 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



515-11

TO: Public Works and Land Use Committee

FROM: Tejinder Maan/ Environmental Health Director *TM*  
Clark Pickell/ Certified Unified Program Agency

SUBJECT: Amend Chapter 7, Title VII of the Yuba County Ordinance Code to modify the process for payment of services rendered for mandatory refuse collection

Date: December 6, 2011

**Recommendation:** Adopt ordinance to repeal and re-enact Chapter 7, Title VII Section 7.05.220 and to repeal in its entirety 7.05.230 and re-enact as Section 7.05.220.

**Background:** The process for collection of payment for services rendered currently requires an annual hearing by the Board of Supervisors.

**Discussion** This amendment will change the hearing process from the Board of Supervisors as the hearing body to a hearing officer that will be the Director of CDSA or his/her designee. This modification will make the entire process more efficient, convenient and cost effective for both the public and the County.

**Fiscal Impact:** The transfer of the hearing process from the Board of Supervisors to the Director of CDSA or his/her designee will improve efficiency.

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

**ORDINANCE AMENDING CHAPTER 7, TITLE VII OF THE YUBA COUNTY  
ORDINANCE CODE BY REPEALING IN THEIR ENTIRETY SECTIONS 7.05.220 AND  
7.05.230 AND RE-ENACTING SECTION 7.05.220 REGARDING PAYMENT AND  
COLLECTION OF UNPAID REFUSE SERVICE BILLS**

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:

\_\_\_\_\_  
Chairman 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: *Pah Garamone*

**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. Section 7.05.220 and 7.05.230 of Chapter 7, Title VII of the Yuba County Ordinance Code is herein repealed in its entirety and re-enacted as Section 7.05.220 as follows:

**7.05.220 Payment for Services Rendered.**

(a) All billing for refuse collection shall be coordinated and administered by the collector(s); all charges shall become delinquent if not paid within thirty (30) days after the date due as stated on the refuse collection bill.

(b) If the bill remains unpaid after the date of delinquency, the collector(s) shall be entitled to a delinquency fee. However, said delinquency fee shall not be assessed until fifteen (15) days after notification of the delinquency to the owner and recipient of service. The form and content of the delinquency notice sent by the collector(s) and the delinquency fee shall be approved by the County. Said notice shall notify the owner of the fees imposed and the process for collection of delinquent charges. If a tenant is delinquent, the owner shall also receive all such delinquency notifications.

(c) Collector(s) may assign to the County at expiration of the thirty (30) day period any delinquent bills for hearing and delinquent proceedings. The collector(s) will compile said assignments into a Report of Delinquent Accounts which will be submitted to the Director on an annual basis. The Collector's Report of Delinquent Accounts shall refer to each separate parcel of real estate by description sufficient to reasonably identify it, including Assessor's Parcel number, together with the charges proposed to be assessed against it. When used in Section 7.05.220 of Chapter 7 of this Ordinance code, the term "Director" or "CDSA Director" shall mean the Yuba County Community Development and Services Agency Director or his/her designee.

(d) Upon receipt by County of the Report of Delinquent Accounts from the collector(s) and at the convenience of the County, the CDSA Director or his designee shall fix a time, date and place for holding a hearing with respect to the Report and any appeals, protests or objections thereto. The Collector shall cause notice of the time and place of hearing to be mailed to the

owner not less than ten (10) days prior to the date of the hearing. At the hearing, the Director or his designee shall hear and consider all appeals, objections and protests, if any, to said Report referred to in said notice. Upon conclusion of the hearing, the CDSA Director or his designee may adopt, revise, change, reduce or modify any charge or charges or overrule any or all objections and shall make a determination upon the charge or charges as described in said Report. The CDSA Director's determination shall be final. All costs incurred by CDSA to hold the hearing and confirm the report with the Board of Supervisors shall be paid by the collector to CDSA at the hourly rate established in the Yuba County Consolidated Fee Schedule.

(e) After the conclusion of the hearing process, the amount of the assessment is immediately due and payable. In the event that the same is not paid within ten days of the conclusion of the hearing, and upon receipt of the final Report by the Director, the Director shall initiate proceedings to have delinquent unpaid amount added onto the real property tax role for the real property to which the refuse collection has been rendered according to Government Code Section 25831. The Director, after proper notice and hearing provided herein, is authorized by these provisions to declare that delinquency charges and penalties on refuse collection accounts, as set forth in the Report by the collector(s), and after confirmation by the County Board of Supervisors by resolution, be collected on the property tax roll. They may be collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for these taxes. An administrative fee, in the amount established in the Yuba County Consolidated Fee Schedule may be added to the delinquent amount.

(f) Upon satisfaction of the entire delinquent amount imposed pursuant to this Section, the County will, upon request furnish a paid receipt. Upon payment all administrative charges assessed pursuant this Section, as well as interest accrued thereon, shall be retained by the County and shall not be paid to the Collector. The balance of any collection made and the interest accrued thereon shall be forwarded to the Collector.

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.



*CONSENT*  
*AGENDA*

**THIS PAGE INTENTIONALLY LEFT BLANK**



# THE COUNTY OF YUBA

## OFFICE OF THE COUNTY ASSESSOR

Bruce Stottlemeyer  
Assessor

Kimberly Heisch  
Assistant Assessor

**TO:** Board of Supervisors

**FROM:** Assessor's Office – Bruce Stottlemeyer, County Assessor

**SUBJECT:** Consider Resolution authorizing the assessor to execute an application for vessel registration information from the California Department of Motor Vehicles.

**DATE:** December 6, 2011

### *Recommendation*

Adopt the attached Resolution authorizing the assessor to execute an application for Government Requester Account which will enable the assessor to receive vessel registration information from the California Department of Motor Vehicles over the internet.

### *Background*

The Assessor's Office has been receiving vessel registration information in hard-copy format through the California Department of Motor Vehicles since at least 1990. Experience to date demonstrates that can take up to eight business days from the time of the assessor's request for vessel registration information until receipt of same from the Department of Motor Vehicles.

### *Discussion*

By authorizing the assessor to enter into an agreement with the California Department of Motor vehicles to obtain vessel registration information via the internet, the assessor will be able to obtain needed information within a few minutes versus several days.

For purposes of the county's general liability coverage, the assessor has been advised by County Counsel, that this Board action is necessary and/or desirable.

### *Committee Review*

This item was reviewed and approved by the Finance and Administration Committee on November 15, 2011.

*Fiscal Impact:*  
None.

**Attachment:** Resolution; Government Requester Account Application

**THIS PAGE INTENTIONALLY LEFT BLANK**



INFORMATION SERVICES PROGRAM

**GOVERNMENT REQUESTER ACCOUNT APPLICATION**

**PART I APPLICATION**

**PLEASE PRINT CLEARLY IN INK OR TYPE**

DMV USE ONLY		
REQUESTER CODE	EXPIRATION DATE	TECH ID

**SECTION A. TYPE OF APPLICATION**

CHECK ONE (1) BOX ONLY:

- ☒ **Original** — Complete ALL SECTIONS — DMV will assign Requester/Parking/Court Code.
- ☐ **Change(s)** to Existing Account — Complete Sections A, B and C, and all applicable sections where information is changing. Provide signature in Part II, Section F. Provide current Requester/Parking/Court Code(s): \_\_\_\_\_
- ☐ **Renewal** — Complete ALL SECTIONS — Provide current Requester/Parking/Court Code(s): \_\_\_\_\_

**IMPORTANT: TO AVOID PROCESSING DELAYS, PLEASE READ ALL INSTRUCTIONS PRIOR TO COMPLETING FORM.**

**SECTION B. AGENCY INFORMATION**

1. NAME OF AGENCY Yuba County Assessor		2. DIVISION/PROGRAM THAT WILL REQUEST DEPARTMENT INFORMATION Boat Division	
3. AGENCY WEBSITE ADDRESS OR INDICATE "NONE" www.co.yuba.ca.us/departments/assessor/		4. FAX NUMBER 530-749-7824	
5. NAME AND TITLE OF THE PERSON FOR DMV CONTACT Mireya Yanez		6. TELEPHONE ( 530 ) 749-7876	
7. E-MAIL ADDRESS myanez@co.yuba.ca.us		8. STREET ADDRESS (PHYSICAL LOCATION) STREET CITY COUNTY STATE ZIP 915 8th Street Marysville Yuba CA 95901	
9. MAILING ADDRESS OR INDICATE "SAME" Same		10. RECORD STORAGE PHYSICAL ADDRESS Same	

**SECTION C. TYPE OF AGENCY**

1. CHECK APPROPRIATE BOX FOR THE TYPE OF GOVERNMENT AGENCY (CHECK ONLY ONE):

- ☐ Federal ☐ State ☐ City ☒ County ☐ Special District ☐ Other: \_\_\_\_\_

DESCRIBE

2. IS THIS ACCOUNT BEING ESTABLISHED BY A GOVERNMENT ENTITY EXCLUSIVELY FOR USE BY ONE OF THE FOLLOWING?

- ☐ Yes, check appropriate box. ☒ No, go to Section D.

**CALIFORNIA APPLICANTS**

- ☐ "Peace Officers" as described in California Penal Code §830.1 through 830.5. Identify Section #: \_\_\_\_\_
- ☐ City Attorney prosecuting misdemeanor actions under Government Code Section 41803.5.

**ANY STATE OR FEDERAL APPLICANT**

- ☐ Attorney General ☐ District Attorney ☐ Public Defender ☐ Public Defender's Investigator
- ☐ Government employees having statutory authority to carry firearms **AND** execute warrants **AND** make arrests. Identify Statutory Authority; Code and Section #: \_\_\_\_\_

**SECTION D. PURPOSE OF ACCOUNT — Check one purpose only (Continued on Page 2)**

1. ☐ **EPN (Employer Pull Notice)** — Check this box if you are enrolling employees in the EPN program. For more information about the EPN program and to obtain enrollment forms, go to [www.dmv.ca.gov](http://www.dmv.ca.gov) and "Search" for EPN General Information.
2. ☒ **UPDATE AND INQUIRY** — If your Agency is applying for authorization to update DMV records (i.e., courts, parking/toll, revenue recovery, etc.), check this box. Explain the purpose of updating DMV records (space provided below):

a. <input type="checkbox"/> <b>Vehicle/Vessel Registration (VR)</b>		DMV USE ONLY Purpose Approved? <input type="checkbox"/> Yes <input type="checkbox"/> No
PURPOSE OF UPDATE:		
b. <input type="checkbox"/> <b>Driver License/Identification Card (DL)</b>		DMV USE ONLY Purpose Approved? <input type="checkbox"/> Yes <input type="checkbox"/> No
PURPOSE OF UPDATE:		

**SECTION D. PURPOSE OF ACCOUNT (Continued from Page 1)**

3. ☒ **INQUIRY ONLY** – If your Agency is applying for authorization to request and obtain DMV record information in order to carry out your governmental functions, check this box. Explain the purpose of inquiry below:

<b>a. <input checked="" type="checkbox"/> Vehicle/Vessel Registration (VR)</b> PURPOSE OF INQUIRY: Inquiry only. Utilize information in the tracking of vessels for property tax administration purposes in the Yuba County Assessor's Office.	<b>DMV USE ONLY</b> Purpose Approved? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is residence address necessary to perform this function? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>b. <input type="checkbox"/> Driver License/Identification Card (DL/ID)</b> PURPOSE OF INQUIRY:	<b>DMV USE ONLY</b> Purpose Approved? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is residence address necessary to perform this function? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>c. <input type="checkbox"/> Financial Responsibility (FR) - Available in paper/hardcopy only — See Instructions for more information.</b> PURPOSE OF INQUIRY:	<b>DMV USE ONLY</b> Purpose Approved? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is residence address necessary to perform this function? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>d. <input type="checkbox"/> Occupational License (OL)</b> PURPOSE OF INQUIRY:	<b>DMV USE ONLY</b> Purpose Approved? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is residence address necessary to perform this function? <input type="checkbox"/> Yes <input type="checkbox"/> No	

**SECTION E. ACCESS METHOD(S) — Check ALL That Apply**


- ☐ **Paper/Hardcopy** - Manual Process (Allow 7 to 14 working days)
- ☐ **Cartridge Tape** (IBM Compatible, 3480 non-compressed or 3490 compressed) - Batch (Overnight plus mail time) - **Renewals Only**
- ☐ **File Transfer Protocol (FTP)** via Virtual Private Network (VPN) - Batch (Overnight)
- ☒ **On-Line - (Requires Network Connection) COMPLETE SECTION F.**
- ☐ **CLETS** - If you are applying for a requester code in order to obtain access through the CA Law Enforcement Telecommunications System (CLETS), check this box.

**SECTION F. ON-LINE APPLICANTS ONLY — DO NOT COMPLETE FOR CLETS ACCESS**

1. HOURS OF ON-LINE ACCESS: Days <u>Monday - Sunday</u> Hours <u>07:00</u> <u>A.M.</u> TO <u>06:00</u> <u>P.M.</u>				
2. NAME OF DATA CENTER (I.E., DTS OR CITY/COUNTY DATA CENTER, etc.)		TELEPHONE #	DATA CENTER WEBSITE ADDRESS	
NAME AND TITLE OF THE DATA CENTER TECHNICAL COORDINATOR		TELEPHONE #	E-MAIL ADDRESS	
STREET ADDRESS (PHYSICAL LOCATION)	CITY	COUNTY	STATE	ZIP CODE
MAILING ADDRESS (IF DIFFERENT)	CITY	COUNTY	STATE	ZIP CODE
3. NAME AND TITLE OF INFORMATION SECURITY OFFICER		TELEPHONE #	E-MAIL ADDRESS	
NAME AND TITLE OF ACCESS CONTROL ADMINISTRATOR		TELEPHONE #	E-MAIL ADDRESS	
STREET ADDRESS (PHYSICAL LOCATION)	CITY	COUNTY	STATE	ZIP CODE
MAILING ADDRESS (IF DIFFERENT)	CITY	COUNTY	STATE	ZIP CODE

## **PART II AGREEMENT – PLEASE READ EACH SECTION CAREFULLY**

### **A. GENERAL PROVISIONS**

1. This Application/Agreement, hereinafter referred to as "Agreement", is between the State of California, Department of Motor Vehicles (DMV), hereinafter referred to as the "Department", and the Government Agency identified in Part I, hereinafter referred to as the "Requester", for the purpose of the Department providing information from its files for Government Agency use.
2. The term of this Agreement shall be for forty eight (48) months from the approval date and renewable at forty eight (48) month intervals thereafter.
3. This Agreement is subject to any restrictions, limitations, or provisions enacted by the California State Legislature which may affect the provisions or terms set forth herein. The Requester is required to comply with the applicable statutes of the California Vehicle Code (CVC), California Code of Regulations (CCR) Title 13, and United States Code Title 18.
4. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by both parties hereto. No oral understanding or agreement, not incorporated herein, shall be binding on either party.
5. Requester shall not represent themselves as agents/employees of the Department. For the purposes of this Agreement, the "Requester" includes the Requester's employees, unless the context provides otherwise.
6. **(Applies to Federal Government and Out-of-State Agencies/Requesters)**—"The Requester agrees to pay for any loss, liability or expense, including attorney fees, expert witness fees and court costs, which arises out of or relates to the Requester's acts or omissions regarding its obligations hereunder, where a final determination of liability on the part of the Requester is established by a court of law or where settlement has been agreed to by the Requester. This provision may not be construed to limit the Requester's rights, claims, or defenses which arise as a matter of law or under any other provision of this Agreement. This provision may not be construed to limit the sovereign immunity of the Requester."
7. This Agreement is not assignable by the Requester, either in whole or in part, without prior written consent of the Department.
- 8a. Any promotional or informational material related to accessing the Department's records shall be accurate and consistent with the terms of this Agreement and shall only contain factual statements relating to the purpose and condition of access.
- b. Requester shall not use the logogram  in any advertising or other agency business materials used in the business of the Requester. Advertising shall neither state nor imply that there is any official connection between the Department and the Requester, or that the Department has sanctioned or approved of either the advertisement or the Requester's service.
- 9a. If the Authorized Representative, designee responsible for the administration of the account, the DMV contact person, agency address, or any other changes of information occur in Part I of this Agreement, notification shall be submitted, in writing, within ten (10) business days on Government Requester Account Application (INF 1130) or Agency Letterhead to the following address:  
Department of Motor Vehicles, Account Processing Unit—H221, P.O. Box 944231, Sacramento, CA 94244-2310
- b. Requester shall notify the Account Processing Unit, in writing, (see address in 9a) within ten (10) business days of any intended or actual closure of the Government Agency Requester Account.

### **B. INFORMATION USE**

1. Requester shall not use Department records for any purpose except for that which has been approved by the Department in Part I.
2. When a non-law enforcement agency receives information from Department records that indicates a vehicle or vessel has a Department of Justice (DOJ) "stop", Requester shall immediately notify local law enforcement of its location, if known.

### **C. GENERAL SECURITY REQUIREMENTS**

1. Requester shall maintain the security and integrity of the information it receives. A violation of any provision(s) of the Agreement, whether by omission or commission, may result in suspension or termination of service to Requester.
2. Requester shall ensure compliance with all the security provisions of this Agreement. If misuse or inappropriate access is suspected or confirmed, Requester shall notify the Department's Information Services Branch, Policy and Information Privacy Section, by telephone, at (916) 657-5583 within one (1) business day. A written notification containing all facts therein shall be prepared by the Requester within three (3) business days and mailed to the Department at the following address:  
Department of Motor Vehicles, Information Services Branch, Policy and Information Privacy Section—H225, P. O. Box 942890, Sacramento, CA 94290-0890
3. In the event of any breach of the security of the Requester's system or database containing the personal information of California residents, the Requester shall bear all responsibility for providing notice of the breach to the affected residents as required by California Civil Code Section 1798.29. The Requester shall bear all costs associated with providing this notice, and shall also be responsible for providing identity theft prevention services to the affected California residents. These protections include, but are not limited to, providing credit monitoring services for each affected resident for a minimum of one year following the breach of the security of the system maintained by the Requester. In addition, the Requester agrees to comply with all federal and California state law, including all of the provisions of the California statutes and Title 13 of the California Code of Regulations.
- 4a. Requester shall require every employee and the system administrator having direct or incidental access to Department records to sign a copy of the Information Security Statement (INF 1128). The INF 1128 is required upon initial authorization for access to Department records and annually thereafter. The Requester's signed statement(s) shall be maintained on file at Requester's work site for at least two years following the deactivation or termination of the authorization and shall be available to the Department upon demand.
- b. Requester shall restrict the use and knowledge of requester codes and operational manuals to employees who have signed an Information Security Statement (INF 1128).
- c. Requester shall maintain a current list of names of persons authorized to access Department records. This list shall be available to the Department upon demand.
5. Access terminals and modems shall not be left unattended while in active session unless secured by a locking device that prevents entry or receipt of information, or are placed in a locked room that is not accessible to unauthorized persons.
6. Video terminals, printers, hardcopy printouts, or any other form of duplication of Department approved records that are located in public access areas shall be placed so that the records shall not be viewed by the public or other unauthorized persons.

7. All information received from the Department's files must be destroyed once its legitimate use has ended. The method of destruction for the Department's records will be conducive to the type of record requested and in a manner that cannot be reproduced or identified in any physical or electronic form.
8. Requester shall not disclose its' Department assigned requester code, either orally or in writing, to anyone who is not in the direct employ of the Requester and has not signed the Information Security Statement (INF 1128) other than a Department approved Service Provider (Vendor or Agent).
9. Requester shall not sell, retain, distribute, provide or transfer any record information or portion of the record information acquired under this Agreement except as authorized by the Department.

#### **D. RESIDENCE ADDRESS ACCESS AUTHORITY**

1. Requester shall protect the confidentiality of any residence address received from Department records pursuant to CVC §1808.47. Requester's employees shall not obtain or use any confidential or restricted records for any purpose other than the reason set forth and authorized by the Department.
2. Requester may release residence or mailing address information to an individual, other than an employee, who is acting on behalf of the Requester provided an agreement acknowledging the confidentiality of residence address information pursuant to CVC §1808.47 is signed by the individual with whom the Requester has contracted services.

#### **E. AUDIT**

1. Requester's documentation supporting the reason for inquiry, including but not limited to, transaction details, and computer software/programs maintained for the purposes defined in this Agreement, shall be subject to inspection, review, or audit by the Department or its designee for a period of two years from the date of the request.
2. Requester agrees to accommodate Department's request for an inspection, review or audit immediately upon request from the department or the department's representative and to allow on-site audits during regular business hours.

#### **F. SIGNATURE REQUIREMENTS**

*I hereby acknowledge that I am an authorized representative of the agency named in Part I, Section B and have been designated as the person responsible for compliance with the statutes and regulations pertaining to access and use of Department record information. I have read and agree to the provisions contained herein and shall be responsible for the orientation, training, and supervision of persons authorized to access Department record information.*

*I understand that false or misleading answers are cause for denial of an Agreement and/or termination of any access agreement granted. I understand that if this application for requester account is approved, I will be required to conform to the statements presented within. This Agreement specifies the terms and conditions of our relationship. Any deviations will be considered by DMV as misuse and may result in both revocation of the account and refusal of subsequent applications. I understand that according to provisions of the California Vehicle Code Section 1808.45, the willful, unauthorized disclosure of information from any department record for a purpose other than the one stated in the request, or the use of any false report to obtain information from any department record, or the sale or other distribution of the information to a person or organization not disclosed in the request is a misdemeanor, punishable by a fine not exceeding \$5,000 or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment.*

*I understand that according to provisions of the California Vehicle Code Section 1808.46, any person holding a requester code who directly or indirectly obtains information from the Department of Motor Vehicles using false representations or distributes restricted or confidential information to any person or uses the information for a reason not authorized or specified in this application is liable to the Department of Motor Vehicles for civil penalties up to \$100,000 and shall have their requester code privileges suspended for a period up to five (5) years or revoked.*

***I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.***

PRINT NAME AND TITLE OF GOVERNMENT OFFICIAL OR AUTHORIZED REPRESENTATIVE				DAYTIME TELEPHONE NUMBER
Bruce Stottlemeyer, Yuba County Assessor, Marysville, Yuba CA				( 530 ) 749-7820
SIGNATURE OF GOVERNMENT OFFICIAL OR AUTHORIZED REPRESENTATIVE	CITY	COUNTY	STATE	DATE
X				09/28/2011

#### **APPROVED BY DEPARTMENT OF MOTOR VEHICLES REPRESENTATIVE:**

PRINT NAME AND TITLE	DATE

SIGNATURE

X

#### **WHERE TO MAIL YOUR APPLICATION AND SUPPORTING DOCUMENTS**

##### **ALL AGENCIES (Except Parking/Toll Agencies) mail to:**

Department of Motor Vehicles  
Account Processing Unit – MS H221  
PO Box 944231  
Sacramento, CA 94244-2310  
(916) 657-5564

##### **PARKING AND TOLL AGENCIES ONLY, mail to:**

Department of Motor Vehicles  
Justice & Government Liaison Branch  
Attn: Parking Coordinator – MS H171  
PO Box 932345  
Sacramento, CA 94232-3450  
(916) 657-7732



INFORMATION SERVICES BRANCH  
**INFORMATION SECURITY STATEMENT**

**To be completed by any individual having access to DMV record information. Annual re-certification is required. (See reverse)**

By signing this form, the undersigned represents that he/she has read and understands the same, agrees to its contents and realizes the penalties for non-compliance to its terms.

The California Department of Motor Vehicles (CA DMV) collects information from the public to administer the various programs for which it has responsibility. CA DMV is committed to protect this information from unauthorized access, use, or disclosure. The following have been adopted to address commercial and governmental users responsibilities for handling and protecting information obtained from the CA DMV. I understand the following are my responsibilities:

1. I may access information only when necessary to accomplish the responsibilities of my employment. I may not access or use information from the CA DMV for personal reasons. (Examples of inappropriate access or misuse of CA DMV information include, but are not limited to: making personal inquiries or processing transactions on my own records or those of my friends or relatives; accessing information about another person, including locating their residence address, for any reason that is not related to my job responsibilities.)
2. I may disclose CA DMV information only to individuals who have been authorized to receive it through the appropriate procedures as regulated by CA DMV. Requesters of information must complete the appropriate forms, submit them to CA DMV as specified, and pay all applicable fees. In the case of confidential or personal information, a proper accounting of all disclosures must be made and the subject must be notified in accordance with statute and CA DMV directives. (Examples of unauthorized disclosures include, but are not limited to: telling someone the address of another person when it is not an authorized disclosure or part of my job responsibilities.)
3. To keep the requester code and/or password confidential, I must take reasonable precautions to maintain the secrecy of any requester code and/or my password. Reasonable precautions include, but are not limited to, not telling or allowing others to view my password or requester code; securing my terminal with a locking device if one has been provided; storing user documentation to sensitive programs in a secure place; to destroy CA DMV information in a manner that it cannot be reproduced or identified in any physical or electronic form; and reporting any suspicious circumstances or unauthorized individuals I have observed in the work area to my supervisor, if applicable.
4. To promptly notify your manager or supervisor of any indication of misuse or unauthorized disclosure of information obtained from CA DMV.

Federal law states:

*"Any person who knowingly obtains, discloses, or uses personal information from a motor vehicle record for a purpose not permitted under the Driver's Privacy Protection Act (Title 18 of the United States Code, Section 2721 – 2725), shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.*

*I certify under penalty of perjury, under the laws of the State of California, that I have read and understand the security policies stated above. I understand that failure to comply with these policies and regulations may result in disciplinary action in accordance with state and federal laws and regulations, and/or civil or criminal prosecution in accordance with applicable statutes. I further understand that I may undergo disciplinary action from my employer up to and including termination from employment.*

EXECUTED AT	CITY	COUNTY	STATE	ZIP CODE
Yuba County Assessor Office	Marysville	Yuba	CA	95901
SIGNATURE				DATE
<b>X</b>				
PRINTED NAME OF SIGNATORY				

GOVERNMENT OR COMMERCIAL ENTITY REPRESENTATIVE

NAME OF GOVERNMENT OR COMMERCIAL ENTITY

This form must be completed upon presentation and re-certified annually and **RETAINED AT THE WORKSITE** of the Requester Account Holder with a current list of those authorized direct or incidental record access for the life of the account and for two years following the deactivation or termination of the account. This completed form and list must be made available upon request to DMV audit staff.

I have read and understand the security policies stated within the Information Security Statement. I understand that failure to comply with these policies may result in disciplinary action in accordance with Section 19572 of the government Code, federal laws and regulations, and/or civil or criminal prosecution in accordance with applicable statutes.

INF 1128 (REV. 9/2006) WWW

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

**RESOLUTION AUTHORIZING THE  
ASSESSOR TO EXECUTE AN  
APPLICATION FOR VESSEL  
REGISTRATION INFORMATION  
FROM THE CALIFORNIA  
DEPARTMENT OF MOTOR  
VEHICLES**

**) RESOLUTION \_\_\_\_\_**

**WHEREAS**, the county assessor is required to produce the annual assessment roll pursuant to California Revenue and Taxation Code Section 601; and

**WHEREAS**, pursuant to California Revenue and Taxation Code Section 602 the assessment roll must contain certain information as therein described ; and

**WHEREAS**, pursuant to California Vehicle Code Section 9869 the California Department of Motor Vehicles is required to provide to the county assessor certain information relating to the registration of assessable vessels located in Yuba County; and

**WHEREAS**, the California Department of Motor Vehicles has a Government Requester Account which provides internet transmission of much of the vessel data required of the assessor to complete the assessment roll; and

**WHEREAS**, it is in the best interest of the county to have access to vessel registration information in a timely and complete fashion.

**NOW, THEREFORE, BE IT RESOLVED**, that the Yuba County Board of Supervisors hereby authorize the assessor to execute a Government Requester Account Application with the California Department of Motor Vehicles wherein the California Department of Motor Vehicles will provide vessel registration information to the assessor via the internet

///

///

///

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:

AYES:

NOES:

ABSENT:

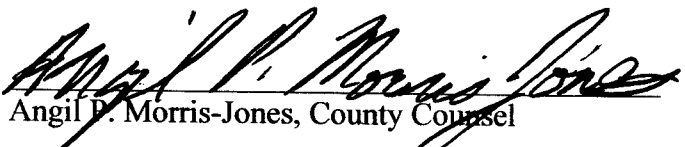
ABSTAIN:

\_\_\_\_\_  
Roger Abe, Chairman of the Board

ATTEST:     DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_

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

  
\_\_\_\_\_  
Angil P. Morris-Jones, County Counsel



# THE COUNTY OF YUBA

## OFFICE OF THE COUNTY ASSESSOR

**Bruce Stottlemeyer**  
Assessor

**Kimberly Heisch**  
Assistant Assessor

**TO:** Board of Supervisors

**FROM:** Bruce Stottlemeyer, County Assessor *BS*

**SUBJECT:** Consider Resolution exempting from property taxation all real property having a base year value, and all personal property with full cash value, of \$5,000 or less.

**DATE:** December 6, 2011

### *Recommendation*

Adopt the attached Resolution which will exempt from taxation property having a value so low, that if not exempt, the total taxes, special assessments, and applicable subventions on the property would amount to less than the cost of assessing and collecting them.

### *Background*

Yuba County adopted Resolution 1998-149 on December 15, 1998, which set the County's low value exemption at \$1,000.

### *Discussion*

California Revenue and Taxation Code Section 155.20; "Exemption of property having low value", authorizes the County Board of Supervisors to exempt from taxation property having a value so low that if not exempt, the cost of assessing and collecting the taxes would cost more than what could be collected. Yuba County Board of Supervisors Resolution 1998-149 set the low value limit at \$1,000. The low value threshold of \$1,000 has been unchanged for the past 13 years. Since that time, costs associated with labor, technology, overhead, printing, postage, etc., have increased substantially.

In recognition of the inefficiencies associated with the assessment and collection of low value properties, consideration to increasing the low value threshold to \$5,000 is warranted. We estimate that the increase in the number of assessments that would be exempt under the new threshold would approximate 2,050 assessments having a current assessed value of \$4,827,495.

It is important to note that many of these low value properties require annual review and adjustment. We experience significant challenges tracking ownership and address changes,

particularly those associated with the assessment of low value watercraft. Many low value small business property owners fail to file the annual Business Property Statements which then require the assessor to produce special mailings and implement procedures to attain needed information.

Because of the unique problems associated with the assessment of low value properties, the costs associated therewith can often times be more than the cost associated with the assessment of higher valued properties.

By establishing a low value threshold of \$5,000, the County Assessor can better utilize financial resources in other programs to maximize the assessment roll, and in turn, provide a better return on county dollars invested.

Pursuant to Section 155.20, any Resolution to exempt such property must be adopted prior to January 1, of the fiscal year for which the exemption is to apply.

#### *Committee Review*

This item was reviewed and approved by the Finance and Administration Committee on November 15, 3011

#### *Fiscal Impact:*

We estimate a revenue impact to the General Fund of approximately (\$9,655). We anticipate that the department will achieve other efficiencies that will offset revenue impacts.

Attachment: Resolution

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

**RESOLUTION EXEMPTING FROM )  
TAX CERTAIN PROPERTY WITH AN )  
ASSESSED VALUE FOR WHICH )  
PROPERTY TAXES WOULD AMOUNT )  
TO LESS THAN THE COST OF )  
ASSESSING AND COLLECTING THE TAX )**

---

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

**WHEREAS**, Section 155.20 of the California Revenue and Taxation Code authorizes county boards of supervisors to exempt from taxation real and personal property having a value not exceeding \$10,000 if the board determines that the total taxes, special assessments, and applicable subventions on the property would amount to less than the cost of assessing and collecting said items; and,

**WHEREAS**, in order to be effective the exemption provided by section 155.20 must be adopted on or before the lien date for the fiscal year to which the exemption is to apply; and may, at the option of the Board, continue in effect for succeeding fiscal years; and

**WHEREAS**, the Yuba County Board of Supervisors has determined that the costs of assessing and collecting property taxes on real property having a base year value of \$5,000 and personal property having a full value of \$5,000 would exceed the amount of total taxes, special assessments, and applicable subventions on said property in the 2011-2012 fiscal year and subsequent fiscal years; and

**WHEREAS**, the Yuba County Assessor has provided information to this Board of Supervisors in support of said official's recommendation that property having a value not exceeding \$5,000 be exempted;

**NOW, THEREFORE, BE IT RESOLVED**, that the Yuba County Board of Supervisors hereby resolves, finds, and determines as follows:

1. All real property in the County of Yuba on the lien date in 2012 having a base year value of \$5,000 or less, as adjusted by an annual inflation factor pursuant to subdivision (f) of Section 110.1, is hereby exempt from taxation in the 2012-2013

fiscal year; and all real property in the County of Yuba which has a base year value of \$5,000 or less as adjusted by an annual inflation factor pursuant to subdivision (f) of Section 110.1, on the lien date for any subsequent fiscal year shall be exempt from taxation in such fiscal year.

2. All personal property in the County of Yuba on the lien date 2012 having a full cash value of \$5,000 or less is hereby exempt from taxation in the 2012-2013 fiscal year; and all personal property in the County of Yuba which has a full cash value of \$5,000 or less on the lien date for any subsequent fiscal year shall be exempt from taxation in such fiscal year.
3. The exemptions provided for in this resolution are based upon a determination by this Board of Supervisors that the total taxes, special assessments, and applicable subventions on such exempted property in each fiscal year to which the exemption is to apply would amount to less than the cost of assessing and collecting said items for said fiscal year.
4. The exemptions provided for herein do not apply to those real or personal properties enumerated in section 52 of the California Revenue and Taxation Code. Neither do such exemptions apply to new construction unless the new total base year value of the property, including the new construction, is \$5,000 or less.
5. The exemptions provided for by this resolution shall continue in effect until they are revised or rescinded by this board on or before the lien date for the fiscal year to which the revision or recession is to apply.
6. The assessor is hereby authorized to exempt or not enroll any property having a base year value or full value, as adjusted by an annual inflation factor pursuant to subdivision (f) of Section 110.1, of \$5,000 or less.

///

///

///

///

///

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairman

ATTEST:     DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_

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

\_\_\_\_\_

**THIS PAGE INTENTIONALLY LEFT BLANK**



## Administrative Services Memorandum

**To:** Board of Supervisors  
**CC:** Robert Bendoff, County Administrator  
**From:** Doug McCoy, Director, Administrative Services  
**Date:** December 6, 2011  
**Re:** IFB for Demolition of South Annex facility

### Recommendation

Recommend the release of the Invitation for Bid for the demolition of the County's South Annex facility.

### Background

The former County Building at 938 14<sup>th</sup> Street in Marysville was originally constructed partially of former barracks from a local base, and it served as the County Hospital for many years. After that it served as the County Government Center for a long time. And subsequent to that it housed several non-profit organizations, the Yuba County Senior Center, and local businesses. It has been vacant now for over a year.

The building is in a decaying condition and aesthetically unsightly. It is not reparable and needs to be torn down.

### Discussion

The South Annex facility has completed its useful life. It has most recently been used for multi-jurisdictional fire training, and is now in a condition where it must be demolished and hauled away. The County proposes to release an Invitation for Bid to obtain best pricing for the removal of this facility. The proposal is for demolition of the facility, soil filled in as necessary, and the lot scraped clean and sloped for drainage. We anticipate not affecting the trees or the access road at this time.

There are no immediate plans for the vacant property. It is our intention to leave the property vacant until a future County need is identified.

### Committee Action

The Public Facilities Committee has recommended this document be brought to the Board for approval.

*October 25, 2011*

**Fiscal Impact**

There is no fiscal impact at this time to release the solicitation. When the bids are received, and the vendor is selected, Administrative Services will return to the Board for contract approval and allocation of funding.

**COUNTY OF YUBA  
INVITATION TO BID**

**Yuba County South Annex Facility  
*Building Demolition Services***



**PROPOSAL DUE DATE:**

***TBD***

***By 2:00pm P.S.T***

# NOTICE TO BIDDERS

## PROJECT: BUILDING DEMOLITION SERVICES YUBA COUNTY SOUTH ANNEX FACILITY

Bids shall be received at the:

**Yuba County Government Center  
Office of the County Clerk  
915 8<sup>th</sup> Street  
Marysville, California 95901**

Bids are due: **TBD** no later than 2:00pm PST

Bids will be publicly opened by Administrative Services in the **Wheatland Conference Room** at 2:10pm PST and read aloud. The Qualifications and Proposal forms, etc. should be submitted in a sealed envelope separate from the Price Proposal and separate from the Bid Bond. There should be 3 sealed envelopes and each shall be clearly marked with the project name.

**General Work Description:** The work to be performed under this Contract entails building demolition and site clearing and grading of the County's South Annex Building located at 938 14<sup>th</sup> Street, Marysville, CA. The project consists of demolition of a one-story 37,679 square foot wood frame building, site improvements, and clearing/grubbing, grading of the project site to a rough grade condition. Work also includes, building foundation removal, asphalt removal, debris removal, capping of all utilities and sanitary sewer lines, general grading leaving completely cleared pad free of all demolition debris. No work shall be performed within the public street right of way unless otherwise indicated. The entire parcel shall be scarified and graded to be contiguous with other cleared lot areas such that the entire lot drains to the street.

Plans, specifications, and proposal forms for bidding this project can be obtained free of charge, online at <http://www.co.yuba.ca.us/departments/admin%20services/purchasing%20solicitaions.aspx>.

**Bid Walk:** A mandatory pre-bid walk will be scheduled for this project on **TBD**, 2011 at 10 am at 938 14<sup>th</sup> Street, Marysville, CA. Failure to attend the mandatory bid walk will result in an invalid bid proposal.

**Bid Bond:** Each bid shall be accompanied by a certified cashier's check, or bid bond, in the amount of 10 percent of the total bid price, payable to Yuba County Department of Administrative Services, as a guarantee that the bidder, if its bid is accepted, will promptly execute the Agreement. The bidder shall guarantee the total bid price for a period of 60 days from the date of the bid opening.

**License Requirements:** In accordance with the provisions of California Public Contract Code Section 3300, the County has determined that the contractor shall possess a valid California contractor's license in good standing and in the classification of C-21 at the time that the Contract is awarded. Failure to possess the specified license shall render the bid as non-responsive and shall act as a bar to award of the Contract to any bidder not possessing said license(s) at the time of award.

**Inquiries/Questions:** Inquiries or questions must be communicated as a bidder inquiry prior to **TBD**. Inquiries may be submitted in writing to the Department of Administrative Services Purchasing Division, 915 8<sup>th</sup> Street, Suite 119, Marysville, CA 95901 or emailed to [aarmstrong@co.yuba.ca.us](mailto:aarmstrong@co.yuba.ca.us).

**Insurance/Bid Bond/Performance Bond:** As a condition of award, the successful bidder will be required to provide a payment bond, a performance bond, and insurance certificates prior to the execution of the agreement by the County.

**Prevailing Wage:** Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in the county, or counties, in which the work is to be done have been determined by the Director of the California Department of Industrial Relations. These wages are available from the California Department of Industrial Relations' Internet web site at <http://www.dir.ca.gov>. The contractor and any of its subcontractors shall pay not less than said specified wage rates to all workers employed by them in the execution of the Work. The attached Prevailing Wage Acknowledgement (Exhibit B) must be completed and included in the bid.

**Personnel/Subcontractors:** Each bid shall include a list of all personnel that will be directly providing the services, including their experience, licenses and certificates. The attached List of Subcontractors (Exhibit C) must be completed and included in the bid.

**References:** Each bid shall contain a minimum of three (3) references (name, title, address and phone number) of whom the County may contact to verify services rendered or currently being provided. Public Agency referrals are preferable. The attached Contractor's References (Exhibit D) must be completed and included in the bid.

**Bid Schedule:** The Bid Fee Schedule (Exhibit E) must be completed and included in the bid

**Bidder's Statement:** The attached Bidder's Statement Form (Exhibit F) must be completed and included in the bid.

**General Provisions:**

The County reserves the right after opening the bids to reject any or all bids, to waive any informality in a bid or bid submittal, and to award to the lowest responsive, responsible bidder, as it may best serve the interests of the County.

Bids are required for the entire work described herein.

**Standard Provisions**

- (a) Contractor shall designate one person or representative of the Contractor who is authorized to act on its behalf with respect to this specified work.
- (b) All work schedules of the Contractor shall conform to all applicable County ordinances and be designed in a manner to provide the desired level of service. All work schedules shall be approved in advance by the Project Manager who may modify them at any time. No additional costs shall be incurred by the County for any work schedule modifications which do not increase frequencies.
- (c) The Contractor shall provide sufficient personnel to perform all work in accordance with the specifications. The work crew shall include at least one individual who speaks the English language proficiently.
- (d) All contract employees are to adhere to basic public works standards for working attire including: proper shoes and other equipment required by State Safety Regulations.
- (e) The Contractor must demonstrate they have the technical expertise, experience, facilities, capabilities, and financial resources necessary to perform the work in a satisfactory manner.
- (f) Prior to final award a credit check and financial evaluation of the business will be conducted.
- (g) All work performed shall be in compliance with appropriate OSHA standards, as well as all Federal, State, County, and local ordinances and regulations. Contractor must obtain all licenses and permits required and Contractor shall bear the cost for meeting this standard for all employees.

- (h) All work performed and completed under resulting agreement is subject to the acceptance of the County or its authorized representative.
- (i) Contractor should be able to provide proof that they have had a continuous C-21 license for a minimum of five years, without delinquencies.
- (j) Contractor should be able to provide proof of continuous General Liability, Auto and Workers Compensation Insurance coverage for the last five years.
- (k) Contractors shall furnish to the County, *upon award of contract*, certificate of insurance naming the County as an additional insured and issue and additional insured endorsement in amounts requested by County and maintain such insurance during term of contract.
- (l) No responsibility will attach to a County employee for the premature opening of a proposal not properly addressed and identified. Proposals will be publicly opened and read.
- (m) Contractor is responsible for any costs incurred or associated with the creation and submission of their proposal.

By submitting a bid, the Contractor acknowledges that he/she has investigated and satisfied himself/herself as to a) the conditions affecting the work, including but not limited to physical conditions of the site which may bear upon site access, handling and storage of tools and materials, access to water, electric, or other utilities or otherwise; and b) the character and quantity of all surface and subsurface materials or obstacles to be encountered in so far as this information is reasonably ascertainable from an inspection of the site, including exploratory work done by the County or a designated consultant, as well as information presented in drawings and specifications included with this contract. Any failure by the Contractor to acquaint himself with available information will not relieve him from the responsibility for estimating properly the difficulty or cost of successfully performing the work. The County is not responsible for any conclusions or interpretations made by the Contractor on the basis of the information made available by the County.

## **BID CHECKLIST**

**THIS FORM MUST BE COMPLETED AND INCLUDED IN THE BID.**

**BIDS THAT DO NOT CONTAIN THE DOCUMENTS LISTED BELOW WILL BE CONSIDERED  
NON-RESPONSIVE**

- ☐ Bid Checklist
- ☐ Statement of Qualifications
- ☐ Bid Bond or Certified Cashier's Check
- ☐ Evidence of required licenses and certificates
- ☐ Evidence of insurance
- ☐ Signed Prevailing Wage Acknowledgement (Exhibit A)
- ☐ Signed List of Sub-Contractors (Exhibit B)
- ☐ Signed List of References (Exhibit C)
- ☐ Signed Bid Schedule (Exhibit D)
- ☐ Signed Bidders Statement and Addenda Acknowledgement (Exhibit E)
- ☐ Salvaged Materials List (Exhibit F)

**EXHIBIT A – PREVAILING WAGE ACKNOWLEDGEMENT**

I hereby assert that the proposal my firm submitted for the above-referenced services was prepared with the knowledge that the work is subject to the provisions of the California Labor Code. Should we be awarded the contract for this work, not less than the general prevailing rate of per diem wages for each craft or type of worker and mechanic needed to execute the contract in the County of Yuba, and not less than the general prevailing rate of per diem wages for holiday and overtime work as determined by the Director of Industrial Relations of the State of California, shall be paid to all workers employed.

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

Printed Name: \_\_\_\_\_

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

Firm: \_\_\_\_\_

State Contractor's License No. and Class: \_\_\_\_\_

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

**EXHIBIT B – PREVAILING WAGE ACKNOWLEDGEMENT**

I hereby assert that the proposal my firm submitted for the above-referenced services was prepared with the knowledge that the work is subject to the provisions of the California Labor Code. Should we be awarded the contract for this work, not less than the general prevailing rate of per diem wages for each craft or type of worker and mechanic needed to execute the contract in the County of Yuba, and not less than the general prevailing rate of per diem wages for holiday and overtime work as determined by the Director of Industrial Relations of the State of California, shall be paid to all workers employed.

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

Printed Name: \_\_\_\_\_

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

Firm: \_\_\_\_\_

State Contractor's License No. and Class: \_\_\_\_\_

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

**THIS FORM TO BE COMPLETED BY THE CONTRACTOR AND INCLUDED IN THE BID.**

### **EXHIBIT B – LIST OF SUBCONTRACTORS**

**Mark one of the boxes below:**

☐ BIDDER does not propose to subcontract the work.

☐ BIDDER proposes to subcontract certain portions of the work to the individuals / firms listed below:

NAME:	TYPE OF WORK:
ADDRESS:	
	LICENSE #:
PHONE:	

NAME:	TYPE OF WORK:
ADDRESS:	
	LICENSE #:
PHONE:	

NAME:	TYPE OF WORK:
ADDRESS:	
	LICENSE #:
PHONE:	

NAME:	TYPE OF WORK:
ADDRESS:	
	LICENSE #:
PHONE:	

NAME:	TYPE OF WORK:
ADDRESS:	
	LICENSE #:
PHONE:	

NAME:	TYPE OF WORK:
ADDRESS:	
	LICENSE #:
PHONE:	

Name of Individual / Firm Submitting Bid: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

**THIS FORM MUST BE COMPLETED BY THE CONTRACTOR AND INCLUDED IN THE BID.**

### **EXHIBIT C - LIST OF REFERENCES**

The following are the names, addresses, and telephone numbers of three (3) references for which BIDDER has performed similar work within the past three years. Public Agencies are preferred.

