

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 8th Street, Marysville and 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.

NOVEMBER 13, 2012

8:30 A.M. YUBA COUNTY WATER AGENCY

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

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Abe
- 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. Administrative Services
 1. Approve two agreements and grant of easements with CVIN LLC across county property at Library and Airport for broadband access and authorize the Chair to execute same. (417-12)
 2. Authorize Budget Transfer in the amount of \$47,000 from various line items to Account No. 126-0000-361-4650 for the portion of fees generated by the Yuba Sutter Enterprise Zone required to be submitted to the state. (418-12)
 - B. Board of Supervisors
 1. Reappoint Supervisor John Nicoletti to the Bi-County Solid Waste Independent Hearing Panel for a term to end December 31, 2016. (419-12)
 - C. Clerk of the Board of Supervisors
 1. Approve minutes of the meeting of October 23, 2012. (420-12)
 2. Reappoint Robert Bradshaw to the Wheatland Cemetery District for a term to expire November 18, 2016. (421-12)
 - D. Community Development and Services
 1. Award contract to R&R Horn Contractors, Inc., apparent low bidder for North Beale Road Raised Median Project and authorize Chair to execute upon review and approval of County Counsel. (422-12)
 2. Accept Plumas Ranch Five Improvements as complete and release performance bond, Tract Map 1999-585. (423-12)
 3. Approve floodplain development variance for detached parking/storage structure at 4032 Hazel Street. (424-12)

E. Health and Human Services

1. Approve Certificates of Compliance of the California Department of Veterans Affairs County Subvention Program and the Medic-Cal Cost Avoidance Program for Fiscal Year 2012-2013 and authorize the Chair to execute. (Human Services Committee recommends approval) (425-12)

F. Human Resources and Organizational Services

1. Approve County American with Disabilities Act and Fair Employment Housing Act Compliance Policy. (426-12)

G. Probation

1. Authorize Budget Transfer in the amount of \$2,235 to Account No. 101-3202-423-6200 (Fixed Assets) for purchase of two computers for Victim Witness. (427-12)

IV. **SPECIAL PRESENTATION**

- A. Receive presentation from Mr. Dana Hubbard on establishment of a Yuba County History Museum. (Ten minute estimate) (407-12)
- B. Receive annual review from Yuba County Office of Education on the status of the 4H Outdoor Education Camp in Dobbins. (Ten minute estimate) (406-12)

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. County Administrator

1. Receive first quarter financial report for Fiscal Year 2012-13 and provide direction as necessary. (Fifteen minute estimate) (428-12)

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

- A. Public Hearing - Hold public hearing and adopt resolution adopting the Program Income Reuse Plan for the Neighborhood Stabilization Program governing program income assisted activities. (Five minute estimate) (429-12)
- B. Public Hearing - Hold public hearing, adopt Yuba County Bikeway Master Plan, and make finding that plan preparation was part of General Plan EIR and no new effects occur or mitigation measure are required. (Ten minute estimate) (430-12)

VIII. **ITEM OF PUBLIC INTEREST**

- A. Consider application for off-sale beer and wine alcohol beverage license from Alyson and Jacob Shortridge at 8446 Smartsville Road and finding of public convenience or necessity to allow license. (Ten minute estimate) (431-12)

IX. **CORRESPONDENCE** - (432-12)

- A. Letter of resignation from Randy Davis of the Yuba County Fish and Game Advisory Commission.
- B. Notice from Yuba County Office of Education enclosing State of the Schools report pursuant to the Williams Uniform Compliant Act.

- C. Eleven Agency Biennial Notices regarding conflict of interest code for Browns Valley and Cordua Irrigation Districts; Keystone and Peoria Cemetery Districts; Plumas Lake and Camptonville Union Elementary School Districts; Olivehurst Public Utility District; Wheatland Union High School District; District 10-Hallwood Community Service District; Wheatland Cemetery District; and Marysville Levee Commission.
- D. Notices from California Fish and Game Commission regarding proposed regulations relating to groundfish and associated species, southern mountain and Sierra Nevada yellow-legged frog, and the Gray Wolf. (Copy to Fish and Game Advisory Commission)
- E. Independent audit report for Browns Valley Cemetery District for fiscal years 2006 and 2007.
- F. Annual Report for Fiscal Year 2011-2012 from Yuba County Digital Law Library.
- G. Memorandum for Child Care Planning Council announcing public hearing on Early Education and Child Care Needs.

X. **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.

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

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

XII. **ADJOURN**

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

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

PUBLIC INFORMATION

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




CONSENT

AGENDA

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Administrative Services Memorandum

To: Board of Supervisors
CC: Robert Bendorf 
From: Doug McCoy, Director, Administrative Services
Date: November 13, 2012
Re: Easement approval

Recommendation

Recommend the Board of Supervisors approve two easements across County property; one at the Library and one at the Airport, in order to bring new broadband access.

Background

CVIN is an ARRA-funded entity bringing a broadband access 'backbone' to the North State with the intention of providing free access to schools and Libraries. They are also laying line to which local internet service providers (ISPs) can tap in to so as to provide broadband access to the rural areas on either side of the line.

The line enters Yuba County across the 5th Street Bridge, passes through Marysville, runs south across the E Street Bridge through Olivehurst and the County's Industrial Zone, east to the College and then up Highway 20 into Nevada County.

Discussion

There are two easement agreements. The first easement agreement will provide a link to the Library and provide free broadband access to the Library.

The second agreement will provide access for the line to cross the north end of the Yuba County Airport between Grand and Pasado. This will bring a broadband connection to the County's Industrial Park where none currently exists.

Committee Action

Because of the routine nature of this request, it has been brought forward as a consent item.

General Fund Impact

There is no General Fund impact resulting from this action

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No Recording Fee: Govt. Code §27383

RECORDING REQUESTED BY:

The County of Yuba

WHEN RECORDED MAIL TO:

Board of Supervisors
915 8th Street, Suite 109
Marysville CA 95901

A.P.N. 010-281-029-000, 010-281-034-000 and 010-281-035-000

AGREEMENT AND GRANT OF EASEMENT

This Agreement and Grant of Easement is entered into by and between the County of Yuba, hereinafter called Grantor, and CVIN, LLC (CVIN), a California Limited Liability Company, hereinafter called CVIN.