1. \_\_\_\_\_

Name and Address of Owner

\_\_\_\_\_  
Name and Telephone Number of Person Familiar with Project

\_\_\_\_\_  
Contract Amount

\_\_\_\_\_  
Type of Work

\_\_\_\_\_  
Date Completed

2. \_\_\_\_\_

Name and Address of Owner

\_\_\_\_\_  
Name and Telephone Number of Person Familiar with Project

\_\_\_\_\_  
Contract Amount

\_\_\_\_\_  
Type of Work

\_\_\_\_\_  
Date Completed

3. \_\_\_\_\_

Name and Address of Owner

\_\_\_\_\_  
Name and Telephone Number of Person Familiar with Project

\_\_\_\_\_  
Contract Amount

\_\_\_\_\_  
Type of Work

\_\_\_\_\_  
Date Completed

The following are the names, addresses, and telephone numbers of all brokers and sureties from whom BIDDER intends to procure insurance and bonds.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS FORM TO BE COMPLETED BY CONTRACTOR AND INCLUDED IN THE BID.**

**EXHIBIT D – BID SCHEDULE**

**BID SCHEDULE**

ITEM NO.	DESCRIPTION	UNIT OF MEASURE	PRICE
1	Traffic Control and Safety	LUMP SUM	
2	Clearing, Grubbing and Removals	LUMP SUM	
3	Demolition and Removal	LUMP SUM	
4	Grading, Compaction and Dust Control	LUMP SUM	
5	Environmental Abatement	LUMP SUM	

**CONTRACTOR AUTHORIZED PERSON MUST SIGN AND DATE THE BID SCHEDULE AND INCLUDE IT IN THEIR BID.**

\_\_\_\_\_  
Contractors Name (Print)

\_\_\_\_\_  
Contractor's Signature

\_\_\_\_\_  
Date

### **EXHIBIT E - BIDDERS STATEMENT**

By signing below, I certify that I have read, understand and agree to all requirements of this invitation for bid, all addenda issued and the contractual requirements as statement within the project documents. I have thoroughly examined the property, Notice to Bidders, project specifications and addenda and I propose to complete the work for:

TOTAL BID AMOUNT:     \$ \_\_\_\_\_

By submitting a bid, the bidder acknowledges that he/she has investigated and satisfied himself/herself as to a) the conditions affecting the work, including but not limited to physical conditions of the site which may bear upon site access, handling and storage of tools and materials, access to water, electric, or other utilities or otherwise; and b) the character and quantity of all surface and subsurface materials or obstacles to be encountered in so far as this information is reasonably ascertainable from an inspection of the site, including exploratory work done by the County or a designated consultant, as well as information presented in drawings and specifications included with this contract. Any failure by the bidder to acquaint himself with available information will not relieve him from the responsibility for estimating properly the difficulty or cost of successfully performing the work. The County is not responsible for any conclusions or interpretations made by the bidder on the basis of the information made available by the County.

\_\_\_\_\_  
COMPLETE LEGAL NAME OF COMPANY

\_\_\_\_\_  
BUSINESS ADDRESS

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
PRINTED NAME OF AUTHORIZED AGENT (TITLE)

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED AGENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
FEDERAL IDENTIFICATION NUMBER

\_\_\_\_\_  
DUNS NUMBER

\_\_\_\_\_  
CONTRACTORS LICENSE NUMBER AND CLASSIFICATION

**THIS FORM TO BE COMPLETED BY CONTRACTOR AND INCLUDED IN THE BID.**

**EXHIBIT F – SALVAGED MATERIALS LIST**

Identify all salvaged, reusable, recycled materials for this project below. Attach additional pages as needed:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

**THIS FORM TO BE COMPLETED BY CONTRACTOR AND INCLUDED IN THE BID.**

## DEMOLITION TECHNICAL SPECIFICATIONS

### A. LOCATION MAP

A Location Map depicting the property is included on page Demolition Technical Specifications Page 6.

### B. GENERAL NATURE OF THE WORK

The work to be performed under this Contract entails building demolition and site clearing of 938 14th St. The project consists of demolition of a one-story 37,679 square-foot wood frame building, site improvements, and clearing of the project site to a rough grade condition. Work also includes, building foundation removal, debris removal, capping of all utilities and sanitary sewer lines, general grading leaving completely cleared pad free of all demolition debris. No work shall be performed within the public street right of way unless otherwise indicated. The whole parcel shall be scarified and graded to be contiguous with other cleared lot areas such that the entire lot drains to the street.

#### B.1 General Information

- B.1.1 The Contractor shall complete the demolition and removal of all buildings, concrete slabs, footings and miscellaneous asphalt and concrete on the property, with the exception of the ring roadbed, as directed by the County in writing. The building material to be demolished and removed is of various types.
- B.1.2 The Contractor shall inspect the job site and determine the work required to demolish and remove the specified building and other miscellaneous job site removals. The Contractor shall include in his/her Proposal any work not specifically mentioned, but logically requiring demolition and removal to completely clear the site.
- B.1.3 The most recent edition of any relevant regulation, standard, document or code shall be in effect. Where conflict among the requirements or with these specifications exists, the most stringent requirements shall be utilized.

#### B.2 Material Disposition

- B.2.1 The buildings and appurtenant improvements and all materials resulting from their demolition or removal shall become the property of the Contractor and shall be removed from the premises and disposed of at the Marysville Transfer Station. The Contractor shall not dispose of the improvements or materials therefrom by sale, gift, or in any manner whatsoever to the general public at the site; however, this provision shall not be construed as limiting or prohibiting the sale or disposal of such improvements or materials at the site to duly licensed contractors or materials men, provided that the materials are removed by the Contractor. The County encourages salvage, reuse, and recycling of materials during the demolition/deconstruction process in an effort to conserve natural resources, reduce the amount of materials to be landfilled, and reduce waste and disposal fees. The Contractor is required to identify all salvaged, reusable, recycled materials as indicated on the Proposal Form. Any landfill fees shall be included in the appropriate bid items.

### B.3 Burning of Materials

- B.3.1 At no time shall the burning of combustible materials on the site be permitted.
- B.3.2 The Inspector reserves the right to search for buried debris after completion of the demolition operations. If debris is uncovered, the Contractor shall remove all uncovered material and pay to the County the cost of the exploratory work.

### B.4 Site Maintenance

The Contractor shall provide dust control and site cleanup measures in accordance with Section 7-8.1 of the Standard Specifications.

## C. ORDER OF WORK

The following schedule will be the order of work:

1. Building demolition
2. Site clearing and clean up

## D. ITEMS OF WORK

### **ITEM 1: TRAFFIC CONTROL AND SAFETY**

This item shall be accomplished in accordance with the provisions set forth in Section 7-10, "Public Convenience and Safety", of the Standard Specifications, except as modified and supplemented below:

#### 1a. Security of Job Site

The Contractor shall appoint a representative to periodically monitor the job site 24 hours a day except during periods when the Contractor has other personnel on the site. This requirement covers weekends and holidays and shall extend until the structures have been removed to help ensure that unauthorized individuals are kept from the site and that the safety of the public, both motoring and pedestrian, is maintained. The Contractor shall furnish, to the Inspector prior to start of any work, the name and telephone number of the person appointed by the Contractor to be contacted after hours and during weekends or holidays in the event immediate attention to the work site is necessary.

- 1b. As the first order of work, the Contractor shall install temporary 6' security fencing that will adequately prevent access to the jobsite by unauthorized personnel.

#### 1c. Parking Restriction

Parking within the demolition area may be restricted during demolition operation. Temporary "No Parking" signs shall be provided and posted by the Contractor 48 hours in advance of demolition. These signs shall read "Temporary No Parking Tow-Away CVC 22654 (d)". In addition, the "No Parking" signs shall clearly state the date and hours during which the restriction is effective. Permission and requirements shall be obtained from the Inspector for any "No Parking" signs to be posted on existing trees, utility poles and traffic signs.

#### 1d. Notification to Businesses and Residences

The contractor shall coordinate with the County to notify the affected adjacent businesses; primarily Juvenile Hall and the Yuba County Office of Education located across 14th Street; and to minimize the impact to their parking and the access to their businesses.

1e. Signs and Barricades

The Contractor shall provide sufficient signing and barricades to protect the public, both motoring and pedestrian, and construction personnel. All barricading and construction signing shall be in conformance with the appropriate practices as published by Building News, Incorporated; 3055 Overland Avenue, Los Angeles, California, 90034. Sole determination as to the adequacy of construction signing and barricading shall be made by the Inspector or his/her designated representative. Supplemental signing and barricading required in the opinion of the Inspector to protect the public shall be immediately erected by the Contractor at no additional cost.

1f. Street Closures/Full or Partial

The Contractor shall apply for a traffic control permit from the City of Marysville for any type of street closure, full or partial (Note: This does not apply to the ring road). At the time of application for the traffic control permit, the Contractor shall submit a detailed Traffic Control Plan for approval by the Project Manager. The plan shall indicate the location and type of signs and barricades to be utilized. The adequacy of the signing shall be determined by the County Project Manager.

The Contractor shall notify the Inspector 48 hours prior to any change in the approved Traffic Control Plan. In case of a full closure, the Contractor shall provide barricades and reflectorized "Road Closed to Through Traffic" signs at the intersections immediately in advance of all such closures at all such closures, at entrances to the closures, and at all detour route signing. Detour signs shall be posted on wood or metal posts. Signs shall not be posted on any tree, utility pole or traffic signs.

1g. Drive Approaches and Pedestrian Access

Access to all driveways in the area of the construction shall be open and accessible during nonworking hours. The Contractor shall keep open all driveways except for short periods of time as outlined in Section 7-10, "Public Convenience and Safety", of the Standard Specifications. Where any drive approach must be closed, the Contractor shall hand deliver a notice 24 hours prior to the work. Adequate provisions for pedestrian access shall be provided for at all locations and shall be shown on all Traffic Control Plans.

Payment for this item shall be a Lump Sum bid price and considered as full compensation for complying with all requirements as specified herein and no additional compensation will be allowed.

**ITEM 2: CLEARING, GRUBBING AND REMOVALS**

The provisions of Section 300-1, "Clearing and Grubbing", of the Standard Specifications shall apply except as modified and supplemented below.

2a. The work to be performed under this item consists of all removals, clearing and grubbing within the area indicated on plans. The building and limits of clearing are shown on the Site Demolition Plan.

2b. This item shall include, but is not limited to, the following:

- i. Removal of the asphalt concrete paved areas;
- ii. Removal of utility lines from the public right-of-way to the structure;
- iii. Capping of utility lines at the public right-of-way;
- iv. Removal of planters and landscaped areas [while leaving existing trees intact];
- v. The public sidewalk shall be protected in place and any damage to existing sidewalk shall be repaired by the Contractor at no additional cost to the County.

- 2c. All affected utility companies are to be contacted 48 hours prior to any construction that affects their facilities. Coordination with the several utility companies shall be considered as included in the lump sum bid and no additional compensation will be allowed therefore.
- 2d. Payment for this item, at the Lump Sum bid, shall be considered as full compensation for doing all the work as specified herein and no additional compensation will be allowed therefore.

### **ITEM 3: DEMOLITION AND REMOVAL**

This item consists of the demolition and removal of the designated structures within the project boundaries as shown on the plans. These items shall include, but not be limited to, the following:

- 3a. Demolition and removal of existing structures as shown on the attached Site Demolition Plans;
- 3b. Demolition and removal of existing foundations and appurtenant items;
- 3c. Demolition and removal of the building shall be performed in accordance with these specifications and all applicable State and Local codes and OSHA requirements. All portions of footings, room slab, piping and other improvements shall be removed except as otherwise specified in these contract documents or specifically authorized in writing by the County. All adjacent property and improvements shall be fully protected from damage due to the work of this contract. The Contractor is responsible for making all repairs for damage to adjacent improvements at no additional cost to the County.
- 3d. Demolition and sewer cap off permits are required from the Yuba County Building Department. The Contractor will be responsible for paying the permit fees and for obtaining the permits. See Section 5, Utilities of Part 1 of these Special Provisions for specific responsibilities to be followed by the Contractor in the removal and disconnection of utility services prior to demolition.
- 3e. Payment for this item, at the lump sum bids, shall be considered as full compensation for doing all the work as specified herein and no additional compensation will be allowed therefore.

### **ITEM 4: GRADING, COMPACTION, AND DUST CONTROL**

- 4a. This item consists of unclassified excavation and fill required to grade the site to eliminate drainage ponding as determined by the Project Manager. The Contractor is advised that import earth material may be required and that it is their responsibility to estimate the required amount, secure a suitable source, and to transport the required material to the site and place it as compacted fill.
- 4b. Dust shall be controlled during demolition and clean up by periodic watering per County of Yuba and FRAQMD Standards. Following finished grading, the Contractor shall apply a penetrating application of water to thoroughly saturate the soil to retard wind erosion.

- 4c. Any Contractor performing work on this project shall familiarize him/herself with the site and shall be solely responsible for any damage to existing facilities resulting directly or indirectly from his operations.
- 4d. Utility line locations were taken from records and were not located in the field. All slopes, swales and berms are to be finished as a part of rough grade.
- 4e. The graded site shall be left in a smooth, plane condition. All graded areas shall be configured to drain in a sheet flow condition with positive drainage off the site towards the adjacent street. No on-site ponding is permitted. The Contractor will be responsible for furnishing, placing and compacting all imported earth material necessary to bring the demolition site to the required grading plane.
- 4f. Site grading shall meet existing adjacent sidewalk or curb grades. No grade drop off shall be allowed adjacent to sidewalks or curb.
- 4g. No fill shall be placed until preparation of the original ground is approved by the Project Manager.
- 4h. Full compensation for furnishing all labor, materials, tools, and equipment, and imported earth material and doing all the work involved in unclassified fill construction shall be considered as included in the Contract Lump Sum Price bids for Grading and Dust Control; and in addition shall include full compensation for the cost of all soil import, grading, shaping, compacting or consolidating, and any other work that is required under this subsection.

#### **ITEM 5: ENVIRONMENTAL ABATEMENT**

- 5a. Asbestos Abatement – The site has been fully abated for asbestos. A copy of the report is available from the County and will be shared upon award of the contract.
- 5b. Lead Abatement – The site has not been tested for lead paint, although given the age of the facility we suspect there may be lead containing paint in the facility.
- 5c. PCB Abatement – The County believes it has removed all PCB containing fluorescent light fixtures.
- 5d. Upon the completion of environmental abatement work [if necessary] and prior to demolition work, the Contractor shall provide independent clearance to the County that all abatement work has been completed.
- 5e. All work under this contract shall be done in strict accordance with all applicable Federal, State and Local regulations, standards and codes governing asbestos abatement and any other trade work done in conjunction with the abatement.

#### **E. SUBMITTALS AND NOTICES**

The Contractor is reminded to comply with all notification and working requirements imposed by the Feather River Air Quality Management District. Notification forms, instructions can be obtained from the FRAQMD web site at [www.fraqmd.org](http://www.fraqmd.org), as well as other notices as required per Section 7 of the Special Provisions.

## LOCATION MAP



## **SPECIAL PROVISIONS**

**INTRODUCTION:** The format of these Special Provisions follows that of the 2009 Edition of the "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION" which is, by reference, included within the Contract Documents of this project. (See Section 2-5.1.1 herein.) These Special Provisions supplement, modify and take precedence over the Standard Specifications. The Standard Specifications are hereby amended and supplemented as follows:

### **SECTION 1: TERMS, DEFINITIONS, AND ABBREVIATIONS**

#### **TERMS**

<b>Agency/County or State</b>	County of Yuba, a political subdivision of the State of California
<b>Board</b>	Board of Supervisors of the County of Yuba
<b>Inspector</b>	The representative of the County Project Manager who is assigned to inspect conformance of the work in accordance with Plans and Specifications.
<b>Project Manager</b>	Project Manager as defined by the Department of Administrative Services of the County of Yuba
<b>Right-of-Way</b>	Includes County of Yuba Public Rights-of-Way and any Public Easements; whether County of Yuba or City of Marysville
<b>Sewer Lateral</b>	Building(s)/Structural Connection Sewer.
<b>Standard Plans</b>	County of Yuba Standard Drawings for Construction
<b>Surface Course</b>	The top layer of pavement designed to provide structural value and/or a surface resistant to traffic abrasion.
<b>Traveled Way</b>	That portion of the roadway reserved for the movement of vehicles for the general public, exclusive of shoulders and auxiliary lanes. Where traffic has been diverted or restricted to certain lanes, with the approval of the Project Manager, these diversions or restricted lanes become the traveled way.

#### **ABBREVIATIONS**

<b>AC</b>	Asphalt Concrete
<b>PCC</b>	Portland cement concrete
<b>R &amp; R</b>	Remove and Replace
<b>Std. Specs.</b>	Standard Specifications

## **SECTION 2: SCOPE AND CONTROL OF THE WORK**

### **2-1 AWARD AND EXECUTION OF CONTRACT**

**2-1.1 Scope of Project.** The project consists of site clearing, debris removal, building demolition and removal, foundation removal, asphalt and concrete pavement removal, business sign removal and general site grading for the building located at 938 14<sup>th</sup> Street, Marysville, CA 95901.

**2-1.2 Examination of Site of Work, Proposal Forms, Plans and Specifications.** The Bidder is required to carefully examine the site of work, Bid Forms, Plans and Specifications for the work contemplated. The submission of a bid shall be considered conclusive evidence that the Bidder has investigated and is satisfied as to the conditions to be encountered, as to the character, quality and quantities of work to be performed and materials to be furnished, and as to the requirements of all the Contract Documents.

All incidental parts which are neither shown on the Plan nor otherwise specified, and which are necessary to complete the demolition and grading of property as shown on the Plan and as specified herein, shall be furnished and installed as though such parts were shown on the Plans or specified, and no additional compensation will be allowed therefore.

**2-1.3 Addenda.** Any addenda issued electronically and available online during the time of bidding and shall be acknowledged in your bid and will be made a part of the Contract.

**2-1.4 Proposal Guaranty.** Prior to the proposal submission deadline, all Bidders must deliver to the Purchasing Division, a cashier's or certified check made payable to the County of Yuba, or a Bidder's bond executed by a corporate surety admitted to engage in such business in the State of California, for an amount equal to at least ten percent of the amount of said proposal. No proposal shall be considered unless such proposal guaranty is received by the proposal submission deadline. Proposals submitted without a proposal guarantee shall be declared non-responsive and will not be further considered. The Bidder shall have sole responsibility for the timely delivery of its proposal guarantee.

**2-1.5 Withdrawal of Proposals.** Any proposal may be withdrawn prior to the hour and date set forth in the Notice Inviting Bids. The timely withdrawal of a proposal shall not prejudice the right of a Bidder to file a new proposal.

**2-1.6 Disqualification of Bidders.** More than one proposal from an individual, a firm or partnership, a corporation or an association under the same or different name will not be considered. Although, if a bidder wishes to offer a second or alternate bid, it must be marked as such and state the reasons why an alternate is offered.

If there is a reason for believing that collusion exists among the Bidders, none of the participants in such collusion will be considered in awarding the Contract. In order to comply with Public Contract Code Section 7106 the Contractor shall certify to non-collusion when submitting the bid. The proposal provides this affidavit, which must be completed, signed, and notarized.

Proposals in which the prices are obviously unbalanced may be rejected. If the experience or financial background of the Contractor is inadequate or past performance has been unsatisfactory the proposal may be rejected.

**2-1.6.1 Contractor's License.** The work requires the Contractor to have a "C-21" License. **Bidders must be properly licensed to perform the work of the project at the time they submit bid proposals** in accordance with the provisions of Chapter 9 of Division 3 of the Business and Professions Code and the Rules and Procedures of the California State Contractor's License Board and in good standing with the Board. Proof of such license shall be provided as required by Business and Professions Code Section 7031.5. **Failure to be so licensed shall result in rejection of the proposal as non-responsive.**

**2-1.7 Rejection of Proposals.** Proposals may be rejected if they show any alterations of form, additions not called for, conditional or alternative bids uncalled for, incomplete proposals, erasures, or irregularities of any kind; however, the County reserves the right to waive irregularities. The County also reserves the right to reject all proposals and shall not be liable for any expenses or costs incurred by Bidders in preparing their proposals.

**2-1.8 Award of Contract.** The Contract, if awarded, will be to the lowest responsive and responsible Bidder on the basis of the total construction items and whose proposal complies with all the requirements prescribed. Such award, if made, will be within **ninety (90)** days after the opening of the bids. All proposals will then be compared to each other and to the Project Manager's cost estimate on the basis of the total lump sum bid.

Prior to the award of the Contract, if requested, the Contractor shall submit to the County a financial statement and resume of previous work of a similar nature.

**2-1.9 Qualifications.** Contractor must have five (5) years experience under their current license and firm within the past five (5) years with no delinquencies or suits.

**2-1.10 Execution of Contract Agreement.** A sample contract is attached to this agreement. Once a contract award is made by the Board of Supervisors, the awardee agrees to negotiate the contract in good faith, and in a reasonable amount of time.

Failure to execute and return the Contract Agreement and acceptable bonds and insurance as provided herein within a reasonable time may be just cause for the County to rescind the award of the contract.

**2-1.11 Return of Proposal Guaranties.** Within ten (10) days after the award of the Contract, the Purchasing Agent will return all the proposal guaranties accompanying the proposals which are not to be further considered in making the award. All other proposal guaranties will be held until the Contract Documents have been fully executed, after which all proposal guaranties, except those forfeited, will be returned to the respective Bidders.

**2-1.12 Bid Protest Procedures.** Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Director of Administrative Services. The protest shall be submitted in writing to the Director of Administrative Services within five (5) working days after such aggrieved person or company knows or should have known of the facts giving rise thereto.

The Director of Administrative Services, or in his or her absence the Assistant Director of Administrative Services, shall issue a written decision within ten (10) working days after receipt of the protest. The decision shall:

- (a) State the reason for the action taken.

- (b) Inform the protestant that a request for further administrative appeal of an adverse decision must be submitted in writing to the Clerk of the Board of Supervisors within seven (7) working days after mailing of the decision by the Director of Administrative Services.

The Director of Administrative Services shall discuss with County Counsel all protests and appeals before issuing a written decision.

If so requested as set forth in Section 2-1.13 (b) above, the Clerk of the Board of Supervisors shall schedule the appeal for hearing by the Board of Supervisors at a regularly scheduled meeting within twenty (20) working days from the date of receipt of the appeal. The decision of the Board of Supervisors is final.

## **2-2 ASSIGNMENT**

**2-2.1 Contractor Indebtedness.** Indebtedness incurred for any cause in connection with this work must be paid by the Contractor and the County is hereby relieved at all times from any indebtedness or claim other than payments under terms of the Contract. The Contractor will indemnify and hold harmless the County and its officers and employees from any loss, demand, damages, claims or actions arising from or in connection with said indebtedness.

## **2-3 SUBCONTRACTS**

### **2-3.1 The Environmental Abatement**

The Environmental Abatement items have been designated as "Specialty Items" in this project.

Bidders are reminded to fully complete the subcontracting section on the Bid Proposal and to thoroughly review Section 2-3 of the Standard Specifications. Bidders are encouraged to contact the Purchasing Agent of the County of Yuba prior to submittal of a bid for clarification of any questions concerning subcontracting requirements.

**2-3.2 Prompt Payment to Contractors.** The prime Contractor shall pay each subcontractor under the prime contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the prime contractor receives from the County. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval by the Project Manager.

## **2-4 CONTRACT BONDS**

Performance and Payment Bonds are required. The amount of each Bond shall be 100% of the Contract Price. See Section 2-4 of the Standard Specifications for other details.

Each bond which is subscribed by an out-of-state bonding company shall contain the name, address and telephone number of an agent located in the State of California who is authorized to act for the bonding company. Listing of bonding companies in U.S. Department of Treasury Circular 570 is not required, but the corporate surety must be authorized to issue the bonds in the State of California with a minimum A-7 rating. For information to Bidders, attached to these Special Provisions are forms for Performance Bond and Payment Bond. These forms, in lieu of bonding company forms, must be used. The forms will be delivered to the Contractor with the Contract Agreement.

## **2-5 PLANS AND SPECIFICATIONS**

**2-5.1 Standard Specifications.** The work embraced herein shall be done in accordance with the provisions of the STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2009 Edition, written by Public Works Standards, Inc., insofar as the same may apply, which specifications are hereinafter referred to as the Standard Specifications, and as modified herein. Uniform Building Code, Plumbing Code, Fire Code, Mechanical Code, National Electrical Code and Uniform Code for Abatement of Dangerous Buildings also apply. All will be the latest editions as adopted by the Board of Supervisors. Where reference is made to the "Standard Plans", the County of Yuba "Standard Drawings for Construction" shall apply.

## 2-11 INSPECTION

**2-11.1 Inspection Scheduling.** Inspection will be provided based on regular eight-hour working days, Monday through Friday, excluding County holidays, generally from 7:00 AM to 3:30 PM (including 30 minutes for lunch). When the Contractor's operations or public safety requires inspection beyond the regular eight-hour working days, the cost of the additional inspection shall be borne by the Contractor and shall be deducted from any payments due to the Contractor.

If and when the Contractor wishes to perform any work which would require inspection beyond the regular eight-hour working days, the Contractor shall submit a written request for approval to the Project Manager not less than three working days before the planned start of such work.

**2-11.2 County Holidays.** County holidays will be observed on the following days:

<b>January 1<sup>st</sup></b>	<b>New Years Day</b>
<b>Third Monday in January</b>	<b>Martin Luther King Jr's Birthday</b>
<b>Third Monday in February</b>	<b>President's Day</b>
<b>Last Monday in May</b>	<b>Memorial Day</b>
<b>July 4<sup>th</sup></b>	<b>Independence Day</b>
<b>First Monday in September</b>	<b>Labor Day</b>
<b>November 11</b>	<b>Veteran's Day</b>
<b>Fourth Thursday in November</b>	<b>Thanksgiving</b>
<b>The day following Thanksgiving</b>	<b>Thanksgiving</b>
<b>December 23</b>	<b>Christmas Eve</b>
<b>December 26</b>	<b>Christmas Day (Mon. Observed)</b>

If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday.

### 2-11.3 Pre-Bid Conference/Job-Site Walk

A mandatory pre-bid walk and bidders conference is scheduled for TBD at 10:00 a.m. PST

Bidders may submit, in writing, questions any issues related to this request by no later than TBD. All questions should be submitted to the office of the Purchasing Agent **only**, and must be in writing and submitted via email to [aarmstrong@co.yuba.ca.us](mailto:aarmstrong@co.yuba.ca.us) or by U.S. mail. All responses will be in writing and will be considered an addendum to this document. Addenda will be posted to the website within 3 working days from the date of the pre-bid walk and no less than 7 working days prior to bid close.

## **SECTION 3: CHANGES IN WORK**

### **3-3. EXTRA WORK**

**3-3.1 Payment.** Payment shall be in a lump sum upon completion of the project, unless other arrangements are made at time of award. Milestone payments, less retention, may be considered.

**3-3.2.1 General.** When the price for the extra work cannot be agreed upon, the County will pay for the extra work as provided in Subsection 3-3.2.2 and 3-3.2.3 as amended herein. When extra work is to be paid for on a force account basis, the labor, materials and equipment used in the performance of such work shall be subject to the approval of the Project Manager.

#### **3-3.2.2 Basis for Establishing Costs.**

**3-3.2.2a Labor.** The Contractor will be paid the cost of labor used in the actual and direct performance of the work. The cost of labor, whether the employer is the Contractor, subcontractor, or other forces, will be the sum of Actual Wages. Actual wages include wages paid shall include any employer payments to or on behalf of the workers for health and welfare, pension, vacation, and similar purposes.

**3-3.2.2b Materials.** Only materials furnished by the Contractor and necessarily used in the performance of the work will be paid for. The cost of such material will be the cost to the purchaser, whether Contractor, subcontractor or other forces, from the supplier thereof as evidenced by supplier's invoice.

The County reserves the right to approve materials and sources of supply, or to supply materials to the Contractor if necessary for the progress of the work.

**3-3.2.2c Tool and Equipment Rental.** The Contractor will be paid for the use of equipment at the current market rental rates.

These rental rates shall include the cost of fuel, oil, lubrication, supplies, small tools, necessary attachments, repairs and maintenance of any kind, depreciation, storage, insurance, and all incidentals. Move in and out or minimum charges, other than the hourly rate, shall not apply to equipment available from the work force already on the job site.

If equipment is used intermittently and, when not in use, could be returned to its rental source at less expense to the County than holding it at the work site, it shall be returned unless the Contractor elects to keep it at the work site at no cost to the County.

Individual pieces of equipment or tools having a replacement value of \$200 or less, whether or not consumed by use, shall be considered to be small tools and no payment will be made therefore.

#### **3-3.2.3 MARKUP**

**3-3.2.3a Work by Contractor.** A markup of 10 percent shall be added to the Contractor's costs for labor, materials, and equipment rentals and shall constitute the markup for all overhead and profits. In addition to this markup, 1 percent shall be added to the Contractor's costs as compensation for bonding.

**3-3.2.3b Work by Subcontractor.** When any of the extra work is performed by a Subcontractor, the markup established in Section 3-3.2 shall be applied to the Subcontractor's costs as determined under 3-3.2.2. A markup of 10 percent shall be added to the Subcontractor's direct cost for labor, materials and equipment rentals and constitute the markup for all overhead and profits.

**3-3.3 DAILY REPORTS FOR EXTRA WORK.** The daily report specified in Section 3-3.3 of the Standard Specifications shall include only that work which is included in the Contractor's claim for extra work.

### **3-4 CHANGED CONDITIONS**

In any case where the Contractor believes extra compensation is due the Contractor for work or materials not clearly covered in the Contract, or not ordered by the Project Manager as "extra work", the Contractor shall notify the Project Manager in writing of the Contractor's intention to make claim for such extra compensation before the Contractor begins the work on which Contractor bases the claim. If such notification is not given, or the Project Manager is not afforded proper facilities by the Contractor for keeping strict account of actual cost, then the Contractor shall be deemed to have waived the claims for such extra compensation. Such notice by the Contractor, and the fact that the Project Manager has kept account of the cost as aforesaid, shall not in any way be construed as proving the validity of the claim. The validity of the claim must be determined by the Project Manager. If the Project Manager determines that the claim is well founded, it shall be allowed and paid for as "extra work"; if the Project Manager determines that the claim is not well founded, it shall be disallowed and not paid.

### **3-5 DISPUTED WORK**

Work done beyond the scope of work, work done in the absence or without the knowledge of the Project Manager or any alleged extra work done without the County's written authorization, will be considered as unauthorized and at the expense of the Contractor and will not be measured or paid for by the County. The Contractor may be required to remove such unauthorized work at no expense to the County, as determined by the Project Manager.

#### **3-5.1 Notice of Potential Claim**

The Contractor shall not be entitled to the payment of any additional compensation or extension of time unless the Contractor has given the Project Manager a written Notice of Potential Claim as required herein. Compliance with this Section shall not be a prerequisite as to matters within the scope of the protest provisions in Section 6-7, "Time of Completion," or the notice provisions in Section 3-4, "Changed Conditions," nor to any claim which is based on differences in measurements or errors of computation as to Contract quantities.

Contractor's compliance with the claims procedures herein shall not relieve Contractor of responsibility for presenting a written Government Code claim, in accordance with California Codes section 900 et seq., which is a prerequisite to filing suit for money or damages against the County

Contractor shall submit the written Notice of Potential Claim to the Project Manager prior to the time that the Contractor performs the work giving rise to the potential claim for additional compensation and/or time.

Contractor's written Notice of Potential Claim shall be submitted on the appropriate form furnished by the County, and shall be certified with reference to the California False Claims Act, Government Code Sections 12650 - 12655. A copy of the Notice of Potential Claim form is contained in these Special Provisions. The notice shall set forth the justification for the additional compensation, as

well as a breakdown of the estimated costs. Within 15 calendar days of completing the affected work, the Contractor shall submit substantiation of the Contractor's actual costs. Failure to do so shall be sufficient cause for denial of any claim subsequently filed on the basis of the Notice of Potential Claim.

The intention of this section is to bring differences between the parties to the attention of the Project Manager as early as possible, in order to expedite resolution. Contractor waives its right to any additional compensation and/or extension of time for any claim not submitted in accordance with this section.

Upon request by County, Contractor shall make available for inspection and copying, any and all documents or records in Contractor's possession which pertain to the potential claim.

## **SECTION 4: CONTROL OF MATERIALS**

### **4-1 MATERIALS AND WORKMANSHIP**

**4-1.1 Materials and Conditions to be Tested.** The Contractor shall be responsible for controlling the quality of the material entering the work and of the work performed, and shall perform testing as necessary to ensure control. The test methods used for quality control testing shall be as determined by the Contractor. The results of the testing shall be made available to the Project Manager upon request. These tests are for the Contractor's use in controlling the work and will not be accepted for use as acceptance tests.

Full compensation for performing quality control tests and making the results available to the Project Manager shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

The County may perform quality assurance testing at the discretion of the Project Manager. The Contractor shall provide reasonable access and time to the Project Manager to perform quality assurance testing. The cost of retesting any portion of the work or materials, which have failed the initial quality assurance test taken by the County, shall be borne by the Contractor.

## SECTION 5 --- UTILITIES

### 5-1 LOCATION

**5-1.1 Utility Marking/Coordination.** The Building Inspection Department will not issue a construction permit as referenced in Section 7-5.1 of these Special Provisions for any work involving excavation for underground facilities unless the applicant has been provided an inquiry identification number by Underground Service Alert of Northern California.

The County has advised the various utility owners that disconnection of their service lines will be requested in the near future for the buildings to be demolished; and has done some preliminary work to begin the disconnection process. The Contractor shall coordinate the actual disconnection with his operations. However, prior to start of demolition, the Contractor shall coordinate and later verify that such facilities have been disconnected. In the event any such facilities have not been disconnected, it shall be the responsibility of the Contractor to notify the utility companies to remove their service lines.

Before buildings are removed, the Contractor shall plug all sewer lines or laterals at the property line. All sewer capping shall be subject to approval by the Inspector.

The County has already shut off all water to the property. This must be considered in all project planning.

The Contractor shall notify Underground Service Alert (U.S.A.) at least 48 hours prior to any excavation within the project. The Contractor shall supply the U.S.A. ticket number to the Project Manager. The U.S.A. telephone number is 1-800-422-4133.

The Contractor shall notify all utility companies 48 hours in advance to beginning any excavation in the vicinity of said utility's facilities.

If the Contractor finds evidence of utilities not shown on the Plans, he shall notify the Inspector immediately.

Compensation for notification and coordination with utilities and other agencies shall be included in the items bid and no additional compensation shall be allowed therefore.

**5-1.2 Potholing Requirements** The Contractor shall uncover and verify the location of utilities indicated to be within the limits of construction before excavation for improvements.

The cost for performing the work as herein described, including equipment, labor, tools and materials shall be included in the lump sum in the proposal and no additional compensation will be made therefore.

## **SECTION 6 --- PROSECUTION, PROGRESS AND ACCEPTANCE OF THE WORK**

### **6-1 CONSTRUCTION SCHEDULE AND COMMENCEMENT OF WORK**

**6-1.1 Construction Schedule.** The Contractor shall submit a construction schedule to the Project Manager at the preconstruction conference. During the construction the Contractor shall review and update the schedule weekly. Rescheduling any work under this Contract shall not be permitted to allow the Contractor the ability to accommodate another contract, even with the County. A bar graph form of schedule will be acceptable.

### **6-3 SUSPENSION OF WORK**

**6-3.1 Stage III Smog Episode.** No exterior work shall be done on a day for which a Stage III smog episode is forecast as defined by the Feather River Air Quality Management District (FRAQMD). The Contractor will not be entitled to any delay damages for such a suspension, but an automatic time extension will be granted. When FRAQMD predicts that a Stage III episode level will be reached the following day, an announcement containing the specifics will generally be provided by 2 p.m. on the day the prediction is made.

### **6-7 TIME OF COMPLETION**

**6-7.1. Specified Contract Time.** The Contractor shall complete the work within **Thirty (30) working days** after the commencement date specified in the Notice to Proceed.

### **6-8 COMPLETION AND ACCEPTANCE AND WARRANTY**

**6-8.1 Project Manager Acceptance/Guarantee Period.** When, in the judgment of the Project Manager, the work has been completed in accordance with the Plans and Specifications and is ready for final acceptance, the Project Manager may accept the work as complete. Upon acceptance of the work, the Project Manager will notify the Building Inspector and the Department of Administrative Services of the completion thereof, and the Purchasing Agent will file a Notice of Completion with the County Recorder. The date of the Project Manager's acceptance of the work will be the date when the Contractor is relieved from responsibility to protect and maintain the work. The one year guarantee period of the Work shall commence on the date the Notice of Completion is filed with the County Clerk.

### **6-9 LIQUIDATED DAMAGES**

**6.9.1 Liquidated Damages** shall be assessed in the amount of **\$500.00 per calendar day** that exceeds the number of working days designated for this Contract under Section 6-7, Time of Completion.

## SECTION 7 -- RESPONSIBILITIES OF THE CONTRACTOR

### 7-2 LABOR

**7-2.1 Prevailing Wage.** The Contractor shall ensure that the prevailing wage requirement is applied to anyone performing work on this project. Contractor shall comply with the provisions of Section 1775 and 1813 of the Labor Code of the State of California and price their proposal response accordingly. Further information concerning Prevailing Wage rates can be found at: [www.dir.ca.gov/dlsr/dprewagedetermination.htm](http://www.dir.ca.gov/dlsr/dprewagedetermination.htm)

Pursuant to Section 1700, and following, of the California Labor Code, the Contractor shall not pay less than the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations. The Contractor shall forfeit, as penalty to the County of Yuba, Fifty Dollars (\$50.00) for each calendar day or portion thereof, for each workman paid less than the stipulated prevailing rates for any work done under the contract by him/her or by any subcontractor under him, in violation of the provision of such Labor Code.

### 7-3 LIABILITY INSURANCE

#### 7-3.1 Insurance Requirements.

- a. Secure and Maintain Insurance. Prior to County's execution of the Agreement, Contractor shall secure, and shall thereafter maintain without lapse of coverage until completion of the Contract, such commercial general liability and automobile liability insurance as shall protect Contractor from claims for damages for personal injury, including accidental death, as well as from claims for property damage which may arise from or which may concern operations under the Contract, whether such operations be by or on behalf of Contractor, any Subcontractor or anyone directly or indirectly employed by, connected with or acting for or on behalf of any of them.

The Contractor shall also obtain and shall thereafter maintain pollution liability insurance in the minimum amount of \$5,000,000 to protect the County from claims arising from Contractor's activities. Contractor shall file with the County a certificate of insurance evidencing the coverage required herein.

- b. Provide Certificates of Insurance. Prior to the County's execution of the Agreement, Contractor shall submit an original certificate of insurance to the Administrative Services Office verifying the General Commercial Liability and Automobile Liability insurance in the required limits with the required provisions as stated below.
- c. Provide Additional Insured Endorsement. Prior to the County's execution of the Agreement, Contractor shall submit an Additional Insured Endorsement to the County Risk Manager's Office. Contractor must use the attached Additional Insured Endorsement form provided by the County, or one that is substantially similar to and approved by the County's Risk Manager.

**7-3.2 Proper Insurance Company.** All liability insurance shall be issued by an insurance company or companies authorized to transact liability insurance business in the State of California.

**7-3.3 Coverage.** Coverage shall be at least as broad as the following:

- a. Commercial General Liability. Insurance Services Office Commercial General Liability Coverage (occurrence Form CG 0001). This coverage shall include:
  - i. Manufacturers and Contractors liability,
  - ii. Broad form property damage in any case where the Contractor has any property belonging to the County in the Contractor's care, custody, or control,

- iii. Owners and Contractors' protective liability,
  - iv. Blanket contractual liability,
  - v. Products and completed operations coverage, and
  - vi. Coverage for collapse, explosion, and excavation.
- b. Automobile Liability. Insurance Services Office Automobile Liability Coverage (Form CA 0001), covering Symbol 1 (any auto). This coverage shall include:
- i. Coverage for owned, non-owned, and hired automobiles

**7-3.4 Limits.** The Contractor shall maintain limits no less than the following:

- a. Commercial General Liability. One million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate for bodily injury (including death), personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit or products-completed operations aggregate limit is used, either the general aggregate limit shall apply separately to the work (with the ISO CG 2503, or ISO CG 2504, or insurer's equivalent endorsement provided by the County) or the general aggregate limit and products-completed operations aggregate limit shall be twice the required occurrence limit.
- b. Automobile Liability. One million dollars (\$1,000,000) per occurrence for bodily injury (including death), and property damage for each accident/incident.
- c. No Limitation on Indemnification. These minimum amounts of coverage shall not constitute any limitation or cap on Contractor's indemnification obligation.
- d. Pollution Liability Insurance. Minimum of five million dollars (\$5,000,000) for Pollution Liability.

**7-3.5 Required Provisions.**

- a. Policies shall include premises/operations, products, completed operations, independent contractors, owners and contractors' protection, explosion, collapse, underground hazard, broad form contractual, personal injury with employment exclusion deleted, and broad form property damage.
- b. The policy shall be endorsed to waive any right of subrogation against the County, and its Sub-consultants, employees, officers, agents and Project Managers for work performed under this Contract.
- c. The policy shall specify that the insurance provided by Contractor will be considered primary and not contributory to any other insurance available to the County of Yuba.
- d. The policy shall include the following provision:  
"Solely as respects WORK done by and on behalf of the named insured for the County of Yuba, it is agreed that the County of Yuba and its officer's employees and agents are added as additional insured under this policy."
- e. If policies are written on claims made basis, the certificate should so specify and the policy must continue in force for one year after completion of the project. The retroactive date of the coverage must also be listed.

**7-3.6 Expiration, Cancellation or Material Change.**

The policies shall not be canceled unless thirty (30) days prior written notification of intended expiration, cancellation or material change has been given to the County of Yuba by certified or registered mail.

**7-3.7 Deductibles and Self-Insured Retentions.** Any deductible or self-insured retention must be declared to and approved by the County of Yuba. The County reserves the right to either approve, reduce, or eliminate such deductibles or self-insured retentions.

## **7-4 WORKERS' COMPENSATION INSURANCE**

**7-4.1 Workers' Compensation.** The Contractor and all subcontractors shall insure (or be self-insured) under the applicable laws relating to workers' compensation insurance, all of their employees performing the work, in accordance with the "Workers' Compensation and Insurance Act", Division IV of the Labor Code of the State of California and any Acts amending thereof.

Workers' Compensation/Employer's Liability. Statutory limits are required for Workers' Compensation. Employer's Liability shall be no less than one million dollars (\$1,000,000).

The policy shall be endorsed to waive any right of subrogation against the County, and its Sub-consultants, employees, officers, agents and Project Managers for work performed under this Contract.

Contractor shall comply with Labor Code Section 1861 by signing and filing the Workers' Compensation Certification with the County Risk Manager's Office.

## **7-5 PERMITS**

**7-4.1 County Construction Permit.** No work shall be started within the street right-of-way or on County property until the Contractor has obtained a construction permit from the County Building Inspection Department.

**The Contractor shall obtain any permits required from the County of Yuba Building Department for completion of the demolition operations and pay all required County permitting fees.**

The Contractor shall also have a permit for excavation from Building Inspection as required.

A copy of all permits shall be kept at the jobsite.

All costs associated with obtaining the required permits to complete the project will be included in contractor's lump sum price.

Work is occurring on County property and therefore permits are issued by County, not City of Marysville unless otherwise directed by Building Inspection.

## **7-6 THE CONTRACTOR'S REPRESENTATIVE**

The superintendent is required to attend the Preconstruction Conference.

The County may suspend the work if a superintendent is not present during construction.

The superintendent will be required to meet with the Project Manager on a daily basis. The purpose of these daily meetings is to ensure adequate coordination and discussion between the Project Manager and Contractor during construction. Arrangements for the daily meeting will be discussed at the Preconstruction Conference..

## **7-8 WORK SITE MAINTENANCE**

**7-6.1. Cleanup and Dust Control.** The generation of dust shall be controlled as required by the Feather River Air Quality Management District. Grading activities shall cease during periods of high winds (greater than 30 MPH). Trucks hauling soil, dirt, sand or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the Project Manager.

### **7-8.2 Water Pollution Control.**

**7-8.2.1 General Requirements.** The Contractor must follow and implement the Best Management Practices (BMPs) as specified in section 7-8.6 in the Standard Specifications. The Contractor's cost of implementing the required BMP's for all project activities shall be included with other items of work.

Contractor shall provide copies of certification that the superintendent or foreman has attended a Stormwater Pollution Prevention (SWPPP) course within the last 12 months. Any work requiring the placement of BMP's shall not begin until this certification is provided to the Project Manager.

**7-8.2.2 Drainage Control.** Special attention is directed to possible flood hazards, and/or nuisance water such as irrigation and other runoff. The Contractor shall be responsible for all injuries or damages to any portion of the work and/or any private or public property occasioned by these causes and shall make good such injuries or damages at no cost to the County prior to the completion and acceptance of the work.

## **7-9 PROTECTION & RESTORATION OF EXISTING IMPROVEMENTS**

**7-9.1** The Contractor shall restore to its original condition without charge, any property not identified to be demolished that shall become damaged due to the operations of the Contractor or any of the Contractor's employees, agents or subcontractors.

## **7-10 PUBLIC CONVENIENCE AND SAFETY**

**7-8.1. Traffic and Access.** No reduction of the traveled way width shall be permitted unless prior approval in writing is obtained from the Project Manager of Administrative Services.

The Contractor shall provide and maintain a minimum 4-foot-wide path for pedestrian traffic through the construction site. If a path through the construction site and within street right of way is not possible, the Contractor shall lay out and maintain a safe and direct pedestrian path around the construction site within the public right of way. The pedestrian path shall be approved by the Project Manager.

The Contractor will not be permitted to close any road without prior written permission from the County Project Manager or City of Marysville Public Services Director. The Contractor will be required to submit for approval a "Road Closure and Traffic Control Plan" that has been prepared by either a licensed Traffic or Civil Project Manager. The Contractor shall apply for a traffic control permit (no fee) from the County of Yuba for any type of street closure, full or partial. If a full closure is required, such a permit shall be applied for at least five (5) working days prior to the start of work. Partial traffic control permits shall be applied for at least two (2) working days prior to the start of work. The plan shall indicate the location and type of signs and barricades to be utilized. The adequacy of the signing shall be determined by the Project Manager. Prior to preparation of the Plan, the Contractor is advised to discuss the proposed Plan with the Project Manager.

The Contractor shall notify the Project Manager 48 hours prior to any change in the approved Traffic Control Plan. In case of a full closure, the Contractor shall provide barricades and reflectorized "Road Closed to Through Traffic" signs at the intersections immediately in advance of all such closures at all such closures, at entrances to the closures, and at all detour route signing. Detour signs shall be posted on wood or metal posts. Signs shall not be posted on any tree, utility pole or traffic signs.

Construction signs, barricades, and their applications shall conform with the most current issues of the State of California Business and Transportation Agency, Department of Transportation, Division of Operations "Uniform Sign Chart" and the "Manual of Traffic Controls" for Construction and Maintenance Work Zones.

**7-10.2 Public Safety During Non-Working Hours.** Public safety at or in the affected vicinity of the jobsite is the Contractor's responsibility at all times. If, in the absence of the Contractor, the Project Manager determines that an unsafe condition exists at or in the affected vicinity of the jobsite, the Project Manager will endeavor to notify the Contractor to correct the unsafe

condition. However, the Project Manager reserves the right to direct County forces to perform any functions Project Manager may deem necessary to ensure public safety. If such procedure is implemented the Contractor will bear all expenses incurred by the County. In all cases the judgment of the Project Manager shall be final in determining whether or not an unsafe situation exists.

**7-10.3 Public Notification of Construction.** While impact should be minimal, the construction schedule required under Section 6-1.1 of these Special Provisions shall allow ample "on-street" parking for affected people, within a reasonable distance from their homes and businesses. Requests for changes to the schedule shall be submitted by the Contractor to the Project Manager at least 48 hours prior to the scheduled operation to be changed.

The Contractor shall deliver a construction advisory letter, prepared by County staff, to all affected residences adjacent to the work site a minimum of 48 hours prior to construction on each street. The letter shall indicate the duration of the proposed demolition operations and also state if alternate parking arrangements will be necessary.

"Temporary No Parking Signs" shall be posted at least 24 hours, but no more than 48 hours, in advance of the work. These signs shall read "Temporary No Parking Tow-Away CVC 22654 (d)". The signs shall be placed no more than 100 feet apart on each side of the street and at shorter intervals if conditions warrant. The Contractor shall provide the signs and will be responsible for adding the dates and hours of closure to the signs. All signs shall be removed within 24 hours after the effective date. If the date of closure is changed, the Contractor will be responsible for reposting the signs in accordance with the above requirements.

**7-10.4 Storage of Equipment and Material on Private Property.** If the Contractor wishes to store Contract equipment and material on private property, the Contractor may do so only pursuant to a written agreement with the legal owner of the affected property and shall submit a copy of the agreement to the Project Manager prior to storing Contract equipment and material on the private property.

## **SECTION 9: MEASUREMENT AND PAYMENT**

### **9-1 MEASUREMENT OF QUANTITIES FOR UNIT PRICE WORK**

**9-1.1 Measurements** shall be in accordance with U.S. Standard Measures. A pound is an avoirdupois pound. A ton is 2,000 pounds avoirdupois. The unit of liquid measure is the U.S. gallon.

### **9-2 LUMP SUM WORK**

**9-2.1 Payment Schedule.** The Contractor shall submit a payment schedule for all lump sum bid items. The schedule shall be submitted in accordance with Section 9-2 of the Standard Specifications.

### **9-3 PAYMENT**

**9-3.2 Payment.** Payment for mobilization is included with other items of work and includes cost for preparing and maintaining the construction schedule and any required updates, and for the construction advisory letter required under Section 7-10.4.6 of these Special Provisions.

**9-3.3 Progress Payments.** Progress payment requests shall be processed in accordance with the provisions of Public Contract Code Section 20104.50, which is summarized as follows:

- a. Upon its receipt of Contractor's written payment request, County shall review it as soon as practicable to determine whether it is a proper payment request. If County determines that it is not a proper payment request suitable for payment, County shall return it to Contractor as soon as practicable, but not later than seven days after its receipt, together with a document setting forth in writing the reasons why it is not proper.
- b. A "progress payment" includes all payments due under the Contract, except that portion of the final payment which is designated as retention earnings, and a payment request shall be considered properly executed if funds are available for payment thereof and payment is not delayed due to an audit inquiry by County's financial officer.

**9-3.4 Retention Payment.** County's payment to Contractor of the retention amounts withheld from progress payments made during the performance of the Work, and Contractor's disbursement thereof to Contractor's subcontractors, shall be subject to the requirements of Public Contract Code Section 7107, the Stop Notice withholding laws of the State of California and other provisions of the Contract. County's payment obligations under Section 7107 are summarized herein; by executing the Contract Agreement, Contractor will be confirming knowledge of and responsibility for disbursement of the retention payment to Contractor's subcontractors.

- a. Within sixty days after the date of completion of the Work, County shall pay the undisputed and unencumbered portion of the retention amount to Contractor. If County disputes any portion of the amount Contractor demands, County will withhold from its payment an amount not exceeding 150% of the disputed amount.
- b. If County fails to pay the undisputed and unencumbered portion of the retention amount due Contractor within sixty days after the date of completion of the Work, County shall pay Contractor a charge of 2% per month on the amount improperly withheld in lieu of any other interest amount otherwise payable by operation of law. In any lawsuit brought for collection of amounts alleged to be wrongfully withheld by County, the prevailing party shall be entitled to attorney's fees and costs.

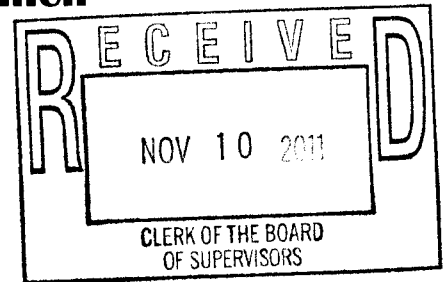
**THIS PAGE INTENTIONALLY LEFT BLANK**



## Yuba-Sutter Regional Arts Council

December 6, 2011

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



Dear Honorable Supervisors,

This is to request your support for our application to the California Arts Council as follows:

*Whereas, the California Arts Council and the California State Legislature have established a State Local Partnership Program designed to encourage local cultural planning and decision making and to reach previously underserved constituents: and Whereas, the Yuba-Sutter Regional Arts Council has successfully delivered arts services as the County designated partner for the past 26 years;*

*Now therefore be it resolved, that the Board of Supervisors of the County of Yuba does hereby approve the FY 2011-12 State Local Partnership Program grant contract submitted to the California Arts Council by the Yuba-Sutter Regional Arts Council and to designate the Yuba-Sutter Regional Arts Council to execute the contract with the California Arts Council, contingent upon approval of the application by the California Arts Council.*

As you are aware, the Yuba-Sutter Regional Arts Council has served as the designated arts agency for the County of Yuba and has in the past received funding from the California Arts Council. We hope that you will support our designation for FY 2011-2012. This designation has no budget implications.

**COPY OF REFERENCED  
DOCUMENT ON FILE WITH  
CLERK OF THE BOARD**

Sincerely,

Kathleen Stewart  
Executive Director

Yuba-Sutter Regional Arts Council  
624 E Street Marysville, CA 95901  
530-742-2787 email@YubaSutterArts.org

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

**RESOLUTION APPROVING THE  
APPLICATION AND AUTHORIZING  
EXECUTION OF A GRANT CONTRACT  
WITH THE CALIFORNIA ARTS COUNCIL**

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

**WHEREAS**, the California Arts Council and the California State Legislature have established a State-Local partnership Program designed to encourage local cultural planning and decision-making and to reach previously underserved constituents; and

**WHEREAS**, the Yuba-Sutter Regional Arts Council has successfully delivered arts services as the County designated partner for the past 26 years; and

**NOW THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Yuba hereby approves the FY 2011-2012 State Local Partnership Program grant contract submitted to the California Arts Council by the Yuba-Sutter Regional Arts Council and to designate the Yuba-Sutter Regional Arts Council to execute the contract with the California Arts Council, contingent upon approval of the application by the California Arts Council.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_ day of \_\_\_\_\_ 2011.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_  
CHAIR

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

BY: 

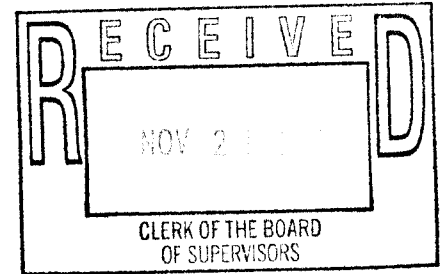
**KRONICK  
MOSKOVITZ  
TIEDEMANN  
& GIRARD**  
A PROFESSIONAL CORPORATION

SCOTT A. MORRIS

November 16, 2011

**VIA FACSIMILE AND MAIL (530) 749-7353**

Ms. Donna Stottlemeyer  
Clerk of the Board  
Yuba County Board of Supervisors  
915 8th Street Suite 109  
Marysville, CA 95901



Re: Request for Appointments to the Ramirez Water District Board of Directors  
(Elections Code § 10515)

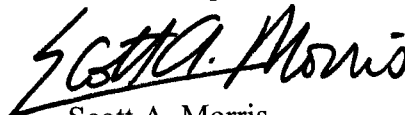
Dear Ms. Stottlemeyer:

I serve as General Counsel to the Ramirez Water District ("Ramirez"), which is primarily located within Yuba County. Enclosed is a "Certificate of Facts" certifying that as of 5:00 p.m. on the 83<sup>rd</sup> day before the November 8, 2011, the number of candidates for Directors did not exceed the number required to be elected. Thus, Ramirez respectfully requests that if possible, the Board of Supervisors for Yuba County at a regular or special meeting held prior to Monday, November 28, 2011 appoint to office those persons set forth in the enclosed Certificate of Facts.

I appreciate your assistance in this matter. Please do not hesitate to contact me if you have any questions or require any additional information.

Respectfully submitted,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
A Law Corporation

  
Scott A. Morris

SAM/ll  
Enclosures

cc: Ramirez Water District  
James Hill  
Sarah Swinerton  
Richard Markstein

985671.1 9685.1

## CERTIFICATION PURSUANT TO ELECTIONS CODE SECTION 10515

Election Date: November 8, 2011

District: Ramirez Water District

Officer Conducting Election: Scott A. Morris, General Counsel

As the officer conducting the election for the above district, I hereby certify that, by 5 p.m. on the 83<sup>rd</sup> day prior to the day fixed for the general district election, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division. I further certify that no petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has been presented to me.

☒ I therefore request that the Board of Supervisors, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons who filed declarations of candidacy, as follows:

No. of Full Terms 2                      Until November, 2015

Name: James J. Hill, III

Address: [REDACTED]

Name: Richard Markstein

Address: [REDACTED]

No. of Partial Terms 1                      Until November, 2013

Name: Sarah Swinerton

Address: [REDACTED]

November 16, 2011

Date

Scott A. Morris

Signature



1104 E Street  
Marysville, CA 95901  
Phone: (530) 749-4040  
Fax: (530) 749-3279

521-11

# Memorandum

**Date:** December 6, 2011

**To:** Yuba County Board of Supervisors

**From:** Jorgine Allan Rogers, Coordinator  
Child Care Planning Council of Yuba & Sutter Counties

**RE:** Membership Self-Certification for Child Care Planning Council

---

**RECOMMENDATION:** Board of Supervisors to approve the Certification Statement Regarding Composition of Local Planning Council (LPC) Membership and authorize the Chairman of the Board to sign.

**BACKGROUND:** In 1997, under AB 1542, the Council membership composition was established and legislative mandates were assigned to the Councils. The Certification Statement Regarding Composition of LPC Membership certifies that the membership criteria as established under the Education Code, Section 8499.3, are met.

**DISCUSSION:** The Board of Supervisors and the Superintendent of Schools make the appointments of the Council Members to the Child Care Planning Council. The submission of the Certification Statement Regarding Composition of the LPC is required annually by the State Department of Education, Child Development Division.

**COMMITTEE ACTION:** No committee has reviewed the request because it is annually reviewed and recertified.

**FISCAL IMPACT:** None

Attachments

**THIS PAGE INTENTIONALLY LEFT BLANK**

**CERTIFICATION STATEMENT**  
**REGARDING COMPOSITION OF LPC MEMBERSHIP**

**Return to:**

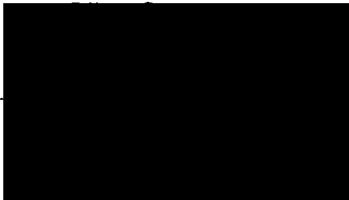
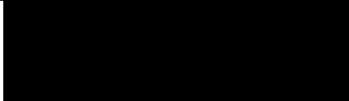
California Department of Education  
 Child Development Division  
 Local Planning Council Consultant  
 1430 N. Street, Suite 3410  
 Sacramento, CA 95814



**Due Date:**

**Annually on January 20**

Please complete all information requested below:

County Name:  <div style="text-align: center;">Yuba County</div>	County Coordinator Name and Telephone Number:  <div style="text-align: center;">Jorgine Allan Rogers (530) 749-4041</div>
<b>Membership Categories</b>	
<b>20% Consumers (Defined as a parent or person who receives, or who has received within the past 36 months, child care services.)</b>	
Name of Representative	Address/Telephone Number
Jennifer Wickliff	
Andrea Armstrong	
<b>20% Child Care providers (Defined as a person who provides child care services or represents persons who provide child care services.)</b>	
Name of Representative	Address/Telephone Number
Jodie Keller	
Kathy Woods	
<b>20% Public Agency Representative (Defined as a person who represents a city, county, or local education agency.)</b>	
Name of Representative	Address/Telephone Number
Sally Sokoloski	935 14 <sup>th</sup> Street Marysville, CA 95901 (530) 749-4871
Kathy Brown	5730 Packard Avenue Marysville, CA 95901 (530) 749-6035

Membership Categories		
20% Community Representative (Defined as a person who represents an agency or business that provides private funding for child care services, or who advocates for child care services through participation in civic or community-based organizations but is not a child care provider or CDE funded agency representative.)		
Name of Representative	Address/Telephone Number	Appointment Date and Duration
Birdsong Sundstrum	P.O. Box 218 Camptonville, CA 95922 (530) 288-9355	October 1, 2010 – September 30, 2013
Donna Greist	6249 C Street Beale AFB, CA 95903 (530) 634-4984	October 1, 2010 – September 30, 2013
20% Discretionary Appointees (Appointed from any of the above categories or outside of these categories at the discretion of the appointing agencies.)		
Name of Representative	Address/Telephone Number	Appointment Date and Duration
Lena Westman		October 1, 2010 – September 30, 2013
Denice Burbach		October 1, 2010 – September 30, 2013

<b>Authorized Signatures</b>		
<p>We hereby verify as the authorized representatives of the county board of supervisors (CBS), the county superintendent of schools (CSS), and the Local Child Care and Development Planning Council (LPC) chairperson that as of <u>November 10, 2011</u> the above identified individuals meet the council representation categories as mandated in AB 1542 (Chapter 270, Statutes 1997; California <i>Education Code</i> Section 8499.3). Further, the CBS, CSS, and LPC chairperson verify that a good faith effort has been made by the appointing agencies to ensure that the ethnic, racial, and geographic composition of the LPC is reflective of the population of the county.</p>		
Authorized Representative - County Board of Supervisors	Telephone Number	Date
	(530) 749-7510	
Authorized Representative - County Superintendent of Schools	Telephone Number	Date
	(530) 749-4855	11/10/11
Local Child Care Planning Council Chairperson	Telephone Number	Date
	(530) 674-1885, ext. 109	11/10/11

# The County of Yuba

---

## Office of Clerk of the Board of Supervisors

---



To: Board of Supervisors

From: Donna Stottlemeyer, Clerk of the Board

Subject: Wheatland Cemetery District

Date: December 6, 2011

### Recommendation

Reappoint David C. Creps to the Wheatland Cemetery District for term to end December 6, 2015.

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information. This is a scheduled vacancy due to the expiration of Mr. Creps who wishes to continue in this capacity.

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

### Fiscal Impact

None

### Committee Action

None required.

Attachments

**THIS PAGE INTENTIONALLY LEFT BLANK**

# The County of Yuba

---

## Office of Clerk of the Board of Supervisors

---



**To:** Board of Supervisors

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

**Subject:** Keystone Cemetery District

**Date:** December 6, 2011

### Recommendation

Reappoint Dan Lucero to the Keystone Cemetery District for term to end December 6, 2015.

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information. This is a scheduled vacancy due to the expiration of Mr. Lucero's who wishes to continue in this capacity.

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

### Fiscal Impact

None

### Committee Action

None required.

Attachments

**THIS PAGE INTENTIONALLY LEFT BLANK**

# *The County of Yuba*

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



OCTOBER 25, 2011 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger Abe, and Hal Stocker. Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Abe presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Stocker
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – All present
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve Consent Agenda

MOVED: Hal Stocker                      SECOND: John Nicoletti

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

NOES: None    ABSENT: None    ABSTAIN: None

### A. Clerk of the Board of Supervisors

1. Approve minutes of the regular meetings of September 27 and October 11, 2011. (464-11) Approved as written.

### B. Community Development and Services

1. Approve contract with Dokken Engineering for professional services for closeout design of Feather River Boulevard - State Route 70 Interchange and authorize the Chair to execute upon review and approval of Counsel. (465-11) Approved.
2. Adopt resolution approving transfer of five parcels of real property to the County of Yuba Resources Conservation District and approve transfer of one parcel to the City of Marysville under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 program. (466-11) Adopted Resolution No. 2011-93, which is on file in Yuba County Resolution Book No. 42 entitled: "ACCEPT THE TRANSFER OF FIVE PARCELS OF REAL PROPERTY TO THE COUNTY OF YUBA RESOURCES CONSERVATION DISTRICT AND APPROVE TRANSFER OF ONE PARCEL ALONG THE YUBA RIVER SOUTH OF THE MARYSVILLE CITY LIMITS TO THE CITY OF MARYSVILLE UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 PROGRAM."

3. Adopt resolution approving application for Department of Transportation National Infrastructure Investments Tiger Discretionary Grants for Beale Air Force Base Gateway Complete Streets and Economic Revitalization project. (467-11) Adopted Resolution No. 2011-94, which is on file in Yuba County Resolution Book No. 42 entitled: "APPROVE APPLICATION FOR UNITED STATES DEPARTMENT OF TRANSPORTATION NATIONAL INFRASTRUCTURE INVESTMENTS TIGER DISCRETIONARY GRANTS FOR BEALE AIR FORCE BASE GATEWAY COMPLETE STREETS AND ECONOMIC REVITALIZATION PROJECT."
4. Approve Amendment No. 1 to agreement with Sandgren Real Estate Group Helm Properties for the neighborhood stabilization program and authorize the Chairman to execute. Approved.

C. Health and Human Services

1. Approve agreement with Yuba College for the Independent Living Program and authorize Chair to execute same. (Human Services Committee recommends approval) (469-11) Approved.
2. Approve In Home Supportive Services Fraud Prevention Plan, accept State/Federal funds, and authorize Chair to execute same. (Human Services Committee recommends approval) (470-11) Approved.

IV. SPECIAL PRESENTATION

- A. Present 2011 Employee Recognition Awards. (Fifteen minute estimate) (471-11) (No background material)
- The Board presented Recognition Awards to the following:
- o Outstanding Leadership: Kimberly Heisch, Assistant Assessor
  - o Public Service Excellence: Nancy Lacey, Probation
  - o Workforce Excellence: Sharry Hastey, Health and Human Services
  - o Exceptional Teamwork: One Stop Employment and Training Specialist Unit - Ann Chellis, Theresa Gallier, Scott Gillett, Sheila Grimsley, Betty Mello, Robin Timoszyk
  - o Sustained Effort Recognition: Victim Advocacy and Community Response Team (Probation) - Terri Ayers, Liz Rodriquez, Valerie Hammes, Angie Martinez

V. PUBLIC COMMUNICATIONS

Mr. Herman Von Borstell, Olivehurst, regarding climate change and global warming.

Mr. Dennis McCloud, Olivehurst, regarding safety and lack of constraints on medicinal marijuana growth and process centers.

VI. COUNTY DEPARTMENTS

A. County Administrator

1. Receive staff report regarding State Controller's Audit for Traffic Fines for Fiscal Years 2004-2005 through 2008-2009 and take action as appropriate. (15 minute estimate) (472-11) County Administrator Robert Bendorf recapped findings of amounts over-remitted, pay back of over-remittance, outstanding pay back from the City of Marysville and draft repayment agreement, and options for repayment. Mr. Bendorf responded to Board inquiries.

Supervisor Stocker left the meeting at 10:11 and returned at 10:18 a.m.

Counsel responded to inquiries regarding statute of limitations.

Following discussion, Board consensus was to discuss at upcoming Marysville Liaison Committee meeting and follow-up Board discussion at the November 15<sup>th</sup> Board meeting.

VII. CORRESPONDENCE - (473-11)

- A. Notice from California Department of Fish and Game of a public hearing November 28, 2011 at 10:00 a.m. in Sacramento regarding action relating to the SHARE Program. (Copy provided to Yuba County Fish and Game Advisory Commission) Accepted.
- B. Letter from Linda Fire Protection District Chairman Robert Shim regarding a survey/questionnaire. Accepted.
- C. Notice from California Fish and Game Commission relating to public use of department lands. (Copy provided to Fish and Game Advisory Commission) Accepted.

VIII. BOARD AND STAFF MEMBERS' REPORTS: Reports were received on the following:

Supervisor Stocker:

- Memorial Adjournment – Mr. Eric Neal Hellberg
- Coastal preservation and tour of Luther Burbanks Home
- Septic systems testing regulations

Supervisor Griego:

- Levee Dedication on October 27<sup>th</sup> from 11- 2:00 p.m. at Eufay Woods Memorial Park
- Sierra View Movie night
- Memorial Adjournment - Mrs. Peggy Owens

Supervisor Nicoletti:

- Memorial Adjournment - Mr. Johnny Arnold
- California Pioneers of African Descent presentation held at Mount Olivet Baptist Church October 24, 2011

Supervisor Vasquez: Linda cleanup scheduled November 5, 2011 at the Yuba County Airport

Supervisor Abe:

- Department Head Development Session held October 14, 2011
- Beale Air Force Base day held October 14, 2011
- Water Education Foundation seminar regarding the Delta held October 18, 2011
- Emergency Medical Services Committee held October 19, 2011
- Table top exercise for Yuba and Sutter counties scheduled November 17, 2011

County Administrator Robert Bendorf: County Administrators Conference held October 19 - 21, 2011

IX. CLOSED SESSION: The Board retired into closed session at 10:45 a.m. to discuss the following:

- A. Threatened litigation pursuant to Government Code §54956.9(b) - One Claim/Dorris
- B. Potential litigation pursuant to Government Code §54956.9(b) - One Case

The Board returned from closed session at 11:23 a.m. with all present as indicated above.

Counsel Angil Morris-Jones advised by unanimous vote the Board denied the claim of Dorris and stated staff was provided direction on potential litigation.

- X. ADJOURN: 11:23 a.m. by Chairman Abe in memory of Mrs. Peggy Owens, Mr. Johnny Arnold, and Mr. Eric Neal Hellberg.

---

Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

---

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

# *The County of Yuba*

## BOARD OF SUPERVISORS

NOVEMBER 1, 2011 – MINUTES



The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:00 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Abe presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – All Present
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

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

### A. Board of Supervisors

1. Appoint Rick Brown and David Gothrow for four-year terms and Don Graham and Sarbdeep Atwal for two-year terms to Reclamation District 784 Board of Trustees. (477-11 Appointed.

### B. Clerk of the Board of Supervisors

1. Reappoint Margery Hubbard to the Substance Abuse Advisory Board for term ending November 1, 2015. (478-11) Appointed.
2. Approve minutes of the regular meeting and workshop of October 18, 2001. (479-11) Approved as written.

### C. Health and Human Services

1. Approve Memorandum of Understanding with State of California Department of Public Health to transfer medical surge assets. (Human Services Committee recommends approval) (480-11) Approved.
2. Approve agreement with GraceSource Inc. for the period of November 1, 2011 through June 30, 2013 to provide Differential Response Services under the combined Child Abuse Prevention Intervention and

treatment, Community Based Child Abuse Prevention, and County Children's Trust Fund programs. (Human Services Committee recommends approval) (481-11) Approved.

3. Adopt resolution authorizing agreement with State of California for supplemental nutrition assistance program education grant and authorizing the Chair to execute required documents by the grant and acceptance of grant funds. (482-11)

Adopted Resolution No. 2011-95, which is on file in Yuba County Resolution Book No. 42 entitled: "Authorize Yuba County Health and Human Services Department to enter into agreement with the State of California for the Supplemental Nutrition Assistance Program Education (SNAP-ed) Grant for the period of November 1, 2011, through September 30, 2012, and further authorize the Chair of the Board to execute documents as required by the grant and any pertinent documents related to this program and authorize the acceptance of funds."

#### D. Probation

1. Adopt resolution accepting donation of exercise equipment valued at \$6,000 from Pam Foster for use at Juvenile Hall/Camp Singer Youth Guidance Center. (484-11) Chief Probation Officer Jim Arnold recapped donation advising Ms. Foster, owner of Curves in Gridley, closed her facility and requested to donate the equipment to Camp Singer including training on use of equipment.

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

Adopted Resolution No. 2011-96, which is on file in Yuba County Resolution Book No. 42 entitled: "Resolution acknowledging a donation from Pam Foster, owner of Curves in Gridley in amount of \$6,000."

County Counsel Angil Morris-Jones requested to add to Closed Session one item of potential litigation and add to County Departments request to authorize letter of support for the Challenge Post office as a matter of business that arose after the agenda was posted.

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

#### IV. CLOSED SESSION The Board retired into closed session at 6:07 p.m. to discuss:

##### A. Potential litigation pursuant to Government Code §54956.9(b) - One Case

The Board returned from closed session at 6:29 p.m. with all members present as indicated above.

County Counsel Angil Morris-Jones advised staff was given direction.

#### V. PUBLIC COMMUNICATIONS: No one came forward.

## VI. COUNTY DEPARTMENTS

### A. County Administrator

1. Receive update on 2011 legislation. (Ten minute estimate) (485-11) Legislative Affairs Coordinator Russ Brown provided a brief recap including the following and responded to Board inquiries:
  - o AB 424 County penalties: forensic laboratories
  - o AB 1178 Solid waste: place of origin
  - o ABX1 29 State responsibility area: fire prevention fees
  - o AB 720 Public contracts: uniform construction cost accounting provisions
  - o AB 23 Local agency meetings: simultaneous meetings
  - o Next legislative platform meeting to be held January 4, 2012

County Administrator Robert Bendorf responded to inquiries relating to ABX1 29 State responsibility areas and recapped AB 646 Local public employee's organization: impasse procedures.

2. Receive first quarter financial report for Fiscal Year 2001-2012. (Fifteen minute estimate) (486-11) Management Analyst Grace Mull recapped the first quarter financial report including the following and responded to Board inquiries:
  - o Total Discretionary Fund \$24,707,982
  - o General Fund Expenditures were \$2,091,901 less than last year
  - o Departmental Revenue
    - \$284,538 Shortfall in General fund departments
    - \$1,163,728 Shortfall in Non-General fund departments
  - o Seven new hires, positions filled in Health Services, Public Works and Administrative Services
  - o Building permits up 12.27 percent
  - o Foreclosure activity decrease 21.13 percent
  - o 92 new CalWORKs participants

County Administrator Robert Bendorf recapped an increase in sales tax and decrease in property tax appears to be stabilizing.

1. Approve a letter of support for the Challenge Post Office to maintain present level of services. (491-11) Supervisor Stocker recapped impacts a potential closure would have on the citizens in Oregon House and responded to inquiries.

MOTION: Move to approve

MOVED: Hal Stocker

SECOND: John Nicoletti

AYES: Hal Stocker, John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe NOES: None

ABSENT: Roll Call Absent ABSTAIN: None

### C. Community Development and Services

1. Adopt resolution approving acquisition of real property APN 014-010-016 (Williams) for drainage improvements, authorizing the execution of documents subject to review and approval of Counsel by Public Works Director; approve purchase and sale agreement and agriculture lease for same; and authorize Budget Transfer in the amount of \$88,000 for purchase. (483-11) Postponed to November 15, 2011.

VII. CORRESPONDENCE - (489-11)

- A. Letter from David Soares regarding holding an appeal hearing at the Alcouffe Center in Dobbins/Oregon House. Referred to County Counsel.

VIII. BOARD AND STAFF MEMBERS' REPORTS: Reports on the following were received:

Supervisor Vasquez:

- California State Association of Counties (CSAC) Medical Marijuana round table discussion held Wednesday, October 26, 2011

Supervisor Nicoletti:

- County replacing trees removed around Packard building
- Veterans Services Office new location 5730 Packard Avenue, opening November 10, 2011
- Scarysville event in Marysville held October 31, 2011
- Participated in Tales from the Crypt at the old Marysville Cemetery, held Saturday, October 29, 2011
- CSAC Medical Marijuana round table discussion held Wednesday, October 26, 2011
- Yuba Sutter Chamber of Commerce Business Walk held Friday, October 28, 2011
- Beale community meeting to address infrastructure and community development needs

Supervisor Griego:

- South County Economic meeting held Thursday, October 27, 2011
- CalTrans Highway 70 improvements, and lighting and signage project on McGowan Road overpass
- Yuba Sutter Chamber of Commerce Business Walk held Friday, October 28, 2011
- Levee dedication and barbecue held Saturday, October 29, 2011 at Eufay Wood Park
- Movie night hosted by Denise Burbank held Saturday, October 29, 2011 at Sierra View Park
- Sacramento Area Council of Governments Housing and Air Quality meeting November 3, 2011
- California Local Agency Formation Commission Board of Directors meeting November 4, 2011
- KVIE channel 6 airing Water Education Foundation documentary featuring Yuba County, November 9, 2011 at 7:00 p.m.

Supervisor: Stocker:

- Levee dedication and barbecue held Saturday, October 29, 2011 at Eufay Wood Park
- Mobile Home replacement and zoning issues relating to number of bedrooms or size of a residence
- Territorial Dispatch editorial regarding the County's solar project

Supervisor Abe:

- CSAC Medical Marijuana round table discussion held Wednesday, October 26, 2011
- Sutter-Yuba Mental Health to purchase and establish housing for mental health clients
- Meeting in Sierra County regarding Yuba County Water Agency North Yuba initiative to reintroduce salmon to the Yuba River

IX. CLOSED SESSION: The Board retired into closed session at 7:30 p.m. to discuss:

- A. Potential litigation pursuant to Government Code §54956.9(b) - One Case

- B. Pending litigation pursuant to Government Code §54956.9(a) - Hewlett vs. Durfor, et al. and Cuthbert vs. Durfor, et al.

The Board returned at 7:43 p.m. with all members present as indicated above.

County Counsel Angil Morris-Jones advised “the Board unanimously authorized counsel to execute the agreements before them.”

- X. ADJOURN 7:43 p.m. by Chairman Abe.

\_\_\_\_\_  
Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_  
BY: Rachel Ferris, Deputy Clerk

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

# *The County of Yuba*

## BOARD OF SUPERVISORS

NOVEMBER 8, 2011 – MINUTES



The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 1:05 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Abe presided.

I. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker

II. Board of Supervisors

A. Public Appointment/Auditor-Controller Interviews. (No background material) (490-11) Human Resources Director Martha Wilson recapped the interview process and introduced the first applicant, Mr. Nerahoo Hemraj, via conference call.

Following question and answer period including questions posed by Supervisor Abe the interview was concluded at 2:08 p.m.

Ms. Wilson introduced the next applicant Mr. Richard Eberle. Following question and answer period and discussion between Mr. Eberle and the Board, the interview was concluded at 2:58 pm

III. RECESS at 3:00 p.m. by Chairman Abe. The Board reconvened November 9, 2011, at 1:05 p.m. with all members present as indicated above.

A. Public Appointment/Auditor-Controller Interviews. (No background material) (490-11) Human Resources Director Martha Wilson recapped the interview process and introduced the final applicant, Mr. Roger Contreras, via conference call.

Following question and answer period the interview concluded at 1:44 p.m.

IV. ADJOURN 1:45 p.m. by Chairman Abe.

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

BY: Rachel Ferris, Deputy Clerk

Chair

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

# *The County of Yuba*

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



NOVEMBER 15, 2011 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 9:36 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger Abe, and Hal Stocker. Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Abe presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker - All present.
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

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

### A. Administrative Services

1. Approve lease amendment with Yuba County Office of Education for additional space at the One Stop facility and authorize the Chair to execute same. (492-11) Approved.

### B. Auditor-Controller

1. Adopt Resolution adopting Final Budget for Fiscal Year 2011-2012. (493-11) Adopted Resolution No. 2011-97, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION ADOPTING FINAL BUDGET FOR FISCAL YEAR 2011-2012."

### C. Board of Supervisors

1. Appoint Joe Danna for a two-year term to Reclamation District 784 Board of Trustees. (494-11) Approved.

### D. Community Development and Services

1. Adopt resolution to approve agreement with the State of California Office of Traffic Safety for the installation of radar signs at school boundaries and to authorize the Public Works Director to administer the grant and to execute the agreement. (495-11) Adopted Resolution No. 2011-98, which is on file in Yuba County Resolution Book No. 42 entitled: "APPROVE THE AGREEMENT WITH THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE INSTALLATION OF RADAR SIGNS AT SCHOOL BOUNDARIES AND TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ADMINISTER THE GRANT AND TO EXECUTE THE AGREEMENT."

2. Adopt resolution authorizing Yuba County Community Development and Services Agency Director or his designee to complete purchase of single family residence APN 008-272-008 as part of the Neighborhood Stabilization program and execute all documents needed for completion of purchase, rehabilitation, and resale. (496-11) Adopted Resolution No. 2011-99, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING YUBA COUNTY COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR OR HIS DESIGNEE TO COMPLETE PURCHASE OF SINGLE FAMILY RESIDENCE APN 008-272-008 AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND EXECUTE ALL DOCUMENTS NEEDED FOR COMPLETION OF PURCHASE, REHABILITATION, AND RESALE."
3. Approve reconveying Lots A and B in Plumas Ranch Village 5, and Lot D in Woodside Village Unit 1 to developer Cresleigh Homes Corporation, abandonment of landscape easement over same, and authorize the Chair to execute Quitclaim deed(s) transferring any ownership rights to Cresleigh. (Land Use and Public Works Committee recommends approval) (497-11) Approved.

E. County Administrator

1. Adopt resolution authorizing the Director of Emergency Services to execute and submit an application for the Fiscal Year 2011 Emergency Management Performance Grant and execute documents as needed to obtain and administer grant funding. (498-11) Adopted Resolution No. 2011-100, which is on file in Yuba County Resolution Book No. 42 entitled: "SIGNATURE RESOLUTION AUTHORIZING THE COUNTY DIRECTOR OF EMERGENCY SERVICES TO SUBMIT AN APPLICATION FOR THE FISCAL YEAR 2011 EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EXECUTE DOCUMENTS AS NEEDED TO OBTAIN AND ADMINISTER GRANT FUNDING."
2. Approve amendment to the Public Defender Services contract with Benjamin Wirtschafter and authorize the Chair to execute same. (499-11) Approved.
3. Approve extending employment for Richard Arrow, Assistant Auditor-Controller through December 31, 2011 for the purpose of coordination of the FY 2010-2011 audit. (500-11) Approved.

F. Health and Human Services

1. Approve memorandum of understanding with Sutter-Yuba Mental Health for CalWORKS participants and authorize the Chair to execute same. (Human Services Committee recommends approval) (501-11) Approved.

G. Library

1. Adopt resolution increasing the revolving cash fund for the Yuba County Library from twenty five dollars to two-hundred dollars. (502-11) Adopted Resolution No. 2011-101, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION INCREASING THE REVOLVING CASH FUND FOR THE YUBA COUNTY LIBRARY FROM TWENTY-FIVE DOLLARS TO TWO-HUNDRED DOLLARS."

H. Probation

1. Adopt resolution authorizing the Chief Probation Officer of Yuba County to enter into memorandum of understanding with Sutter-Yuba Mental Health for mental health services for out of county residents housed at the Maxine Singer Youth Guidance Center, and approve renewal of the current Memorandum of Understanding and authorize the Chair to execute same. (503-11) Adopted Resolution No. 2011-102, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING THE CHIEF PROBATION OFFICER OF YUBA COUNTY TO ENTER INTO MEMORANDUM OF UNDERSTANDING WITH SUTTER-YUBA MENTAL HEALTH FOR MENTAL HEALTH SERVICES FOR OUT OF COUNTY RESIDENTS HOUSED AT THE MAXINE SINGER YOUTH GUIDANCE CENTER."

I. Sheriff-Coroner

1. Authorize Budget Transfer in the amount of \$51,369 from Account No. 108-0000-371-98-99 (Miscellaneous Revenue) to various accounts for operating expenses and equipment for Fiscal Year 2011-12 SAFE Team, Region III Program. (504-11) Approved.

IV. PUBLIC COMMUNICATIONS:

Officer Jeff Larson introduced Commander Andres Ornelas, California Highway Patrol.

Ms. Stephanie Ruscigno urged support for naming the Veterans Out-Patient Clinic after Eric Hellberg.

Mr. Lance Hatfield commented on the fire at Travelers Hotel and Yuba County Environmental Health inspections.

Planning Director Wendy Hartman announced district vacancies on the Resource/Development Code Advisory Committee.

Ms. Lindsay Valve, Yuba City, urged consideration of safety measures and school crossing guards related to the recent fatal accident at Houston and 17th Streets in Marysville.

V. COUNTY DEPARTMENTS

A. Community Development and Services

1. Adopt resolution approving acquisition of real property APN 014-010-016 (Williams) for drainage improvements, authorizing the execution of documents subject to review and approval of Counsel by Public Works Director; approve purchase and sale agreement and agriculture lease for same; and authorize Budget Transfer in the amount of \$88,000 for purchase. (Postponed from November 1, 2011) (483-11) Public Works Director Mike Lee recapped the acquisition and lease of property located on the east side of Powerline Road for drainage improvements and responded to Board inquiries.

MOTION: Motion to approve, adopt resolution, and authorize the Public Works Director to execute lease agreement

MOVED: Mary Jane Griego SECOND: John Nicoletti

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

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2011-103, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY (APN 014-010-016) FROM JIMMY WILLIAMS AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE DOCUMENTS REQUIRED TO FINALIZE THE PURCHASE OF THE REAL PROPERTY."

B. County Administrator

1. Approve repayment agreement with City of Marysville related to the State Controller's Audit of Traffic Fines for Fiscal Years 2004-2005 through 2008-2009 and authorize the Chair to execute same. (Ten minute estimate) (505-11) County Administrator Robert Bendorf recapped the overpayment of traffic fines and agreement for repayment by the City of Marysville and responded to Board inquiries.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Andy Vasquez

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

NOES: None ABSENT: None ABSTAIN: None

VI. ORDINANCES AND PUBLIC HEARINGS: The Clerk read the disclaimer.

- A. Hold public hearing to review proposed expenditures of California Citizens Option for Public Safety Program (COPS) Funds. (Five minute estimate) (507-11) County Administrator Robert Bendorf recapped proposed funding.

Chairman Abe opened the public hearing. No one came forward.

MOTION: Move to close public hearing and approve

MOVED: John Nicoletti

SECOND: Hal Stocker

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

NOES: None ABSENT: None ABSTAIN: None

- B. Hold public hearing and adopt resolution ordering vacation of that portion of Murphy Road lying between Feather River Boulevard and Feather River Set Back Levee. (Land Use and Public Works Committee recommends approval) (Five minute estimate) (508-11) Public Works Director Mike Lee recapped the property to be vacated and responded to Board inquiries.

Chairman Abe opened the public hearing. No one came forward.

MOTION: Move to close public hearing and adopt resolution

MOVED: Hal Stocker

SECOND: Mary Jane Griego

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

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2011-104, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION ADOPTING ORDER OF VACATION OF THAT PORTION OF MURPHY ROAD LYING BETWEEN FEATHER RIVER BOULEVARD AND FEATHER RIVER SETBACK LEVEE."

VII. CORRESPONDENCE - (509-11)

MOTION: Move to approve

MOVED: John Nicoletti

SECOND: Hal Stocker

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

NOES: None ABSENT: None ABSTAIN: None

- A. Notice from the State of California Fish and Game Commission regarding proposed regulatory action relating to Kellet's Whelk sport and commercial fisheries. (Copy provided to Yuba County Fish and Game Advisory Commission). Accepted.
- B. Letter from Auditor-Controller enclosing independent audit report for Dobbins Oregon House Fire Protection District for fiscal year ended June 30, 2010. Accepted.
- C. Notice from Pacific Gas and Electric regarding Initial Study Plan Meeting on Narrows No. 2 Transmission Line Project to be held in Sacramento, Wednesday, November 16, 2011 at 9:00 a.m. (Copy provided to County Administrator and Community Development) Accepted.
- D. Notice from Delta Stewardship Council advising a Draft Program Environmental Impact Report for the Delta Plan is available for public review and 60 day comment period from November 4, through January 3, 2012. Accepted.
- E. Letter from Auditor-Controller enclosing independent audit report for First Five Yuba Commission for fiscal year ended June 30, 2010. Accepted.
- F. Letter from Auditor-Controller enclosing independent audit report for Linda County Water District for fiscal year ended June 30, 2010. Accepted.
- G. Letter from Galal Kernahan encouraging Board support recognizing November 13th as the states birthday on the Official California Observance Calendar. Accepted.

VIII. RECESS: 10:13 a.m. and reconvened at 10:23 a.m. with all present as indicated above.

IX. BOARD OF SUPERVISORS WORKSHOP

- A. Receive presentation regarding Yuba County's Solid Waste Franchise Agreement.(No background material) (60 minute estimate) (506-11) County Administrator Robert Bendorf provided a Power Point presentation recapping solid waste disposal and the following:
- Current Franchise Agreement expires December 31, 2011
  - Process for reviewing agreement and negotiating parties
  - Joint Powers Authority for Regional Waste Management Authority
  - Funding the services - Rate Payers, Transfer Station, Recyclable Sales
  - Calculation of Rates
  - Current Residential Rates - \$24.77 monthly
  - Rate Stabilization and Capitalization Fund - \$2.1 million balance
  - Franchise Fees based on five percent of Recology's gross revenues
  - Host Fees - City of Marysville \$4.40 per ton
  - Host Fees - Yuba County \$4.40 per ton
  - County Benefits
  - Summary of Proposed Franchise Agreement Terms
    - Eight-year term with option for extension
    - Indexed rate adjustment for three years
    - New methodology for indexed rate review
    - Detailed rate review every 4 years
    - Continue rate stabilization funds
  - Road fee - paid directly by Recology
  - Program areas remain the same
  - Bulky Item pick-up for single family dwellings
  - Calculation of Rates - Proposed Agreement
  - Refuse Rate Index Methodology
  - Items for Consideration
    - Franchise Fees
    - Rate Stabilization and Capitalization Fund - Control of Funds/Weighted Voting
    - Agreement to extend service with Recology

Mr. Dave Vaughn, Recology General Manager, responded to Board inquiries regarding the road maintenance fee and reducing the amount of recoverables to landfill.

Mr. Bendorf responded to Board inquiries regarding host fee increase and the refuse rate index.

Assistant City Manager Steve Kreggar, Yuba City, responded to Board inquiries regarding services provided to Yuba City and future development of transfer station.

Regional Waste Management Manager Keith Martin responded to Board inquiries regarding surcharge increases.

X. BOARD AND STAFF MEMBERS' REPORTS: Reports were received on the following:

Supervisor Stoker:

- Memorial Adjournment - Mrs. Ibadene Leech and Mr. Willie Toon
- Ceremony at Museum of Forgotten Warriors held November 10, 2011
- Marysville Veterans Day Parade

Supervisor Griego:

- Marysville Veterans Day Parade
- Olivehurst Community Plan
- The Lords Gym in Linda
- Feather River Air Quality Management District, Sacramento Council of Governments, and Yuba Sutter Transit Authority Directors' meetings scheduled November 17, 2011

Supervisor Nicoletti:

- Memorial Adjournment - Miss Julianna Villa-Hopkins
- Marysville Veterans Day Parade
- County Library computers
- Bethel AME historic presentation on November 14, 2011
- Corps of Engineers easement and encroachment of property in Linda
- Flood insurance program kickoff held November 14, 2011

Supervisor Vasquez:

- Linda cleanup held November 5, 2011 at Yuba County Airport
- Hmong New Year Celebration held November 13, 2011
- Ceremony at Museum of Forgotten Warriors held November 10, 2011
- The Lords Gym fundraiser
- Marysville Veterans Day Parade
- Appeal Democrat article "A Father's Love"

County Counsel Angil Morris Jones: Restriction of marijuana use for persons under 18 years

Supervisor Abe:

- Marysville Veterans Day Parade
- Ceremony at Museum of Forgotten Warriors held November 10, 2011
- Hallwood Women's Club Breakfast held November 13, 2001
- Flood insurance program kickoff held November 14, 2011
- Award of Congressional Gold Medal Award to Japanese-American World War II veterans of the 100th Infantry Battalion, 442nd Regimental Combat Team and the Military Intelligence Service
- Memorial Adjournment – Mr. Francis M. Rush Jr.