Grantor, in consideration of the mutual promises contained herein, and the public benefit provided as a result of the American Recovery and Reinvestment Act Broadband Infrastructure Program award received by CVIN, hereby grants unto CVIN, its successors and assigns, an easement with rights of ingress and egress over and across the subject property, more particularly described on attached Exhibit "A", which is incorporated herein by reference, and referred to for tax assessment purposes as Yuba County Assessor's Parcel Number 010-281-029-000, 010-281-034-000 and 010-281-035-000, sufficient to construct, install, own, manage, operate, maintain, repair, or replace from time to time an underground conduit and fiber cable for telecommunications facilities and all other appurtenant equipment for CVIN's multi-county transmission system, including above ground markers, under, along, through, and upon that certain real property described and shown on the detailed Engineering Details and Drawing, Exhibit "B", attached hereto and by this reference made a part hereof.

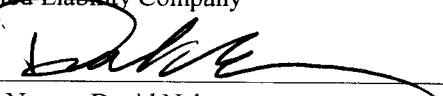
THE PROVISIONS ON PAGES 2 AND 3 HEREOF CONSTITUTE A PART OF THIS AGREEMENT AND GRANT OF EASEMENT.

Date: October 11, 2012

Date: _____

APPROVED: CVIN LLC, a California
Limited Liability Company

APPROVED: YUBA COUNTY

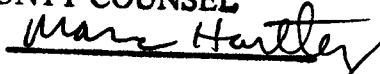
By: 
Print Name: David Nelson
Print Title: President

By: _____
Print Name: _____
Print Title: _____

APPROVED AS TO FORM

ANGIL P. MORRIS-JONES

COUNTY COUNSEL

BY: 

PROVIDED, this Agreement and Grant of Easement is subject to the following terms and conditions:

1. This Grant of Easement includes permission by Grantor for the temporary use by CVIN of such area as is reasonably necessary for the construction, installation and on-going maintenance of CVIN's system.
2. This Grant of Easement is subject to existing contracts, leases, licenses, easements, encumbrances, and claims which may affect said real property and the use of the word "Grant" herein shall not be construed as a covenant against the existence of any thereof. If at the time of installation of CVIN's facilities or thereafter there is a conflict with existing rights, then both parties hereto will cooperate in determining a new location for CVIN's facilities.
3. CVIN agrees that any improvements or other property installed under the authority of this easement shall be well and safely maintained by CVIN at all times while this Grant of Easement is operative. CVIN will maintain a "Call-Before-You-Dig" program for all required and related cable locations on Grantor's land. Where appropriate, CVIN will maintain sign posts along the CVIN transmission system right-of-way with the number of the local "Call-Before-You-Dig" organization and the "800" number for CVIN. Unless CVIN fails to respond to notices by the Grantor or by the local "Call-Before-You-Dig" program, any damage caused by the Grantor, its contractors or related parties shall be repaired or replaced by CVIN as necessary at Grantor's expense, and Grantor shall be responsible for any consequential damages related to the damage.
4. Except for emergencies and any unscheduled breakdown of service connection, CVIN shall provide to Grantor adequate advance written notice of its entering the easement, and coordinate with Grantor all authorized activity in the easement in a manner reasonably agreeable to Grantor.
5. CVIN waives all claims against Grantor, its officers, agents, and employees, for loss or damage caused by, arising out of, or in any way connected with the exercise of this easement except as otherwise provided in this Agreement. CVIN agrees to save harmless, indemnify, and defend Grantor, its officers, agents, and employees, from any and all loss, damage or liability which may be suffered or incurred by Grantor, its officers, agents, and employees caused by, arising out of, or in any way connected with exercise by CVIN of the rights hereby granted, except those arising out of the negligence of Grantor.
6. Grantor reserves the right to use said real property in any manner, provided such use does not unreasonably interfere with CVIN's rights hereunder.
7. Grantor reserves the right to require CVIN, at Grantor's expense, to remove and relocate all improvements placed by CVIN upon said real property, upon determination by Grantor that the same interfere with future development of Grantor's property. Within 180 days after Grantor's written notice and demand for removal and relocation of the improvements and upon receipt of the estimated costs to remove and relocate CVIN's improvements, CVIN shall remove and relocate the improvements to a feasible location on Grantor's property, as designated by Grantor, and Grantor shall furnish CVIN with an easement in such new location, on the same terms and conditions as herein stated, all without cost to CVIN, and CVIN thereupon shall reconvey to Grantor the easement herein granted. Provided, however, CVIN shall not be required to transition to the new easement in a manner or timeframe which will cause any unreasonable break or disruption of service to CVIN's customers using the improvements.
8. In making any excavation on said property of Grantor, CVIN shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth

so removed by it and restore the surface of the ground and any improvement thereon to as near the same condition as they were prior to such excavation as is practicable. CVIN shall be liable to Grantor for any damage to improvements to Grantor's real property resulting from any work, including, without limitation, subsurface work and required lateral support, performed by or on behalf of CVIN, its successors or assigns.

9. CVIN will provide as-built drawings to Grantor at the completion of construction and prior to putting CVIN's transmission system into service.

10. CVIN shall have access to all utilities as may be required to operate CVIN's facilities, as specified in Exhibit A. Except as provided herein, Grantor shall not bear any expense in the installation, maintenance or operation of CVIN's facilities.

11. This agreement shall apply to and bind the assigns and successors of the parties hereto. Further, pursuant to the Broadband Technology Opportunities Program ("BTOP") under the National Telecommunications and Information Administration, U.S. Department of Commerce ("NTIA"), the parties hereto agree that the NTIA hereby has the right of assignment of this Agreement and Grant of Easement to the NTIA if CVIN fails to act in accordance with the NTIA BTOP award.

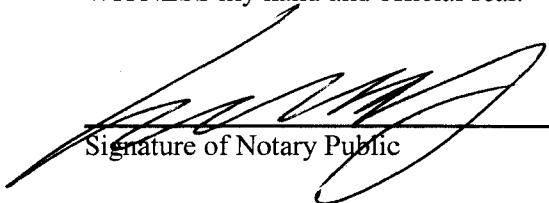
State of California

County of Fresno

On October 11th, 2012 before me, B. Nielsen-Jones, Notary Public, personally appeared David Nelson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public (Seal)



State of California

County of Yuba

On _____ before me, _____,

Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public (Seal)

EXHIBIT A
Parcel Legal Description

The parcels on which the CVIN easement will be located are APN 010-281-029-000, 010-281-034-000 and 010-281-035-000. A legal description may be added to this exhibit in the future when it is prepared.

EXHIBIT B

CVIN-YUBA COUNTY Yuba County Library Easement Agreement

As depicted on the engineering drawing, the Site Connection Fiber Optics Path connects the Yuba County Library to the CVIN Backbone.