Interim Library/Community Development Director Kevin Mallen:

- Library Open House to debut new computers on December 8, 2011 at 5:30 p.m.

County Administrator Robert Bendorf: City of Marysville proposal to amend sphere of influence

Chairman Abe formed an Ad Hoc committee appointing Supervisors Vasquez and Nicoletti regarding the City of Marysville sphere of influence amendment.

Supervisor Abe left the meeting at 12:38 p.m. and returned at 12:41 p.m.

Environmental Health Director Tej Maan: AB 885 Onsite Wastewater Regulations and written comments to State Water Resources Control Board

XI. CLOSED SESSION: The Board retired into closed session at 12:46 p.m. to discuss the following:

A. Potential litigation pursuant to Government Code §54956.9(b) - One Case

The Board returned from closed session at 1:10 p.m. with all present as indicated above.

Counsel advised direction and authorization for settlement was provided by unanimous vote of the Board.

The Board recessed at 1:11 p.m. and reconvened at 2:20 p.m. in closed session with all members present as indicated above to discuss the following:

B. Personnel pursuant to Government Code §54957 - Public Appointment/Auditor-Controller

The Board returned from closed session at 3:09 p.m. with all present as indicated above.

Chairman Abe advised Item B would be continued to Friday, November 18th at 12:30 p.m.

The Board reconvened on November 18<sup>th</sup> at 12:30 p.m. with all present as listed above and retired into closed session to continue discussion on Item B as listed above.

The Board returned from closed session at 1:21 p.m. with all present as indicated above.

Counsel advised the Board by unanimous vote made a selection regarding the Auditor-Controller appointment and gave direction to carry out the selection process.

- XII. ADJOURN: 1:22 p.m. on November 18, 2011 in memory of Miss Julianna Villa-Hopkins, Mrs. Ibadene Leech, Mr. Willie Toon, and Mr. Francis M. Rush Jr. by Chairman Abe.

---

Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

---

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone – (530) 749-5430 • Fax – (530) 749-5424  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



525-11

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

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5424

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

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

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

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

**Date:** December 6, 2011

**To:** Yuba County Board of Supervisors

**From:** Sean Powers, CDSA Finance and Administration Manager

**Subject:** Acquisition of Single Family Residences APN 020-293-012 and  
APN 019-260-033 for the Neighborhood Stabilization Program

### **Recommendation:**

Adopt the attached resolution authorizing the Community Development Director or his designee to complete the purchase of single family residences APN 020-293-012 and APN 019-260-033 as part of the Neighborhood Stabilization Program and execute all documents needed for completion of purchase, rehabilitation, and resale.

### **Background:**

The goal of the County of Yuba Neighborhood Stabilization Program is to stabilize property values and homeownership rates in neighborhoods impacted by foreclosures. The County of Yuba has been awarded \$1,709,395.00 under the Neighborhood Stabilization Program allocation per agreement 09-NSP1-6129 for acquisition, rehabilitation, and resale single family homes. The activities are to be performed in the census tract numbers 0401.00, 0402.00, 0403.00, 0404.00, 0405.00, 0406.00 and 0407.00, in the following areas: Marysville, Linda, Olivehurst and Plumas Lake.

### **Discussion:**

The attached resolution is required for further implementation of the Neighborhood Stabilization Program. For each individual property approved for the program by the County, the Board must consider and approve the purchase of the property by resolution. Assuming Board approval, the County will hold title during the rehabilitation up to resale. CDSA will oversee all activities involving acquisition, rehabilitation, and resale. The Board has previously approved the Community Development Services Agency Director to make purchase offers to the current property owners which have been accepted.

**Committee Action:**

This item was previously discussed with the Board in order to make the initial offers to the current property owners and therefore is being presented directly to the full Board in order to formally move forward with the acquisition.

**Fiscal Impact:**

The purchase and rehabilitation costs will be covered by the Neighborhood Stabilization Program funds in accordance with the requirements established by the State of California Neighborhood Stabilization Program. The purchase price of for APN 020-293-018 is estimated to be \$38,000 and the purchase price of for APN 019-260-033 is estimated to be \$71,000.

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

**RESOLUTION AUTHORIZING YUBA COUNTY )  
COMMUNITY DEVELOPMENT AND SERVICES )  
AGENCY DIRECTOR OR HIS DESIGNEE TO )  
COMPLETE THE PURCHASE OF SINGLE FAMILY )  
RESIDENCES APN 020-293-012 AND )  
APN 019-260-033 AS PART OF THE )  
NEIGHBORHOOD STABILIZATION PROGRAM )  
AND EXECUTE ALL DOCUMENTS NEEDED FOR )  
COMPLETION OF PURCHASE, )  
REHABILITATION, AND RESALE. )**

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

**WHEREAS**, Yuba County was awarded Neighborhood Stabilization Program funds per agreement 09-NSP1-6129 with the Department of Housing and Community Development on November 11, 2009 and is authorized to conduct activities in housing acquisition, rehabilitation, and resale of single family homes; and

**WHEREAS**, these activities are to be performed in the census tract numbers 0401.00, 0402.00, 0403.00, 0404.00, 0405.00, 0406.00 and 0407.00, in the following areas: Marysville, Linda, Olivehurst and Plumas Lake; and

**WHEREAS**, the purpose of acquiring these foreclosed properties through the Neighborhood Stabilization Program is to rehabilitate and resell the properties to a owner-occupant which meets the program requirements; and

**WHEREAS**, the Board has previously approved the Community Development Services Agency Director to make, and he has made, a purchase offer to the current property owner which has been accepted; and

**WHEREAS**, the purchase and rehabilitation costs will be covered by the Neighborhood Stabilization Program funds in accordance with the requirements established by the State of California Neighborhood Stabilization Program and the purchase price of APN 020-293-012 is estimated to be \$38,000 and APN 019-260-033 is estimated to be \$71,000.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors authorizes the Yuba County Community Development and Services Agency Director or his designee to

complete the purchase, rehabilitation and resale of APN 020-293-012 and APN 019-260-033 and execute any necessary documents, subject to County Counsel review.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
CHAIR

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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

  
\_\_\_\_\_



**THIS PAGE INTENTIONALLY LEFT BLANK**

# YUBA COUNTY OFFICE OF EDUCATION

SCOTIA HOLMES SANCHEZ, ED. D.  
SUPERINTENDENT

935 14TH STREET, MARYSVILLE, CA 95901-4198  
TELEPHONE 530-749-4900  
FAX NUMBER 530-741-6500  
WWW.YUBA.NET



526-11  
BOARD  
OF EDUCATION

AREA 1  
LOU BINNINGER  
AREA 2  
GEORGE E. SMITH  
AREA 3  
MARLENE RASTETTER  
AREA 4  
MARY J. HOVEY  
AREA 5  
EMILY T. DAWSON  
AREA 6  
DONNA M. LANDERMAN  
AREA 7  
WAYNE L. VINCENT

November 14, 2011

Roger Abe, Chair  
Yuba County Board of Supervisors  
Yuba County Government Center  
915 8<sup>th</sup> Street, Suite 109  
Marysville, CA 95901

Dear Mr. Abe:

California *Education Code* Section 1240 requires that I visit schools identified in our county, review information in the areas noted below, and report to you the results of my visits and reviews. I am pleased to provide, for submission to your governing board at a regularly scheduled meeting, the annual report for fiscal year 2010-2011 as required by *Education Code* section 1240(c)(2)(B) pursuant to the Williams Settlement. This report presents the results of my visits and reviews at **Abraham Lincoln School, Cedar Lane Elementary School, Ella Elementary School, Linda Elementary School, Lindhurst High School, Yuba Feather Elementary School and Yuba Gardens Intermediate School.**

The purpose of my visit(s) as specified in California Education Code 1240 was to:

1. Ensure that students have access to “sufficient” instructional materials in the four core subjects of English language arts, mathematics, history/social science and science (including science laboratory equipment in grades 9-12) and, as appropriate, in foreign language and health;
2. Assess compliance with facilities maintenance to determine the condition of a facility that “poses an emergency or urgent threat to the health or safety of pupils or staff;”
3. Determine if the school has provided accurate data for the annual school accountability report card related to instructional materials and facilities maintenance.

The law further requires that as the Superintendent of Schools, I annually monitor and review:

1. Quarterly reports on complaints filed with the school district concerning insufficient instructional materials, teacher vacancies and misassignment and emergency or urgent facilities issues under the Uniform Complaint Procedure; and
2. Expanded audit review authority in the areas of use of instructional materials program funds, teacher misassignment and information reported on the school accountability report card.
3. Teacher assignments in Decile 1-3 schools.

While the Uniform Complaint data and audit findings are not mandated to be a part of this report to you, they are being included so that you and the citizens of our community will have a complete understanding of the environment in which the above named schools are functioning.

Before proceeding with the report, let me define some basic terms:

- “Sufficient instructional materials” means every pupil, including English language learners, has a textbook in the four core areas to use in class and to take home each night to complete required homework assignments.
- “Facilities standards” means that each school district who receives state funding for facilities is required to establish a facilities inspection program and to ensure that each of the schools is maintained in good repair.
- “Good repair” is defined as maintaining schools that are clean, safe, and functional.

My findings for each of the schools listed above are attached.

In conclusion, let me assure each of you receiving this report, that the Yuba County Office of Education is available to support the actions that need to be taken to address the needs identified in my report.

Sincerely,

A handwritten signature in black ink, reading "Scotia Holmes Sanchez". The signature is fluid and cursive, with the first name "Scotia" being the most prominent.

Scotia Holmes Sanchez, Ed.D., Superintendent  
Yuba County Office of Education

# YUBA COUNTY OFFICE OF EDUCATION

SCOTIA HOLMES SANCHEZ, ED. D.  
SUPERINTENDENT

935 14TH STREET, MARYSVILLE, CA 95901-4198  
TELEPHONE (530) 749-4900  
FAX NUMBER (530) 741-6500



## YUBA COUNTY BOARD OF EDUCATION

AREA 1  
LOU BINNINGER  
AREA 2  
GEORGE E. SMITH  
AREA 3  
MARLENE R. RASTETTER  
AREA 4  
MARY J. HOVEY  
AREA 5  
EMILY T. DAWSON  
AREA 6  
DONNA M. LANDERMAN  
AREA 7  
WAYNE L. VINCENT

November 1, 2011

Gay Todd, Superintendent  
Marysville Joint Unified School District

Rocco Greco, Principal  
Abraham Lincoln High School

RE: Williams Visit - Abraham Lincoln High School

Dear Dr. Todd and Mr. Greco:

My findings during my visit to Abraham Lincoln High School related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

### **School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed. The school's 2011 State Facility Inspection Tool (FIT) **is attached**. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration and are listed below: Though some of these items may have open work orders and scheduled completion dates, other items have not yet been identified as facility needs.

- **GAS LEAKS** – Reported to be in “Good Repair.”
- **MECH/HVAC** – Reported to be in “Good Repair.”
- **WINDOWS/DOORS/GATES/FENCES** – Reported to be in “Good Repair.”
- **INTERIOR SURFACES** – S-2 carpet in poor shape.
- **HAZARDOUS MATERIALS** – Reported to be in “Good Repair.”
- **STRUCTURAL DAMAGES** – Soft siding on portable exterior.
- **FIRE SAFETY** – Reported to be in “Good Repair.”
- **ELECTRICAL** – Storage container – put covers back on electrical boxes.

- **PEST/VERMIN INFESTATION** Reported to be in “Good Repair.”
- **DRINKING FOUNTAINS** – Reported to be in “Good Repair.”
- **RESTROOMS** – Boys restroom in office has no exhaust fan.
- **SEWER** - Reported to be in “Good Repair.”
- **ROOFS** – Rain gutter falling off on south side of S-2.
- **PLAYGROUND/SCHOOL GROUNDS** – Reported to be in “Good Repair.”
- **OVERALL CLEANLINESS** – Storage container back lot requires clean up.

#### **Instructional Materials:**

The Williams Verification Visit to Abraham Lincoln High School occurred on September 7, 2011. This was an announced visit. Twenty-five percent of the classrooms were visited as required under the Williams’ statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Abraham Lincoln High School.

#### **School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including “good repair.” To that end, the 2009-2010 School Accountability Report Card, published during the 2010-2011 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on 12/06/10, resulting in an overall rating of “Good.” See the attached Facility Inspection Tool for details of school facility condition on September 7, 2011.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 7, 2011 Williams visit.

#### **Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

#### **Audit Review:**

There were no audit findings for this site.

#### **Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2010-2011 school year. (April 1-June 30<sup>th</sup>)

In conclusion, let me assure each of you receiving this report and especially the Marysville Joint Unified School District Board, Dr. Gay Todd, Marysville Joint Unified School District Superintendent, and the entire staff of Abraham Lincoln High School, that the Yuba County Office of Education is available to support any actions that need to be taken to address the needs identified in this report.

Sincerely,

A handwritten signature in black ink, reading "Scotia Holmes Sanchez". The signature is fluid and cursive, with the first name "Scotia" being the most prominent.

Scotia Holmes Sanchez, Ed.D., Superintendent  
Yuba County Office of Education

Enc.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION			
MARYSVILLE JOINT UNIFIED / YUBA COUNTY OFFICE OF EDUCATION			
SCHOOL SITE		COUNTY	
ABRAHAM LINCOLN HOME SCHOOL		YUBA COUNTY	
INSPECTOR'S NAME		SCHOOL TYPE (GRADE LEVELS)	NUMBER OF CLASSROOMS ON SITE
Howard Busch		Alternative (K-12)	
TIME OF INSPECTION		NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
9:00 AM		Terry Billadeau	
WEATHER CONDITION AT TIME OF INSPECTION			
Clear and Dry			

**PART III: CATEGORY TOTALS AND RANKING**(round all calculations to two decimal places)

[illegible]

**"Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category."**

OVERALL RATING:	86.98%	FAIR
-----------------	--------	------

**\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below**

99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75 %-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

**COMMENTS AND RATING EXPLANATION:**

[illegible]

**Marks:** ✓ = Good Repair (When filling up the electronic version, please use str+G ); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
Use additional sheets as necessary.

# YUBA COUNTY OFFICE OF EDUCATION

SCOTIA HOLMES SANCHEZ, ED. D.  
SUPERINTENDENT

935 14TH STREET, MARYSVILLE, CA 95901-4198  
TELEPHONE (530) 749-4900  
FAX NUMBER (530) 741-6500



## YUBA COUNTY BOARD OF EDUCATION

AREA 1  
LOU BINNINGER  
AREA 2  
GEORGE E. SMITH  
AREA 3  
MARLENE R. RASTETTER  
AREA 4  
MARY J. HOVEY  
AREA 5  
EMILY T. DAWSON  
AREA 6  
DONNA M. LANDERMAN  
AREA 7  
WAYNE L. VINCENT

November 1, 2011

Gay Todd, Superintendent  
Marysville Joint Unified School District

Jill Segner, Principal  
Cedar Lane Elementary School

RE: Williams Visit - Cedar Lane Elementary School

Dear Dr. Todd and Ms. Segner:

My findings during my visit to Cedar Lane Elementary School related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

### **School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed. The school's 2011 State Facility Inspection Tool (FIT) **is attached**. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration and are listed below: Though some of these items may have open work orders and scheduled completion dates, other items have not yet been identified as facility needs.

- **GAS LEAKS** – Reported to be in “Good Repair.”
- **MECH/HVAC** – Reported to be in “Good Repair.”
- **WINDOWS/DOORS/GATES/FENCES** – Reported to be in “Good Repair.”
- **INTERIOR SURFACES** – Reported to be in “Good Repair.”
- **HAZARDOUS MATERIALS** - Reported to be in “Good Repair.”
- **STRUCTURAL DAMAGES** – Room P 104 has a lot of soft siding.
- **FIRE SAFETY** – Reported to be in “Good Repair.”
- **ELECTRICAL** – Room D 103 J Box cover missing by door, low voltage.
- **PEST/VERMIN INFESTATION** - Reported to be in “Good Repair.”

- **DRINKING FOUNTAINS** – Room C 106 fountain not working.
- **RESTROOMS** – Rooms G 103, G 110, Library – Girls restroom no faucet handle. Grade 6 room lock broken on water shut-off door panel.
- **SEWER** - Reported to be in “Good Repair.”
- **ROOFS** – Reported to be in “Good Repair.”
- **PLAYGROUND/SCHOOL GROUNDS** – Main playground protective coating peeling exposing bare steel. Preschool playground flower loose, needs tightening.
- **OVERALL CLEANLINESS** - Reported to be in “Good Repair.”

#### **Instructional Materials:**

The Williams Verification Visit to Cedar Lane Elementary School occurred on September 8, 2011. This was an unannounced visit. Twenty-five percent of the classrooms were visited as required under the Williams’ statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Cedar Lane Elementary School.

#### **School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including “good repair.” To that end, the 2009-2010 School Accountability Report Card, published during the 2010-2011 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on 12/06/10, resulting in an overall rating of “Good.” See the attached Facility Inspection Tool for details of school facility condition on September 8, 2011.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 8, 2011 Williams visit.

#### **Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

#### **Audit Review:**

There were no audit findings for this site.

#### **Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2010-2011 school year. (April 1-June 30<sup>th</sup>)

In conclusion, let me assure each of you receiving this report and especially the Marysville Joint Unified School District Board, Dr. Gay Todd, Marysville Joint Unified School District Superintendent, and the entire staff of Cedar Lane Elementary School, that the Yuba County Office of Education is available to support any actions that need to be taken to address the needs identified in this report.

Sincerely,

A handwritten signature in black ink that reads "Scotia Holmes Sanchez". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Scotia Holmes Sanchez, Ed.D., Superintendent  
Yuba County Office of Education

Enc.



# YUBA COUNTY OFFICE OF EDUCATION

SCOTIA HOLMES SANCHEZ, ED. D.  
SUPERINTENDENT

935 14TH STREET, MARYSVILLE, CA 95901-4198  
TELEPHONE (530) 749-4900  
FAX NUMBER (530) 741-6500



## YUBA COUNTY BOARD OF EDUCATION

AREA 1  
LOU BINNINGER  
AREA 2  
GEORGE E. SMITH  
AREA 3  
MARLENE R. RASTETTER  
AREA 4  
MARY J. HOVEY  
AREA 5  
EMILY T. DAWSON  
AREA 6  
DONNA M. LANDERMAN  
AREA 7  
WAYNE L. VINCENT

---

November 1, 2011

Gay Todd, Superintendent  
Marysville Joint Unified School District

Rob Gregor, Principal  
Ella Elementary School

RE: Williams Visit - Ella Elementary School

Dear Dr. Todd and Mr. Gregor:

My findings during my visit to Ella Elementary School related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

### **School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed. The school's 2011 State Facility Inspection Tool (FIT) **is attached**. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration and are listed below: Though some of these items may have open work orders and scheduled completion dates, other items have not yet been identified as facility needs.

- **GAS LEAKS** – Reported to be in “Good Repair.”
- **MECH/HVAC** – Reported to be in “Good Repair.”
- **WINDOWS/DOORS/GATES/FENCES** – Portables north- Girls entry door needs adjustment.
- **INTERIOR SURFACES** – Rust on I beam center of room, loose ceiling tile F104.
- **HAZARDOUS MATERIALS** - Reported to be in “Good Repair.”
- **STRUCTURAL DAMAGES** – Portables north Soft siding rooms 201-204. E101 concrete chipped at entry. Loose ceiling tile F104.
- **FIRE SAFETY** – Reported to be in “Good Repair.”

- **ELECTRICAL** – Electrical cords running across floor in computer lab walk pathway.
- **PEST/VERMIN INFESTATION** - Reported to be in “Good Repair.”
- **DRINKING FOUNTAINS** – Reported to be in “Good Repair.”
- **RESTROOMS** – NA.
- **SEWER** - NA
- **ROOFS** – Reported to be in “Good Repair.”
- **PLAYGROUND/SCHOOL GROUNDS** – Main building chin up bar rotates (possible pinch) & protective coat on swing chain missing, west playground.
- **OVERALL CLEANLINESS** - Reported to be in “Good Repair.”

#### **Instructional Materials:**

The Williams Verification Visit to Ella School occurred on September 8, 2011. This was an unannounced visit. Twenty-five percent of the classrooms were visited as required under the Williams’ statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Ella Elementary School.

#### **School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including “good repair.” To that end, the 2009-2010 School Accountability Report Card, published during the 2010-2011 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on 12/06/10, resulting in an overall rating of “Poor.” See the attached Facility Inspection Tool for details of school facility condition on August 29, 2011.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 8, 2011 Williams visit.

#### **Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

#### **Audit Review:**

There were no audit findings for this site.

#### **Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team.

No uniform complaints were reported during the fourth quarter of the 2010-2011 school year. (April 1-June 30<sup>th</sup>)

In conclusion, let me assure each of you receiving this report and especially the Marysville Joint Unified School District Board, Dr. Gay Todd, Marysville Joint Unified School District Superintendent, and the entire staff of Ella Elementary School, that the Yuba County Office of Education is available to support any actions that need to be taken to address the needs identified in this report.

Sincerely,

A handwritten signature in black ink, reading "Scotia Holmes Sanchez". The signature is fluid and cursive, with the first name "Scotia" being the most prominent.

Scotia Holmes Sanchez, Ed. D., Superintendent  
Yuba County Office of Education

Enc.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION		COUNTY	
MARYSVILLE JOINT UNIFIED / YUBA COUNTY OFFICE OF EDUCATION		YUBA COUNTY	
SCHOOL SITE	SCHOOL TYPE (GRADE LEVELS)	NUMBER OF CLASSROOMS ON SITE	
ELLA ELEMENTARY SCHOOL	Elementary (K-6)	30	
INSPECTOR'S NAME	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)		
Howard Busch	Terry Biladeau & Rob Gregor		
TIME OF INSPECTION	INSPECTOR'S TITLE		
8:30 AM	YCOE Maintenance Supervisor		
	WEATHER CONDITION AT TIME OF INSPECTION		
	Clear & Dry		

PART III: CATEGORY TOTALS AND RANKING(round all calculations to two decimal places)

5	5	4	4	5	5	4	4	5	5	4	5	4	4
0	0	0	1	0	0	1	0	0	0	1	0	1	1
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	1	0	0	0	0	1	0	0	0	0	0	0
100.00%	100.00%	100.00%	80.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	80.00%	100.00%	80.00%	80.00%
100.00%	100.00%	100.00%	80.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	90.00%	100.00%	80.00%	80.00%
GOOD	GOOD	FAIR	FAIR	GOOD	GOOD	FAIR	GOOD	GOOD	GOOD	GOOD	GOOD	FAIR	FAIR

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:

91.25%

GOOD

\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

90%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
80%-89.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75 %-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION:

Overall school has shown dramatic improvement over the past year. Through the efforts of their principal, staff & parent, student involvement.

## PART II: EVALUATION DETAIL

Date of Inspection: 08/29/11

School Name: **ELLA ELEMENTARY**[illegible]

**Marks:** ✓ = Good Repair (When filling up the electronic version, please use ctrl+G ); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
Use additional sheets as necessary.

# YUBA COUNTY OFFICE OF EDUCATION

SCOTIA HOLMES SANCHEZ, ED. D.  
SUPERINTENDENT

935 14TH STREET, MARYSVILLE, CA 95901-4198  
TELEPHONE (530) 749-4900  
FAX NUMBER (530) 741-6500



## YUBA COUNTY BOARD OF EDUCATION

AREA 1  
LOU BINNINGER  
AREA 2  
GEORGE E. SMITH  
AREA 3  
MARLENE R. RASTETTER  
AREA 4  
MARY J. HOVEY  
AREA 5  
EMILY T. DAWSON  
AREA 6  
DONNA M. LANDERMAN  
AREA 7  
WAYNE L. VINCENT

November 1, 2011

Gay Todd, Superintendent  
Marysville Joint Unified School District

Judy Hart, Principal  
Linda Elementary School

RE: Williams Visit - Linda Elementary School

Dear Dr. Todd and Ms. Hart:

My findings during my visit to Linda Elementary School related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

### **School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed. The school's 2011 State Facility Inspection Tool (FIT) **is attached**. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration and are listed below: Though some of these items may have open work orders and scheduled completion dates, other items have not yet been identified as facility needs.

- **GAS LEAKS** – Reported to be in “Good Repair.”
- **MECH/HVAC** – Reported to be in “Good Repair.”
- **WINDOWS/DOORS/GATES/FENCES** – Northwest corner fence cut open.  
Broken plexi-glass in library bookshelf door.
- **INTERIOR SURFACES** – Kitchen flooring torn in South-west corner.
- **HAZARDOUS MATERIALS** - Reported to be in “Good Repair.”
- **STRUCTURAL DAMAGES** - Reported to be in “Good Repair.”
- **FIRE SAFETY** – Fire extinguisher expired in kitchen.

- **ELECTRICAL** – Plug cover missing in Main building. Switch cover broken on walk in box in kitchen.
- **PEST/VERMIN INFESTATION** - Reported to be in “Good Repair.”
- **DRINKING FOUNTAINS** – New faucet needed in Kinder area. Fountain outside kitchen not working.
- **RESTROOMS** – ISA signs missing in Boys/Girls restroom near SW portables.
- **SEWER** - Reported to be in “Good Repair.”
- **ROOFS** – PG&E power drop is in trees, and rain gutter bad on backside of North Classes.
- **PLAYGROUND/SCHOOL GROUNDS** – Northwest playground bark needs redistribution.
- **OVERALL CLEANLINESS** - Reported to be in “Good Repair.”

#### **Instructional Materials:**

The Williams Verification Visit to Linda School occurred on August 30, 2011. This was an announced visit. Twenty-five percent of the classrooms were visited as required under the Williams’ statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Linda Elementary School.

#### **School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including “good repair.” To that end, the 2009-2010 School Accountability Report Card, published during the 2010-2011 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on 12/06/10, resulting in an overall rating of “Fair.” See the attached Facility Inspection Tool for details of school facility condition on August 30, 2011.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the August 30, 2011 Williams visit.

#### **Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

#### **Audit Review:**

There were no audit findings for this site.

#### **Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2010-2011 school year. (April 1-June 30<sup>th</sup>)

In conclusion, let me assure each of you receiving this report and especially the Marysville Joint Unified School District Board, Dr. Gay Todd, Marysville Joint Unified School District Superintendent, and the entire staff of Linda Elementary School, that the Yuba County Office of Education is available to support any actions that need to be taken to address the needs identified in this report.

Sincerely,

A handwritten signature in cursive script that reads "Scotia Holmes Sanchez".

Scotia Holmes Sanchez, Ed.D., Superintendent  
Yuba County Office of Education

Enc.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION		COUNTY	
MARYSVILLE JOINT UNIFIED / YUBA COUNTY OFFICE OF EDUCATION		YUBA COUNTY	
SCHOOL SITE	SCHOOL TYPE (GRADE LEVELS)	NUMBER OF CLASSROOMS ON SITE	
LINDA ELEMENTARY SCHOOL	Elementary (K-5)	41	
INSPECTOR'S NAME	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)		
Howard Busch	YCOE Maintenance Supervisor		
TIME OF INSPECTION	WEATHER CONDITION AT TIME OF INSPECTION		
8:30 AM	Clear and Dry		

PART III: CATEGORY TOTALS AND RANKING(round all calculations to two decimal places)																
6	6	6	6	5	6	6	4	5	4	5	6	6	5	5	4	
	0	0	0	1	0	0	2	1	2	1	0	0	1	1	2	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	100.00%	100.00%	100.00%	83.33%	100.00%	100.00%	66.67%	83.33%	66.67%	83.33%	100.00%	100.00%	83.33%	83.33%	66.67%	
100.00%		100.00%		83.33%		100.00%		66.67%		83.33%		100.00%		83.33%		66.67%
100.00%		100.00%		83.33%		100.00%		66.67%		83.33%		100.00%		83.33%		66.67%
GOOD		GOOD		FAIR		GOOD		POOR		FAIR		GOOD		GOOD		FAIR
85.42%		85.42%		85.42%		85.42%		85.42%		85.42%		85.42%		85.42%		85.42%
FAIR		FAIR		FAIR		FAIR		FAIR		FAIR		FAIR		FAIR		FAIR

OVERALL RATING: 85.42% FAIR

Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

90%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
80%-89.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75 %-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION:

PART II: EVALUATION DETAIL		Date of Inspection: 08/30/11	School Name: LINDA ELEMENTARY												
Kinder. Area	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Main Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
SW Portables	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Kitchen	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
North Classes	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Library	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Marks: ✓ = Good Repair (When filling up the electronic version, please use ctrl+G); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
Use additional sheets as necessary.

**YUBA COUNTY  
OFFICE OF EDUCATION**  
**SCOTIA HOLMES SANCHEZ, ED. D.**  
**SUPERINTENDENT**

935 14TH STREET, MARYSVILLE, CA 95901-4198  
TELEPHONE (530) 749-4900  
FAX NUMBER (530) 741-6500



YUBA COUNTY BOARD  
OF EDUCATION

AREA 1  
LOU BINNINGER  
AREA 2  
GEORGE E. SMITH  
AREA 3  
MARLENE R. RASTETTER  
AREA 4  
MARY J. HOVEY  
AREA 5  
EMILY T. DAWSON  
AREA 6  
DONNA M. LANDERMAN  
AREA 7  
WAYNE L. VINCENT

November 1, 2011

Gay Todd, Superintendent  
Marysville Joint Unified School District

Bob Eckardt, Principal  
Lindhurst High School

RE: Williams Visit - Lindhurst High School

Dear Dr. Todd and Mr. Eckardt:

My findings during my visit to Lindhurst High School related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

**School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed. The school's 2011 State Facility Inspection Tool (FIT) **is attached**. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration and are listed below: Though some of these items may have open work orders and scheduled completion dates, other items have not yet been identified as facility needs.

- **GAS LEAKS** – Reported to be in “Good Repair.”
- **MECH/HVAC** – Cafeteria return air vents dirty.
- **WINDOWS/DOORS/GATES/FENCES** – Deficiencies are reported in gym and locker room.
- **INTERIOR SURFACES** – Deficiencies are reported in AR building, gym, locker room, north portables and library.
- **HAZARDOUS MATERIALS** – Deficiencies are reported in cafeteria, and gym. Extreme deficiency is reported in science building.

- **STRUCTURAL DAMAGES** – Reported to be in “Good Repair.”
- **FIRE SAFETY** – Reported to be in “Good Repair.”
- **ELECTRICAL** – Deficiencies are reported in AR building, gym, G building, science building, and library.
- **PEST/VERMIN INFESTATION** – Extreme deficiency reported in locker room. See F.I.T. report for details.
- **DRINKING FOUNTAINS** – Deficiencies are reported in gym, locker room, G building, science building, and library.
- **RESTROOMS** – Deficiencies are reported in science building and library.
- **SEWER** - Reported to be in “Good Repair.”
- **ROOFS** – Reported to be in “Good Repair.”
- **PLAYGROUND/SCHOOL GROUNDS** – Deficiency is reported in north portables.
- **OVERALL CLEANLINESS** – Deficiencies are reported in cafeteria, gym, locker room, north portables, and science building.

#### **Instructional Materials:**

The Williams Verification Visit to Lindhurst High School occurred on September 7, 2011. This was an announced visit. Twenty-five percent of the classrooms were visited as required under the Williams’ statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Lindhurst High School.

#### **School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including “good repair.” To that end, the 2009-2010 School Accountability Report Card, published during the 2010-2011 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on 12/06/10, resulting in an overall rating of “Fair.” See the attached Facility Inspection Tool for details of school facility condition on September 7, 2011.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 7, 2011 Williams visit.

#### **Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

#### **Audit Review:**

There were no audit findings for this site.

**Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2010-2011 school year. (April 1-June 30<sup>th</sup>)

In conclusion, let me assure each of you receiving this report and especially the Marysville Joint Unified School District Board, Dr. Gay Todd, Marysville Joint Unified School District Superintendent, and the entire staff of Lindhurst High School, that the Yuba County Office of Education is available to support any actions that need to be taken to address the needs identified in this report.

Sincerely,

A handwritten signature in cursive script that reads "Scotia Holmes Sanchez".

Scotia Holmes Sanchez, Ed.D., Superintendent  
Yuba County Office of Education

Enc.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION		COUNTY	
MARYSVILLE JOINT UNIFIED / YUBA COUNTY OFFICE OF EDUCATION		YUBA COUNTY	
SCHOOL SITE	SCHOOL TYPE (GRADE LEVELS)	NUMBER OF CLASSROOMS ON SITE	
LINDHURST HIGH SCHOOL	9-12	68	
INSPECTOR'S NAME	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)		
Howard Busch	Terry Biladeau		
TIME OF INSPECTION	INSPECTOR'S TITLE		
8:00 AM - 10:30 AM	YCOE Maintenance Supervisor		
	WEATHER CONDITION AT TIME OF INSPECTION		
	Clear and Dry		

PART III: CATEGORY TOTALS AND RANKING(round all calculations to two decimal places)

8	8	7	6	3	3	3	7	3	5	3	2	5	8	8	7	6
0	1	0	5	5	0	5	0	5	2	5	5	2	0	0	1	2
0	0	0	0	0	1	0	1	0	0	0	1	1	0	0	0	0
0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
100.00%	87.50%	100.00%	37.50%	37.50%	X	37.50%	X	37.50%	71.43%	37.50%	X	X	100.00%	100.00%	87.50%	75.00%
95.83%			37.50%	0.00%		37.50%		54.47%	0.00%		100.00%		81.25%			
GOOD			POOR	POOR	POOR	POOR	POOR	POOR	POOR	POOR	POOR	GOOD	FAIR			

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:

50.82%

POOR

\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

90%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
80%-89.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75%-79.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION:

Overall cleanliness poor along with several critical safety issues, especially in the Science Building regarding chemical storage and electrical along with concerns with fire safety.

Part B: EVALUATION DETAIL Date of Inspection: 09/07/11 School Name: LINDHURST HIGH SCHOOL

PART B: EVALUATION DETAIL														
AR Building	✓	✓	✓	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bad areas in ceiling need to be replaced / overhead light defuser cracked & loose														
Cafeteria	✓	D	✓	✓	D	✓	✓	✓	✓	D	✓	✓	✓	✓
Return air vents dirty / floors & tables excessively dirty / custodial door left open / expired fire extinguishers														
Gym	✓	✓	✓	D	D	✓	D	NA	D	D	✓	✓	✓	D
Elect. cover missing / door broken / floor cleaning chemicals against boiler / sharp wire at bottom of fence west-end / elect. access panel blocked / fountain broken / broken or missing light diffuser / tile chipped / threshold unattached at exit door														
Locker Room	✓	✓	✓	D	D	X	✓	✓	D	X	✓	✓	✓	D
2 sinks not working / 2 of 3 toilet doors missing / fire exit sign broken / football locker room messy / pests on floor (cockroaches) / J box cover hanging / hole in wall														
North Portables	✓	✓	✓	D	D	✓	✓	✓	✓	✓	✓	✓	✓	D
Weight room ceiling tiles / FFA room no custodial evidence / excessive weeds in Ag. Storage garden area														
G Building	✓	✓	✓	✓	✓	✓	✓	✓	D	D	✓	✓	✓	✓
Electrical overused / restroom sink handle broken / Wood Shop fire extinguisher missing														
Science Building	✓	✓	✓	✓	D	✓	D	D	D	D	X	✓	✓	✓
All chemical cabinets unlocked / chemicals stored in food ref. / oxygen & helium tanks blocking elect. panel / eye wash station blocked / mechanical & IT rooms used for storage / upstairs boys bathroom fan not working / door stop broken / south ADA fountain broken / light switch cover missing														
Library	✓	✓	✓	D	✓	✓	D	D	D	D	✓	✓	✓	✓
Room 108 some electrical outlets dead / girls restroom 4 sinks no handles / several fire extinguishers expired / space heater under table with flammables														

Marks: ✓ = Good Repair (When filling up the electronic version, please use ctrl+G); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
Use additional sheets as necessary.

**YUBA COUNTY  
OFFICE OF EDUCATION**  
**SCOTIA HOLMES SANCHEZ, ED. D.**  
**SUPERINTENDENT**

935 14TH STREET, MARYSVILLE, CA 95901-4198  
TELEPHONE (530) 749-4900  
FAX NUMBER (530) 741-6500



**YUBA COUNTY BOARD  
OF EDUCATION**

AREA 1  
LOU BINNINGER  
AREA 2  
GEORGE E. SMITH  
AREA 3  
MARLENE R. RASTETTER  
AREA 4  
MARY J. HOVEY  
AREA 5  
EMILY T. DAWSON  
AREA 6  
DONNA M. LANDERMAN  
AREA 7  
WAYNE L. VINCENT

November 1, 2011

Gay Todd, Superintendent  
Marysville Joint Unified School District

Lynne Cardoza, Principal  
Yuba Feather Elementary School

RE: Williams Visit –Yuba Feather Elementary School

Dear Dr. Todd and Ms. Cardoza:

My findings during my visit to Yuba Feather Elementary School related to the areas of instructional materials, facilities, School Accountability Report Cards, teacher misassignment, and uniform complaint notices are summarized below:

**SCHOOL FACILITIES:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed. The school's 2011 State Facility Inspection Tool (FIT) **is attached**. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration and are listed below: Though some of these items may have open work orders and scheduled completion dates, other items have not yet been identified as facility needs.

- **GAS LEAKS** - Reported to be in "Good Repair."
- **MECH/HVAC** - Reported to be in "Good Repair."
- **WINDOWS/DOORS/GATES/FENCES** – Reported to be in "Good Repair."
- **INTERIOR SURFACES** – Reported to be in "Good Repair."
- **HAZARDOUS MATERIALS** – Reported to be in "Good Repair."
- **STRUCTURAL DAMAGES** - Reported to be in "Good Repair."
- **FIRE SAFETY** – Reported to be in "Good Repair."
- **ELECTRICAL** – Reported to be in "Good Repair."
- **PEST/VERMIN INFESTATION** - Reported to be in "Good Repair."

- **DRINKING FOUNTAINS** - Reported to be in "Good Repair."
- **RESTROOMS** - Reported to be in "Good Repair."
- **SEWER** - Reported to be in "Good Repair."
- **ROOFS** - Reported to be in "Good Repair."
- **PLAYGROUND/SCHOOL GROUNDS** – Playground structure retaining wall repair/replacement is needed.
- **OVERALL CLEANLINESS** Reported to be in "Good Repair."

#### **INSTRUCTIONAL MATERIALS:**

The instructional materials monitoring visit took place on August 31, 2011. This was an announced visit. All of the classrooms were visited; as there is only one classroom per grade level, K-5. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Yuba Feather Elementary School. The school maintains an inventory system of textbooks at each grade level and provides an effective system for organization and shelving of extra textbooks.

#### **SCHOOL ACCOUNTABILITY REPORT CARD**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including "good repair." To that end, the 2009-2010 School Accountability Report Card, published during the 2010-2011 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on 12/06/10, resulting in an overall rating of "Good." See the attached Facility Inspection Tool for details of school facility condition on August 31, 2011 Williams visit.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the August 31, 2011 Williams visit.

#### **TEACHER MISASSIGNMENTS:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

#### **AUDIT REVIEW:**


There were no audit findings for this site.

#### **UNIFORM COMPLAINT:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2010-2011 school year. (April 1-June 30<sup>th</sup>)

In conclusion, let me assure each of you receiving this report and especially the Marysville Joint Unified School District Board, Dr. Gay Todd, Marysville Joint Unified School District Superintendent, and the entire staff of Yuba Feather Elementary School, that the Yuba County Office of Education is available to support any actions that need to be taken to address the needs identified in this report.

Sincerely,

A handwritten signature in cursive script that reads "Scotia Holmes Sanchez". The signature is written in dark ink and is positioned above the printed name.

Scotia Holmes Sanchez, Ed.D., Superintendent  
Yuba County Office of Education

Enc.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION		COUNTY
MARYSVILLE JOINT UNIFIED/YUBA COUNTY OFFICE OF EDUCATION		YUBA COUNTY
SCHOOL SITE	SCHOOL TYPE (GRADE LEVELS)	NUMBER OF CLASSROOMS ON SITE
YUBA FEATHER ELEMENTARY SCHOOL	Elementary (K-6)	6
INSPECTOR'S NAME	INSPECTOR'S TITLE	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTORS (IF APPLICABLE)
Scotia Holmes Sanchez	YCOE Superintendent	Lynne Cardoza
TIME OF INSPECTION	WEATHER CONDITION AT TIME OF INSPECTION	
9:00 AM	Clear & Dry	

PART III: CATEGORY TOTALS AND RANKING(round all calculations to two decimal places)

4	4	4	4	4	4	4	4	4	4	4	4	4	3	4
													1	
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	75.00%	100.00%
100.00%		100.00%		100.00%		100.00%		100.00%		100.00%		100.00%		87.50%
GOOD FAIR POOR		GOOD FAIR POOR		GOOD FAIR POOR		GOOD FAIR POOR		GOOD FAIR POOR		GOOD FAIR POOR		GOOD FAIR POOR		GOOD FAIR POOR

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	98.44%	Exemplary
-----------------	--------	-----------

\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

90%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
80%-89.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75%-79.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION:

[illegible]

**Remarks:** ✓ = Good Repair (When filling up the electronic version, please use ctrl+G ); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
Use additional sheets as necessary.

# YUBA COUNTY OFFICE OF EDUCATION

SCOTIA HOLMES SANCHEZ, ED. D.  
SUPERINTENDENT

935 14TH STREET, MARYSVILLE, CA 95901-4198  
TELEPHONE (530) 749-4900  
FAX NUMBER (530) 741-6500



YUBA COUNTY BOARD  
OF EDUCATION

AREA 1  
LOU BINNINGER  
AREA 2  
GEORGE E. SMITH  
AREA 3  
MARLENE R. RASTETTER  
AREA 4  
MARY J. HOVEY  
AREA 5  
EMILY T. DAWSON  
AREA 6  
DONNA M. LANDERMAN  
AREA 7  
WAYNE L. VINCENT

November 1, 2011

Gay Todd, Superintendent  
Marysville Joint Unified School District

Kari Ylst, Principal  
Yuba Gardens Intermediate School

RE: Williams Visit- Yuba Gardens Intermediate School

Dear Dr. Todd and Ms. Ylst:

My findings during my visit to Yuba Gardens Intermediate School related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

### **School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed. The school's 2011 State Facility Inspection Tool (FIT) **is attached**. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration and are listed below:

Though some of these items may have open work orders and scheduled completion dates, other items have not yet been identified as facility needs.

- **GAS LEAKS** – Reported to be in “Good Repair.”
- **MECH/HVAC** – Reported to be in “Good Repair.”
- **WINDOWS/DOORS/GATES/FENCES** – Reported to be in “Good Repair.”
- **INTERIOR SURFACES** – Science Lab counters need to be cleaned.
- **HAZARDOUS MATERIALS** – Science lab has chemical & storage mixed.
- **STRUCTURAL DAMAGES** - Reported to be in “Good Repair.”
- **FIRE SAFETY** – Reported to be in “Good Repair.”
- **ELECTRICAL** Multi-power strips for computers in room 101.
- **PEST/VERMIN INFESTATION** - Reported to be in “Good Repair.”

- **DRINKING FOUNTAINS** –Broken fountain in room 15.
- **RESTROOMS** – No seat protectors provided in restrooms near South portables.
- **SEWER** - Reported to be in “Good Repair.”
- **ROOFS** -Reported to be in “Good Repair.”
- **PLAYGROUND/SCHOOL GROUNDS** – Reported to be in “Good Repair.”
- **OVERALL CLEANLINESS** – Science Lab storage refrigerator needs to be cleaned, has mold.

#### **Instructional Materials:**

The Williams Verification Visit to Yuba Gardens Intermediate School occurred on September 1, 2011. This was an announced visit. Twenty-five percent of the classrooms were visited as required under the Williams’ statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Yuba Gardens Intermediate School.

#### **School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including “good repair.” To that end, the 2009-2010 School Accountability Report Card, published during the 2010-2011 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on 12/06/10, resulting in an overall rating of “Fair.” See the attached Facility Inspection Tool for details of school facility condition on September 1, 2011.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 1, 2011 Williams visit.

#### **Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

#### **Audit Review:**

There were no audit findings for this site.

#### **Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2010-2011 school year. (April 1-June 30<sup>th</sup>)

In conclusion, let me assure each of you receiving this report and especially the Marysville Joint Unified School District Board, Dr. Gay Todd, Marysville Joint Unified School District Superintendent, and the entire staff of Yuba Gardens Elementary School, that the Yuba County Office of Education is available to support any actions that need to be taken to address the needs identified in this report.

Sincerely,

A handwritten signature in black ink, reading "Scotia Holmes Sanchez". The signature is written in a cursive style with a large initial 'S' and a long horizontal flourish at the end.