- CVIN will install a 24"x36" vault on CVIN Backbone Fiber on the west side of the Library in the grass between the sidewalk and the parking lot.
- CVIN will install a new (1) 1.25" conduit from that CVIN Backbone vault into the Library to serve as the Site Connection Path. CVIN will drill into the garage and loading dock for entry into the Library and run its fiber above the ceiling to the Data Room.
- CVIN will install a 10/12mm Microduct with a 6-count fiber between vault and the Library Data room in the closet above the ground. (Note: access is via a ladder).
- This Site Connection Fiber Optics Path will be used to serve the Yuba County Library, and through it, branch libraries connected to the County Library by providing connectivity to CENIC's statewide CalREN advanced service network infrastructure over the CVIN Backbone unless otherwise requested by the site. Additionally the easement may be used by CVIN to meet the open access requirements of the NTIA BTOP funding.

2
OF
2



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/17/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER UNITEL 4435 O Street Lincoln, NE 68510		CONTACT NAME:	
		PHONE (A/C, No, Ext): 402-434-7255	FAX (A/C, No): 402-434-7272
		E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		NAIC #	
INSURED CVIN, LLC 9479 N. Fort Washington, Suite 105 Fresno CA 93731		INSURER A: National Farmers Union P&C	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** 14106291**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		1RU0272642	2/27/2012	2/27/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ Unlimited PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		1RU0272642	2/27/2012	2/27/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		1CB0799635	2/27/2012	2/27/2013	EACH OCCURRENCE \$ 7,000,000 AGGREGATE \$ 7,000,000 \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER Yuba County Library 303 Second Street Marysville CA 95901	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE (LIN) Rand B. Moritzky
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No Recording Fee: Govt. Cod §27383

RECORDING REQUESTED BY:

The County of Yuba

WHEN RECORDED MAIL TO:

Board of Supervisors
 915 8th Street, Suite 109
 Marysville CA 95901

A.P.N. 013-560-047

AGREEMENT AND GRANT OF EASEMENT

This Agreement and Grant of Easement is entered into by and between the County of Yuba, hereinafter called Grantor, and CVIN, LLC (CVIN), a California Limited Liability Company, hereinafter called CVIN.

Grantor, in consideration of the mutual promises contained herein, and the public benefit provided as a result of the American Recovery and Reinvestment Act Broadband Infrastructure Program award received by CVIN, hereby grants unto CVIN, its successors and assigns, an easement with rights of ingress and egress over and across the subject property, more particularly described on attached Exhibit "A", which is incorporated herein by reference, and referred to for tax assessment purposes as Yuba County Assessor's Parcel Number 013-560-047, sufficient to construct, install, own, manage, operate, maintain, repair, or replace from time to time an underground conduit and fiber cable for telecommunications facilities and all other appurtenant equipment for CVIN's multi-county transmission system, including above ground markers, under, along, through, and upon that certain real property described and shown on the detailed Engineering Details and Drawing, Exhibit "B", attached hereto and by this reference made a part hereof.

THE PROVISIONS ON PAGES 2 AND 3 HEREOF CONSTITUTE A PART OF THIS AGREEMENT AND GRANT OF EASEMENT.

Date: October 11, 2012

Date: _____

APPROVED: CVIN LLC, a California
 Limited Liability Company

APPROVED: YUBA COUNTY

By: 

By: _____

Print Name: David Nelson

Print Name: _____

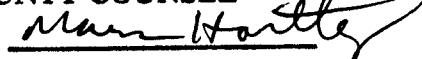
Print Title: President

Print Title: _____

APPROVED AS TO FORM

ANGIL P. MORRIS-JONES

COUNTY COUNSEL

BY: 

PROVIDED, this Agreement and Grant of Easement is subject to the following terms and conditions:

1. This Grant of Easement includes permission by Grantor for the temporary use by CVIN of such area as is reasonably necessary for the construction, installation and on-going maintenance of CVIN's system.
2. This Grant of Easement is subject to existing contracts, leases, licenses, easements, encumbrances, and claims which may affect said real property and the use of the word "Grant" herein shall not be construed as a covenant against the existence of any thereof. If at the time of installation of CVIN's facilities or thereafter there is a conflict with existing rights, then both parties hereto will cooperate in determining a new location for CVIN's facilities.
3. CVIN agrees that any improvements or other property installed under the authority of this easement shall be well and safely maintained by CVIN at all times while this Grant of Easement is operative. CVIN will maintain a "Call-Before-You-Dig" program for all required and related cable locations on Grantor's land. Where appropriate, CVIN will maintain sign posts along the CVIN transmission system right-of-way with the number of the local "Call-Before-You-Dig" organization and the "800" number for CVIN. Unless CVIN fails to respond to notices by the Grantor or by the local "Call-Before-You-Dig" program, any damage caused by the Grantor, its contractors or related parties shall be repaired or replaced by CVIN as necessary at Grantor's expense, and Grantor shall be responsible for any consequential damages related to the damage.
4. Except for emergencies and any unscheduled breakdown of service connection, CVIN shall provide to Grantor adequate advance written notice of its entering the easement, and coordinate with Grantor all authorized activity in the easement in a manner reasonably agreeable to Grantor.
5. CVIN waives all claims against Grantor, its officers, agents, and employees, for loss or damage caused by, arising out of, or in any way connected with the exercise of this easement except as otherwise provided in this Agreement. CVIN agrees to save harmless, indemnify, and defend Grantor, its officers, agents, and employees, from any and all loss, damage or liability which may be suffered or incurred by Grantor, its officers, agents, and employees caused by, arising out of, or in any way connected with exercise by CVIN of the rights hereby granted, except those arising out of the negligence of Grantor.
6. Grantor reserves the right to use said real property in any manner, provided such use does not unreasonably interfere with CVIN's rights hereunder.
7. Grantor reserves the right to require CVIN, at Grantor's expense, to remove and relocate all improvements placed by CVIN upon said real property, upon determination by Grantor that the same interfere with future development of Grantor's property. Within 180 days after Grantor's written notice and demand for removal and relocation of the improvements and upon receipt of the estimated costs to remove and relocate CVIN's improvements, CVIN shall remove and relocate the improvements to a feasible location on Grantor's property, as designated by Grantor, and Grantor shall furnish CVIN with an easement in such new location, on the same terms and conditions as herein stated, all without cost to CVIN, and CVIN thereupon shall reconvey to Grantor the easement herein granted. Provided, however, CVIN shall not be required to transition to the new easement in a manner or timeframe which will cause any unreasonable break or disruption of service to CVIN's customers using the improvements.
8. In making any excavation on said property of Grantor, CVIN shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth

so removed by it and restore the surface of the ground and any improvement thereon to as near the same condition as they were prior to such excavation as is practicable. CVIN shall be liable to Grantor for any damage to improvements to Grantor's real property resulting from any work, including, without limitation, subsurface work and required lateral support, performed by or on behalf of CVIN, its successors or assigns.

9. CVIN will provide as-built drawings to Grantor at the completion of construction and prior to putting CVIN's transmission system into service.

10. CVIN shall have access to all utilities as may be required to operate CVIN's facilities, as specified in Exhibit A. Except as provided herein, Grantor shall not bear any expense in the installation, maintenance or operation of CVIN's facilities.

11. This agreement shall apply to and bind the assigns and successors of the parties hereto. Further, pursuant to the Broadband Technology Opportunities Program ("BTOP") under the National Telecommunications and Information Administration, U.S. Department of Commerce ("NTIA"), the parties hereto agree that the NTIA hereby has the right of assignment of this Agreement and Grant of Easement to the NTIA if CVIN fails to act in accordance with the NTIA BTOP award.

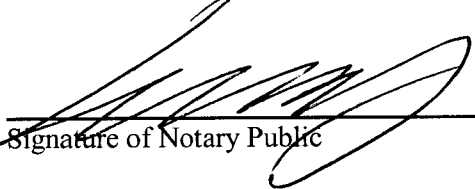
State of California

County of Fresno

On October 11th, 2012 before me, B. Nielsen-Jones, Notary Public, personally appeared David Nelson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

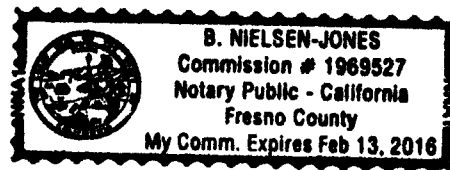
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public

(Seal)



State of California

County of Yuba

On _____ before me, _____,

Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public (Seal)

EXHIBIT A
Parcel Legal Description

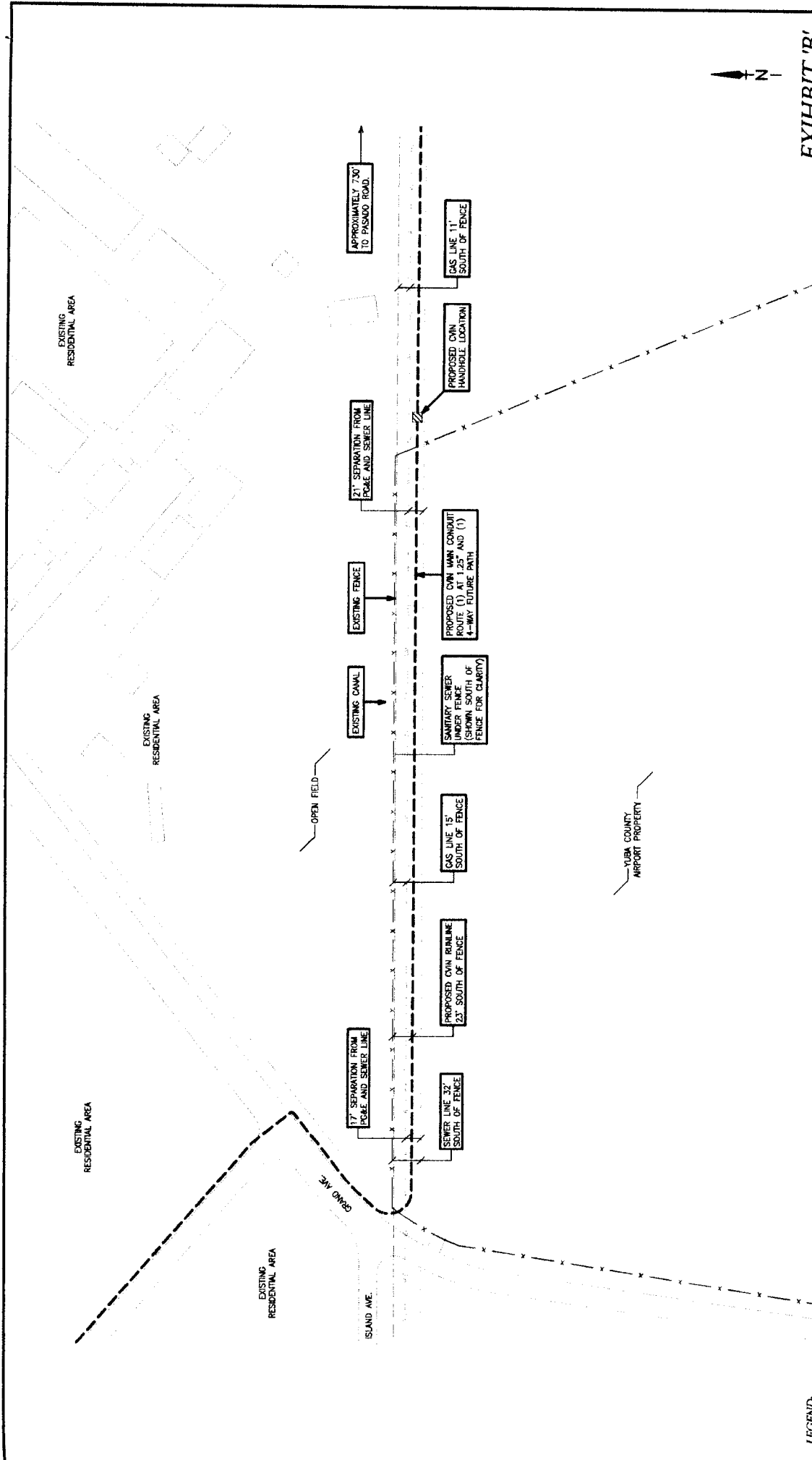
The parcel on which the CVIN easement will be located is APN 013-560-047. A legal description may be added to this exhibit in the future when it is prepared.

EXHIBIT B

CVIN-YUBA COUNTY Yuba County Airport Easement Agreement

As depicted on the attached engineering drawing, the CVIN Backbone consists of (1) 1.25" conduit and (1) 4-way Future Path conduit that will traverse the Yuba County Airport property at 1364 Sky Harbor Drive, Olivehurst, CA 95961.

- The CVIN Backbone path runs west along the south side of Pasado Rd. and then continues west toward the north end of Yuba County Airport property.
- CVIN will install a new 24"X36" handhole on the CVIN Backbone just east of the Yuba County Airport property fence line.
- From this handhole, the CVIN Backbone path will enter the Yuba County Airport property and continue west along the northern boundary fence line approximately 23' south of the fence until it exits the airport property at Grand Avenue.



LEGEND:

- PROPOSED CVIN UNDERGROUND BACKBONE ROUTE
- EXISTING PG&E GAS MAIN
- - - - - SANITARY SEWER LINE
- SEWER LINE

CVIN
CENTRAL VALLEY
INDEPENDENT NETWORK

9479 N. Fort Washington Rd., Suite 105,
Fresno, Ca. 93720

DIGALERT
IT'S THE LAW!