Scotia Holmes Sanchez, Ed.D., Superintendent  
Yuba County Office of Education

Enc.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION		COUNTY
MARYSVILLE JOINT UNIFIED / YUBA COUNTY OFFICE OF EDUCATION		YUBA COUNTY
SCHOOL SITE	SCHOOL TYPE (GRADE LEVELS)	NUMBER OF CLASSROOMS ON SITE
YUBA GARDENS INTERMEDIATE SCHOOL	Intermediate (6-9)	42
INSPECTOR'S NAME	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
Howard Busch		
TIME OF INSPECTION	INSPECTOR'S TITLE	
8:30 AM	YCOE Maintenance Supervisor	
WEATHER CONDITION AT TIME OF INSPECTION		
Clear and Dry		

PART III: CATEGORY TOTALS AND RANKING(round all calculations to two decimal places)

5	5	5	5	4	4	4	4	4	4	5	4	5	5	5
	0	0	0	1	1	1	1	1	1	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	1	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	100.00%	100.00%	100.00%	80.00%	80.00%	80.00%	80.00%	100.00%	100.00%	X	100.00%	100.00%	100.00%	100.00%
	100.00%			90.00%		80.00%		80.00%		0.00%		100.00%		100.00%
	GOOD			FAIR		GOOD		FAIR		POOR		GOOD		GOOD

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:

78.75%

FAIR

\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

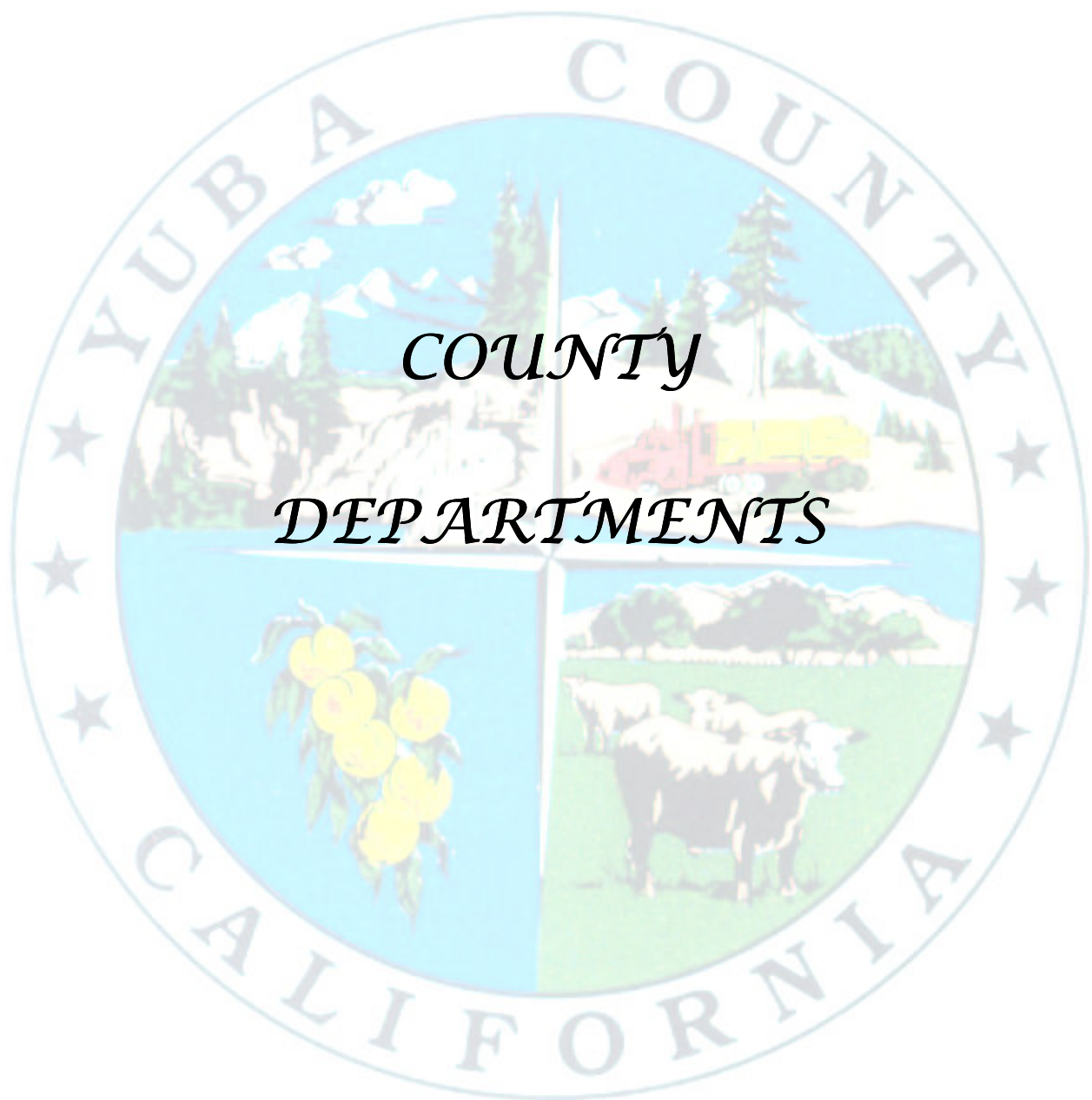
98%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75 %-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION:

Science lab & chemical storage should be a priority for cleaning and organization. Overall staff is involved and carry a positive attitude.

**Marks:** ✓ = Good Repair (When filling up the electronic version, please use **ctrl+G** ); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
Use additional sheets as necessary.

**Marks:** ✓ = Good Repair (When filling up the electronic version, please use **ctrl+G** ); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
Use additional sheets as necessary.



*COUNTY*  
*DEPARTMENTS*

**THIS PAGE INTENTIONALLY LEFT BLANK**

# The County of Yuba

---


## Office of Clerk of the Board of Supervisors

---



527-11

To: Board of Supervisors

From: Donna Stottlemeyer, Clerk of the Board 

Subject: Yuba County Resource/Development Code Advisory Committee

Date: December 6, 2011

### Recommendation

Appoint one individual from each supervisory district to the Yuba County Resource/Development Code Advisory Committee with term ending upon adoption of the Development Code update (approximately 2 years – December 2013).

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information and is updated regularly. This is a new Advisory Committee that was created for the purpose of providing additional public input in the preparation of a Resource Efficiency Plan and comprehensive Development Code update. Attached is a detailed summary of the purpose and required qualifications for the Advisory Committee.

The Advisory Committee will have a total of seven (7) members. One member will be appointed from each supervisory district and two members from the Planning Commission. The following Planning Commissioners have been appointed to the Advisory Committee: Jon Messick (current Chair), Alyssa Lindman, and Jim Rippey (Alternate).

Applications have been received from (Districts with more than one application are listed by date application was received): District 1: Richard Reiss; District 2: G. Michael Paine; District 3: Victor Cuate and Paul B. Myers; District 4: Keith Brown District 5: Elden Fowler and Charles Sharp

Each application has been attached for your review and consideration. In light of the expressed interest, it would be appropriate to make an appointment at this time.

### Fiscal Impact

None. Members of the Advisory Committee serve without compensation.

### Committee Action

Brought directly to the Board for consideration.

# YUBA COUNTY RESOURCE/DEVELOPMENT CODE ADVISORY COMMITTEE

**[www.yubazoningupdate.org](http://www.yubazoningupdate.org)**

- Purpose:** The Resource/Development Code Advisory Committee is expected to act as a sounding board to respond and comment upon information brought to them by County staff and project consultants (Project Team). The Project Team will present information such as issues lists, concepts, and focused items for the Advisory Committee's consideration, discussion and comment. The Committee will not be asked to offer final direction on any key policy matters as this is the role of the Board of Supervisors. The Committee members will, through their comments and suggestions, assist the preparers of the Resource Efficiency Plan and Development Code (Project Team) to formulate recommendations to the Planning Commission and Board of Supervisors. The Committee will enable a meaningful planning and environmental dialogue with locally knowledgeable residents regarding development and job creation in the County..
- Qualifications:** Permanent Resident of Yuba County (required)  
Additional consideration given to applicants with personal or professional experience in the fields of planning, land use, building, environmental sciences
- Terms:** Through Adoption of the Resource Efficiency Plan and Development Code (Anticipated to be a two year term – December 2013)
- Appointees:** 5 representatives (one from each supervisory district) and 2 Planning Commissioners
- Meeting Info:** As needed (generally during regular business hours)
- Compensation:** None / Voluntary

\* \* \* \* \*

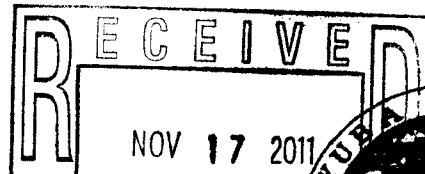
## Contact information:

Yuba County Planning Department (CDSA)  
Wendy W. Hartman, Director of Planning  
915 8<sup>th</sup> Street, Suite 123  
(530) 749-5470

Application for vacancies may be obtained  
from and should be returned to:

Clerk of the Board of Supervisors  
915 – 8<sup>th</sup> Street, Suite 109  
Marysville, California 95901  
(530) 749-7510

# The County of Yuba



Application for RESOURCE/DEVELOPMENT CODE ADVISORY COMMITTEE OF THE BOARD  
Appointed by the 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

APPLICANT NAME:

Richard Reiss

MAILING ADDRESS:

[REDACTED] Marysville, Ca. 95901

PHYSICAL ADDRESS:

Sam

TELEPHONE:

HOME: 742-4478

WORK: \_\_\_\_\_

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:

Retired

SUPERVISOR DISTRICT NUMBER:

1

Use additional sheets if necessary to address the next 3 questions

REASONS YOU WISH TO  
SERVE ON THIS BODY:

To serve the County and add common sense and  
practical opinion's in the best interest of the County &  
Community

EXPERIENCE WITH  
ZONING/SUBDIVISION/  
DEVELOPMENT CODE  
REGULATIONS:

Worked with building and zoning codes when I  
had my own business, ie ~~SES~~ Air resources board  
Orange County - City Building Departments  
worked with Ca. Consumer Affairs on regulations

LIST PAST AND CURRENT  
PUBLIC POSITIONS HELD:

None

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 THE ADVISORY 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

Phil Jir

DATE

11/17/2011

THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

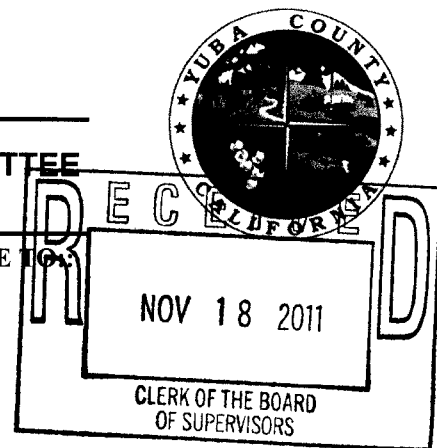
CC/DSA

# The County of Yuba

Application: **RESOURCE/DEVELOPMENT CODE ADVISORY COMMITTEE**  
Appointed by the 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



APPLICANT NAME: G. MICHAEL PAINE  
MAILING ADDRESS: [REDACTED] MARYSVILLE, CA 95901  
PHYSICAL ADDRESS: SAME  
TELEPHONE: HOME: [REDACTED] WORK: [REDACTED]  
EMAIL ADDRESS: [REDACTED]  
OCCUPATION/PROFESSION: Retired  
SUPERVISOR DISTRICT UMBER: 2<sup>nd</sup>

Use additional sheets if necessary to address the next 3 questions

REASONS YOU WISH TO  
SERVE ON THIS BODY:

As a native of Yuba Co. I have always entertained a  
strange interest in the development of our Co, and to that  
end I would like to contribute to rules and regulations that  
will enhance all development

EXPERIENCE WITH  
ZONING/SUBDIVISION/  
DEVELOPMENT CODE  
REGULATIONS:

None -

LIST PAST AND CURRENT  
PUBLIC POSITIONS HELD:

No elected positions - I serve on the Community Services  
Commission, and the Co. Library Advisory Commission.

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 THE ADVISORY 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

G. Michael Paine

DATE

11/18/2011

#### THIS SECTION FOR OFFICE USE ONLY

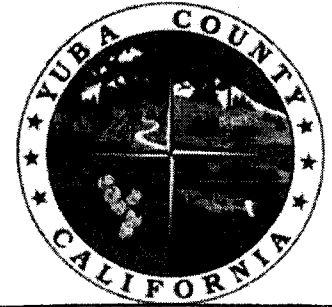
☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

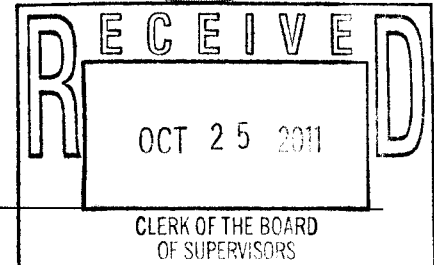
# The County of Yuba

Application for RESOURCE/DEVELOPMENT CODE ADVISORY COMMITTEE  
Appointed by the 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



APPLICANT NAME:

Victor Cuate

MAILING ADDRESS:

1520 14th St, Olivehurst

PHYSICAL ADDRESS:

(same as above)

TELEPHONE:

HOME:

[REDACTED]

WORK:

cell: (530) 329-5831

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:

Educator (part-time) / Urban Planning & Studies Graduate Student

SUPERVISOR DISTRICT NUMBER:

3

*Use additional sheets if necessary to address the next 3 questions*

REASONS YOU WISH TO  
SERVE ON THIS BODY:

I wish to gain a practical experience to help me in my future career as an urban planner. As a resident of Olivehurst I wish to assist my community.

EXPERIENCE WITH  
ZONING/SUBDIVISION/  
DEVELOPMENT CODE  
REGULATIONS:

I have not practiced or been on a project team dealing with zoning/subdivision/development code regulations, but am educated in them.

LIST PAST AND CURRENT  
PUBLIC POSITIONS HELD:

Advisory Committee for O.S.C.E.R

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 THE ADVISORY 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

Victor Cuate

DATE

10/25/2011

## THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

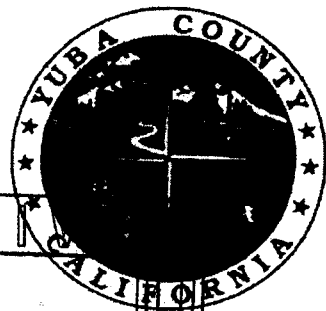
RECEIVED

OCT 25 2011

Community Development &  
Services Agency

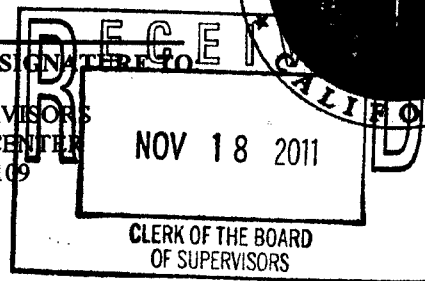
# The County of Yuba

Application for RESOURCE/DEVELOPMENT CODE ADVISORY COMMITTEE  
Appointed by the 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



APPLICANT NAME:

Paul B Myers

MAILING ADDRESS:

[REDACTED] Olivehurst CA

PHYSICAL ADDRESS:

Same

TELEPHONE:

HOME:

[REDACTED]

WORK:

Same

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:

Small Business owner Docu Shred-

SUPERVISOR DISTRICT NUMBER:

3

*Use additional sheets if necessary to address the next 3 questions*

REASONS YOU WISH TO  
SERVE ON THIS BODY:

I would like to serve the 3rd District  
To Stream line new Sustainable Development

EXPERIENCE WITH  
ZONING/SUBDIVISION/  
DEVELOPMENT CODE  
REGULATIONS:

For 35 years in Yuba County I have worked  
with a licensed CA Architect and General Contractors  
in all aspects of home construction

LIST PAST AND CURRENT  
PUBLIC POSITIONS HELD:

None

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 THE ADVISORY 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.

Paul B Myers  
SIGNATURE

11-18-2011  
DATE

## THIS SECTION FOR OFFICE USE ONLY

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

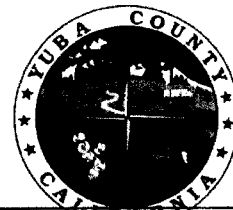
☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

cc CISA

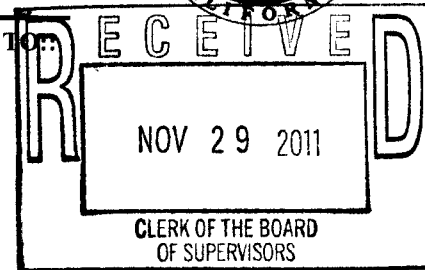
# The County of Yuba

Application: RESOURCE/DEVELOPMENT CODE ADVISORY COMMITTEE  
Appointed by the 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



APPLICANT NAME: Keith Brown  
MAILING ADDRESS: 2090 [REDACTED] Wheatland  
PHYSICAL ADDRESS: 2090 [REDACTED] Wheatland  
TELEPHONE: HOME: [REDACTED] WORK: 633 2102  
EMAIL ADDRESS: [REDACTED]  
OCCUPATION/PROFESSION: Drugsell + Paint Contractor  
SUPERVISOR DISTRICT UMBER: D 4

Use additional sheets if necessary to address the next 3 questions

REASONS YOU WISH TO  
SERVE ON THIS BODY:

To use my Experience and knowledge  
to help the community.

EXPERIENCE WITH  
ZONING/SUBDIVISION/  
DEVELOPMENT CODE  
REGULATIONS:

25 yrs of Experience in  
the Construction industry

LIST PAST AND CURRENT  
PUBLIC POSITIONS HELD:

Ø

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 THE ADVISORY 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

DATE

11-29-11

#### THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

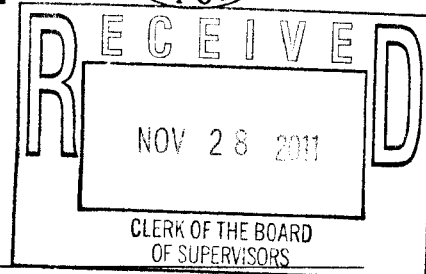
# The County of Yuba

**Application: RESOURCE/DEVELOPMENT CODE ADVISORY COMMITTEE**  
Appointed by the 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



APPLICANT NAME: Elden Fowler  
MAILING ADDRESS: [REDACTED] Brownsville, CA 95919  
PHYSICAL ADDRESS: [REDACTED] Brownsville, CA 95919  
TELEPHONE: HOME: [REDACTED] WORK: cell (916) 296-9009  
EMAIL ADDRESS: [REDACTED]  
OCCUPATION/PROFESSION: Retired  
SUPERVISOR DISTRICT UMBER: 5

Use additional sheets if necessary to address the next 3 questions

REASONS YOU WISH TO SERVE ON THIS BODY: Public Service

EXPERIENCE WITH ZONING/SUBDIVISION/DEVELOPMENT CODE REGULATIONS: Extensive Knowledge - Yuba Vision 2030, Permitting graduate UCD certificate Program which included Regulatory Frame work for Land use planning. Area 4 Agency on Aging, Brownsville Cemetery District, Voting member Republican Central comm.

LIST PAST AND CURRENT PUBLIC POSITIONS HELD: District, Voting member Republican Central comm.

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 THE ADVISORY 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.

Elden Fowler  
SIGNATURE

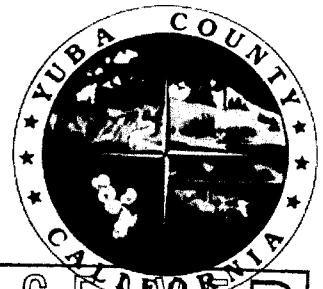
Nov. 28, 2011  
DATE

**THIS SECTION FOR OFFICE USE ONLY**

- ☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.
- ☐ APPLICANT APPOINTED: \_\_\_\_\_
- ☐ OTHER: \_\_\_\_\_

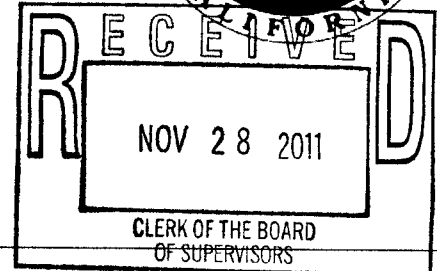
# The County of Yuba

Application for **RESOURCE/DEVELOPMENT CODE ADVISORY COMMITTEE**  
Appointed by the 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



APPLICANT NAME: Charles Sharp

MAILING ADDRESS: [REDACTED] 95935

PHYSICAL ADDRESS: [REDACTED] Oregon House, CA 95962 (own)

TELEPHONE: HOME: [REDACTED] WORK: 530 906-4264

EMAIL ADDRESS: [REDACTED]

OCCUPATION/PROFESSION: Self Employed/Software Engineer

SUPERVISOR DISTRICT NUMBER: 5th (Stocker)

*Use additional sheets if necessary to address the next 3 questions*

REASONS YOU WISH TO SERVE ON THIS BODY: Zoning implements the General Plan Policies. I would like to participate in discussions of how GP policies will be codified into the zoning.

EXPERIENCE WITH ZONING/SUBDIVISION/DEVELOPMENT CODE REGULATIONS: Involved in 1996 and 2030 General Plan updates. Submitted General Plan and EIR comment letters. Spoke on General Plan at Supervisor and Planning Commission meetings. Familiar with current zoning code deficiencies.

LIST PAST AND CURRENT PUBLIC POSITIONS HELD: None

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 THE ADVISORY 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 Charles Sharp

DATE Nov 18, 2011

THIS SECTION FOR OFFICE USE ONLY

- ☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.
- ☐ APPLICANT APPOINTED: \_\_\_\_\_
- ☐ OTHER: \_\_\_\_\_

**THIS PAGE INTENTIONALLY LEFT BLANK**

## REPAYMENT AGREEMENT BETWEEN THE COUNTY OF YUBA AND THE CITY OF MARYSVILLE

This Agreement is hereby made and entered into by and between the COUNTY OF YUBA (hereinafter referred to as "COUNTY") and the CITY OF MARYSVILLE.

- A. Background/History:** In 2010 the Office of the California State Controller, Audit Division, conducted an audit for traffic fines collected in fiscal years 2004-2005 through 2008-2009 by the Yuba County Superior Court. Through the audit, it was determined that several government entities, including the State of California were owed a portion of the total fines collected or needed to pay back amounts from fines inappropriately credited to their respective agency.
- B. Purpose of Agreement:** The purpose of this agreement is to establish a repayment plan for the CITY OF MARYSVILLE to pay the COUNTY the amount owed due to misallocation of court fines from Fiscal Year 2004/2005 through Fiscal Year 2008/2009.

In addition, the Office of the California State Controller has recommended that amounts owed for fiscal year 2009-2010 also be determined and remitted to the appropriate agency(ies). That amount is still to be determined and IS NOT part of this agreement. The COUNTY will notify the CITY OF MARYSVILLE of the amount for 2009-2010 as soon as it is determined and both parties will determine a method of repayment.

- C. Amount Owed:** Due to the misallocation of court fines, the CITY OF MARYSVILLE currently owes the County of Yuba \$ 222,386 for fiscal years 2004-2005 through 2008-2009.
- D. Repayment:** Repayment will be based on the following terms:
- a. **Interest Rate:** The CITY OF MARYSVILLE will be charged an agreed upon interest rate of 2% that will also be collected monthly.
  - b. **Monthly Installment:** The CITY OF MARYSVILLE will make 36 equal uninterrupted monthly installments in the amount of six thousand three hundred and sixty nine dollars and seventy one cents (\$6,369.71) which includes principal and interest beginning in September 2011 and ending in August 2014 as detailed in the attached payment worksheet (referred to as Attachment A).
  - c. **Method of Repayment:** The CITY OF MARYSVILLE agrees to have the Yuba County Auditor-Controller's Office withhold the agreed upon monthly payment amount of six thousand three hundred and sixty nine dollars and seventy one cents (\$6,369.71), which includes principal

and interest, stated in Attachment A, from the monthly distribution of fines normally provided monthly to the CITY OF MARYSVILLE.

- d. **Amortization Schedule:** The Amortization Schedule for this agreement is included herein as Attachment A.
- e. **Additional Payments:** Additional payments during the course of this agreement may be made by the CITY OF MARYSVILLE at their discretion. These payments will be sent and addressed as follows:

County of Yuba  
Attention: Yuba County Auditor-Controller  
915 8<sup>th</sup> Street, Suite 105  
Marysville, CA 95901

- E. **Prepayment:** The CITY OF MARYSVILLE has the right to prepay the outstanding amount at anytime.
- F. **Default:** If for any reason the CITY OF MARYSVILLE fails to make any payment on time, the CITY OF MARYSVILLE shall be in default. The COUNTY can then demand immediate payment of the entire remaining unpaid balance without giving further notice.
- G. **Modification:** Modifications within the scope of this agreement shall be made by mutual and written consent of all parties. All modifications must be made in writing and agreed upon by all parties as evidenced by their signature.
- H. **Notices:** Any notice required or permitted to be given under this Agreement shall be in writing and shall be served by certified mail, return receipt requested, or personal service upon the other party.

Notices shall be addressed as follows:

If to the COUNTY: County of Yuba  
Dean Sellers, Auditor-Controller  
915 8<sup>th</sup> Street, Suite 105  
Marysville, CA 95901

If to the CITY OF MARYSVILLE: City of Marysville  
Steve Casey, City Manager  
P.O. Box 150  
Marysville, CA 95901

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as follows

CITY OF MARYSVILLE

By: \_\_\_\_\_  
Bill Harris, Mayor  
City of Marysville

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

COUNTY OF YUBA

By: \_\_\_\_\_  
Roger Abe, Chairman  
Yuba County Board of Supervisors

Date: 11-15-11

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

\_\_\_\_\_  
*Donna Stottlemeier*

RECOMMENDED FOR APPROVAL

By: \_\_\_\_\_  
Robert Bendorf, County Administrator

APPROVED AS TO FORM  
Angil P. Morris-Jones  
County Counsel

By: \_\_\_\_\_  
Angil P. Morris-Jones

## Amortization Schedule

Payment Period Specific				Cumulative		Outstanding Amounts	
Date	Payment	Interest	Principal	Interest	Principal	Interest	Principal
9/15/2011	\$ 6,369.71	\$ 370.64	\$ 5,999.06	\$ 370.60	\$ 5,999.06	\$ 6,552.90	\$ 216,386.90
10/15/2011	\$ 6,369.71	\$ 360.64	\$ 6,009.06	\$ 731.24	\$ 12,008.12	\$ 6,192.20	\$ 210,377.90
11/15/2011	\$ 6,369.71	\$ 350.63	\$ 6,019.08	\$ 1,081.87	\$ 18,027.20	\$ 5,841.60	\$ 204,358.80
12/15/2011	\$ 6,369.71	\$ 340.60	\$ 6,029.11	\$ 1,422.47	\$ 24,056.31	\$ 5,501.00	\$ 198,329.70
1/15/2012	\$ 6,369.71	\$ 330.55	\$ 6,039.16	\$ 1,753.02	\$ 30,095.47	\$ 5,170.40	\$ 192,290.50
2/15/2012	\$ 6,369.71	\$ 320.48	\$ 6,049.22	\$ 2,073.50	\$ 36,144.69	\$ 4,850.00	\$ 186,241.30
3/15/2012	\$ 6,369.71	\$ 310.40	\$ 6,059.31	\$ 2,383.90	\$ 42,204.00	\$ 4,539.60	\$ 180,181.99
4/15/2012	\$ 6,369.71	\$ 300.30	\$ 6,069.41	\$ 2,684.20	\$ 48,273.41	\$ 4,239.30	\$ 174,112.58
5/15/2012	\$ 6,369.71	\$ 290.19	\$ 6,079.52	\$ 2,974.39	\$ 54,352.93	\$ 3,949.11	\$ 168,033.06
6/15/2012	\$ 6,369.71	\$ 280.06	\$ 6,089.65	\$ 3,254.45	\$ 60,442.58	\$ 3,669.05	\$ 161,943.41
7/15/2012	\$ 6,369.71	\$ 269.91	\$ 6,099.80	\$ 3,524.36	\$ 66,542.38	\$ 3,399.14	\$ 155,843.61
8/15/2012	\$ 6,369.71	\$ 259.74	\$ 6,109.97	\$ 3,784.10	\$ 72,652.35	\$ 3,139.40	\$ 149,733.64
9/15/2012	\$ 6,369.71	\$ 249.56	\$ 6,120.15	\$ 4,033.66	\$ 78,772.50	\$ 2,889.84	\$ 143,613.49
10/15/2012	\$ 6,369.71	\$ 239.36	\$ 6,130.35	\$ 4,273.02	\$ 84,902.85	\$ 2,650.48	\$ 137,483.14
11/15/2012	\$ 6,369.71	\$ 229.14	\$ 6,140.57	\$ 4,502.16	\$ 91,043.42	\$ 2,421.34	\$ 131,342.57
12/15/2012	\$ 6,369.71	\$ 218.90	\$ 6,150.80	\$ 4,721.06	\$ 97,194.22	\$ 2,202.44	\$ 125,191.77
1/15/2013	\$ 6,369.71	\$ 208.65	\$ 6,161.06	\$ 4,929.71	\$ 103,355.28	\$ 1,993.79	\$ 119,030.71
2/15/2013	\$ 6,369.71	\$ 198.38	\$ 6,171.32	\$ 5,128.09	\$ 109,526.60	\$ 1,795.41	\$ 112,859.39
3/15/2013	\$ 6,369.71	\$ 188.10	\$ 6,181.61	\$ 5,316.19	\$ 115,708.21	\$ 1,607.31	\$ 106,677.78
4/15/2013	\$ 6,369.71	\$ 177.80	\$ 6,191.91	\$ 5,493.99	\$ 121,900.12	\$ 1,429.51	\$ 100,485.87
5/15/2013	\$ 6,369.71	\$ 167.48	\$ 6,202.23	\$ 5,661.47	\$ 128,102.35	\$ 1,262.03	\$ 94,283.64
6/15/2013	\$ 6,369.71	\$ 157.14	\$ 6,212.57	\$ 5,818.61	\$ 134,314.92	\$ 1,104.89	\$ 88,071.07
7/15/2013	\$ 6,369.71	\$ 146.79	\$ 6,222.92	\$ 5,965.40	\$ 140,537.84	\$ 958.10	\$ 81,848.15
8/15/2013	\$ 6,369.71	\$ 136.41	\$ 6,233.29	\$ 6,101.81	\$ 146,771.13	\$ 821.69	\$ 75,614.86
9/15/2013	\$ 6,369.71	\$ 126.02	\$ 6,243.68	\$ 6,227.83	\$ 153,014.81	\$ 695.67	\$ 69,371.18
10/15/2013	\$ 6,369.71	\$ 115.62	\$ 6,254.09	\$ 6,343.45	\$ 159,268.90	\$ 580.05	\$ 63,117.09
11/15/2013	\$ 6,369.71	\$ 105.20	\$ 6,264.51	\$ 6,448.65	\$ 165,533.41	\$ 474.85	\$ 56,852.58
12/15/2013	\$ 6,369.71	\$ 94.75	\$ 6,274.95	\$ 6,543.40	\$ 171,808.36	\$ 380.10	\$ 50,577.63
1/15/2014	\$ 6,369.71	\$ 84.30	\$ 6,285.41	\$ 6,627.70	\$ 178,093.77	\$ 295.80	\$ 44,292.22
2/15/2014	\$ 6,369.71	\$ 73.82	\$ 6,295.89	\$ 6,701.52	\$ 184,389.66	\$ 221.98	\$ 37,996.33
3/15/2014	\$ 6,369.71	\$ 63.33	\$ 6,306.38	\$ 6,764.85	\$ 190,696.04	\$ 158.65	\$ 31,689.95
4/15/2014	\$ 6,369.71	\$ 52.82	\$ 6,316.89	\$ 6,817.67	\$ 197,012.93	\$ 105.83	\$ 25,373.06
5/15/2014	\$ 6,369.71	\$ 42.29	\$ 6,327.42	\$ 6,859.96	\$ 203,340.35	\$ 63.54	\$ 19,045.64
6/15/2014	\$ 6,369.71	\$ 31.74	\$ 6,337.97	\$ 6,891.70	\$ 209,678.32	\$ 31.80	\$ 12,707.67
7/15/2014	\$ 6,369.71	\$ 21.18	\$ 6,348.53	\$ 6,912.88	\$ 216,026.85	\$ 10.62	\$ 6,359.14
8/15/2014	\$ 6,369.71	\$ 10.60	\$ 6,359.11	\$ 6,923.48	\$ 222,385.96	\$ 0.02	\$ 0.03

Attachment A

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone – (530) 749-5430 • Fax – (530) 749-5424  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



528-11

749-5440 • Fax 749-5416

**CODE ENFORCEMENT**

749-5455 • Fax 749-5424

**ENVIRONMENTAL HEALTH • CUPA**

749-5450 • Fax 749-5454

**HOUSING & COMMUNITY SERVICES**


749-5460 • Fax 749-5464

**PLANNING**

749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**

749-5420 • Fax 749-5424

**To:** Yuba County Board of Supervisors  
**From:** Kevin Mallen, CDSA Director   
**Date:** December 6, 2011  
**Subject:** Typographical Correction to Supervisorial District Boundaries

### **Recommendation:**

Adopt attached acknowledgement of correction to the legal descriptions of Supervisorial District 2 and 5 boundaries.

### **Background/Discussion:**

On September 20, 2011, the Board took action to adopt an ordinance repealing and reenacting Chapter 2.05 of the Ordinance Code in order to adjust the five supervisorial district boundaries to ensure equal population distribution subsequent to the 2010 Census.

When reviewing the legal descriptions of the district boundaries to develop precinct boundaries within each district, it was discovered that there were typographical errors in the description of the boundaries between Districts 2 and 5 in the northwest portion of the Marysville City Limits. The attached legal descriptions have the correct descriptions with the corrected sentences underlined.

### **Committee Action:**

The revision to the district boundaries was previously before the Board.

### **Fiscal Impact:**

None.

**COUNTY OF YUBA**  
**AN ACKNOWLEDGMENT OF CORRECTION OF TYPOGRAPHICAL AND**  
**CLERICAL ERRORS CONTAINED IN ADOPTED ORDINANCE NO. 1510**  
**AN ORDINANCE WHICH ADJUSTED THE BOUNDARIES**  
**OF THE SUPERVISORIAL DISTRICTS**  
**OF THE COUNTY OF YUBA, STATE OF CALIFORNIA**

The following is an acknowledgment of the correction of typographical and clerical errors contained in the ordinance adopted by the Board of Supervisors of the County of Yuba at a regular meeting held on the 20<sup>th</sup> day of September 2011.

The ordinance repealed and reenacted as amended Chapter 2.05 of Title II of the Yuba County Ordinance Code by Adjusting the Boundaries of the Supervisorial Districts of the County of Yuba as required by State and Federal law that the Board of Supervisors following each decennial federal census, using that census as a basis adjust the boundaries of the county so that the districts shall be as nearly equal in population as it may be.

The adopted ordinance contained typographical and clerical errors relating to the boundary line between District 2 and District 5 near the Northwest corner of the City of Marysville. Pursuant to Government Code Section 25131, which reads in pertinent part that, "Corrections of typographical or clerical errors are not alteration within the meaning of this section."

The complete copy of the corrected text of the adopted ordinance may be reviewed in the Clerk of the Board of Supervisors Office of Yuba County.

The approval of the acknowledgment of the correction of typographical and clerical errors was passed upon the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
CLERK OF THE BOARD OF SUPERVISORS  
DONNA STOTTLEMEYER

**YUBA COUNTY CALIFORNIA  
SUPERVISORIAL DISTRICT 2**

**BEGINNING** at the intersection of the centerline of Simpson Lane with the centerline of the Yuba River South Levee, also being the old Southern Pacific Railroad right of way spur; **THENCE** southwesterly and westerly along the centerline of the Yuba River South Levee to the centerline of the Southern Pacific Railroad line (Marysville to Roseville line); **THENCE** southeasterly along said railroad centerline to the centerline of North Beale Road; **THENCE** westerly along the centerline of North Beale Road to its perpendicular intersection with Lindhurst Avenue; **THENCE** continue northwesterly along the centerline of North Beale Road to the centerline of Feather River Boulevard; **THENCE** southwesterly along the centerline of Feather River Boulevard to the centerline of Alicia Avenue; **THENCE** southeasterly along the centerline of Alicia Avenue to the centerline of Grand Avenue; **THENCE** southwesterly along the centerline of Grand Avenue to the centerline of Island Avenue; **THENCE** westerly along the centerline of Island Avenue to the centerline of Feather River Boulevard; **THENCE** southerly along Feather River Boulevard to the northerly line of Lot 1 of Block 1 of the Farm Land Colony No. 1 subdivision filed in Book 1 of Maps at Page 23, in the office of the Recorder of Yuba County, California; **THENCE** westerly along the northerly line of Lots 1 and 2 of said Block 1 and the westerly projection of the northerly line of said Lot 2 to the western boundary of Yuba County; **THENCE** northerly along the western boundary of Yuba County to the northerly corporate limits of the City of Marysville; **THENCE** easterly and northerly along the northerly corporate limits of the City of Marysville to the centerline of State Highway 20; **THENCE** northerly along the centerline of State Highway 20 to its intersection with the westerly projection of the northern line of Parcel 1 of Parcel Map No. 9.11 filed in Book 29 of Maps at page 16 in the office of the Yuba County Recorder (being Assessor's Parcel Number 018-120-021);

**THENCE** southeasterly along the westerly projection of, and the northern line of said Parcel 1 to the northeast corner thereof; **THENCE** southwesterly along the easterly line of said Parcel 1 to the most southerly corner thereof; **THENCE** southwesterly to the northernmost corner of Parcel 4 described in deed to Yuba River Farms, Inc., recorded October 10, 1991, at Document number 1991R-011702, Official Records of Yuba County (being Assessor's Parcel Number 018-130-023); **THENCE** southerly along the westerly line of said Parcel 4 and the southerly projection thereof to the centerline of the Yuba River; **THENCE** southwesterly along the centerline of the Yuba River to the centerline of the P.G. & E. Palermo-East Nicolaus transmission lines; **THENCE** southeasterly along the centerline of said transmission lines to the centerline of Simpson-Dantoni Road; **THENCE** westerly along the centerline of Simpson-Dantoni Road to the centerline of Simpson Lane; **THENCE** southerly along the centerline of Simpson Lane to the centerline of the Yuba River South Levee and the **POINT OF BEGINNING**.

**YUBA COUNTY CALIFORNIA  
SUPERVISORIAL DISTRICT 5**

**BEGINNING** at the most northerly corner of Yuba County, being the corner common to Yuba and Sierra County on the southerly boundary of Plumas County; **THENCE** southerly along the eastern boundary of Yuba County to the northeast corner of Parcel 15 as shown on Parcel Map 2005-0036, filed in Book 86 of Maps at Page 20 in the office of the Recorder of Yuba County; **THENCE** westerly along the northern line of said Parcel 15 to the centerline of Boulder Way; **THENCE** northwesterly along the centerline of Boulder Way to the centerline of Mosswood Lane; **THENCE** northwesterly along the centerline of Mosswood Lane to the centerline of Daugherty Road; **THENCE** northwesterly along the centerline of Daugherty Road to the centerline of Chuck Yeager Road; **THENCE** northerly along the centerline of Chuck Yeager Road to the centerline of Hammonton-Smartsville Road; **THENCE** westerly along the centerline of Hammonton-Smartsville Road to the Range line between Range 4 East and Range 5 East, Township 15 North, M.D.B.M.; **THENCE** southerly along said Range line to the corner common to Sections 13 and 24 of Township 15 North, Range 4 East M.D.B.M. and Sections 18 and 19 of Township 15 North, Range 5 East M.D.B.M.; **THENCE** westerly along the North line of said Section 24 to the North-South centerline of said Section 24; **THENCE** southerly along the North-South centerline of said Section 24 and its southerly projection to the centerline of North Beale Road; **THENCE** westerly along the centerline of North Beale Road to the centerline intersection of North Beale Road and Alberta Avenue; **THENCE** northerly along the centerline of Alberta Avenue to the centerline of Hammonton-Smartsville Road; **THENCE** southwestwesterly along the centerline of Hammonton-Smartsville Road to the centerline of Dantoni Road; **THENCE** northerly along the centerline of Dantoni Road to the centerline of Simpson-Dantoni Road; **THENCE** southwestwesterly along the centerline of Simpson-Dantoni Road to the centerline of the P.G. & E. Palermo-East Nicolaus transmission lines; **THENCE** northwesterly along the centerline of said transmission lines to the centerline of the Yuba River; **THENCE** northeasterly along the centerline of the Yuba River to its intersection with the southerly projection of the westerly line of Parcel 4 described in deed to Yuba River Farms, Inc., recorded October 10, 1991, at Document number

1991R-011702, Official Records of Yuba County (being Assessor's Parcel Number 018-130-023); **THENCE** northerly along said projection and the westerly line of said Parcel 4 to the northernmost corner of said Parcel 4; **THENCE** northerly to the southernmost corner of Parcel 1 of Parcel Map No. 9.11 filed in Book 29 of Maps at page 16 in the office of the Yuba County Recorder (being Assessor's Parcel Number 018-120-021); **THENCE** northeasterly along the easterly line of said Parcel 1 to the northeast corner thereof; **THENCE** northwesterly along the northern line of said Parcel 1 and the projection thereof to the centerline of State Highway 20; **THENCE** southerly along the centerline of State Highway 20 to the corporate limits of the City of Marysville; **THENCE** westerly and southerly along the northerly corporate limits of the City of Marysville to the western boundary of Yuba County; **THENCE** northerly and easterly along the western and northern boundary of Yuba County to the most northerly corner of Yuba County and the **POINT OF BEGINNING**.

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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



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

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

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

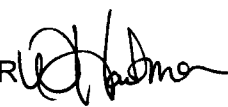
**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

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

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

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

**TO:** BOARD OF SUPERVISORS

**FROM:** WENDY W. HARTMAN, PLANNING DIRECTOR 

**SUBJECT:** SACOG METROPOLITAN TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY FOR 2035 DRAFT EIR

**DATE:** DECEMBER 6, 2011

### **Recommendation:**

Provide direction to staff and authorize the Community Development & Services Agency (CDSA) to prepare a comment letter for the Chairman of the Board's review and signature.

### **Background:**

The SACOG Metropolitan Transportation Plan (MTP) is a comprehensive, long range, multimodal plan for transportation systems and services aimed at meeting the mobility needs of the six-county SACOG region. The MTP is based on projections for growth in population, housing, and jobs and linking this information to projects, programs, and policies that SACOG will utilize for future transportation and related infrastructure funding recommendations for the Sacramento region. SACOG is also preparing a Sustainable Communities Strategy (SCS) to meet the requirements of SB375.

Over the past year and a half, SACOG has held workshops and provided materials to its members for comment. Yuba County has actively been involved in the process to ensure that the MTP/SCS is consistent with the County's vision for our future.

SACOG has just released the Draft EIR for the MTP/SCS. Comments on the EIR must be sent to SACOG by January 9, 2012. Given the limited number of Board meetings in December and January, staff is recommending that the Board authorize the Chairman to work with CDSA staff in preparing a comment letter on the Draft EIR. Board members may review the Draft EIR at: [www.sacog.org/2035/2011/11/draft-environmental-impact-review-released/](http://www.sacog.org/2035/2011/11/draft-environmental-impact-review-released/). If any of the Board members have comments they would like to have included in the letter they may be forwarded to Wendy Hartman.

### **Committee Action:**

Due to time constraints, this item has been brought directly to the full Board for consideration.

### **Fiscal Impact:**

There will not be any impact to the County's General Fund.

**THIS PAGE INTENTIONALLY LEFT BLANK**



*ORDINANCES  
AND  
PUBLIC HEARINGS*

**THIS PAGE INTENTIONALLY LEFT BLANK**

# Yuba County Sheriff's Department

*Steven L. Durfor, Sheriff - Coroner*

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

**Ph: 530-749-7777 • Fax: 530-741-6445**

DECEMBER 6, 2011

TO: YUBA COUNTY BOARD OF SUPERVISOR'S

FR: STEVEN L. DURFOR, SHERIFF-CORONER

RE: MASTER FEE SCHEDULE

## **RECOMMENDATION:**

Approve the following changes to the Master Fee Schedule:

- I. Set and update Burglary and Robbery Alarm Systems fees (described below)
- II. Delete Probation Adult Offender Work Program fee and add Sheriff Adult Offender Work Program fee (described below)
- III. Add fees for Sheriff's Work Alternative Program and Electronic Monitoring (described below)

### **I. Section 13.00.050 – Add Adult Offender Work Program fee**

<b>Name of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Adult Offender Work Program	N/A	\$70.00

### **I. Section 13.00.050 – Add Sheriff's Work Alternative Program (SWAP) and Electronic Monitoring fees**

<b>Name of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Sheriff's Work Alternative Program (SWAP) - Administrative Fee	N/A	\$50.00
Sheriff's Work Alternative Program (SWAP) - Daily Fee	N/A	\$10.00
Sheriff's Electronic Monitoring Program Administrative Fee	N/A	\$50.00
Sheriff's Electronic Monitoring Program - Daily Fee	N/A	\$10.00

### **II. Section 13.00.056 – Delete Probation Adult Offender Work fee**

<b>Name of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Probation Adult Offender Work	\$70.00	Delete

### **III. Section 13.00.050 – Revise Fees**

<b>Name of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Burglary and Robbery Alarm Systems Permit (3 year)	Per Resolution	\$43.50
Burglary and Robbery Alarm Systems Permit - Transfer Fee	\$2.00	\$10.00
Burglary and Robbery Alarm Systems Permit - Renewal Fee	Per Resolution	\$43.50
Reapplication for Burglary and Robbery Alarm Systems Permit after Revocation	\$25.00	\$25.00

## **BACKGROUND:**

There are three issues involved in this request. The first deals with the Burglary and Alarm Systems ordinance. Yuba County enacted a Burglary and Robbery Alarm System ordinance in 1980 and that ordinance remains essentially unchanged. The ordinance has not been enforced for many years, in fact no one currently working for the Sheriff's Office can recall the ordinance being enforced. In order to begin enforcing the ordinance, the fees must be set and updated.