CALL TOLL FREE (811)
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT

PLAN REVISIONS: # REV. DATE DESCRIPTION

DATE 04/02/2012 SCALE 1:100

EXHIBIT 'B'

CVIN Installation @ Yuba County Airport
1364 SKY HARBOR DRIVE
OLIVE HURST, CA. 95961

SHEET 2 OF 2



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/12/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER UNITEL 4435 O Street Lincoln, NE 68510	CONTACT NAME:	
	PHONE (A/C, No, Ext): 402-434-7255	FAX (A/C, No): 402-434-7272
INSURED CVIN, LLC 9479 N. Fort Washington, Suite 105 Fresno CA 93731	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: National Farmers Union P&C	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES**CERTIFICATE NUMBER:** 14386136**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC			1RU0272642	2/27/2012	2/27/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ Unlimited PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			1RU0272642	2/27/2012	2/27/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$10,000			1CB0799635	2/27/2012	2/27/2013	EACH OCCURRENCE \$ 9,000,000 AGGREGATE \$ 9,000,000 \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER Yuba County Airport 1364 Sky Harbor Drive Olivehurst CA 95961	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE (LIN) Rand B. Moritzky
--	---

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ACORD 25 (2010/05)

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The County of Yuba

Department of Administrative Services

Doug McCoy - Director



AIRPORT	741-6248
BUILDING & GROUNDS	749-7880
FACILITIES MANAGEMENT	749-7880
INFORMATION SERVICES	749-7891
PRINT SHOP	749-7880
PURCHASING	749-7880
TELECOMMUNICATIONS	749-7880

(530) 749-7880
FAX (530) 749-7936

November 6, 2012

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: Doug McCoy, Director of Administrative Services

SUBJECT: APPROVE BUDGET TRANSFER RELATED TO FUND 126 TO ADJUST REVENUE AND EXPENDITURES FOR NEW ACCOUNTS BY AUDITOR FOR IMPROVED BUDGET MANAGEMENT FOR THE YUBA-SUTTER ENTERPRISE ZONE PROGRAM

Recommendation:

Approve budget transfer document as presented.

Background:

The Yuba-Sutter Enterprise Zone operates on fees generated by the program. The fees generated are used to manage the program for the 6-jurisdiction partners. A portion of the fees generated are required to be submitted to the state.

Discussion:

The Auditor has recommended a change in how the fees generated are recorded and the budget transfer is necessary to implement those changes that were not clearly identified in time to include in the recent budget approvals. The reduction in revenue relates to a new revenue liability account to identify the state fees in which revenues and expenditures balance and are therefore not shown as a budget line item and a new revenue account for local fees generated that are used to pay for zone management services provided by the Yuba County Airport Manager.

Committee Action

This item was not presented to the Public Facilities Committee as the purpose is only to adjust revenue and expenditures for improved budget management.

Fiscal Impact:

There are no costs associated with this agenda item that would impact the General Fund. The Yuba-Sutter Enterprise Zone program is self-sufficient and operates on fees generated by the program.

Attachment

WHITE - AUDITOR
 YELLOW - COUNTY ADMINISTRATOR
 PINK - DEPARTMENT

COUNTY OF YUBA

AUDITOR-CONTROLLER

DATE 10/4/2012

REQUEST FOR TRANSFER OR

TRANSFER # _____

REVISION OF APPROPRIATION, ESTIMATED REVENUE OR FUNDS

DEPARTMENT ADMINISTRATIVE SERVICES (AIRPORT/ENTERPRISE ZONE)REQUEST APPROVAL OF THE FOLLOWING TRANSFER FISCAL YEAR ENDING JUNE 30, 20 13**BUDGET OR ESTIMATED REVENUE**☒ ESTIMATED REVENUE INCREASE☒ ESTIMATED REVENUE DECREASE☒ APPROPRIATION DECREASED☐ APPROPRIATION INCREASED

ACCOUNT NO.	NAME	AMOUNT
126-9504-419-23-00		17,452.00
126-9504-419-28-00		9,543.00
126-0000-371-93-00		20,000.00

ACCOUNT NO.	NAME	AMOUNT
126-0000-361-46-50		47,000.00

FUND TRANSFERS**OPERATING TRANSFERS OUT**

ACCOUNT NO.	NAME	AMOUNT

OPERATING TRANSFERS IN

ACCOUNT NO.	NAME	AMOUNT

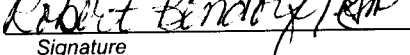
GENERAL LEDGER (AUDITOR - CONTROLLER USE ONLY)

FUND	ACCOUNT	AMOUNT			FUND	ACCOUNT	AMOUNT	
		DEBIT	CREDIT				DEBIT	CREDIT

REASON FOR TRANSFER: Transfer due to change in accounts related to merging the Airport and the Industrial Development budgets and the funding source from Fund 126

APPROVED:

☒ AUDITOR-CONTROLLER  10/24/12 Signature _____ Date _____
 DEPARTMENT HEAD OR AUTHORIZED OFFICIAL 

☒ COUNTY ADMINISTRATOR  10/24/12 Signature _____ Date _____
 Administrative Services Director TITLE

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

AUDITOR - CONTROLLER

Auditor/Controller, Dean E. Sellers

Approved:

BOARD OF SUPERVISORS

Clerk of the Board

Date

The County of Yuba

Office of Clerk of the Board of Supervisors

419-12



To: Board of Supervisors
From: Donna Stottlemeyer, Clerk of the Board *Donna Stottlemeyer*
Subject: Bi-County Solid Waste Independent Hearing Panel
Date: November 13, 2012

Recommendation

Reappoint Supervisor John Nicoletti to the Bi-County Solid Waste Independent Hearing Panel for a term to end December 31, 2016.

Background and Discussion

The Bi-County Solid Waste Independent Hearing Panel is comprised of three board members consisting of a public representative, a technical expert, and one Board of Supervisors member. Terms of office are 4 years, and each representative may serve only two consecutive terms.

Supervisor Nicoletti has been serving as the representative since 2009 when he was appointed to fill the remaining term which expires December 31, 2012.

Fiscal Impact

None.

Committee Action

Brought directly to the Board for consideration.