The second issue is simply a reassignment of the Adult Offender Work Program Fee from Probation to the Sheriff's Office. At your September 27, 2011 meeting, you approved the AB 109 Implementation Plan as presented by Chief Probation Officer Jim Arnold on behalf of the Community Corrections Partnership. A component of that plan was to transfer responsibility for the current Adult Offender Work Program from the Probation Department to the Sheriff's Department. This request simply moves the fee (amount unchanged) authority in the Master Fee Schedule.

The third issue also relates to the AB 109 Implementation Plan approved by your board on September 27, 2011. One component of the AB 109 Implementation Plan authorizes the Sheriff to operate a work alternative program pursuant to 4024.2 of the California Penal Code. This program allows the Sheriff to offer a voluntary program under which any person committed to jail may participate in a work release program in which one day of participation will be in lieu of one day of confinement. The law also provides that the board of supervisors may prescribe a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each person according to his or her ability to pay. A second component of the AB 109 plan authorizes the Sheriff to operate a home detention/electronic monitoring program pursuant to §§1203.016, 1203.017 and 1203.018 of the California Penal Code. §1203.016 is a voluntary home detention program for sentenced inmates and the statute allows the board of supervisors to prescribe a program administrative fee to be paid by each home detention participant that shall be determined according to his or her ability to pay. Inability to pay all or a portion of the program fees shall not preclude participation in the program, and eligibility shall not be enhanced by reason of ability to pay. §1203.018 is a pre-trial home detention/electronic monitoring program and the statute allows the board of supervisors to prescribe a program administrative fee to be paid by each electronic monitoring participant. 1203.017 is an involuntary home detention program and no fee may be assessed.

## **DISCUSSION:**

### ***I. Burglary and Robbery Alarm Systems Fee:***

Over the past five years, alarm calls have represented 5 to 6 percent of all calls for service the Sheriff's Office receives. We have received an average of 1850 alarm calls per year and on average 98.9 percent of the calls are false alarms. Each false alarm call requires approximately 20 minutes of deputy time, usually for two deputies. Over the course of one year, that amounts to approximately 1300 hours of unnecessary time spent by the deputies. This does not include the time spent by dispatchers and other less tangible effects such as lost opportunity when deputies are unavailable to work on actual crime problems.

We do not expect to increase revenues through the proposed fees; instead our aim is to reduce the number of false alarm responses and thereby increase the time deputies are able to respond to other calls and employ crime prevention strategies. The fee is intended to cover the cost of administering the program and is consistent with fees charged in other jurisdictions.

## ***II. Adult Offender Work Program***

This is simply a reassignment of the department responsible for charging the fee.

## ***III. Sheriff's Work Alternative Program/Electronic Monitoring***

These are new programs, and as such we have not determined the actual administrative costs. In determining the proposed fees, we surveyed surrounding counties to establish the average cost of program administration and the proposed fees have been set within the range of surrounding counties. The surveyed counties were Sutter, Butte, Lake and Yolo who charge the fees below:

<b>County</b>	<b>Program</b>	<b>Admin Fee</b>	<b>Daily Fee</b>
<b>Sutter</b>	Work Alternative	\$50.00	\$13.00
	Electronic Monitoring	\$50.00	\$15.00
<b>Butte</b>	Work Alternative	\$75.00	\$7.00
	Electronic Monitoring	\$100.00	\$20.00
<b>Lake</b>	Work Alternative	\$35.00	\$8.00
	Electronic Monitoring	\$40.00	\$10 min - \$20 max
<b>Yolo</b>	Work Alternative	\$45.00	\$340 flat fee
	Electronic Monitoring	\$175.00 (1-15 days) Sliding scale for more than 15 days	

## **FISCAL IMPACT:**

### ***I. Burglary and Robbery Alarm Systems***

It is suspected that the fee will cover the cost of program administration; however, depending on the number of false alarms avoided, a savings in hours spent on these unnecessary calls for service would be realized.

### ***II. Adult Offender Work Program***

N/A. There is no change to the fee, only the department authorized to charge the fee.

### ***III. Sheriff's Work Alternative Program/Electronic Monitoring***

As stated above, these are new programs and the fiscal impact is yet to be determined. We have received funding to help offset the cost of AB 109 implementation; however, it is doubtful that fees we are able to collect/assess, coupled with the subvention from the state, will adequately offset the cost of AB 109 implementation.

## **COMMITTEE ACTION:**

The Law and Justice Committee reviewed the item on November 15, 2011, and recommends its approval.

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

**ORDINANCE AMENDING SECTION 13.00.050 AND 13.00.056 OF CHAPTER  
13, TITLE XIII, OF THE YUBA COUNTY ORDINANCE CODE**

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 \_\_\_\_\_, 2011, by the following vote:

AYES:

NOES:

ABSENT:

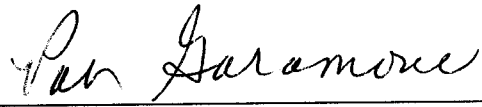
ABSTAIN:

\_\_\_\_\_  
Roger Abe, Chairman 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:

By:   
Angil P. Morris-Jones, County Counsel

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

Section 1. This ordinance shall take effect Sixty (60) days after its passage, and before the expiration of Thirty (30) 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. Sections 13.00.050 and 13.00.056, of the Yuba County Consolidated Fee Schedule are hereby amended as reflected in Attachment "A", hereto and by this reference is incorporated herein as though set forth in full.

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.

**Attachment A:**

**I. Section 13.00.050 – Add Adult Offender Work Program fee**

<b>Name of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Adult Offender Work Program	N/A	\$70.00

**I. Section 13.00.050 – Add Sheriff's Work Alternative Program (SWAP) and Electronic Monitoring fees**

<b>Name of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Sheriff's Work Alternative Program (SWAP) - Administrative Fee	N/A	\$50.00
Sheriff's Work Alternative Program (SWAP) - Daily Fee	N/A	\$10.00
Sheriff's Electronic Monitoring Program Administrative Fee	N/A	\$50.00
Sheriff's Electronic Monitoring Program - Daily Fee	N/A	\$10.00

**II. Section 13.00.056 – Delete Probation Adult Offender Work fee**

<b>Name of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Probation Adult Offender Work	\$70.00	Delete

**III. Section 13.00.050 – Revise Fees**

<b>Name of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Burglary and Robbery Alarm Systems Permit (3 year)	Per Resolution	\$43.50
Burglary and Robbery Alarm Systems Permit - Transfer Fee	\$2.00	\$10.00
Burglary and Robbery Alarm Systems Permit - Renewal Fee	Per Resolution	\$43.50
Reapplication for Burglary and Robbery Alarm Systems Permit after Revocation	\$25.00	\$25.00

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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



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

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

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

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

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

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

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

**TO:** Board of Supervisors

**FROM:** Wendy W. Hartman, Planning Director 

**DATE:** December 6, 2011

**SUBJECT:** Record appeal of the Staff Development Committee/Zoning Administrator's (SDC/ZA) decision to approve Administrative Permit AP2011-0002: Oregon House Farms Produce Stand

### RECOMMENDATION

Staff's position is to bring forward the recommendation and action of the hearing body if one has been provided. Therefore, staff recommends that the Board of Supervisors deny the record appeal of the Staff Development Committee/Zoning Administrators decision to approve Administrative Permit AP 2011-0002.

The decision of the Board will be reflected in a minute order and a resolution reflecting that decision will be provided to the Chairman of the Board for signature.

### BACKGROUND

An appeal has been filed against the Staff Development Committee/Zoning Administrator's (SDC/ZA) action of October 12, 2011 approving Administrative Permit AP2011-0002 which would allow Oregon House Farms to operate a 500 square foot produce stand within a portion of an existing barn (Attachment 1). The appeal has been filed by David Soares pursuant to Sections 2.25.040 and 12.01(A).110(4) of the Yuba County Code.

The project is located within the rural community of Dobbins/Oregon House at 14582 Indiana School Road (APN: 060-240-052). The property is currently developed with a single-family home, barn and other associated accessory structures. The property owner is a small farmer that grows vegetables and raises poultry and grass fed beef on this property as well as other properties that she owns. The Administrative Permit would allow for a produce stand up to 500 square-feet in size to allow for the sale of the agricultural products grown/raised by Oregon House Farms as well as non-processed agricultural products from other local farms in the area.

The SDC/ZA staff report (Attachment 3) includes a detailed description of the project, conditions of approval, and an analysis of the required findings that were made in order for the SDC/ZA to approve the project.

## **DISCUSSION**

The appeal letter states that the grounds for the appeal are:

- “...protest of the decision of the first appeal based upon improper procedures during the hearing which would invalidate that decision.”

*Staff response: We believe the appellant is referring to the public hearing that was held before the SDEC/ZA on October 12, 2011 since the item that is currently before the Board is the first appeal submitted regarding Administrative Permit AP2011-0002 (Oregon House Farms Produce Stand). The appellant has not indicated what procedure was violated, making it difficult to provide a response at this time. However, staff believes that the project was processed in compliance with the County's regulations pertaining to Administrative Permits and all hearing and environmental requirements as stipulated in the County Code and CEQA guidelines have been met.*

- “My appeal shall include, but not be limited to, the presentation of photographs, testimony, documents dealing with environmental issues and property rights, a file obtained from the Yuba County Department of Code Enforcement, and the proper application of the CEQA Guidelines which are germane to this appeal”

*Staff Response: Because this is a record appeal, items that were not part of the public hearing before the SDC/ZA cannot be taken into consideration. There were not any photographs submitted as part of the application file or public hearing. Jeannette Cavalier, owner of Oregon House farms did submit a video of the project site with her application. The video was not presented at the public hearing or provided to the SDC/ZA. In addition, the Code Enforcement file was not discussed during the SDC/ZA hearing. It is the Planning Department's understanding that these documents were obtained by the appellant on November 7, 2011 which was three (3) weeks after the SDC/ZA public hearing had taken place. Therefore, photographs or information regarding code enforcement actions should not be taken into consideration as part of this record appeal.*

*One item that was discussed at length at the SDC/ZA public hearing pertains to existing traffic conditions along this segment of Indiana School Road and the additional traffic that will be generated by the proposed 500 square foot produce stand. Based on testimony received at the SDC/ZA public hearing, the Public Works Department conducted a series of traffic counts subsequent to the hearing between October 21, 2011 and October 24, 2011 (Attachment 4). According to the Public Works Department, the traffic counts on Indiana School Road between the Frenchtown-Dobbins Road intersections had an average annual daily traffic of 297 vehicles (computed from Monday's count). This volume is similar to the last traffic count on Frenchtown-Dobbins Road taken near Marysville Road in 2001, which had an AADT of 337 vehicles. Therefore the traffic analysis contained in the SDC/ZA staff report and discussed at the public hearing (Attachment 3) is still valid and remains unchanged in its conclusions.*

*Given the vagueness of the remaining statements made in the appeal letter, staff cannot provide a written response at this time.*

## **COMMITTEE**

On October 12, 2011 a public hearing was held before the SDC/ZA. Public comment was received both in support and opposition of the project. As indicated in the SDC/ZA hearing minutes (Attachment 2) comments in opposition of the project including concerns related to condition of the roadway, increased traffic, and businesses should be located on commercial property. Comments in support of the project indicated that parking and traffic is not a problem with relationship to the proposed project and the County should support small businesses. The SDC/ZA committee comments focused on conditions of approval that should be required if the project was approved and policies of the recently adopted 2030 General Plan and Interim Zoning Ordinance.

After consideration of information included in the staff report and public testimony received, the SDC/ZA unanimously approved the requested Administrative Permit AP2011-0002: Oregon House Farms Produce Stand with Conditions of Approval (see Attachment 3).

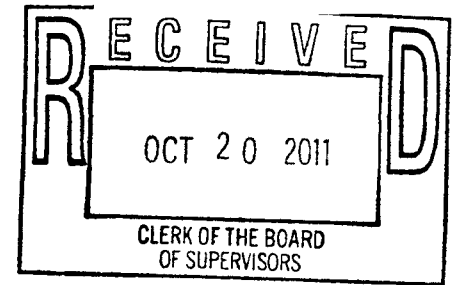
## **FISCAL IMPACT**

Neither the appeal nor the Administrative Permit considered by the appeal will have an adverse fiscal impact on the County of Yuba's general fund.

## **ATTACHMENTS**

1. Letter of Appeal to the Board of Supervisors
2. SDC/ZA minutes for October 12, 2011
3. SDC/ZA Staff Report (including exhibits, attachments, & documents received at hearing)
4. Traffic Count Memo – Department of Public Works

12 October 2011



Honorable Yuba County Board Members:

This letter is to inform you that I wish to appeal the decision of the committee of October 12, 2011 in the case of permit number AP2011-0002. My appeal shall include, but not be limited to, the presentation of photographs, testimony, documents dealing with environmental issues and property rights, a file obtained from the Yuba County Department of Code Enforcement, and the proper application of the CEQA Guidelines which are germane to this appeal. I also wish to bring forward a protest of the decision of the first appeal based upon improper procedures during the hearing which would invalidate that decision.

Thank you for your time and consideration in this matter.

Sincerely,

David Soares



Dobbins, Ca. 95935



# *County of Yuba*

## Community Development & Services Agency

915 8<sup>th</sup> Street, Suite 123, Marysville, CA 95901

### Planning Department

Phone: (530) 749-5470

Fax: (530) 749-5434

Web: [http:// www.co.yuba.ca.us](http://www.co.yuba.ca.us)

### MINUTES OF THE YUBA COUNTY STAFF DEVELOPMENT COMMITTEE (SDC) SPECIAL MEETING ZONING ADMINISTRATOR (ZA)

Wednesday, October 12, 2011  
10:00 a.m., Wheatland Conference Room  
915 8<sup>th</sup> Street  
Marysville, California

**COMMITTEE PRESENT:** Zoning Administrator, Kevin Mallen, Yuba County Community Development & Services Agency Director (CDSA); Committee Chairman, Jeff Olsen, Assistant Surveyor (Public Works) and Paul Donoho, Committee Member (Environmental Health)

**COMMITTEE ABSENT:** None

**STAFF PRESENT:** Wendy Hartman, Planning Director; Van Boeck, Principal Engineer; Houa Yang, Community Development Specialist

**APPROVAL OF MINUTES:** None at this time.

**CONSENT ITEMS:** None

### **PUBLIC HEARING AND ACTION ITEMS:**

1. **ADMINISTRATIVE PERMIT AP2011-0002 (Oregon House Farms):** The applicant is requesting approval of an administrative permit to operate a 500 square-foot produce stand within a portion of an existing barn. Sales and display will be limited to fruit, vegetables, honey, olive oil, USDA certified raw meat/poultry, eggs, and other unprocessed agricultural products. The project site is addressed as 14582 Indiana School Road, Oregon House (APN: 060-240-052). (1) Staff Report, (2) Public Hearing, (3) Determine that the project is categorically exempt and (4) Approve Administrative Permit

**Staff Report:** Wendy Hartman presented the staff report.

**Committee Discussion:** None

**Public Hearing:** Comments were received from:

- |                      |                    |
|----------------------|--------------------|
| • Rick Brown         | • Greg Crompton    |
| • Janet Marchant     | • Linda Santos     |
| • Sheryl Hott        | • Jenette Cavalier |
| • Charles Sharp      | • Jim Cappas       |
| • Dave Soares        | • Gary Hawthorne   |
| • Bernadette Cardoza | • Cathryn Summers  |

### Public Comments:

Several people spoke regarding the following two issues/concerns:

- Concern of the unsafe narrow road that only allows a 90° angle, hair pin turn on Indiana School Road and there's no parking.
- The business will create traffic and it's not on a commercial zoned property. The applicant needs to move the business to a different location that's suitable for it.

Other comments included:

- Applicant provided a Traffic Calls Report from 2006 to 2010 given from Under-Sheriff Jerry Read with the Yuba County Sheriff Department. Applicant indicated no calls occurred during times that her business was open.
- Parking is not a problem because in the past, customers have always parked inside the property and not along the side of the road.
- Support small business like Oregon House Farms.
- Do not feel the project generates a significant amount of traffic, the road may need to be fixed, but any potential safety issues are not a result of the business.

**Kevin Mallen made a motion to close the public hearing which was seconded by Paul Donoho.**

- Kevin Mallen asked both Planning and Public Works Departments if the administrative permit process have a limitation on which roads people could apply the permit on whether it's a county road, collector's road, or a local road.
- Wendy Hartman replied that the Board made an indication between the rural and urban areas is to expand the noticing area in the rural areas; but they didn't make any differentiation when adopting the ordinance on what type of roadway it occurred on.
- Paul Donoho pointed out that under the food laws, the store would be allowed if walls and ceilings are put up.
- Wendy Hartman clarified that with the proposed condition #5, if the Administrative Permit is approved, the application will have to meet Environmental Health requirements and receive all permits and clearances. The conditions of approval clearly states what the limitations are and what could be sold.
- Kevin Mallen added that the Administrative Permit process is developed through the new general plan to help businesses grow from a home-based business to a full blown business. Administrative Permit process was identified as a business opportunity in Yuba County for people who want to do more than a home-based business currently allowed but less than a threshold of a business that requires a Conditional Use Permit or occupies a commercial property.

**Motion:** Zoning Administrator, Kevin Mallen, made a motion, which was seconded by Committee Member, Paul Donoho, to make a determination that the project is exempt from environmental review pursuant to CEQA and approve Administrative Permit AP2011-0002 subject to the necessary findings and conditions of approval and uphold the exemption and deny the appeal.

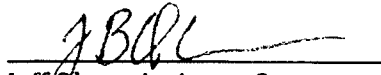
Ayes:	3
Noes:	0
Abstain:	0

**OTHER BUSINESS:** None

**CORRESPONDENCE:** None

**COMMITTEE COMMENTS:** None

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 11:15 a.m. to the next meeting on Wednesday, November 2, 2011 at 10:00 a.m.

  
\_\_\_\_\_  
Jeff Olsen, Assistant Surveyor, Chairman  
Staff Development Committee  
November 2, 2011



# *County of Yuba*

## Community Development & Services Agency

915 8<sup>th</sup> Street, Suite 123, Marysville, CA 95901

### Planning Department

Phone: (530) 749-5470

Fax: (530) 749-5434

Web: <http://www.co.yuba.ca.us>

### STAFF DEVELOPMENT COMMITTEE/ZONING ADMINISTRATOR STAFF REPORT

**MEETING DATE:** OCTOBER 12, 2011

**TO:** STAFF DEVELOPMENT COMMITTEE/ZONING ADMINISTRATOR

**FROM:** WENDY W. HARTMAN, PLANNING DIRECTOR

**RE:** ADMINISTRATIVE PERMIT (AP 2011-0002)

#### REQUEST

The applicant is requesting approval of an administrative permit to operate a 500 square-foot produce stand within a portion of an existing barn. Sales and display will be limited to fruit, vegetables, honey, olive oil, USDA certified raw meat/poultry, eggs, and other unprocessed agricultural products.

#### RECOMMENDATION

Staff recommends that the Staff Development Committee/Zoning Administrator (SDC/ZA) make a determination that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15303(e) and approve Administrative Permit AP2011-0002 subject to making the necessary findings and the conditions of approval contained therein (Attachment 1).

#### BACKGROUND

The project is located within the rural community of Dobbins/Oregon House at 14582 Indiana School Road (APN: 060-240-052). The property is currently developed with a single-family home, barn and other associated accessory structures. The property owner is a small farmer that grows vegetables and raises poultry and grass fed beef on this property as well as other properties that she owns. The request is to allow for a produce stand up to 500 square-feet in size to allow for the sale of the agricultural products grown/raised by Oregon House Farms as well as non-processed agricultural products from other local farms in the area. The proposed produce stand will be located in an existing barn.

The property is accessed off of Indiana School Road which is a two-lane paved rural local roadway. A dirt/gravel driveway is provided from the main roadway to the barn. The project has been conditioned to provide a handicap accessible parking space adjacent to the barn with an accessible path of travel to the produce stand entrance. Additional unimproved parking areas will be provided at various locations off of the driveway in the vicinity of the barn.

Primary operating hours are anticipated to be weekends and holidays. The produce stand will primarily be operated by the property owner, but may also include up to one farm intern or employee.

### **SURROUNDING USES**

	<i>Current Use</i>	<i>General Plan Designation</i>	<i>Zoning</i>
<b>Subject Property</b>	rural residential uses (residence and farm)	Rural Community	A/RR 5
North:	rural residential uses	Rural Community	A/RR 5
South:	rural residential uses	Rural Community	A/RR 5
East:	rural residential uses	Rural Community	A/RR 5
West:	Undeveloped	Rural Community	A/RR 5

### **FINDINGS AND EVALUATION**

Section 12.01(A).110 of the Yuba County Zoning Ordinance includes provisions for administrative permits. An administrative permit is a request for a minor land use action that has minimal potential of negatively affecting surrounding properties and is typically exempt under the California Environmental Quality Act (CEQA). The approving authority may approve, approve with conditions, or deny an Administrative Permit. The approving authority shall make the following findings in order to approve an administrative permit: (Each finding is listed below and is followed by a discussion/evaluation.)

**1. The proposed use or development is consistent with the Yuba County General Plan and any applicable Specific Plan or Community Plan.**

The 2030 General Plan land use designation for the property is Rural Community which is intended to provide rural residential opportunities with supportive services including a variety of agriculturally related uses. The proposed produce stand is consistent with the intent of the Rural Community Land Use Designation of the 2030 General Plan, specifically:

- Goal CD 9: Preserve and enhance the rural character through development and conservation in Yuba County's rural communities and open space areas and
- Policy HS11.5: The County's standards will promote the establishment of community gardens, farm stands, and farmer's markets.

**2. The proposed use or development conforms to all applicable standards and requirements of the Yuba County Zoning Ordinance.**

The zoning of the property is "A/RR-5" Rural Residential 5 acre minimum parcel size. Section 12.01(A).100 includes provisions for produce stands that are not exempt from Title 10 and up to a maximum of 500 square-feet in size upon approval of an Administrative Permit. This section also allows for a wider range of unprocessed agricultural products to be sold such as raw meats as long as Environmental Health Department requirements are met.

The project will be located within an existing barn and therefore meets all setback and height standards. As discussed above the project will provide a handicap accessible parking space and path of travel. As proposed, the project is consistent with the applicable standards and requirements of the Zoning Ordinance.

3. **The location, size, design, and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.**

Properties surrounding the site vary in size from 5 acres to 16 acres, and are primarily developed with single family homes and are utilized for agricultural/rural residential uses. The property is currently developed with a single family home, barn/accessory structures, and small farm. The applicant proposes to develop a produce stand within a portion of the existing barn to sell unprocessed agricultural products grown on-site, other properties owned by the applicant, as well as from other local farms. A produce stand as described in the applicant's project description letter dated August 1, 2011 would be consistent with the agricultural/rural residential character of the surrounding area.

### **REQUEST FOR PUBLIC HEARING**

*A Notice of Intent to Approve (NOI) the proposed project was distributed to adjacent property owners. The last day to request a public hearing was on September 6, 2011. A request for hearing was submitted on September 2, 2011. The public hearing request and staff's response are listed below.*

An annotated copy of Mr. Soares' request for a public hearing is included in Attachment 2(a). Some of the items requested are for copies of information that was submitted as part of the application or relevant sections of the County's Code (items 2, 4, 7, and 12). These items have been made available to Mr. Soares.

Items 5 and 8 request copies of items such as Environmental Health inspections and approvals and fire evacuation plans/fire department clearances that are not required as part of the administrative permit application process. These types of items are typically required as part of the building permit process which would occur only if the project first obtains approval of the Administrative Permit. The draft conditions of approval (Attachment 1 condition 4) include provisions to require the applicant to obtain building permits (this would include any required reviews and sign off by the appropriate fire department and other agencies as determined by the Building Department) as well as permits and clearances from the Environmental Health Department (Attachment 1 condition 5).

Item 9 request a copy of a Hazmat Plan for explosive materials. The proposed project is for a produce stand and does not involve the use of explosive materials. In addition, any fire department requirements will be addressed as part of the building permit process.

Items 10 and 11 request copies of resale and business licenses. Yuba County only requires business licenses for a small number of uses such as scrap metal dealers, pawnbrokers, solicitors and other similar uses as identified in Chapter 6 of the County Code. Produce stands do not require a County business license, nor do we require copies of state resale licenses be submitted as part of the land use entitlement process.

Item 1 requests that the public hearing be held at the Alcouffe Community Center. Consistent with the Yuba County Ordinance Code section 2.25.010 which requires that all Board meetings be held at the Government Center, all County meetings, including Staff Development Committee/Zoning Administrator meetings, at which the business of the County is conducted, are also held at the Government Center.

Item 3 requested a copy of the traffic study. Produce stands are categorized as ancillary uses. The County does not require traffic studies to be submitted as part of the application process for administrative permits and similar types of small scale projects. However, due to the public hearing request, CDSA staff has further evaluated the potential traffic impacts from a 500 square foot produce stand. The County currently uses the 6<sup>th</sup> edition of the ITE Trip Generation Manual, which does not have a listing for produce or fruit/vegetable stands. Staff has also verified that the latest version of the ITE manual also does not list this specific use, likely due to the ancillary nature of this type of use. The closest categories that could be considered similar to the use in question are either a "Free Standing Discount Store" (Category 815) or "Specialty Retail Center" (Category 814). With 500 square feet of floor space the trips generated on a Saturday for these two categories ranges from 18 to 36 daily trips and 1.3 to 4 peak hour trips. Both of these use categories are for urban settings and commercial retail uses. Therefore, staff anticipates that the actual trip generation for the Oregon House Produce Stand would be lower given the rural location and type of seasonal products sold.

The last traffic survey on Frenchtown-Dobbins Road taken near Marysville Road, which is in the vicinity, had a daily volume of 337 vehicles (weekday). The additional traffic generated by the proposed use (utilizing the traffic numbers for Category 815 and 814 retail uses) will not reduce the level of service of the adjacent roadway below a LOS C, which is usually considered a threshold for mitigation. However, the recently adopted General Plan 2030 now allows a LOS D for the PM Peak Hour, per Policy CD16.3.

Item 6 requests a copy of the County Attorney's opinion regarding the environmental determination that the project is exempt pursuant to CEQA Guideline Section 15303(e). County Counsel has indicated that communications between attorneys and clients are exempt from disclosure under the Public Records Act. Therefore this information cannot be provided.

Staff does not believe any of the items listed in the request for public hearing raise any issues with the operation of the produce stand that cannot be addressed through the proposed conditions of approval. In addition, no issues have been raised that affect staff's evaluation of the required findings.

The second letter received (Attachment 2b) is a letter in support of the project.

### **ENVIRONMENTAL REVIEW**

The proposed project is exempt per Section 15303(e) of the California Environmental Quality Act (CEQA) Guidelines as an accessory (appurtenant) structure or use.

### **EXHIBITS**

- A. Project Description
- B. Site Plan
- C. Floor Plan

**ATTACHMENTS**

1. Conditions of Approval
2. Comment Letters
  - (a) Request for Public Hearing (David Soares)
  - (b) Support Letter (Colette Chevalier Arno)

cc:

- 1) Jeanette Cavaliere: Oregon House Farms, 14582 Indiana School Road, Oregon House, CA 95962-0018
- 2) Kevin Mallen (CDSA), Jeff Olsen (PW), Paul Donoho (EH), & Pat Garamone (CC)

August 01, 2011

County of Yuba  
Community Development & Services Agency  
915 8<sup>th</sup> Street, Suite 123, Marysville, CA 95901

Planning Department

RE: Proposed Agricultural Business at 14582 Indiana School Road-File #: AP2011-0002 & LUC2011-0018

Oregon House Farms, as the applicant, is requesting an agricultural based business. For clarification purposes, Oregon House Farms plans to operate by definition 12(A).130 (3).Produce Stand. As a produce stand, Oregon House Farms will use a permanent structure occupying up to 500 square feet of an existing barn to be used for the display or sale of unprocessed agricultural products sold directly to consumers from a farm site which includes products grown on site as well as unprocessed agricultural products from neighboring farms in the local area. "Unprocessed" for the purposes of this section shall be defined as an agricultural product in its raw or natural state such as but not limited to fruits, vegetables, eggs, raw meats, honey and olive oil.

Oregon House Farms plans to market grass fed meats, poultry, eggs, honey, fruits, vegetables and other unprocessed agricultural products grown locally. Hours of operation will be Saturday and Sunday from 10:00-3:00PM and Holidays.

In addressing how Oregon House Farms operation meets the goals of the Yuba County General Plan-Vision 2030, reference given to Goal HS11. Healthy Communities. Under policy HS11-5, the County's standards will promote the establishment of community gardens, farm stands and farmer's markets. Oregon House Farms and Sustainable agriculture integrates three main goals-environmental health, economic profitability and social and economic equity. Oregon House Farms produces in a way that is good for the animal, good for the land, good for consumers, and good for local communities. This helps to maintain open spaces, making it less susceptible to development. Local communities gain when small farmers and ranchers thrive.

In addressing the need for employees, this is a small business. When times get busy, Oregon House Farms would recruit a farm intern or employee to help with the operation of the produce stand.

Please contact the applicant, Jeanette Cavaliere, DBA Oregon House Farms, if there are any other questions.

Respectfully submitted.

*Jeanette L. Cavaliere*  
Jeanette L. Cavaliere

S 00° 21' 26" W, 992.77' R.

Tolles Lane

AVENUE 2090

PARCEL ①  
5.00 Acres

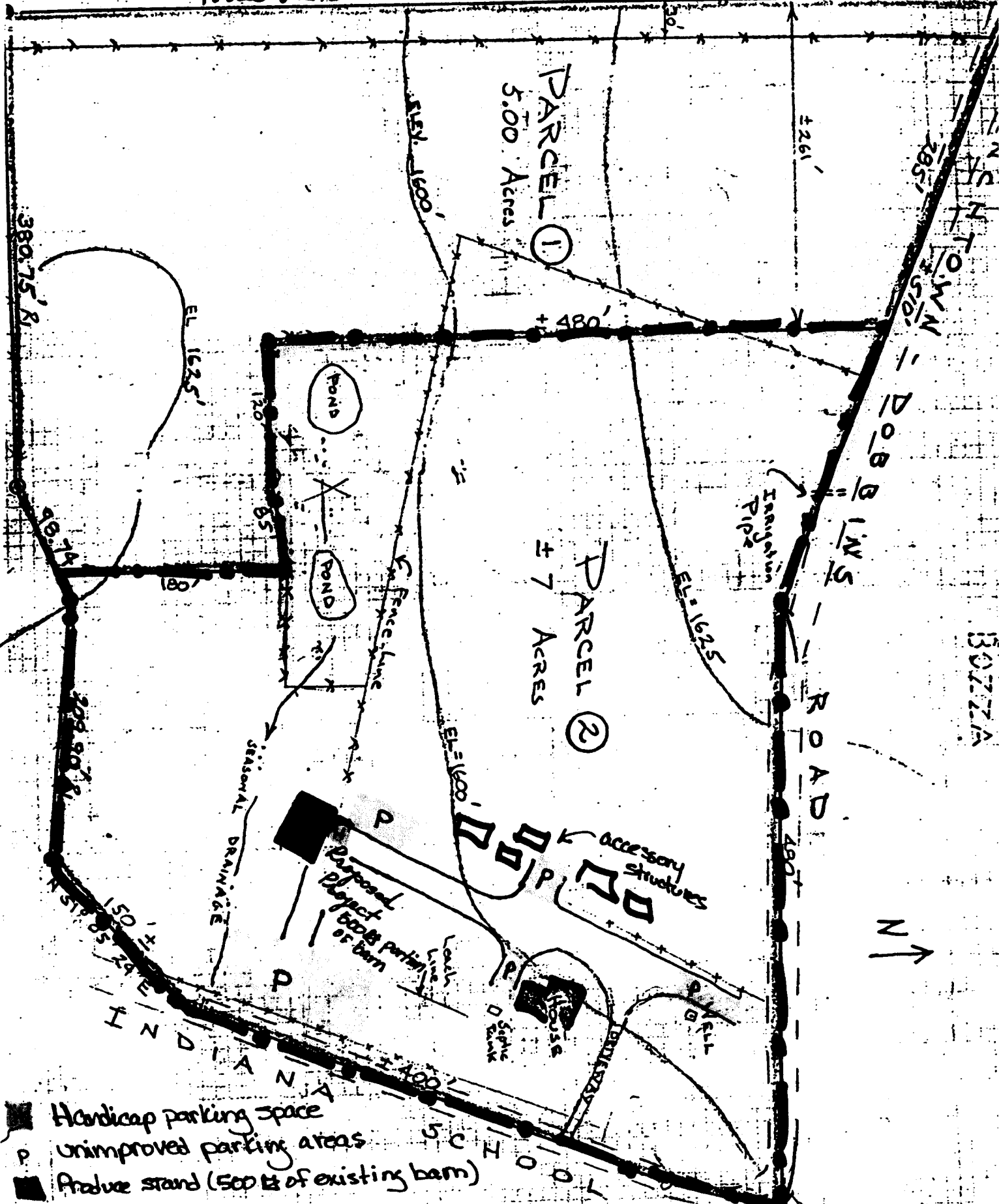
PARCEL ②  
± 7 Acres

± 261'  
± 510' N  
± 510' N

± 208' ± 1' N S

ROAD

N ↑



- Handicap parking space
- P unimproved parking areas
- Produce stand (S of existing barn)

Display

Entrance-Door

Freezer Storage

Display Area

NUMERICAL/VALUES

Display



Display

25'

Oregon House Farms - Barn Floor Plan

Display

20'

25' x 25' x 25'

**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY**

**Applicant: Oregon House Farms**  
**Owner: Jeanette Cavaliere**  
**APN: 060-240-052**  
**14582 Indiana School Rd**

**Case Number: AP2011-0002**  
**SDC Public Hearing Date:**  
**October 12, 2011**

**ACTIONS FOR CONSIDERATION:** Staff recommends that the Staff Development Committee take the following actions:

- I. After review and consideration, make a determination that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15303(e) as an accessory (appurtenant) structure or use).
- II. Approve Administrative Permit AP2011-0002 as the required criteria set forth in Yuba County Ordinance Section 12.01(A).110 can be met and necessary findings can be made based on the analysis contained in the staff report.

**CONDITIONS OF APPROVAL FOR FILE # AP2011-0002**

1. Administrative Permit AP 2011-0002 (Oregon House Farms) is approved to allow a produce stand at 14582 Indiana School Road (Assessor's Parcel Number 060-240-052) as shown in Exhibits A through C (project description, site plan, floor plan) and making the necessary environmental determination and findings as contained in staff report for Administrative Permit AP 2011-0002 (dated September 7, 2011) incorporated herein by reference and as conditioned or modified below.
2. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
3. As a condition of approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Staff Development Committee, or other County advisory agency, appeal board, or legislative body concerning the administrative permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
4. Prior to commencing the operation of a produce stand within the existing barn, the applicant shall obtain a building permit for the tenant improvement and change in occupancy. The produce stand area shall not exceed a total of 500 square-feet and

**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY**

**Applicant: Oregon House Farms**  
**Owner: Jeanette Cavaliere**  
**APN: 060-240-052**  
**14582 Indiana School Rd**

**Case Number: AP2011-0002**  
**SDC Public Hearing Date:**  
**October 12, 2011**

---

shall be physically separated with walls/partitions from the rest of the barn. The produce stand shall comply with California Title 24 and the American with Disabilities Act - ADA requirements, and all state and federally mandated requirements in effect at the time of submittal for building permits (contact the Building Department for applicable Code editions).

- a) The project requires the installation of one (1) handicap accessible parking space with an ADA compliant path of travel from the parking space to the entrance of the produce stand.
  - b) Any additional parking areas shall be located outside of any easements, property line setbacks or septic leach line/repair areas.
5. Prior to commencing operation of the produce stand, the applicant shall obtain all permits and necessary clearances from the Environmental Health Department. A copy of any permits or clearances shall be submitted to the Planning Department as part of the Administrative Permit file.
6. The produce stand area shall be used for the sole purpose of display or sale of unprocessed agricultural products as defined by Yuba County Zoning Ordinance Section 12.01(A).130(3) and shall not be used for other purposes unless the produce stand use is formally withdrawn.
7. This Administrative Permit allows for the sale of locally raised pre-packaged USDA certified beef and poultry, fruits, vegetables, honey, olive oil and other unprocessed agricultural products. On site slaughtering of livestock for retail or wholesale use is prohibited.

---

**APPEAL AND PERMIT EXTENSION REQUIREMENTS:**

**Appeal Procedure:** The decision of the Staff Development Committee/Zoning Administrator (SDC/ZA) is final unless appealed. Persons dissatisfied with the SDC/ZA decision may appeal it to the Board of Supervisors by filing a written appeal within 10 calendar days of the date of approval. All appeals shall be filed with the Clerk of the Board. You may be precluded from filing a lawsuit to challenge this decision unless you use this opportunity for administrative appeal and raise any issue you believe to be wrongly decided.

**Expiration Date:** You have two years from the date of approval in which to effectuate this Administrative Permit: AP2011-0002, or else the permit becomes null and void. The

**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY**

**Applicant: Oregon House Farms**  
**Owner: Jeanette Cavaliere**  
**APN: 060-240-052**  
**14582 Indiana School Rd**

**Case Number: AP2011-0002**  
**SDC Public Hearing Date:**  
**October 12, 2011**

---

expiration date of this permit is **October 12, 2013**. Once effectuated, the permit shall not expire so long as the Conditions of Approval are not violated.

***Extension of Permit.*** You may request that a permit be extended for a period of up to one (1) year. An application for an extension with the applicable fee shall be submitted to the Planning Department prior to the expiration date indicated above. No further notice will be sent to you regarding the permit expiration date.

---

Wendy W. Hartman, Director of Planning

The Zoning Administrator, County of Yuba  
 Community Development and Services Agency  
 Planning Department  
 915 8<sup>th</sup> Street, Suite 123  
 Marysville, Ca. 95901

To whom it may concern:

Pursuant to the notification dated 26 August 2011 Re: Notice of Intent to Approve an Administrative Permit, file number AP2011-0002. The proper request form for a public hearing on this matter having been duly filed with Yuba County, we respectfully request the following:

1 [ That the hearing shall be held at the Alcouffe Community Center, at 9185 Marysville Road in the Dobbins/Oregon House area of Yuba County. The time shall be at or after 7 P.M. on a weekday (Monday, Tuesday, Wednesday, or Thursday). The earliest date for the hearing, to allow for research and gathering of pertinent materials, is 15 September 2011. This is in keeping with The Americans with Disabilities Act, the California Open Meeting Laws, 2011 CEQA Statutes and Guidelines 15201, 15202 (b), ( c ), (d), and (f), and 15203.

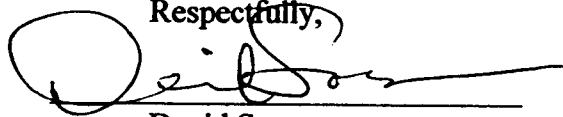
We also respectfully request the following documents, papers, and information:

- 2 [ A copy of the applicable County standards as stated in Hartman letter dated August 26, 2011.
- 3 [ Copy of traffic studies for the permit.
  - 4 [ Copy of parking diagrams and entrances and exits to same.
  - 5 [ Copy of Yuba County Environmental Services inspections, recommendations and plans for the site.
- 6 [ Copy of the County Attorney's opinion of the interpretation of CEQA Guideline Section 15303(e).
- 7 [ Copy of the application for the permit, identifying the applicant(s).
- 8 [ Copy of the Dobbins/Oregon House (DOH) Special Fire Districts approved fire and evacuation plan.
- 9 [ Copy of the DOH Special Fire District's Hazmats Plan for explosive materials.
  - 10 [ Copy of a valid resale license.
  - 11 [ Copy of Permit to Do Business in Yuba County.

12 [ Copies of any and all letters from the community approving of this variance from the established zoning and the concomitant protections of citizens/residents property and privacy.

Duplications of all documents will be paid for pursuant to the California Public Records Act, and picked-up from the County planning and inspection foyer within 24 hours of their readiness. Please contact (530) 692-2536.

Respectfully,



David Soares

**From: Colette Chevallier**  
[REDACTED]  
[REDACTED]

**ATTENTION: Roger Abe: Chairman,  
Hal Stocker: vice-Chairman,  
Yuba County Board of Supervisors,  
Yuba County, California.**

**RE: Support for Local Business**

**June 29, 2011**

**Dear Mr. Abe and Mr. Stocker:**

**I take this opportunity to thank you both for your ongoing efforts in your respective roles and in addressing the needs of the people in your respective districts. My intention in this missive to you is to add my support for Ms. Jenny Cavalier O/O of High Sierra Beef in our community.**

**There is a misunderstanding going on, I believe, as to the nature of the type of business Ms. Cavalier wishes to utilize in marketing her locally grown beef . Her proposed activity with a market stand at her house and place of business is in no way going to lead to a change of zoning regulations. This supposed zoning change could only come about if the County has totally fallen away from what has been touted in the adopted General Plan 2030.**

**Instead of destroying and changing the rural character of the OH/Dobbins community, on the contrary I firmly attest such a venture reinforces and enhances the rural character of our community. As is becoming more and more and more apparent, for those who have eyes to see and ears to hear, we do not wish to go and buy our commodities from Marysville/ Yuba City , but wish to buy products locally. In addition, the charm and simplicity of Jenny's place added to the quality of her products makes it a compelling place to go and buy for the locals.. It has a TOTALLY rural character and, I personally, wish to see more of this type of endeavor initiated here in our community rather than has such initiative squashed through misinformed bias.**

**I also draw attention to the fact that an endeavor such as this one is at the Community level of involvement in keeping with the nationwide goal to reestablish self-reliant communities. Ms. Cavalier's new endeavor will add quality of life to our community. To stifle such endeavors is to stifle life itself.**

In closing, I request that the Board of Supervisors, and our local Supervisor Mr. Stocker, allow Ms. Cavalier to do her business here in our community. Please also be advised and assured that we do not, any more than she does, wish for a change in Zoning regulations.

Yours respectfully,

*Colette Chevallier*

Colette Chevallier Arno,

Property Owner and Resident : [REDACTED] Oregon House CA.

*Jeanette L. Cavaliere*

cc. Jenny Cavaliere

**AP2011-0002**

**Letters received on October 5, 2011 – after staff report was prepared.**

**To: Yuba County Board of Supervisors, Roger Abe – Chair**

**Date: June 22, 2011**

Dear Supervisors:

I am writing to you in the hope that you can soon approve the re-opening of Jenny Cavaliere's home-based beef marketing operation here in Dobbins.

As a long-time resident of Dobbins, and a strong supporter of our local Farmers Market, I am very eager to be able, once again, to purchase high quality meat from a local producer whom I know and trust. As a consumer, it is important to me to have access to safe, high quality meat products, rather than purchasing meat of questionable quality in a supermarket located far from my home.

I also know that my opinion and my desire to buy my meat locally from Jenny Cavaliere, is shared by everyone I know in our small community. Therefore, I urge you to take whatever measures may be necessary to allow us once again to purchase meat at her home Farm Store.

Thank you,

Janet Marchant

[REDACTED]

[REDACTED]

**Hartman, Wendy**

---

**From:** Jenny Cavaliere [REDACTED]  
**Sent:** Tuesday, October 04, 2011 8:42 PM  
**To:** Hartman, Wendy  
**Subject:** Fw: [Non\_Attached] Oregon House Farm Store-Public Hearing

----- Forwarded Message -----

**From:** Eric Jilesen [REDACTED]  
**To:** "Hartman, Wendy" [REDACTED]  
**Sent:** Tuesday, October 4, 2011 7:48 PM  
**Subject:** Re: [Non\_Attached] Oregon House Farm Store-Public Hearing

I urge you to open the farm store from Jenny Cavaliere,  
it is an asset to the community. Please permit this wonderful store in  
Dobbins/Oregon House,  
Thanks Pietermel van Giersbergen

Pietermel van Giersbergen  
[REDACTED]  
[REDACTED]

> \_\_\_\_\_  
>  
>  
>

[Non-text portions of this message have been removed]

[Reply to sender](#) | [Reply to group](#) | [Reply via web post](#) | [Start a New Topic](#)  
[Messages in this topic \(2\)](#)

**RECENT ACTIVITY:**  
[Visit Your Group](#)

**MARKETPLACE**

**Stay on top of your group activity without leaving the page you're on - Get the Yahoo! Toolbar now.**

Switch to: [Text-Only](#) • [Daily Digest](#) • [Unsubscribe](#) • [Terms of Use](#)

**Hartman, Wendy**

---

**From:** Jenny Cavaliere <[REDACTED]>  
**Sent:** Tuesday, October 04, 2011 8:55 PM  
**To:** Hartman, Wendy  
**Subject:** Fw: ATTENTION.doc

*Jeanette L. Cavaliere, President  
High Sierra Beef, Inc.*

----- Forwarded Message -----

**From:** Jenny Cavaliere <[REDACTED]>  
**To:** Jenny L. Cavaliere <[REDACTED]>  
**Sent:** Sunday, June 19, 2011 7:12 AM  
**Subject:** Fw: ATTENTION.doc

----- Forwarded Message -----

**From:** Bryan Dozzi <[REDACTED]>  
**To:** [REDACTED]  
**Cc:** Jenny Cavaliere <[REDACTED]>  
**Sent:** Sat, June 18, 2011 11:05:30 PM  
**Subject:** ATTENTION.doc

ATTENTION: Roger Abe  
Chairman,  
Yuba County Board of Supervisors,  
Hal Stocker,  
Vice- Chairman.