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**1001 I STREET, P.O. BOX 4025 SACRAMENTO, CALIFORNIA 95812 • (916) 341-4027 • WWW.CALRECYCLE.CA.GOV

June 13, 2012

Stephanie Kendall
County of Yuba/Sutter
Environmental Health
915 8th St., Ste 123
Marysville, CA 95901-5273

**Subject: Sustaining Hearing Panel Certification Maintenance Requirements for Yuba/Sutter
County Solid Waste Local Enforcement Agency (LEA)**

Dear Ms: Kendall

In reviewing the LEA hearing panel database, the Government Rep Member of the County of Yuba/Sutter Hearing Panel will expire in 6 months on December 31, 2012. Please make arrangements for the appointment to be made in a timely manner to avoid a lapse in certification maintenance requirements pursuant to Title 14, California Code of Regulations (CCR) Section 18081.

In recognition of the difficulty of maintaining hearing panel appointments, a statutory change to the Public Resource Code (PRC) in 2004 allows for a Hearing Officer. The governing body of an enforcement agency can make that appointment once procedures and qualifications have been adopted pursuant to PRC 44308(d). It is highly advisable that the Department of Resources Recycling and Recovery (CalRecycle) review and comment on the procedures and qualification before being adopted by the local governing body. Please be aware and adequately plan for the time it will take your office to either update the Hearing Panel or switch to a Hearing Officer. The Hearing Panel appointments cannot expire or the LEA can be in jeopardy of losing its certification.

Please feel free to contact Rick Kelley of my LEA Evaluation staff for more Hearing Officer details and/or keep him apprised of where your jurisdiction is in the hearing panel/hearing officer appointment process. Rick can be reached at 916-341-6378 or rick.kelley@calrecycle.ca.gov. Thank you for your assistance and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Kelley", with a horizontal line extending to the right.

Rick Kelley
LEA Certification and Evaluation Section



The County of Yuba

BOARD OF SUPERVISORS



OCTOBER 23, 2012 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met 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, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Stocker 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: John Nicoletti SECOND: Mary Jane Griego

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

NOES: None ABSENT: None ABSTAIN: None

A. Auditor-Controller

1. Adopt resolution adopting the 2012-2013 Fiscal Year Budget. (395-12) Adopted Resolution No. 2012-93, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION ADOPTING BUDGET FOR FISCAL YEAR 2012-13."

B. Clerk of the Board of Supervisors

1. Approve minutes of the meeting of October 2 and 9, 2012. (396-12) Approved.
2. Reappoint Michael "Pete" Hammontre to the Yuba County Assessment Appeals Board No. II for a term to end September 7, 2015. (397-12) Approved.
3. Reappoint Ray Bradley to the Peoria Cemetery District for a term to expire October 23, 2016. (398-12) Approved.

C. Community Development and Services

1. Approve lease agreement with Olivehurst Linda Little League for joint use of park and associated improvements and authorize the Chair to execute. (Land Use and Public Works Committee recommends approval) (399-12) Approved.

2. Adopt resolution approving application for First Five Yuba Commission grant to provide community recreational programming scholarships and authorizing the Public Works Director to execute all necessary documents. (Land Use and Public Works Committee recommends approval) (400-12) Adopted Resolution No. 2012-94, which is on file in Yuba County Resolution Book No. 43, entitled: "APPROVE APPLICATION FOR FIRST FIVE YUBA COMMISSION GRANT TO PROVIDE COMMUNITY RECREATIONAL PROGRAMMING SCHOLARSHIPS FOR CHILDREN AGED 0-5 AND THEIR FAMILIES."
3. Ratify contract award with Taylor Excavating for emergency services for Marysville Road slide stabilization and authorize the Chairman to execute. (401-12) Approved.
4. Adopt resolution authorizing purchase of single family residence APN 019-401-005 as part of the Neighborhood Stabilization Programs and authorizing Director to execute all necessary documents. (402-12) Adopted Resolution No. 2012-95, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION AUTHORIZING YUBA COUNTY COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR OR HIS DESIGNEE TO COMPLETE THE PURCHASE OF SINGLE FAMILY RESIDENCE APN 019-401-005 AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND EXECUTE ALL DOCUMENTS NEEDED FOR COMPLETION OF PURCHASE, REHABILITATION AND RESALE."
5. Approve Floodplain Development Variance for agricultural storage building at 7388 Doc Adams Road. (Land Use and Public Works Committee recommends approval) (403-12) Approved.
6. Adopt resolution authorizing grant application to Naumes Family Foundation for funding for updating youth library material and authorizing the Director to execute all necessary documents. (414-12) Adopted Resolution No. 2012-98, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION AUTHORIZING THE YUBA COUNTY LIBRARY TO APPLY TO THE NAUMES FAMILY FOUNDATION FOR FUNDING TO PROMOTE LITERACY FOR THE YOUNG COMMUNITY AND EXPAND THE CAREER CENTER AND, AUTHORIZING THE CDSA DIRECTOR TO EXECUTE DOCUMENTS AS REQUIRED BY THE GRANT AND ANY PERTINENT DOCUMENTS RELATED TO THIS PROGRAM, AND AUTHORIZE ACCEPTANCE OF FUNDS."

D. Human Resources and Organizational Services

1. Approve CSAC Excess Insurance Authority Medical Malpractice Program Extended Participation Agreement and authorize the Chair to execute same. (404-12) Approved.

IV. SPECIAL PRESENTATION

- A. Present 2012 Employee Recognition Awards. (20 minute estimate) (405-12) County Administrator Robert Bendorf presented the following employee awards:
 - o Outstanding Leadership: Kathy Brown
 - o Public Service Excellence: Marc Hartley
 - o Workforce Excellence: Miranda Johnson
 - o Exceptional Teamwork: Nathan Lybarger and K9 Spike, and Brian Thornton and K9 Bear
 - o Public Service Excellence Sustained Effort: Allan Garza
 - o Workforce Excellence Sustained Effort: Deana Manning

- Exceptional Teamwork Sustained Effort: Forensic Interview Team consisting of Stephanie Johnson, Shiloh Sorbello, Melanie Bendorf, Mary Barr, Teresa Sydow, Julie Mahon, Sherry Scott, Monique Phillips, Susan Such, Penny Elliott, John Crocker, Jason Roper, Liz Rodriguez, Justin Hodge, and Joseph Pomeroy

B. Receive annual review from Yuba County Office of Education on the status of the 4H Outdoor Education Camp in Dobbins. (Ten minute estimate) (406-12) Postponed to future date

C. Receive presentation from Mr. Dana Hubbard on establishment of a Yuba County History Museum. (Ten minute estimate) (407-12) Postponed to future date.

V. PUBLIC COMMUNICATIONS: No one came forward.

VI. COUNTY DEPARTMENTS

A. Community Development and Services

1. Receive and approve five-year report for the County Capital Facilities Fees. (Ten minute estimate) (408-12) Community Development and Services Director Kevin Mallen recapped fees for facilities improvement and collection, and responded to Board inquiries.