RE: Support for Jenny Cavalier O/O  
High Sierra Beef  
Dobbins, CA.

Dear Mr. Abe and Mr. Stocker:

The purpose of this letter is to show my support for Jenny Cavalier who has met with unfortunate delay in having her approval for her own market stand at her home and place of business. Due do what I believe is a misunderstood and misinformed idea circulating here in Dobbins- Oregon House, some people oppose this sort of business venture. They believe allowing Ms. Cavalier to open a stand will call for a change in the zoning laws and thus upset the rural character of this area .

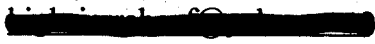
Gentlemen, I too really appreciate the rural character of the area and will oppose any urban-idio-based development , but in Ms. Cavalier's case I sincerely believe this type of business venture is fundamentally good for our communities. For the last 2-3 years , the local farmers' markets in Brownsville and OH-Dobbins have been almost exclusively where a business like High Sierra Beef could do a profitable business. This year, and given the economy, the Grange Market in Dobbins and the Brownsville Market have attracted more vendors than before. The emphasis is on growing and keeping things local .

We need to have more people like Ms. Cavalier to step forward and act and not sit back and wait for things to occur through accident or divine intervention. If this great country is to flourish again, you have to start at the community by community level and this is what is happening up here in the foothills. It is not so much to be self-sufficient , but to be self-reliant... a chain of self-reliant communities cannot be broken, only added to.

In closing, I ask that the Board of Supervisors and our local Supervisor, Mr. Stocker , to allay any misinformed fears re Zoning Law change here in the foothills and to allow Ms. Cavalier to do her business here our community.

I remain,

Your respectfully,  
Bryan R. Dozzi CA. Licensed Carpenter and Business Owner  
Dobbins Resident.

c.c.: Jenny Cavalier,  


**AP2011-0002 – Oregon House Farms**

**Comment Letters Received Between October 5 – 7, 2011**

**Hartman, Wendy**

---

**From:** emily gordon [REDACTED]  
**Sent:** Wednesday, October 05, 2011 7:27 PM  
**To:** Hartman, Wendy  
**Cc:** Board Comments; 'Jenny Cavaliere'  
**Subject:** Jenny's Oregon House Farm Store

I writing to voice my support for the reopening of Jenny Cavaliere's Farm Store. It has been a real asset to our community, bringing neighbors together and creating a charming venue for the sale of local crafts and homemade/home grown foods and produce.

This type of small, local enterprise that contributes so much is needed in this community. It's closing was a big disappointment and the weekly possiblity of meeting with neighbors while purchasing local products has been missed. So please let her open and resume this wonderful service.

Thank you.

Sincerely,  
Emily Nimrod  
Oregon House

Margaret and Wayne Kangas [REDACTED]

Yuba County Staff Development Committee/ Zoning Administrator,

We are writing this letter to request that you approve Administrative Permit 2011-0002 (Oregon House Farms) which would allow the operation of a 500 square-foot produce stand at 14582 Indiana School Road. We have lived on our own property, a few hundred feet further down Indiana School Road from this project site, for over 30 years.

We support small home-based businesses and feel that people should be able to sell their agricultural products locally. We strongly support the establishment of this new business and feel that it would be a definite PLUS to the community

~ ~

Sincerely,

~

Margaret Kangas

[REDACTED]

[REDACTED]

, /  
1 . : ~ ~ - ~ ~ .

[REDACTED]  
[REDACTED]

23 September 2011

Jenny Cavaliere [REDACTED]  
Oregon House CA 95962

Dear Jenny,

We have sorely missed our trips to your barn and all the craft persons' merchandise. I'm glad to hear you'll be able to get back into the swing of it again soon.

I especially appreciate the easy access yoU provide me in my wheelchair. The ramp up to the front entrance is a great boon and the aisles have always been wide enough to accommodate a wheelchair.

We'll be there opening day, ready in time to shop for th~ holidays.

All the best, M~G~  
larJone les

## Hartman, Wendy

---

**From:** Jenny Cavaliere [mailto:jennycavaliere@yahoo.com]  
**Sent:** Friday, October 07, 2011 8:22 AM  
**To:** Hartman, Wendy  
**Cc:** Board Comments  
**Subject:** Fw: Cavalier's Farm Store

----- Forwarded Message -----

**From:** camilla pistilli [mailto:camilla.pistilli@yuba.ca.us]  
**To:** Jenny Cavaliere [mailto:jennycavaliere@yahoo.com]  
**Sent:** Friday, October 7, 2011 7:07 AM  
**Subject:** Re: Cavalier's Farm Store

Thank you so much dear Jenny, we are very happy about it too, what a relief, it took us so long to solve it all (and SO much \$\$\$\$\$\$!!!!!!)

See my letter below and let me know if it works :)

Best luck to you Jenny...and to all of US... we want you back!!!

Warmly,

Camilla

On Oct 4, 2011, at 4:11 PM, Jenny Cavaliere wrote:

Hello Camilla,

Marieka shared with me your good news. Congratulations!!

Thank you for taking the time to write a letter of support. Please send your letter to Wendy Hartman at [whartman@co.yuba.ca.us](mailto:whartman@co.yuba.ca.us)

My name is Cavaliere, spelled correctly. You can cc me on the letter if you wish. Look forward to having everyone here again. Big Hugs, Jenny

Chairman Abe, Supervisors Griego, Nicoletti, Vasquez and Stocker

I'm writing in support of reopening Ms. Cavaliere's farm store.

The Foothills' area where we live is a quite rural one; we are a relatively small, although steadily growing, community spread between Oregon House and Dobbins area. We enjoy nature and the benefits of a simple life for ourselves and our children.

Ms. Cavaliere has completed this picture for all of us by making the fruit of her hard work available to the community. This place would not be the same, would not be as pleasant, would not offer the same advantages and chances of a simpler, healthier life without her and her products. She raises chickens, offers their delicious eggs, lovingly raised beef and organic vegetables from her garden. Her land even provides home to honey bees, nowadays so rare and difficult to sustain, from which she produces her own honey. We want to support her vision and see her farm grow and expand, because that would benefit everyone in this community. Ms. Cavalier's is a professional rancher and farmer whose skills and level of experience are unmatched in our area; her love, commitment and dedication to her job is an example to all of us.

We bring our children to the farm, show them how things are done with respect, love and agreement with nature, we teach them the healthy, 'old worldly' way of raising and feeding ourselves. Ms. Jenny is a bright, charming and warm person who welcomes every 'customer' with personable and caring attention. She is absolutely irreplaceable in her fundamental role in our community 'family'. Her farm is always in perfect conditions, amazingly neat and picture perfect. Her hours have allowed a very relaxed flow of visitors that makes every trip to her farm easy and pleasant.

Ms. Cavaliere has brought up the need of a slaughter house in Yuba County, preferably in the flatlands, NOT in the Foothills as there is no other facility available besides the ones in Orlando and Reno. A more accessible meat processing facility would be a great asset to independent growers in the whole county.

We urge you to support Ms. Cavaliere's efforts to reopen her farm store and to make her rich grass-fed, 'lovingly raised' beef, eggs, chickens, etc. available again to all of us, as they all represent a fundamental element to increase the quality of our Foothills' life style.

Sincerely,

Camilla Pistilli & Stefano Capaccioli,

Oregon House, 95962,



## Hartman, Wendy

---

From: Jenny Cavaliere [REDACTED]  
Sent: Tuesday, October 11, 2011 1:07 PM  
To: Hartman, Wendy  
Subject: Fw: [Non\_Attached] Oregon House Farm Store-Public Hearing

Another letter of support. I am so proud of my community.

----- Forwarded Message -----

From: Charles Sharp <[REDACTED]>  
To: [REDACTED]  
Sent: Monday, October 10, 2011 10:52 AM  
Subject: Re: [Non\_Attached] Oregon House Farm Store-Public Hearing

*received as of 5pm  
yesterday  
10/11/2011*

Yes Jim, the theory is great, but then comes the harsh reality of politics, particularly our own, home grown, foothill style. To repeat, if you can at all possibly make the meeting on Wednesday, it would be a strong show of support for Jenny and it would show county staff that the community is not so apathetic as they might wish us to be.

When: Wed Oct 12, 10:30 am  
Where: YC Govt building, 915 8th Street, Marysville.

On 10/10/11 9:55 AM, Jim Pappas wrote:

>  
>  
> Hello Community:  
>  
> May I suggest that an open show of support for Jenny's Oregon House  
> Farm Store will be of much more benefit to the Oregon House/Dobbins  
> community than the mere opportunity to buy and sell local produce.  
> What we are supporting is a return to the honest hard-working  
> entrepreneurial spirit that made America great. What we are  
> supporting is a return of freedom to the "little people" upon whose  
> backs this country rests.  
>  
> Thank you for your time and consideration,  
>  
> Jim Pappas  
> --  
>  
> <http://www.orionsgate.org>  
> [REDACTED]  
>  
>

[Non-text portions of this message have been removed]

**Hartman, Wendy**

---

**From:** Jenny Cavaliere [HighSierraBeef@yahoo.com]  
**Sent:** Monday, October 10, 2011 5:55 PM  
**To:** Hartman, Wendy  
**Subject:** Fw: High Sierra Beef Farm Store

—— Forwarded Message ——

**From:** rulik <[redacted]>  
**To:** [redacted]  
**Sent:** Monday, October 10, 2011 10:16 AM  
**Subject:** High Sierra Beef Farm Store

Dear Jenny,

I hope that Yuba County will approve the reopening of your store.  
Of course the store provides us with healthy and tasty food that is not otherwise available in the area.

It is clearly a boost for the local economy and is an example of encouraging people to find their livelihood in Oregon House.

Above all, it is a wonderful place for the community. I cannot count how many friends, new and old I met at the store.

It is also a wonderful education for the little ones who can learn a lot at your farm about animals and the source of the food we eat.

I am looking forward to meet you and my friends at the store.

Best regards,

Rulik Perla  
[arulik@comcast.com](mailto:arulik@comcast.com)

## Hartman, Wendy

---

**From:** Janet Marchant [redacted]  
**Sent:** Monday, October 10, 2011 4:45 PM  
**To:** Hartman, Wendy  
**Cc:** Board Comments  
**Subject:** Please approve Oregon House Farms

Dear Ms. Hartman,

I believe you are receiving quite a bit of written support from our community urging the County planning department to approve the permit for Jenny Cavaliere's farm store. From this expression of support, I hope you have concluded that our community definitely wants to see Oregon House Farms store back in business. Not only do we want to have the store's locally produced food available to us, we also feel that a small agricultural enterprise, built up with hard work and the entrepreneurial spirit, is the kind of business we want to see more of in Dobbins/Oregon House.

Thank you for taking our letters into consideration. Sincerely,

Janet Marchant, Dobbins resident  
[redacted]  
[redacted], Dobbins, OR 95533

**Hartman, Wendy**

---

From: [REDACTED]  
Sent: Monday, October 10, 2011 4:39 PM  
To: Board Comments; Hartman, Wendy  
Cc: [REDACTED]  
Subject: Support for Oregon House Farms

To:  
Yuba County Board of Supervisors, Roger Abe - Chair Wendy Hartman, Yuba County Planning Director

Date: October 10, 2011

Re: Administrative Permit #AP 2011-0002 for Oregon House Farms

Dear Supervisors and Planning Director:

I am writing to express my whole-hearted support for re-opening Jenny Cavaliere's Oregon House Farms Store in Dobbins and for approving the sale of her high quality meat products from this location. Here's why:

Corporate America is in trouble! The Government of America is in trouble!

The Banks are in trouble all around the globe! Even our food, schools, and natural sources are in trouble! And this means that you and I are also in trouble, right here in Yuba County!

We cannot fix Corporate America overnight although it is in our heritage to be entrepreneurial and problem-solvers. We cannot fix the Government of America overnight because Americans demand that all voices be heard.

And we cannot fix the Banks overnight as they have intertwined the lives of people around the globe in ways our minds cannot yet fathom.

However, there is one thing we can all do, and that is to relate to one another differently. To understand that what helps one, helps us all, and what hurts one, hurts us all. There are not "winners and losers"; there are winners OR losers. We are all related... to each other, to our community, and to our natural resources. We need one another. Not one of us can thrive on our own. Not one!

When Raley's can't get their truck deliveries, where will you shop? When Big Government consumes your life-blood more, and MORE, and MORE AND MORE, who will take care of you and your family? And when the all-powerful dollar becomes another piece of paper to recycle, what will you call your own? How will you live? What will you give to your children and grand-children?

We, in the foothills, are not the only ones asking these questions. Neither are we the only ones acting on them. All across the globe, real people are inventing new and sustainable solutions that rekindle the hearts and spirits of individuals and communities alike. You, in Yuba County government, are equal participants in this revitalization, so I ask you not only to approve the re-opening of Jenny Cavaliere's Oregon House Farms Store in Dobbins, but also to join us in reaping the benefits, inspiration, and community spirit that come with it and are inseparable from it! I ask you to join us at the Grand Opening of Oregon House Farms!

We are all fortunate to have Jenny Cavaliere and Oregon House Farms in our community. Let us put our differences on the side lines and unleash our human spirits. Let us be friends, neighbors, and colleagues. Let us all make a profit - together!

Sincerely,

Catherine Summers

Dobbins resident and home-owner since 1994

## **Hartman, Wendy**

---

**From:** Kim Hawthorne [mailto:kimhawthorne@oregonhousefarms.com]  
**Sent:** Friday, October 07, 2011 12:40 PM  
**To:** Hartman, Wendy  
**Cc:** Board Comments; 'Jenny Cavaliere'  
**Subject:** Administrative Permit number, AP 2011-0002 (Oregon House Farms)

Hello Ms. Hartman,

We are neighbors of Jenny Cavalier's and enjoyed visiting her farm store. It was a real source of pleasure to go there and purchase her produce, meat, chickens and eggs. It was also a place where neighbors could get to know one another, as there is no "downtown" in the Oregon House/Dobbins area. A real sense of "community" was developing as a result of her farm store. People would share information about how to grow vegetables and how to raise various animals, among other things. It was wonderful to watch her gorgeous chickens run around, as well as her Black Angus cattle. Her farm store, with its home grown produce, meats, etc. is a perfect example of the "eating locally grown movement."

We are aware of a certain neighbor of Jenny's who does not want her to reopen her store. For reasons we do not know, he greatly dislikes Jenny. We know this because we witnessed him heckling and harassing her at every meeting of the last Supervisorial campaign in District 5. Further, we have heard him vilify Jenny at various BOS meetings. In our opinion, it is not right for this one person to be able to prevent Jenny from making a living and to deny the community access to her wonderful farm.

We urge you to approve the administrative permit so that Jenny can reopen her store, make a living on the farm she has so beautifully cultivated and add enjoyment to the Oregon House/Dobbins community.

Kim & Gary Hawthorne

## **Hartman, Wendy**

---

**From:** Charles Sharp [REDACTED]  
**Sent:** Sunday, October 09, 2011 9:45 AM  
**To:** Hartman, Wendy  
**Cc:** Board Comments; Jenny Cavaliere  
**Subject:** Oregon House Farms Administrative Permit

**To:** Wendy Hartman, Yuba County Planning Director  
**cc:** Yuba County Board of Supervisors  
**cc:** Jenny Calvaliere

**Re:** Administrative Permit for Oregon House Farms Hearing on October 12, 2011 (AP 2011-0002)

Dear Ms. Hartman,

The Farm Store that Ms. Calvaliere wishes to open is allowed for and encouraged by the County's General Plan. It would generate revenue for the County and invigorate the local economy. There is an overwhelming local support for this business. We hope Yuba County will see fit to approve its operation.

Regards,

Charles Sharp  
Yuba County property owner

# TRAFFIC CALLS IN MAP REF DBN1 - 2006-2010

Date: 10/11/2011

CALL#	START DATE/TIME	CALL START TYPE	CALL END TYPE	ADDRESS	UNIT #	MAP REF	SI
60490065	2/18/2006 09:54AM	TRAFFIC HAZARD	TRAFFIC HAZARD	14537 INDIANA SCHOOL RD		DBN1	SI
60580169	2/27/2006 10:21PM	TRAFFIC HAZARD	TRAFFIC HAZARD	10084 FRENCHTOWN DOBBINS RD		DBN1	
60980218	4/4/2006 09:35PM	TRAFFIC HAZARD	TRAFFIC HAZARD	12460 COUNTY ROAD 169		DBN1	
61610154	6/10/2006 06:16PM	TRAFFIC STOP	TRAFFIC VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
62100077	7/29/2006 01:45PM	TRAFFIC STOP	TRAFFIC VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
62300179	8/18/2006 10:47PM	TRAFFIC STOP	TRAFFIC STOP	15425 INDIANA RANCH RD		DBN1	SI
62380003	8/26/2006 12:05AM	TRAFFIC STOP	TRAFFIC STOP	15868 INDIANA RANCH RD		DBN1	SI
62380019	8/26/2006 01:07AM	TRAFFIC STOP	TRAFFIC STOP	15425 INDIANA RANCH RD		DBN1	SI
62430037	8/31/2006 09:12AM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
62430038	8/31/2006 08:16AM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
62470072	9/4/2006 04:59PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
62480278	9/5/2006 10:13PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
62480280	9/5/2006 10:28PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
62860108	10/13/2006 02:50PM	BUSY WITH DETAIL	TRAFFIC VIOLATION	15425 INDIANA RANCH RD		DBN1	SI
62860024	10/22/2006 02:19AM	TRAFFIC STOP	TRAFFIC STOP	15868 INDIANA RANCH RD		DBN1	SI
63300132	11/26/2006 06:46PM	TRAFFIC STOP	TRAFFIC STOP	10201 FRENCHTOWN DOBBINS RD		DBN1	SI
63340206	11/30/2006 10:37PM	TRAFFIC STOP	TRAFFIC STOP	14537 INDIANA SCHOOL RD		DBN1	SI
63430199	12/9/2006 10:06PM	TRAFFIC STOP	DRUNK DRIVER	15741 INDIANA RANCH RD		DBN1	SI
63440154	12/10/2006 09:20PM	TRAFFIC STOP	INFORMATION REPORT	15425 INDIANA RANCH RD		DBN1	SI
63450096	12/11/2006 12:03PM	TRAFFIC STOP	CITIZEN FLAG DOWN	15425 INDIANA RANCH RD		DBN1	SI
70100163	1/10/2007 07:09PM	TRAFFIC STOP	TRAFFIC STOP	15394 INDIANA SCHOOL RD		DBN1	SI
70200186	1/20/2007 10:50PM	TRAFFIC STOP	TRAFFIC STOP	15425 INDIANA RANCH RD		DBN1	SI
70230122	1/23/2007 04:31PM	TRAFFIC STOP	TRAFFIC STOP	14720 TOBY TYLER WY		DBN1	SI
70260167	1/26/2007 06:46PM	TRAFFIC STOP	TRAFFIC STOP	10200 FRENCHTOWN DOBBINS RD		DBN1	SI
70330170	2/2/2007 07:02PM	TRAFFIC STOP	TRAFFIC STOP	15868 INDIANA RANCH RD		DBN1	SI
70490090	2/18/2007 02:52AM	TRAFFIC STOP	TRAFFIC STOP	15900 INDIANA RANCH RD		DBN1	SI
70750251	3/16/2007 10:48PM	TRAFFIC STOP	TRAFFIC STOP	14537 INDIANA SCHOOL RD		DBN1	SI
71010088	4/11/2007 01:07PM	TRAFFIC STOP	TRAFFIC STOP	15425 INDIANA RANCH RD		DBN1	SI
71010092	4/11/2007 01:17PM	TRAFFIC HAZARD	TRAFFIC HAZARD	10201 FRENCHTOWN DOBBINS RD		DBN1	SI

# TRAFFIC CALLS IN MAP REF DBN1 - 2006-2010

Date: 10/11/2011

CALL#	START DATE/TIME	CALL START TYPE	CALL END TYPE	ADDRESS	UNIT #	MAP REF	SI
71010096	4/1/2007 01:24PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
71010176	4/1/2007 09:53PM	TRAFFIC STOP	TRAFFIC STOP	10201 FRENCHTOWN DOBBINS RD		DBN1	SI
71050057	4/15/2007 09:07AM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
71080155	4/18/2007 08:15PM	TRAFFIC STOP	TRAFFIC STOP	15868 INDIANA RANCH RD		DBN1	SI
71120069	4/22/2007 09:46AM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
71120186	4/22/2007 08:59PM	TRAFFIC STOP	TRAFFIC VIOLATION	16005 INDIANA RANCH RD		DBN1	SI
71120188	4/22/2007 09:36PM	TRAFFIC STOP	TRAFFIC STOP	<del>14838 INDIANA SCHOOL RD</del>		DBN1	SI
71120189	4/22/2007 09:36PM	TRAFFIC STOP	TRAFFIC STOP	<del>14938 INDIANA SCHOOL RD</del>		DBN1	SI
71190183	4/29/2007 11:24PM	TRAFFIC STOP	TRAFFIC STOP	15494 INDIANA RANCH RD		DBN1	SI
71260086	5/6/2007 12:30PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
71450191	5/25/2007 07:46PM	TRAFFIC STOP	TRAFFIC VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
71460064	5/26/2007 10:26AM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
71590184	6/8/2007 08:14PM	TRAFFIC STOP	TRAFFIC VIOLATION	12200 COUNTY ROAD 169		DBN1	SI
71880014	7/7/2007 12:43AM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
72010089	7/20/2007 12:37PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
72020076	7/21/2007 10:42AM	TRAFFIC STOP	TRAFFIC STOP	10201 FRENCHTOWN DOBBINS RD		DBN1	SI
72120007	7/31/2007 01:14AM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
72170118	8/5/2007 02:27PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
72230139	8/11/2007 04:47PM	TRAFFIC ACCIDENT	INFORMATION REPORT	12460 COUNTY ROAD 169		DBN1	SI
72230144	8/11/2007 04:59PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
72340188	8/22/2007 09:21PM	TRAFFIC STOP	TRAFFIC STOP	15425 INDIANA RANCH RD		DBN1	SI
72430074	8/31/2007 11:15AM	TRAFFIC VIOLATION	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
72450134	9/2/2007 04:32PM	TRAFFIC VIOLATION	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
72450135	9/2/2007 04:40PM	TRAFFIC VIOLATION	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
72450145	9/2/2007 05:20PM	TRAFFIC VIOLATION	TRAFFIC VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
72450146	9/2/2007 05:28PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
72580158	9/15/2007 08:43PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
72640232	9/21/2007 10:36PM	TRAFFIC STOP	TRAFFIC STOP	<del>14661 INDIANA SCHOOL RD</del>		DBN1	SI
72650105	9/22/2007 04:23PM	TRAFFIC STOP	PARKING VIOLATION	12460 COUNTY ROAD 169		DBN1	SI

## TRAFFIC CALLS IN MAP REF DBN1 - 2006-2010

CALL#	START DATE/TIME	CALL START TYPE	CALL END TYPE	ADDRESS	UNIT #	MAP REF	SI
72860126	10/13/2007 04:08PM	TRAFFIC STOP	TRAFFIC STOP	10201 FRENCHTOWN DOBBINS RD		DBN1	SI
72860147	10/13/2007 06:05PM	BUSY WITH DETAIL	TRAFFIC VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
72860163	10/13/2007 07:18PM	TRAFFIC STOP	PARKING VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
73000054	10/27/2007 12:54PM	TRAFFIC STOP	TRAFFIC STOP	14720 TOBY TYLER WY		DBN1	SI
80080203	1/8/2008 09:11PM	TRAFFIC ACCIDENT	TRAFFIC ACCIDENT - UNKNOWN	<del>14068 INDIANA SCHOOL RD</del>		DBN1	SI
80490072	2/18/2008 11:17AM	TRAFFIC STOP	TRAFFIC STOP	14557 INDIANA SCHOOL RD		DBN1	SI
80820204	3/22/2008 11:16PM	TRAFFIC STOP	TRAFFIC STOP	15494 INDIANA RANCH RD		DBN1	SI
80980214	4/5/2008 09:46PM	TRAFFIC STOP	TRAFFIC STOP	15428 WILLIAMS RD		DBN1	SI
81440216	5/23/2008 08:16PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
81660190	6/14/2008 08:19PM	TRAFFIC STOP	TRAFFIC STOP	12200 COUNTY ROAD 169		DBN1	SI
81700130	6/18/2008 02:32PM	TRAFFIC STOP	TRAFFIC VIOLATION	15868 INDIANA RANCH RD		DBN1	SI
81790224	6/27/2008 11:16PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860126	7/4/2008 03:42PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860127	7/4/2008 03:46PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860128	7/4/2008 03:55PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860129	7/4/2008 03:55PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860131	7/4/2008 04:08PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860133	7/4/2008 04:15PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860135	7/4/2008 04:18PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860136	7/4/2008 04:21PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860137	7/4/2008 04:22PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860140	7/4/2008 04:27PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860143	7/4/2008 04:28PM	TRAFFIC STOP	TRAFFIC VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81860145	7/4/2008 04:36PM	TRAFFIC VIOLATION	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81870126	7/5/2008 04:21PM	TRAFFIC STOP	PARKING VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81870129	7/5/2008 04:30PM	TRAFFIC VIOLATION	PARKING VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81870134	7/5/2008 04:36PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81870138	7/5/2008 04:44PM	TRAFFIC VIOLATION	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
81950143	7/13/2008 06:21PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI

# TRAFFIC CALLS IN MAP REF DBN1 - 2006-2010

Date: 10/11/2011

CALL#	START DATE/TIME	CALL START TYPE	CALL END TYPE	ADDRESS	UNIT #	MAP REF	SI
82160019	8/3/2008 01:48AM	BUSY WITH DETAIL	TRAFFIC VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
82280152	8/15/2008 07:04PM	TRAFFIC STOP	TRAFFIC VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
82280154	8/15/2008 07:07PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
82430165	8/30/2008 07:58PM	TRAFFIC STOP	DRUNK DRIVER	15425 INDIANA RANCH RD		DBN1	SI
82570151	9/13/2008 07:37PM	TRAFFIC STOP	TRAFFIC STOP	<del>15241 INDIANA SCHOOL RD</del>		DBN1	SI
82870174	10/13/2008 07:48PM	TRAFFIC STOP	TRAFFIC STOP	<del>15241 INDIANA SCHOOL RD</del>		DBN1	SI
82930137	10/19/2008 06:47PM	TRAFFIC STOP	TRAFFIC STOP	15900 INDIANA RANCH RD		DBN1	SI
83190165	11/14/2008 06:12PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
83300179	11/25/2008 09:29PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
83370146	12/2/2008 04:58PM	TRAFFIC STOP	TRAFFIC STOP	15241 INDIANA SCHOOL RD		DBN1	SI
83370160	12/2/2008 06:23PM	TRAFFIC STOP	TRAFFIC STOP	16033 INDIANA RANCH RD		DBN1	SI
83460137	12/11/2008 05:34PM	TRAFFIC STOP	TRAFFIC STOP	15741 INDIANA RANCH RD		DBN1	SI
83540209	12/19/2008 11:12PM	TRAFFIC STOP	TRAFFIC VIOLATION	14906 INDIANA SCHOOL RD		DBN1	SI
83600053	12/25/2008 11:14AM	TRAFFIC HAZARD	TRAFFIC HAZARD	14600 FOUNTAIN HOUSE RD		DBN1	SI
90020172	1/2/2009 08:02PM	TRAFFIC STOP	TRAFFIC STOP	10201 FRENCHTOWN DOBBINS RD		DBN1	SI
90060148	1/6/2009 05:36PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
90130180	1/13/2009 06:11PM	TRAFFIC STOP	TRAFFIC STOP	15425 INDIANA RANCH RD		DBN1	SI
90230064	1/23/2009 11:01AM	TRAFFIC STOP	TRAFFIC STOP	15868 INDIANA RANCH RD		DBN1	SI
90840204	3/25/2009 10:07PM	TRAFFIC STOP	TRAFFIC STOP	<del>15241 INDIANA SCHOOL RD</del>		DBN1	SI
90930178	4/3/2009 08:23PM	TRAFFIC STOP	DRUG ACTIVITY - UNKNOWN	<del>15241 INDIANA SCHOOL RD</del>		DBN1	SI
90930208	4/3/2009 10:34PM	TRAFFIC STOP	TRAFFIC STOP	15464 INDIANA RANCH RD		DBN1	SI
90940199	4/4/2009 10:59PM	TRAFFIC STOP	TRAFFIC VIOLATION	15900 INDIANA RANCH RD		DBN1	SI
91250035	5/5/2009 05:21AM	TRAFFIC HAZARD	TRAFFIC HAZARD	14600 FOUNTAIN HOUSE RD		DBN1	SI
91280190	5/8/2009 10:59PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
91370163	5/17/2009 09:51PM	TRAFFIC STOP	TRAFFIC STOP	15494 INDIANA RANCH RD		DBN1	SI
91420218	5/22/2009 10:55PM	TRAFFIC STOP	TRAFFIC STOP	15741 INDIANA RANCH RD		DBN1	SI
91430091	5/23/2009 02:15PM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
91640038	6/13/2009 09:31AM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
91670106	6/16/2009 02:20PM	TRAFFIC STOP	TRAFFIC STOP	15900 INDIANA RANCH RD		DBN1	SI

# TRAFFIC CALLS IN MAP REF DBN1 - 2006-2010

Date: 10/11/2011

CALL #	START DATE/TIME	CALL START TYPE	CALL END TYPE	ADDRESS	UNIT #	MAP REF	SI
91760195	6/25/2009 10:02PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
91790084	6/28/2009 10:59AM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
92040161	7/23/2009 07:15PM	TRAFFIC STOP	TRAFFIC STOP	14600 FOUNTAIN HOUSE RD		DBN1	SI
92200126	8/8/2009 05:57PM	TRAFFIC STOP	DRUNK IN PUBLIC	15868 INDIANA RANCH RD		DBN1	SI
92300059	8/18/2009 11:21AM	TRAFFIC STOP	TRAFFIC STOP	<del>14600 FOUNTAIN HOUSE RD</del>		DBN1	SI
92300063	8/18/2009 11:48AM	TRAFFIC STOP	WARRANT SERVICE	15868 INDIANA RANCH RD		DBN1	SI
92480044	9/5/2009 08:40AM	TRAFFIC STOP	COUNTY ORDINANCE VIOLATION	12460 COUNTY ROAD 169		DBN1	SI
92550028	9/12/2009 08:05AM	TRAFFIC STOP	TRAFFIC STOP	<del>14600 FOUNTAIN HOUSE RD</del>		DBN1	SI
92560019	9/13/2009 02:19AM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
93100134	11/8/2009 05:30PM	TRAFFIC STOP	TRAFFIC STOP	15425 INDIANA RANCH RD		DBN1	SI
93350058	12/1/2009 10:10AM	TRAFFIC STOP	TRAFFIC STOP	14720 TOBY TYLER WY		DBN1	SI
#####	1/20/2010 08:29AM	TRAFFIC HAZARD	TRAFFIC HAZARD	10969 SWEET BIRCH TRL		DBN1	SI
#####	3/13/2010 10:08PM	TRAFFIC STOP	TRAFFIC STOP	15494 INDIANA RANCH RD		DBN1	SI
#####	5/29/2010 04:05PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
#####	6/11/2010 11:46AM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
#####	7/10/2010 02:21AM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
#####	7/17/2010 12:17AM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
#####	8/14/2010 09:03PM	TRAFFIC STOP	TRAFFIC STOP	12460 COUNTY ROAD 169		DBN1	SI
#####	8/28/2010 06:16PM	TRAFFIC STOP	TRAFFIC STOP	14600 FOUNTAIN HOUSE RD		DBN1	SI
#####	8/28/2010 06:50PM	TRAFFIC STOP	TRAFFIC STOP	14725 FOUNTAIN HOUSE RD		DBN1	SI

136

# 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

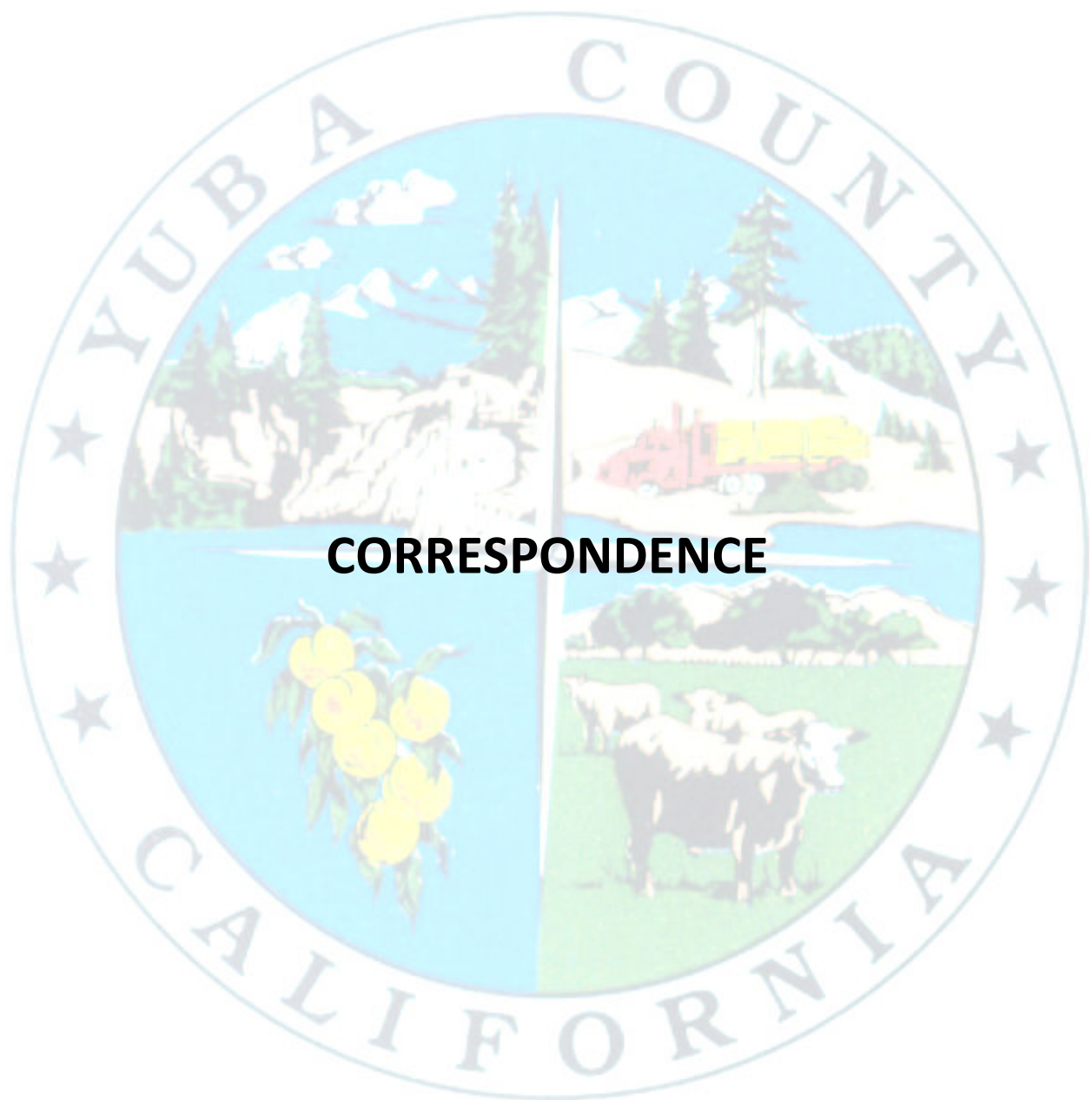
**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

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

Indiana School Road - Between the Frenchtown-Dobbins Rd intersections  
Counts taken from 8am 10/21/11 to 8am 10/25/11

		SB/EB	NB/WB	Total	AADT
Friday	10/21/2011	130	141	271	
Saturday	10/22/2011	147	159	306	
Sunday	10/23/2011	130	108	238	
Monday	10/24/2011	143	153	296	297

**THIS PAGE INTENTIONALLY LEFT BLANK**





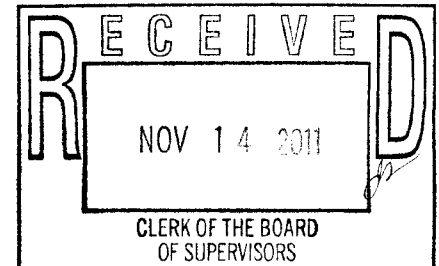
## Donald A. Rae

HUMAN RESOURCES SERVICES  
530-742-4303  
C530-515-6060  
Rae35mm@sbcglobal.net  
11-11-11

826 Atherton Way  
Plumas Lake, CA 95961  
Fax 530-742-4305

Board of Directors  
Reclamation District 784

Yuba County Board of Supervisors



Dear Directors and Board Members:

The recent revelation that the Goldfields probably do not provide even 50-year flood protection to the South County by means of at least 10 potential breakout locations is creating a distinct and serious lack of confidence in both the TRLIA Board and its employees and contractors.

For several years, Yuba First and other members of the community have asked for a forensic audit of TRLIA. The Board members have refused and staff has said such an audit was not necessary. Had the BOS approved such an audit the problems associated with the County Auditor-Controller's office would have surfaced earlier.

For several years public concern over the Goldfields has been raised both at the Board of Supervisors and the Central Valley Flood Protection Board. Staff and the TRLIA Board have claimed repeatedly that there was no problem in the Goldfields.

The TRLIA Board has repeatedly praised its work and the work of its staff and contractors, even going so far as to commission a \$50,000 "puff-piece" video by KVIE Public Television to praise its work.

TRLIA has entered itself into annual competitions with regional engineering groups to receive plaques on the wall for its exemplary work.

The TRLIA Board has allowed staff to put addendum after addendum to contracts raising some favored contractors by millions of dollars without


adequate RFP or bidding.

This latest “revelation” makes it plain beyond any reasonable doubt. The current TRLIA Board has not exercised its proper responsibility and oversight.

Some time ago I warned the BOS about relying on experts. Too often, experts are “surprised” or are found to be wrong. In the instant case, TRLIA staff and consultants and engineers have left the south county in dire straights, without adequate flood protection and no money to correct their errors. In the recent CVFPB meeting, Executive Director Paul Brunner said that “assessment” (of local property owners) is one of TRLIA’s options to correct the financial problem.

Why should we have to pay for the errors of “experts”? Perhaps some E&O insurance should come into play from the engineers and consultants who have left the south county in its current dangerous condition.

Consequently we call on the Board of Supervisors and the RD 784 Board of Directors to remove the current TRLIA Board members and assign members who will pay attention to what is going on.

Sincerely,  


Donald A. Rae

**COMMISSIONERS**

**Jim Kellogg**, President

Discovery Bay

**Richard Rogers**, Vice President

Santa Barbara

**Michael Sutton**, Member

Monterey

**Daniel W. Richards**, Member

Upland

**Jack Baylis**, Member

Los Angeles

**EDMUND G. BROWN, JR.**



Governor

**Sonke Mastrup**  
EXECUTIVE DIRECTOR

1416 Ninth Street

Box 944209

Sacramento, CA 94244-2090

(916) 653-4899

(916) 653-5040 Fax

fgc@fgc.ca.gov

STATE OF CALIFORNIA

**Fish and Game Commission**

November 8, 2011

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Findings regarding American pika (*Ochotona princeps*) which will be published in the California Regulatory Notice Register on November 11, 2011.

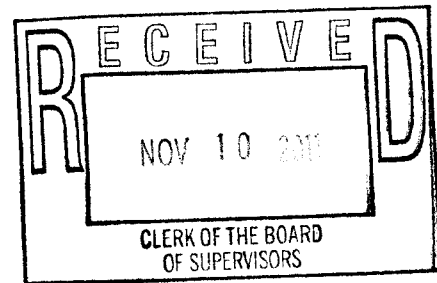
Sincerely,

*Sheri Tiemann*

Sheri Tiemann

Staff Services Analyst

Attachment



11=10=11: Copy provided to Yuba County Fish and Game Advisory Committee/rf

BOS CORRESPONDENCE D

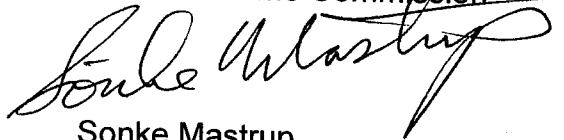
**CALIFORNIA FISH AND GAME COMMISSION  
NOTICE OF FINDINGS**

American pika  
(*Ochotona princeps*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its October 19, 2011, meeting in Monterey, California, accepted for consideration the petition submitted to list the American pika (*Ochotona princeps*) as a threatened species. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the October 19, 2011, Commission meeting, are on file and available for public review from Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

Fish and Game Commission

A handwritten signature in black ink, appearing to read "Sonke Mastrup", written over a horizontal line.

Sonke Mastrup  
Executive Director

October 26, 2011

**COMMISSIONERS**

**Jim Kellogg**, President  
Discovery Bay  
**Richard Rogers**, Vice President  
Santa Barbara  
**Michael Sutton**, Member  
Monterey  
**Daniel W. Richards**, Member  
Upland  
**Jack Baylis**, Member  
Los Angeles

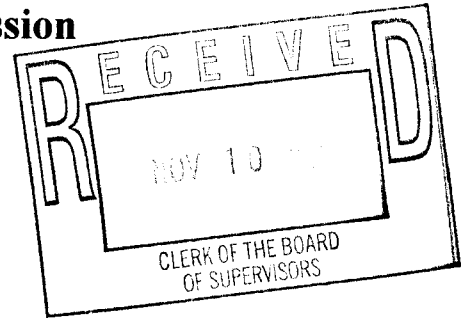
**EDMUND G. BROWN, JR.**



**Sonke Mastrup**  
EXECUTIVE DIRECTOR  
1416 Ninth Street  
Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
(916) 653-5040 Fax  
fgc@fgc.ca.gov

STATE OF CALIFORNIA

**Fish and Game Commission**




November 8, 2011

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Findings regarding The Cedars buckwheat (*Eriogonum cedrorum*) which will be published in the California Regulatory Notice Register on November 11, 2011.

Sincerely,

  
Sheri Tiemann  
Staff Services Analyst

Attachment

## **CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINDINGS**

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), at its May 4, 2011 meeting in Ontario, California, found pursuant to Fish and Game Code Section 2074.2, that the petition to add The Cedars buckwheat (*Eriogonum cedrorum*) to the list of endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) does not provide sufficient information to indicate that the petitioned action may be warranted. On September 15, 2011, the Commission at its meeting in Redding, California, adopted the following findings outlining the reasons for and ratifying its rejection of the petition on May 4, 2011. On October 19, 2011, the Commission, at its meeting in Monterey, California, adopted the following amended findings, more clearly outlining the reasons for and ratifying its rejection of the petition on May 4, 2011.

### **I.**

#### **BACKGROUND AND PROCEDURAL HISTORY**

December 28, 2010. The Commission office received a petition from the California Native Plant Society, Milo Baker Chapter, to list The Cedars buckwheat as endangered under CESA (Petition). The Petition as submitted to the Commission is dated December 21, 2010.

January 7, 2011. The Commission office determined the Petition was complete, referred the Petition to the Department of Fish and Game (Department) for review and analysis pursuant to Fish and Game Code Section 2073.5, and notified the petitioner of these facts.

January 21, 2011. The Commission published in the California Regulatory Notice Register notification of receipt of the Petition pursuant to Fish and Game Code Section 2073.3. (Cal. Reg. Notice Register 2011, No. 3-Z, p. 87.)

March 18, 2011. The Department submitted its Petition Evaluation Report (also dated March 18, 2011) (Evaluation Report) to the Commission pursuant to Fish and Game Code Section 2073.5.

April 7, 2011. The Commission accepted and acknowledged receipt of the Department's Evaluation Report at its notice meeting in Folsom, California, indicating it would consider the Petition, the Evaluation Report, other information, and related public comments at the Commission meeting scheduled for May 4-5, 2011.

May 4, 2011. The Commission considered the Petition, the Department's Evaluation Report, and other information at its noticed public meeting in Ontario, California. The Department provided an overview of its Evaluation Report and the Petition generally as part of the related public hearing. No other member of the public provided related testimony to the Commission during the public hearing. After hearing the Department presentation and considering the Petition, the Department's Evaluation Report, and all other information presented to the Commission during the related administrative proceedings, the Commission rejected the Petition, finding it did not contain sufficient information to indicate the petitioned action may be warranted.

## II. STATUTORY AND LEGAL FRAMEWORK

In general, Commission "Listing of Endangered Species" under CESA is governed by Division 3, Chapter 1.5, Article 2, of the Fish and Game Code, commencing with section 2070. A related regulation is found in Title 14, section 670.1, of the California Code of Regulations. The CESA listing process is also described in published appellate California case law, including *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600 (hereafter *CBD*); *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541-1542; and *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111-1116 (hereafter *NRDC*). Case law describes "listing" under CESA as a two-step process:

"In the first step the Commission determines whether a species is a candidate for listing by determining whether the petition – when considered with the Department's written report and the comments received – provides sufficient information to indicate that the endangered or threatened listing 'may be warranted.' If this hurdle is cleared, the petition is 'accepted for consideration' and the second step begins: the Department conducts a (roughly) year-long scientific based review of the subject species, reports to the Commission, and then the Commission determines whether listing of the candidate as an endangered or threatened species 'is [or] is not warranted.'"

(*NRDC*, 28 Cal.App.4th at pp. 1114-1115.)

The Commission, in the present case, is at the first step of the CESA listing process for the Petition. Specifically, determining whether the Petition, when considered with the Evaluation Report and other related information before the Commission, provides sufficient information to indicate the petitioned action may be warranted. (See generally Fish & G. Code, §2074.2; Cal. Code Regs., tit. 14, §670.1, subd. (e).) This first step is sometimes referred to as the "for consideration" stage in the Commission listing process and the standard governing the Commission's related determination at this first stage is sometimes referred to as the candidacy evaluation test. (See, e.g., *CBD*, *supra*, 166 Cal.App.4th at p. 610.)