MOTION: Move to approve MOVED: Mary Jane Griego SECOND: John Nicoletti

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

NOES: None ABSENT: None ABSTAIN: None

2. Adopt resolution authorizing loan of up to \$2 million from the Plumas Lake Specific Plan Road Impact Fee Trust Fund No. 713 to provide funding for temporary cash flow needs for road fund capital projects. (Ten minute estimate) (413-12) Public Works Director Mike Lee recapped cash flow of funds for improvements and responded to Board inquiries.

MOTION: Move to adopt MOVED: Mary Jane Griego SECOND: John Nicoletti

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

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2012-96, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION AUTHORIZING THE ROAD FUND TO BORROW UP TO \$2,000,000 FROM FUND 713 PLUMAS LAKE SPECIFIC PLAN ROAD IMPACT FEES FOR CASH FLOW PURPOSES TO FACILITATE CAPITAL IMPROVEMENT PROJECTS."

B. County Administrator

1. Receive report providing informational overview on General Election ballot initiatives and take action as appropriate. (Ten minute estimate) (409-12) Legislative Affairs Coordinator Russ Brown recapped initiatives and responded to inquiries.

MOTION: Move to oppose Proposition 30: Temporary Taxes to Fund Education

MOVED: Roger Abe SECOND: Andy Vasquez

AYES: Roger Abe, Andy Vasquez, John Nicoletti

NOES: Mary Jane Griego ABSTAIN: Hal Stocker ABSENT: None

MOTION: Move to oppose Proposition 38: Tax to fund Early Education and Childhood Programs

MOVED: Roger Abe SECOND: Andy Vasquez

AYES: Roger Abe, Andy Vasquez, John Nicoletti

NOES: None ABSTAIN: Mary Jane Griego, Hal Stocker ABSENT: None

MOTION: Move to support Proposition 31: State Budget/state and Local Government

MOVED: Roger Abe SECOND: Andy Vasquez

AYES: Roger Abe, Andy Vasquez, John Nicoletti, Hal Stocker

NOES: None ABSTAIN: Mary Jane Griego ABSENT: None

MOTION: Move to oppose Proposition 37: Genetically Engineered Food Labeling

MOVED: Roger Abe SECOND: Andy Vasquez

AYES: Roger Abe, Andy Vasquez, John Nicoletti

NOES: Mary Jane Griego ABSTAIN: Hal Stocker ABSENT: None

VII. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

- A. Public Hearing - Hold public hearing and adopt resolution establishing Underground Utility District No. 2012-1 on Olivehurst Avenue from McGowan Parkway to Eighth Ave. (Land Use and Public Works Committee recommends approval) (Ten minute estimate) (410-12) Public Works Director Mike Lee recapped the street widening of subject street, utilities improvements, public easements, and responded to Board inquiries.

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

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

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

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2012-97, which is on file in Yuba County Resolution Book No. 43, entitled: RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 2012-1 ON OLIVEHURST AVENUE FROM MCGOWAN PARKWAY TO EIGHTH AVENUE."

VIII. CORRESPONDENCE - (411-12)

- A. Three Agency Biennial Notices regarding conflict of interest code for First Five Yuba Commission, Brophy Water District, and Wheatland Water District. Accepted.
- B. Notice from California Fish and Game Commission regarding petition to list northern spotted owl as threatened or endangered. Accepted.
- C. Letter from Stacy and Joseph Wurm regarding the Yuba County Bikeway Master Plan. Accepted.
- D. Schedule of Proposed Actions from the United States Forest Service regarding Plumas National Forest for the period of October 1, 2012 to December 31, 2012. Accepted.
- E. Letter from State of California Fish and Game Commission enclosing a Notice of Receipt of Petition to list Clear Lake Hitch as threatened or endangered under the California Endangered Species Act. Accepted.

F. Letter from United States Forest Service/Plumas National Forest regarding watershed stakeholder meeting November 8, 2013. Accepted.

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

Supervisor Griego:

- SACOG Director's meeting and Shared Services meetings held October 18, 2012
- Yuba Sutter Transit Authority Director's meeting October 18, 2012
- Regional Flood Control Planning Committee meeting October 19, 2012
- Marijuana Cultivation Ordinance Ad Hoc meeting October 18, 2012

Supervisor Nicoletti:

- Community Services Commission membership and meetings
- Public nuisance ordinance
- Peach Tree Health Care regarding temporary positions and new Director Greg Stone

Supervisor Stocker:

- Senior lunch program funding in Brownsville
- Through Consensus scheduled October 30, 2012 Special Board meeting at 9:00 a.m.

County Counsel Angil Morris-Jones: Chief Deputy Counsel Pat Garamone retiring December 11, 2012

X. CLOSED SESSION: The Board retired into closed session at 11:08 a.m. to discuss the following:

A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 021-150-061/Roberta Butler/East Linda Specific Plan Community Park Negotiating Parties: Michael Lee Negotiation: Authorization to appraise and present offer

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

The Board returned at 11:33 a.m. with all present as indicated above.

County Counsel advised the Board gave direction to real property negotiators.

XI. ADJOURN: 11:34 a.m. by Chairman Stocker.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

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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 Appointment

Date: November 13, 2012

Recommendation

Reappoint Robert Bradshaw to the Wheatland Cemetery District for a term to expire November 18, 2016.

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. Bradshaw's term on November 18, 2012, who has been serving on the board since 1969 and wishes to continue in this capacity.

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

Fiscal Impact

None due to appointment.

Committee Action

None required.

Ds

attachment

The County of Yuba

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

OCT 24 2012



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS
YUBA COUNTY GOVERNMENT CENTER
915 EIGHTH STREET, SUITE 109
MARYSVILLE, CA 95901
(530) 749-7510

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: Director for Wheatland Cemetery

APPLICANT NAME:

Robert Bradshaw District

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

[REDACTED]

PHYSICAL ADDRESS
(Street, City, Zip):

Wheatland, CA 95692

TELEPHONE:

HOME:

[REDACTED]

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:

retired farmer

SUPERVISOR/ DISTRICT
NUMBER:

Roger Abe Dist. 4

REASONS YOU WISH TO
SERVE ON THIS BODY:

great interest in our local history & have an interest
in keeping it the best it can be.

QUALIFICATIONS:

after serving (approx) 20 years I feel well
qualified to respond to any situation that may occur.