The candidacy evaluation test governing the Commission's determination at this first step in the CESA listing process is discussed in both the *NRDC* and *CBD* decisions from California's Third District Court of Appeal. In *NRDC*, the Court of Appeal interpreted the statutory language regarding Commission determinations as to whether a petition contains "sufficient information to indicate that the petitioned action may be warranted." (Fish & G. Code, § 2074.2, subd. (a); see also Cal. Code Regs., tit. 14, § 670.1, subd. (e).) In so doing, the court interpreted the standard to mean "that amount of information – when considered in light of the [Department's] written report and comments received – that would lead a reasonable person to conclude there is a 'substantial possibility' the requested listing 'could' occur[.]" (*NRDC*, *supra*, 28 Cal.App.4th at pp. 1108-1109 (internal citations omitted).) In other words, the court concluded that, if a reasonable person reviewing the petition would conclude that listing could occur, the Commission must accept the petition and designate the species as a candidate for listing under CESA. Based on other "guideposts" offered by the court, while the Commission must find more than a reasonable possibility of listing to designate a species as a candidate, it need not find a reasonable probability of such a future listing at this first step in the CESA listing process. (See *Id.* at pp. 1119-1125.)

The *CBD* decision adds important detail regarding the candidacy evaluation test governing the Commission's first step in the CESA listing process. The Court of Appeal affirmed its earlier, related decision in *NRDC*, emphasizing the term "sufficient information" in Fish and Game Code section 2074.2 means that amount of information that would lead a reasonable person to conclude the petitioned action may be warranted; that the phrase "may be warranted" is appropriately characterized as a "substantial possibility that listing could occur"; and that "substantial possibility" means something more than a reasonable possibility, but that it does not require that listing is more likely than not. (*CBD*, *supra*, 166 Cal.App.4th at pp. 609-610.) In so doing, the court also acknowledged that the "Commission is the finder of fact in the first instance in evaluating the information in the record." (*Id.* at p. 611, citing *NRDC*, *supra*, 28 Cal.App.4th at p.1125.) The court also clarified:

"[T]he standard, at this threshold in the listing process, requires only that a substantial possibility of listing could be found by an objective, reasonable person. The Commission is not free to choose between conflicting inferences on subordinate issues and thereafter rely upon those choices in assessing how a reasonable person would view the listing decision. Its decision turns not on rationally based doubt about listing, but on the absence of any substantial possibility that the species could be listed after the requisite review of the status of the species by the Department under [Fish and Game Code] section 2074.6." (*Ibid.*)

Another component to the standard discussed by the Court of Appeal in *CBD* is whether the information in the petition or as otherwise presented to the Commission clearly does, or does not, lead to a certain conclusion. According to the decision, if information clearly would lead a reasonable person to conclude there is a substantial possibility that listing could occur, unless counter information is sufficient to compellingly undercut the petition's showing (e.g. persuasively, wholly undercuts some important component of a *prima facie* showing that there is a substantial possibility that listing could occur), the Commission must accept the petition. (*CBD*, *supra*, 166 Cal.App.4th at pp. 610-612.) In contrast, the Court of Appeal indicated, if all the information before the Commission clearly indicates the absence of a substantial possibility that listing could occur, a Commission decision to reject a petition should be upheld. (*Ibid.*) Finally, the court indicated, if the information on balance is unclear, ultimate discretion rests with the Commission to either reject or accept the petition. (*Ibid.*)

The definitions of endangered and threatened species under CESA also inform the Commission's decision at the *first step* of the CESA listing process. The Fish and Game Code defines "endangered species," in pertinent part, to mean:

"[A] native species or subspecies of a bird, mammal, fish amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease." (Fish & G. Code, § 2062; see also *California Forestry Association*, *supra*, 156 Cal.App 4th at p. 1540, 1549-1551 ("range" for purposes of CESA means the range of the species in California).) Likewise in pertinent part, the Fish and Game Code defines "threatened species" to mean:

"[A] native species or subspecies of a bird, mammal, fish amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by [CESA]." (Fish & G. Code, § 2067.)

In short, both *NRDC* and *CBD* cast the Commission's "may be warranted" determination under Fish and Game Code section 2074.2 in terms of whether a reasonable person would conclude that there is a substantial possibility listing could occur. (*NRDC, supra*, 28 Cal.App.4th at p. 1125; *CBD, supra*, 166 Cal.App.4th at pp. 609-610.) That standard, as emphasized by the Court of Appeal, is an objective standard that does not allow the Commission as the decision making body to substitute its own subjective view for the objective, reasonable person. (*Id.* at p. 610, fn. 13.) The Commission applied this standard, along with related legal principles, in determining in the present case that the Petition does not provide sufficient information to indicate that the petitioned action may be warranted. (Fish & G. Code, § 2074.2, subd. (a)(1).)

### III.

#### FACTUAL AND SCIENTIFIC BASES FOR THE COMMISSION'S FINDING

The factual and scientific bases for the Commission's finding to reject the Petition to list The Cedars buckwheat as endangered are set forth in detail in the Commission's administrative record of proceedings. Substantial evidence in the administrative record in support of the Commission's determination includes, but is not limited to, the Evaluation Report, and other information specifically presented to the Commission and otherwise included in the Commission's administrative record as it exists up to and including the Commission meeting in Ontario, California, on May 4, 2011.

The Commission finds that the evidence highlighted in the preceding paragraph, along with other evidence in its administrative record of proceedings generally, supports the Commission's determination that the Petition does not contain sufficient information in relation to the following factors to indicate that the petitioned action may be warranted:

1. Population trend;
2. Range;
3. Distribution;
4. Abundance;
5. Life history;
6. Kind of habitat necessary for survival;
7. Factors affecting the ability to survive and reproduce;
8. Degree and immediacy of threat;
9. Impact of existing management efforts;
10. Suggestions for future management;
11. Availability and sources of information; and
12. A detailed distribution map.

The following discussion highlights in more detail some of the scientific and factual information and other evidence in the administrative record of proceedings that support the Commission's determination that the petition does not provide sufficient information to indicate that listing The Cedars buckwheat as endangered may be warranted. Part A below describes each factor individually; and Part B below describes the information considered as a whole in determining if the Petition meets the standard for being accepted by the Commission.

#### **A. Factors considered individually.**

##### **1. Population trend:**

The Petition states that populations of The Cedars buckwheat have been stable for over 30

years. The 2009 type description of The Cedars buckwheat states, "A recent survey of the Central Canyon sites shows the population to be extremely stable. While there were few young plants, not a single dead mat was noted. A few plants had their crowns elevated >1.5 dm above the current rock surface, showing they had undergone that much erosion and survived. The lack of any significant disturbance at any site, the lack of senescence or death, and the persistence of plants in extremely harsh sites suggests this taxon is capable of great age." A population that is currently and has been stable over 30 years, without senescent or dead plants, some of which have survived > 6 inches (1.5 dm) of erosion in extremely harsh sites, demonstrates a stable, long-term population trend. This information clearly indicates that the population trend is not declining. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

## **2. Range**

The Cedars buckwheat is restricted to an area called The Cedars in Sonoma County, California. The Petition states that The Cedars buckwheat occurs on "less than 500 acres." The actual area of land that The Cedars buckwheat occupies is not clear from the information provided in the Petition and from other information available to the Department. Regardless of the acreage of habitat occupied by The Cedars buckwheat, this species is rare and is endemic to The Cedars. An endemic species is a species that is native to a specific place and occurs nowhere else.

An endangered species is defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease." (Fish & G. Code § 2062). A threatened species is defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter." (Fish and G. Code § 2067). A species, although rare and endemic, may not necessarily be in serious danger of becoming extinct, especially if there are no threats to the species; or loss of habitat, change in habitat, over exploitation, predation, competition, or disease. There is no information indicating any change to The Cedars buckwheat's range. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

## **3. Abundance**

The Petition states that there are about 3000 – 4000 plants in existence restricted to three limited areas in The Cedars, Sonoma County while the attached reference to the Petition states that "there are ± 1500 to 2000 plants in existence." Although there is a discrepancy in the numbers provided in the Petition, the Petition states that populations of The Cedars buckwheat are stable and have been for over 30 years. This statement is supported by the references attached to the Petition as appendices. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

#### **4. Life History**

Little is known about The Cedars buckwheat life history. Populations of The Cedars buckwheat were previously misidentified as a different buckwheat species, Snow Mountain buckwheat (*Eriogonum nervulosum*), which is another rare species that occurs on serpentine soils in Colusa, Lake, and Glenn Counties. The Cedars buckwheat was differentiated from Snow Mountain buckwheat during field work in 2009, and was formally described as a separate species later that year. A lack of information on life history of The Cedars buckwheat is expected since the species was only recently formally described. Therefore, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

#### **5. Kind of habitat necessary for survival**

The Petition accurately states that The Cedars buckwheat is endemic to The Cedars, which is a unique and rare geological feature and contains a distinctive associated botanical community. The Cedars buckwheat grows on steep serpentine canyon slopes that consist of mostly open rock and talus (small, loose rock fragments) and that form extensive serpentine barrens. The habitat that this species grows in is remote and difficult to access, and the species is therefore less likely to be impacted by human disturbance. The Petition does not provide any information regarding any loss or change to buckwheat habitat. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

#### **6. Factors affecting the ability to survive and reproduce**

The Petition states that there are no known factors affecting the ability of the buckwheat to survive and reproduce and that there is little plant competition in its habitat. The Petition lacks any information regarding overexploitation, predation, competition, or disease of the species. In contrast, the Petition contains information indicating The Cedars buckwheat has a long-term stable population, is reproducing, persists in extremely harsh sites, can survive substantial erosion, and is capable of great age. Thus, the Petition does not provide any information that The Cedars buckwheat's ability to survive and reproduce is being adversely affected. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

#### **7. Degree and immediacy of threat**

The Petition lists several hypothetical threats to The Cedars buckwheat populations, but does not present information to substantiate the threats. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur. As discussed more fully below, the Petition lists the following factors as potential threats to The Cedars buckwheat: a) mining; b) lack of federal listing under the Federal Endangered Species Act; c) grading; d) feral pigs; e) illegal marijuana growing; and f) wind turbine or solar energy projects.

##### **a. Mining**

The Petition does not present information to substantiate a realistic, non-speculative threat of

mining at The Cedars. Mining has not occurred within The Cedars for over 50 years and there are no current applications to mine within or near The Cedars. The Petition states that about 75% of The Cedars buckwheat occurrences are on Bureau of Land Management (BLM) property, and that BLM permits mining. The Petition ignores that BLM is aware of the ecological significance of The Cedars and, since 2006, has designated The Cedars an Area of Critical Environmental Concern (ACEC) in order to provide protection for this area and its unique resources. ACEC designation provides the strongest protection that BLM can provide on its lands.

As discussed in the Evaluation Report, The Cedars is not currently zoned as a mineral resource in the Sonoma County General Plan which creates an additional hurdle to mining on private property within The Cedars. Moreover, access to the BLM property is potentially still limited because it may still be landlocked – it may still be surrounded by private land. The Evaluation Report indicated that BLM expected to acquire private property within The Cedars by March 2011, thereby acquiring access to other BLM property. However, the Commission is not aware if BLM's purchase occurred. Regardless of BLM having purchased the land or not, motorized access is not allowed in the ACEC, so development of infrastructure required for mining remains unlikely.

In light of the aforementioned facts regarding mining, the Petition does not present any information to indicate that mining is a credible threat to The Cedars buckwheat.

#### **b. Lack of listing under the Federal Endangered Species Act**

The Petition inaccurately states that, because The Cedars buckwheat is not listed under the Federal Endangered Species Act, it receives little protection on BLM land. In fact, The Cedars buckwheat is considered a BLM Special Status Plant and, accordingly, is given the same level of protection by BLM as if it were state-listed. (See Evaluation Report p. 8.) The Petition also states that a State-listing may bring the species to the attention of BLM and improve management of the species by BLM, but, as noted, BLM has already recognized the species and has provided it the sort of protection the species would receive if state-listed. Listing The Cedars buckwheat under CESA would not provide any additional protection for the species on BLM land.

#### **c. Grading**

The Petition states that 25% of The Cedars buckwheat occurrences are on private property. Of the four relevant property owners, one landowner conducted grading during 2010. As noted in the Evaluation Report, the Petition lacks any information regarding the location and extent (acreage) of grading, and does not present any information to indicate whether grading affected or was in proximity to habitat occupied by The Cedars buckwheat.

In addition, the habitat of The Cedars buckwheat is steep serpentine talus slopes, an unstable and challenging landform, that would be expensive to grade and would require regular maintenance. Based on the information provided in the Petition, there is no evidence of a threat to The Cedars buckwheat due to grading.

#### **d. Feral Pigs**

The Petition states that feral pigs have become more abundant at The Cedars over the past 10 years, have become residents in canyons, and have caused serious ecological damage.

As discussed in the Evaluation Report, the Petition does not state whether or not pig rooting occurred around buckwheat plants in The Cedars and, if so, if there were any adverse effects. Nor does the Petition indicate whether or not wild pigs consistently use buckwheat habitat. Although wild pigs can inhabit steep slopes in many habitats, the steep, open, barren talus slope habitat of The Cedars buckwheat is a very low productivity habitat type that supports few mammals and should provide very little food and attraction for wild pigs. Wild pigs are most abundant in a black oak woodland grassland mosaic. They are also found in chaparral, riparian, marsh, and grassland habitats. The Cedars buckwheat habitat lacks primary habitat constituents for feral pigs: a water source and cover. Thus, wild pigs would rarely be in buckwheat habitat. In light of the aforementioned facts regarding wild pigs, the Petition does not present any information indicating that feral pigs present a credible threat to The Cedars buckwheat.

#### **e. Illegal Marijuana Growing**

The Petition states that there is a previous history of growing and harvesting marijuana in the area, but as discussed in the Evaluation Report, the Petition lacks information regarding where marijuana was grown, if it was grown in proximity to The Cedars, and if growing marijuana had an effect on The Cedars buckwheat. Serpentine habitat in The Cedars is arid and exposed. It is not habitat to which marijuana is adapted to because of its chemical nature and drought conditions within The Cedars. With limited access and sources of water for irrigation, and open exposed, serpentine areas, The Cedars, let alone buckwheat habitat, is not the type of area conducive to growing marijuana. Therefore, the Petition does not present any information indicating that marijuana growing is a credible threat to the Cedars buckwheat.

Of note, large scale marijuana growing has been and continues to be illegal in Sonoma County. Given that illegal activities operate outside governmental regulation, listing The Cedars buckwheat is unlikely to bring the plant any additional protection from possible future illegal marijuana growing or harvesting.

#### **f. Wind Turbine or Solar Energy Projects**

The Petition lacks any specific information regarding the actual or potential threat to The Cedars buckwheat from implementation of wind turbine and solar projects on BLM lands in Sonoma County. The Petition also lacks any information explaining how such projects would adversely affect The Cedars buckwheat.

As discussed in the Evaluation Report, there are no pending or authorized wind or solar energy projects in proximity to The Cedars or in Sonoma County. In addition, The Cedars is well outside BLM's Identified Areas of Wind Power Potential. According to the U.S. Department of Energy (DOE) and Bureau of Land Management Draft Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States, all lands within the jurisdiction of the BLM's Ukiah Field Office, which includes The Cedars, are proposed for exclusion from solar development at this time. (See Evaluation Report, p. 12.)

Furthermore, development of wind or solar energy projects at The Cedars would encounter obstacles similar to those for mining. As noted in part III.A.7.a. above, the BLM property at The Cedars is possibly still landlocked such that BLM does not have access to its property at The Cedars. Also, BLM does not allow motorized vehicle use in The Cedars ACEC.

Therefore, development of the infrastructure required for wind turbine or solar projects is unlikely. Also, the steep serpentine talus slopes inhabited by buckwheat, as compared to other types of landforms, make siting solar or wind energy production facilities especially challenging. In light of the aforementioned facts regarding wind or solar energy projects, the Petition does not present any information indicating such projects are a credible threat to The Cedars buckwheat populations.

## **8. Impact of existing management efforts**

The Petition states that BLM is not managing The Cedars buckwheat and that listing under CESA would inform BLM that California has intent to conserve the species. The Petition refers to a nationwide BLM policy that classifies plants listed under CESA as "Special Status Plants." The Petition misstates that buckwheat is not designated as a "Special Status Plant" by BLM because it is not listed under CESA, and therefore it receives no special management consideration. The Cedars buckwheat is a California Rare Plant Rank List 1B.3 species. Due to this designation, The Cedars buckwheat is, contrary to the Petition's statement, automatically designated as a BLM Special Status Plant Species in California and has the same level of protection on BLM land as a state-listed species. (See Evaluation Report, p. 13.)

Also, BLM is aware of the ecological significance of The Cedars and designated The Cedars ACEC in 2006 in order to provide protection to this area. (Evaluation Report, p. 7.) Management of ACECs is focused on the resource values for which the ACEC is designated. In the case of The Cedars, management is required to protect important natural systems or processes, which includes endangered, sensitive, or threatened plant species.

## **9. Suggestions for future management**

The Petition suggests that future management of The Cedars buckwheat should include conducting genetic studies, autoecological studies, and surveys for more plant populations. Future studies and surveys could prove useful in gaining a better understanding of this species. However, conducting future studies and surveys for The Cedars buckwheat is not contingent on listing and the Petition does not indicate how a state listing would increase the potential for these studies.

The Petition also states that listing The Cedars buckwheat as endangered under CESA should bring attention to putting The Cedars and its associated rare plant community into some land conservation effort. As noted in the Evaluation Report, the Petition does not explain how listing The Cedars buckwheat would facilitate a land conservation effort for The Cedars. Nor does the Petition explain what is meant by a land conservation effort. In fact, it is unclear how listing The Cedars buckwheat would bring additional focus to the geological features of The Cedars or to the suite of plants endemic to the area. The California Coastal Conservancy and the Sonoma Land Trust have already expressed interest in studying The Cedars. (Evaluation Report, p. 13.) And although a state listing could alert BLM to the fact that The Cedars buckwheat is considered an Endangered or Threatened species under CESA, a state listing would not change how BLM manages The Cedars buckwheat because this species is already considered a BLM Special Status Plant.

The Petition further states that BLM and the Department should coordinate activities to assess and implement wild pig depredation at The Cedars. As an overall resource management goal, successful management of wild pigs could provide a benefit to sensitive

species at The Cedars or in proximity to it. However, the Petition lacks any information as to how listing the Cedars buckwheat would increase coordination between the Department and BLM.

The Petition states that with CESA listing, the Department could coordinate with BLM on wind or solar energy projects to avoid or minimize impacts to The Cedars buckwheat. BLM and the Department currently coordinate on the siting of wind and solar projects in California, such as projects in the California desert. Moreover, the Department routinely reviews projects whether or not listed species are present. BLM would coordinate with the Department if a project could impact a Threatened, Endangered, or sensitive species such as The Cedars buckwheat. As discussed above, a state listing under CESA would not change how BLM manages The Cedars buckwheat.

#### **10. Availability and sources of information**

The Petition cites two references which were both attached as appendices to the Petition. The two references serve as the most comprehensive published information to date on The Cedars buckwheat and its habitat. The references are from well-published researchers who are knowledgeable about The Cedars buckwheat, related plants, and The Cedars area in general. The Department consulted other available resources during its evaluation of the Petition. A list of these sources is included in the Department's Evaluation Report.

#### **11. A detailed distribution map**

The Petition provides a photocopy of a map which is reproduced in black and white, has poor scale, does not show the BLM property lines, and map details are difficult to see. The map does not provide geographic names for all features shown on the map. The Petition states that approximately 75% of The Cedars buckwheat occurrences are on BLM lands although the map does not delineate The Cedars, BLM land, or private property. Since the Petition focuses on activities, such as marijuana growing and grading, that occur on or in proximity to The Cedars, the map should have provided a level of detail adequate for the Department to identify pertinent features and evaluate potential impacts identified in the Petition.

#### **B. Petition information, Department's evaluation report, and comments received: all considered as a whole.**

An analysis of the Petition's information, as well as all other related information, reveals that the totality of information, is insufficient for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur. Foremost, the Petition acknowledges that The Cedars buckwheat population has been stable over the past 30 years. So despite the species being endemic to The Cedars, the buckwheat's population has not declined over the decades. The lack of any information indicating any change or loss to Cedars buckwheat habitat underscores the population's stability. Moreover, there are no known factors affecting the buckwheat's ability to survive or reproduce. There is no indication of over exploitation, predation, competition, or disease related to the buckwheat. Therefore, a reasonable person would conclude that the buckwheat's limited range is a result of the unique habitat present only in The Cedars, not some other factor manmade or otherwise. The mere fact that The Cedars buckwheat is limited in range does not meet CESA's definition of endangered.

Additionally, the Petition lacks sufficient information to indicate that buckwheat habitat within The

**BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.bof.fire.ca.gov](http://www.bof.fire.ca.gov)  
(916) 653-8007

**State Board of Forestry and Fire Protection**

**Notice of Public Comment Period  
and  
Findings Pursuant to Government Code Section 11346.1(b)**

**Emergency Rules to Implement State Responsibility Area Fees**

**Notice Date: November 21, 2011**

The California Board of Forestry and Fire Protection (BOF) is promulgating an emergency regulation necessary to implement AB X1 29, Chapter 741, Statutes of 2011. This action is being taken in accordance with Government Code Sections 11346.1 and 11349.6 of the Administrative Procedures Act.

If you wish to comment on proposed emergency regulations, you must submit the comment directly to OAL within five **calendar** days of when OAL posts the proposed emergency regulations on the OAL web site. You may submit comments on proposed emergency regulations to:

**Mail:**

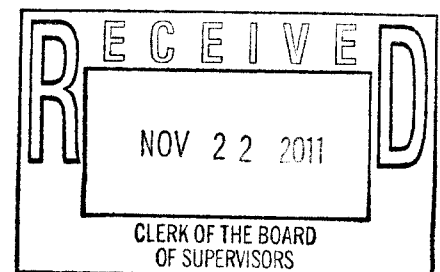
OAL Reference Attorney  
300 Capitol Mall, Suite 1250  
Sacramento, California 95814

**Fax:**

(916) 323-6826

**E-mail:**

[staff@oal.ca.gov](mailto:staff@oal.ca.gov).



OAL may not accept and consider comments "if the emergency situation clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest." (Government Code section 11349.6(b).)

When you submit a comment to OAL, you must also submit a copy of your comment to the rulemaking agency's contact person. OAL will confirm that the agency has received the comment before considering it. The comment must state that it is about an emergency regulation currently under OAL review and include the topic of the emergency. (Title 1, CCR, section 55(b)(1) through (4).)

*The Board's mission is to lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands, and a fire protection system that protects and serves the people of the state.*

The agency is not required to respond to comments submitted. If the agency chooses to respond, however, it must submit its response to OAL within eight **calendar** days after the date of submission of the proposed emergency regulation(s) to OAL (1 CCR 55), unless specific exceptions apply.

**Mail:**

George Gentry  
Executive Officer  
California Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 944244-2460

**Fax:**

(916) 653-0989

**E-mail:**

[Board.public.comments@fire.ca.gov](mailto:Board.public.comments@fire.ca.gov)

Comments must be received by 5:00 PM, December 2, 2011. It is requested, but not required, that written statements or arguments be submitted in triplicate.

## **1. FINDINGS OF EMERGENCY**

Emergency promulgation of these regulations is necessary for the immediate preservation of the public peace, health and safety, and the general welfare. The following facts provide the basis for the finding of emergency:

1. Existing law requires the Board of Forestry and Fire Protection (BOF) to designate areas of the state as "State Responsibility Area" (SRA), and for CDF to provide protection for life, property, and natural resources. SRA lands cover about 31 million acres in 56 counties and include an estimated 1.1 million to 1.5 million parcels.

2. PRC 4210 states that the Legislature finds and declares fire protection of the public trust resources on lands in the state responsibility areas remains a vital interest to California. Lands that are covered in whole or in part by a diverse plant community prevent excessive erosion, retard runoff, reduce sedimentation, and accelerate water percolation to assist in the maintenance of critical sources of water for environmental, irrigation, domestic, or industrial uses.

3. PRC 4210 states that the Legislature finds and declares that the presence of structures within state responsibility areas can pose an increased risk of fire ignition and an increased potential for fire damage within the state's wildlands and watersheds. The presence of structures within state responsibility areas can also impair wild land firefighting techniques and could result in greater damage to state lands caused by wildfires.

4. PRC 4210 states that the Legislature finds and declares that the costs of fire prevention activities aimed at reducing the effects of structures in state responsibility areas should be borne by the owners of these structures.

5. PRC 4210. The Legislature finds and declares Individual owners of structures within state responsibility areas receive a disproportionately larger benefit from fire prevention activities than that realized by the state's citizens generally.

6. PRC 4210 states that the Legislature finds and declares It is the intent of the Legislature that the economic burden of fire prevention activities that are associated with structures in state responsibility areas shall be equitably distributed among the citizens of the state who generally benefit from those activities and those owners of structures in the state responsibility areas who receive a specific benefit other than that general benefit.

7. PRC 4210 states that the Legislature finds and declares It is necessary to impose a fire prevention fee to pay for fire prevention activities in the state responsibility areas that specifically benefit owners of structures in the state responsibility areas.

8. PRC 4212 states that the board shall adopt emergency regulations to establish a fire prevention fee for the purposes of this chapter in an amount not to exceed one hundred fifty dollars (\$150) to be charged on each structure on a parcel that is within a state responsibility area.

9. PRC 4212 states that the Legislature finds and declares that a fire prevention fee of not more than one hundred fifty dollars (\$150) is a reasonable amount for the necessary fire prevention activities of the state that benefit the owner of a structure within a state responsibility area.

10. PRC 4212 states that the adoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

## **AUTHORITY AND REFERENCE**

Under the authority of PRC 4210 et. seq., the BOF is adding new Chapter 13 to Title 14 California Code of Regulations. Within this chapter, the BOF is adding Sections 1665.1-1665.8. The statute being implemented, interpreted and made specific is Chapter 741/Statutes 2011 that added PRC Sections 4210-4228. References include Sections 4003, 4102, 4111, 4114, and 4125 of the Public Resources Code.

## **INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW**

Section 4210 et. seq. of the Public Resources Code (PRC) imposes an annual SRA fire prevention fee for habitable structures located in the SRA as defined in PRC Section 4102. SRA lands roughly correspond to areas that are covered in timber and other vegetation, or contiguous rangelands, which provide watershed value. They do not include areas within federal ownership or within incorporated cities. The emergency regulations reference the definition of SRA.

The emergency regulation defines "habitable structure" as a building that provides complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and/or sanitation or that can be occupied for non-residential use which is utilized, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living or non-residential purposes. Examples are single family homes, multi-dwelling structures, mobile and manufactured homes, office buildings, industrial property, stores, warehouses, hotels, hospitals, medical centers,

clinics, libraries, museums, and government buildings, including jails. Habitable structures do not include incidental buildings such as detached garages, barns, outdoor sanitation facilities, and sheds.

The emergency rules designate that CAL FIRE may use an entity to administer the fees, called the "designated fee administrator." Examples of the services provided include determination of eligible structures and forwarding lists of eligible parcels and fees to the Board of Equalization. The regulation will lead to consistent and experienced administration of the fee across the state.

PRC Sections 4220-4228 provide for an appeals process for benefit fee payers, and this is further delineated by Section 1665.5 of the regulation.

## **DISCLOSURES AND DETERMINATIONS REGARDING THE REGULATIONS**

**Estimate of costs or savings to any state agency:** The administrative costs to the Board and the Department are up to \$7.5 million and up to 6.5 million for the Board of Equalization annually. Failure to pass the regulations could limit the ability to collect the fee or add to the administrative costs. If the fee is not collected and reduces its fire protection forces, there is a significant risk that more wildfires will escape, resulting in higher expenditures of State Emergency Fund dollars to pay for contracted forces to contain the escaped wildfires.

**Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500 of Division 4):** None.

**Other nondiscretionary cost or savings imposed on local agencies:** None.

**Cost or savings in federal funding to the state:** None.

**Cost impact on private persons or directly affected impacts:** There will be an impact of up to \$150 per habitable structure on owners of every eligible structure. Property owners with multiple structures could face multiple billings of \$150.00. The total collected depends on the number of eligible structures. In the event the fee is not passed and the Department reduces its fire protection forces significantly, the number of smaller fires that escape and become larger fires reasonably can be expected to occur. Increased loss of life, property, and damage to natural resources can also be expected. This will cause increased costs to private persons.

**Significant adverse economic impacts on business including the ability of California business to compete with business in other states:** The bulk of structures in SRA are non-commercial. However, the fee will apply to a wide variety of businesses that occupy structures that are eligible for the SRA fee. In a few cases, where owners of commercial enterprises own many structures, the annual impact of SRA fees could be a significant additional cost. The relative significance would depend on the financial circumstances of the owner. However, in comparison to many other Western states, the addition of SRA fees would more closely approximate arrangements in those states where landowners contribute to fire protection budgets via fees or other methods. There should be no difference in the ability of businesses in SRA to compete with other states.

**Significant effect on housing:** None.

**Alternatives considered:** The definition of habitable structure is the primary area in which alternatives could meaningfully change the design of implementation. The Board considered alternative definitions of structure, including a more narrow definition excluding commercial properties and a broader one including garages and barns. The Board also considered a more intricate fee structure to scale the fee rate. Based on the advice of Department officials, the Board chose to use a more simplified version as the most practical and economical method of administering the program. The Board concluded that no alternative would be more effective in carrying out the purpose for which this action is proposed or would be less burdensome to affected private persons than the proposed action.

**Local Mandate Determination:**

**Assessment Statement:** In accordance with Government Code Section 11346.3, the following are required responses, since state agencies proposing to adopt or amend any administrative regulations must assess whether and to what extent it will affect the following:

- (a) The creation or elimination of jobs within the State of California: Failure to implement the fee could lead the Department to cut fire protection forces. If local districts that provide fire protection cannot obtain voter approval for increased fees and the cause is SRA fees, jobs could also be affected.
- (b) The creation of new business or the elimination of existing businesses within the State of California: **None.**
- (c) The expansion of businesses currently doing business within the State of California: **None.**

**Effect on Small Business:** Pursuant to 1 CCR section 4, CDF has determined that this proposed regulation affects small business:

Accordingly:

- (A) A concise plain English policy statement overview regarding the proposed regulation that explains its broad objectives is included as part of this notice;
- (B) The express terms of the proposed action written in plain English are included as part of this notice.

1                   **TITLE 14 - DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

2                   **CHAPTER 13 - STATE RESPONSIBILITY FEES**

3                   **[Emergency Regulation]**

4  
5 **Adopt all new sections to 14 CCR CHAPTER 13 § 1665 as follows:**

6  
7 **§ 1665.1 Authority.**

8                   This chapter sets out procedures for implementation and  
9 collection of "State Responsibility Area Fire Prevention Benefit  
10 Fees" (hereafter referred to as "Benefit Fee"), as required by  
11 Chapter 8, Statutes 2011.

12 Note: Authority cited: Sections 4210-4228, Public Resources Code.  
13 Reference: Sections 4102, 4111, 4114, 4125, 4138 (a)-(h), and 4140  
14 (a) of the Public Resources Code.

15 **§ 1665.2 Definitions**

16                   "Dwelling Unit", for purposes of this implementation of  
17 Sections 4210-4228 of the Public Resources Code, is a unit  
18 providing complete, independent living facilities for one or more  
19 persons, including provisions for living, sleeping, eating,  
20 cooking, and/or sanitation. Mobile and manufactured homes and  
21 condominiums are considered as dwelling units.

22                   "Habitable Structure", for purposes of implementation of  
23 Sections 4210-4228 of the Public Resources Code, means a building  
24 that contains one or more dwelling units or that can be occupied  
25 for non-residential use which is utilized, intended, or designed to

1 be used, rented, leased, let, or hired out to be occupied for  
2 living or non-residential purposes. Buildings occupied for  
3 residential use include single family homes, multi-dwelling  
4 structures, mobile and manufactured homes, and condominiums.  
5 Buildings occupied for non-residential use include, but are not  
6 limited to, office buildings, industrial property, stores,  
7 warehouses, hotels, hospitals, medical centers, clinics, libraries,  
8 museums, and government buildings, including jails. Habitable  
9 structures do not include incidental buildings such as detached  
10 garages, barns, outdoor sanitation facilities, and sheds.

11 "Manufactured home" has the same meaning as Health and Safety  
12 Code Section 18007 (a).

13 "Mobile home" has the same meaning as Health and Safety Code  
14 Section 18008 (a).

15 "Multi-dwelling unit structure" is a building, other than  
16 condominiums, that provides more than one dwelling unit that is  
17 used, intended, or designed to be used, rented, leased, let, or  
18 hired out to be occupied for living purposes."

19 "Property Owner", means that individual, company,  
20 corporation, or other entity that holds title to said habitable  
21 structure.

22 "State Responsibility Area" means those areas defined in  
23 Section 4102 and delineated pursuant to Sections 4125-4128 of the  
24 Public Resources Code. These lands are shown on digital maps  
25 maintained by the California Department of Forestry and Fire

1 Protection at its Sacramento Headquarters and may be viewed there  
2 or in low resolution at the California Department of Forestry and  
3 Fire Protection website: [http://www.bof.fire.ca.gov/sra\\_viewer/](http://www.bof.fire.ca.gov/sra_viewer/).

4 "Benefit Fee" means the fire prevention benefit fee imposed  
5 pursuant to Sections 4210-4228 of the Public Resources Code.

6 "Fire Prevention Fund" means the fund established for deposit  
7 of all annual Benefit Fees collected and from which expenditures  
8 are authorized pursuant to the annual Budget Act that can be made,  
9 including grants may be awarded pursuant to 14 CCR § 1665.8.

10 Note: Authority cited: Sections 4210-4228, Public Resources Code.  
11 Reference: Sections 4111 of the Public Resources Code.

12  
13 **§ 1665.3. Determination of Eligible Habitable Structure**

14 Determinations of eligible habitable structures and the  
15 associated fees within State Responsibility Areas shall be  
16 completed statewide by the Department or for the Department by its  
17 "Designated Fee Administrator" pursuant to Public Resources Code  
18 Section 4210 and 14 CCR §§ 1665.1-1665.8.

19  
20 Note: Authority cited: Section 4210-4228, Public Resources Code.  
21 Reference: Sections 4111 of the Public Resources Code.

22 **§ 1665.4. Imposition of the Benefit Fee**

23 The Benefit Fee will be imposed on all property owners with one  
24 or more habitable structures within State Responsibility Areas as  
25

1 defined in Public Resources Code Section 4102 and pursuant to  
2 Public Resources Code Sections 4125-4128.

3  
4 Note: Authority cited: Section 4210-4228, Public Resources Code.  
5 Reference: Sections 4111 of the Public Resources Code.

6 **§ 1665.5. Request for Review and Refunds**

7 (a) A property owner from whom the Benefit Fee is determined  
8 to be due under Public Resources Code Section 4213 et. seq. may  
9 petition the Department for a redetermination regarding the fee and  
10 amount determined within 30 days after service upon him or her of a  
11 notice of the determination.

12  
13 (1) The Department may delegate the receipt and review of  
14 petitions to a Designated Fee Administrator of its choice. The  
15 Designated Fee Administrator must be qualified by experience of  
16 preparing and administering benefit assessments, benefit fees and  
17 special taxes for other jurisdictions, including fire districts.

18 (2) The petition may be filled out and submitted by a  
19 property owner subject to the Benefit Fee or by the Department or  
20 Designated Fee Administrator in consultation and on behalf of the  
21 property owner.

22 (3) The petition shall be in writing on a form prepared by  
23 the Department. In addition to administrative details, the form  
24 shall require information that states the specific basis or grounds  
25 upon which the petition is founded and includes supporting

1 documentation. The petition must be based on whether the fee as  
2 specified in PRC 4213 et. seq. applies to the specific property for  
3 which the petition was filed. Examples of specific issues that may  
4 be considered by the Department or Designated Fee Administrator  
5 include, but are not limited to, the location of the structure in  
6 SRA, determination of the number of applicable habitable structures  
7 or the number of dwelling units in a multi-dwelling unit structure,  
8 and the related fee amount calculated.

9 (4) Petitions received by the Department or Designated Fee  
10 Administrator more than 30 days from the date of service of the  
11 original notice of determination shall not be considered. If a  
12 petition will not be considered, the Department or Designated Fee  
13 Administrator shall notify the petitioner.

14 (5) After receipt of a petition, the Department or the  
15 Designated Fee Administrator may request additional information  
16 from the property owner if, in their opinion, the petition does not  
17 give adequate information to permit full review of the fee and the  
18 petition.

19 (6) The petition may be amended to state additional  
20 grounds or provide additional documentation at any time prior to  
21 the date that the Department or the Designated Fee Administrator  
22 issues its order or decision with regard to the petition for  
23 redetermination. The Department or the Designated Fee Administrator  
24 will not accept additional information for a petition after it has  
25 made a decision on the petition.

1           (7) The petition shall be sent by the petitioner to the  
2 address indicated on the form by Department; this may be the  
3 address of the Department's Designated Fee Administrator.

4           (8) The Department or its Designated Fee Administrator  
5 shall complete its review of the petition for redetermination  
6 within 60 days.

7           (9) Based on its review of the petition for  
8 redetermination, the Department or its Designated Fee Administrator  
9 may decide if the fee is valid and due in the amount of the  
10 original fee, may modify the fee, or may eliminate the fee based  
11 on a determination that it should not apply to the property owner  
12 who filed the petition.

13           (10) The decision of the Department or its Designated Fee  
14 Administrator shall be in writing and shall indicate the reasons  
15 for the decision on the petition.

16           (11) If the decision modifies or eliminates the fee, the  
17 Department or its Designated Fee Administrator shall make  
18 appropriate modifications to the next and subsequent lists of  
19 property owners and fee amounts submitted to the State Board of  
20 Equalization.

21           (12) The decision on the petition for redetermination by  
22 the Department or its Designated Fee Administrator shall be served  
23 on the petitioner within 15 days of the date a decision is made.  
24 Service shall be as described in Section 4226 of the Public  
25 Resources Code. On the same date, the Department or its Designated

1 Fee Administrator shall notify the Board of Forestry and Fire  
2 Protection and the State Board of Equalization. The Department  
3 will maintain copies of decisions on all petitions for  
4 redetermination petitions for use of the Board of Forestry and Fire  
5 Protection and State Board of Equalization.

6 (13) The order or decision of the Department or its  
7 Designated Fee Administrator upon a petition for redetermination of  
8 the Benefit Fee shall become final 30 days after service upon the  
9 petitioner of notice of the determination.

10 (14) If the Department or its Designated Fee  
11 Administrator determines that a property owner is entitled to a  
12 refund of all or part of the Benefit Fee paid pursuant to this  
13 chapter, the property owner, or the Department or Designated Fee  
14 Administrator on behalf of the property owner, shall make a claim  
15 to the State Board of Equalization pursuant to Chapter 5  
16 (commencing with Section 55221) of Part 30 of Division 2 of the  
17 Revenue and Taxation Code.

#### 18

19 **§ 1665.6. Fee Structure**

20 (a) The Board has been directed by the legislature to impose a  
21 fee that will provide funding necessary for fire prevention  
22 activities. Such activities shall be consistent with the "2010  
23 Strategic Fire Plan for California" (hereafter referred to as "Fire  
24 Plan") adopted by the Board, pursuant to PRC 4114, for  
25 implementation in State Responsibility Areas.

1       (b) The Benefit Fee shall be one hundred fifty dollars  
2       (\$150.00) per habitable structure except as set forth in subsection  
3       (c) below. The fee will be consistent with Section 3 of Article  
4       XIII A of the California Constitution.

5       (c) The Benefit Fee for multi-dwelling unit structures shall  
6       be one hundred fifty dollars (\$150) for the first dwelling unit and  
7       an additional twenty-five dollars (\$25) for each additional  
8       dwelling unit up to the total dwelling units contained in the  
9       multi-dwelling unit structure.

10       (d) Fees shall be deposited in the Fire Prevention Fund.

11       (e) On July 1, 2013 and at its June meeting prior to each  
12       subsequent July 1, the Board shall adjust the rate to reflect the  
13       percentage of change in the average annual value of the Implicit  
14       Price Deflator for State and Local Government Purchases of Goods  
15       and Services for the United States, as calculated by the United  
16       States Department of Commerce for the 12-month period in the third  
17       quarter of the prior calendar year, as reported by the Department  
18       of Finance.

19  
20       **\$ 1665.7. Fee exemptions**

21       Property owners of habitable structures within State  
22       Responsibility Area and also within the boundaries of a local  
23       agency that provides fire protection services may receive a  
24       reduction of thirty-five dollars (\$35.00) per dwelling unit or  
25       habitable structure.

1 § 1665.8. Grant Program

2 (a) The Board shall administer a granting program funded from  
3 the Benefit Fees collected. Grants shall be awarded to  
4 organizations within counties in direct proportion to the benefit  
5 fee paid by individual property owners in that county.

6 (b) Grants awarded from the Fire Prevention Fund shall be  
7 awarded to local agencies, Fire Protection Districts, Fire Safe  
8 Councils, the California Conservation Corps, and other  
9 organizations accepted by the Board to support the following  
10 priorities listed in descending order.

11 (1) Development or updating of a Community Wildfire  
12 Protection Plan (CWPP), local hazard mitigation plan, or  
13 community-based wildfire hazard or risk analysis.

14 (2) Development of General Plan elements, including the  
15 Safety Element, and "Fire Safe Regulations" to be certified by  
16 the Board pursuant to Public Resources Code § 4290.

17 (3) Community fuel reduction projects. in State  
18 Responsibility Areas

19 (4) Other community fire safety and fire prevention  
20 projects, including fire prevention education, designed to  
21 reduce the risk of wildfire in State Responsibility areas

22 Note: Authority cited: Section 4139, Public Resources Code.  
23 Reference: Sections 4102, 4111, 4114, 4138 (a)-(h), 4140 (a) of  
24 the Public Resources Code, Section 53087.4 of the Government Code,  
25 and Section 5097 of the Revenue and Taxation Code.

**Allan Katz**

**Area 1 Agency on  
Aging**

**California Center for  
Rural Policy / HSU**

**Hospice of Humboldt**

**Humboldt Community  
Access and Resource  
Center (HCAR)**

**Humboldt County  
Department of Health  
and Human Services**

**Humboldt Senior  
Resource Center**

**Independent Practice  
Association**

**McLean Foundation**

**Mad River Community  
Hospital**

**Adult Day Health  
Care**

**Home Health  
Agency**

**North Coast Clinics  
Network**

**North Coast  
Association of  
Residential Care  
Administrators**

**Patty Berg**

**Redwood Coast  
Regional Center**

**Redwood Health Care**

**St. Joseph Health  
System**

**St. Joseph Hospital  
St. Joseph Home  
Care Network  
Redwood Memorial  
Hospital**

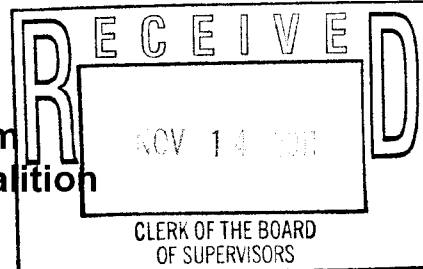
**Timber Ridge**

**Tri-County  
Independent Living  
Center**

**United Indian Health  
Services**

**Visiting Angels Living  
Assistance**

**North Coast Long-Term  
Services and Supports Coalition**  
**434 7<sup>th</sup> Street**  
**Eureka, CA 95501**



**MEMO**

November 4, 2011

**To:** Roger Abe, Chair of Board  
**From:** Patty Berg, Former State Assemblywoman, District 1 and  
Consultant to SCAN Project  
**Subject:** Developing a Template for Restructuring Long Term Services and  
Supports for the 28 Fee-for-Service Counties

As a former State Assemblywoman and Area Aging on Aging Executive Director, I have spent my professional career advocating for and working on behalf of elders and adults with disabilities. Now, I am embarking on a new project that I believe will benefit your county.

As you know, the State of California in the upcoming future will be looking to restructure and realign aging and long term care services. Even though there is no grand plan to date, we do know there will be an effort to move programs through managed care plans at the local level at a capitated amount.

There are 28 rural counties not currently covered by a managed care plan, but rather are fee-for-service counties. Those stand to be the most at risk in any new restructuring design.

Through a grant from the SCAN Foundation, I have agreed to be the consultant to a Regional Coalition I recently formed in Humboldt County through Humboldt's Area Agency on Aging. The North Coast Long Term Services and Supports Coalition have as members the CEO's of 20 organizations who are currently and will in future be impacted in any type of restructuring model. Our first meeting was October 21.

It is the intent of the Coalition to develop a template for the 28 rural counties in California not currently covered by a managed care plan to assist them in transforming their county's long term services and supports. As well, these 28 counties can effectively become the rural voice at the State level when realignment moves forward.

This letter is being sent to the Chair of the Board of Supervisors, the CAO and the Area Agency on Aging Director in each of the 28 impacted counties.

Please feel free to contact me with any questions you may have at (707) 442-2387 or email me at [pab12@sbcglobal.net](mailto:pab12@sbcglobal.net). I will continue to update you on our progress.

Most Sincerely,

A handwritten signature in cursive script that reads "Patty Berg".

Patty Berg, Consultant,  
Former State Assemblywoman, 1<sup>st</sup> District

11-15-11: Copy provided to:  
County Administrators Office  
Health and Human Services