LIST PAST AND CURRENT
PUBLIC POSITIONS HELD:

High School Board Member (12 yrs) Plumas Brophy Fire Dept (55
years) Reserve Deputy Sheriff

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

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

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

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

Robert C Bradshaw
SIGNATURE

21-Oct-12
DATE

THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: _____

☐ OTHER: _____

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434
915 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



422-12

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749-5470 • Fax 749-5434

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749-5430 • Fax 749-5434

November 13, 2012

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS

SUBJECT: Award Contract to Apparent Low Bidder for the North Beale Road Raised Median Project and Authorize the Chair to Execute Same

RECOMMENDATION:

The Public Works Department recommends that the Board of Supervisors approve award of the contract for the above project to the apparent low bidder, and to authorize its chair to execute the contract pending contract approval by County Counsel.

BACKGROUND:

This project entails installing a raised median on North Beale Road from Lindhurst Avenue to Linda Avenue. On October 24, 2012, the following bids were received for the subject project:

<u>R&R Horn Contractors, Inc.</u>	<u>\$1,106,562.00</u>
<u>Knife River Construction, Inc.</u>	<u>\$1,118,710.25</u>
<u>C & C Construction Inc.</u>	<u>\$1,123,405.50</u>
<u>McGuire & Hester</u>	<u>\$1,144,529.00</u>
<u>Lamon Construction Co., Inc.</u>	<u>\$1,188,715.00</u>

DISCUSSION:

The construction work in general consists of removing the existing 2-way center turn lane along North Beale Road, and installing a raised median with designated turn pockets. The project was funded with a federal-aid Highway Safety Improvement Program (HSIP) grant administered through Caltrans. The engineer's estimate for the project was \$1,192,000. The project is expected to be completed by July 2013.

COMMITTEE ACTION:

The Land Use & Public Works Committee was bypassed as this project is included in the Public Works Budget.

FISCAL IMPACT:

Federal safety funding will be used for 90% of the project up to \$900,000 with the remaining local match funds coming from the Road Fund.

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The County of Yuba

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November 13, 2012

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL LEE, PUBLIC WORKS DIRECTOR *ML for*

SUBJ: ACCEPT PLUMAS RANCH 5 IMPROVEMENTS AS COMPLETE AND RELEASE THE PERFORMANCE BOND (#2136175), TM 1999-585

RECOMMENDATION:

Approve Plumas Ranch 5 Improvements as complete and release the Performance Bond (#2136175) for the project.

BACKGROUND:

Cresleigh Homes was the developer that entered into the Subdivision Improvement Agreement for the Plumas Ranch 5 Project. The project consisted of constructing street improvements such as paved roadways, curb, gutter, sidewalk and street lights for tract homes on the west side of Highway 70 south of Feather River Boulevard.

DISCUSSION:

The developer completed the subdivision improvements over 2 years ago, but project acceptance was delayed due to a right of way issue. Since the project improvements were completed over 2 years ago, the County will not require a 1 year Maintenance Bond. Per County Ordinance, the Board of Supervisors has the authority to release the bonds. Once the Board takes action to release the bonds, the Public Works Department will return the Performance Bond (#2136175) to the surety company and file a Notice of Completion.

COMMITTEE ACTION:

The Land Use & Public Works Committee was bypassed due to the routine nature of this request.

FISCAL IMPACT:

None.

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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 915 8th Street, Suite 123
 Marysville, California 95901
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BUILDING
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FINANCE AND ADMINISTRATION
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November 13, 2012

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: TIM YOUNG, ASST. DIRECTOR OF PUBLIC WORKS *ty*

SUBJECT: APPROVAL OF FLOODPLAIN DEVELOPMENT VARIANCE FOR
 DETACHED PARKING/STORAGE STRUCTURE AT 4032 HAZEL STREET

RECOMMENDATION:

The Floodplain Manager recommends that the Board of Supervisors approve the application of a floodplain development variance for the detached parking/storage building planned at 4032 Hazel Street, APN 013-360-041.

BACKGROUND:

The owners of 4032 Hazel Street, located east of Feather River Blvd, in Olivehurst are proposing to construct a 24' X 24' detached structure. The new building will consist of a 576sf enclosed structure used for parking, sheltering equipment and limited storage.

DISCUSSION:

Floodplain management regulations cannot be written to anticipate every imaginable situation. Yuba County Ordinance 10.30.090 "Variance Procedure" was adopted as a way to seek permission to vary from the letter of the rules because of a special situation. It is the Floodplain Manager's opinion that this is such a situation. The structure is for the storage of equipment and vehicles. Requesting a variance for wet flood proofing this type of accessory structure is one of the most common. It is specifically listed as allowable in the National Flood Insurance Program (NFIP).

COMMITTEE ACTION:

The Land Use & Public Works Committee was bypassed as this item is routine in nature.

FISCAL IMPACT:

There is no fiscal impact to Yuba County.

RECEIVED

OCT 25 2012

Community Development &
Services Agency

Yuba County Public Works Department
915 8th Street, Suite 123
Marysville, California, 95901
(530) 749-5420

APPLICATION PACKET FOR

FLOODPLAIN DEVELOPMENT VARIANCE

Floodplain management regulations cannot be written to anticipate every imaginable situation. A process for issuing variances gives a builder a way to seek permission to vary from the letter of the rules because of a special situation. A **variance** is a grant of relief by the County from the terms of a land use, zoning or building code regulation. Because a variance can create an increased risk to life and property, variances from flood elevation or other requirements in the flood ordinance should be rare.

Granting variances is a local decision that must be based on not only National Flood Insurance Program (NFIP) criteria, but also on state law and local regulations. A floodplain development variance may only be issued for either of the following situations: 1) wet floodproofing of an accessory structure or a structure used solely for agricultural purposes; 2) reconstruction, rehabilitation or restoration of historic structures; or 3) wet floodproofing of a structure requiring a waterfront location for the conduct of a functionally dependent use.

Attached are the necessary filing forms and instructions for submitting a complete floodplain management variance application. All forms must be completely filled out and submitted with any necessary supporting information. This packet includes the following forms:

- Application for Floodplain Development Variance
- General Application Information
- Eligibility Criteria
- Acknowledgement of Adverse Effects
- Site Plan Requirements

Upon receipt of the **completed forms, site plan, and filing fees**, the Floodplain Administrator will determine the completeness of the application. This review will be completed as soon as possible, but at most, within thirty (30) days of the submittal of the application. If the application is determined to be complete, the County will set the application for a hearing before the Land Use and Public Works Committee.

If sufficient information **has not** been submitted to adequately process your application, you will receive a notice of incomplete application with instructions on how to complete the application. Upon receipt of that additional information or revised application, the thirty (30) day review period will begin again.

Approximately five (5) days prior to the Land Use and Public Works Committee meeting, the Floodplain Administrator will prepare a report and submit it to you, the Land Use and Public

Works Committee, and others involved with the project. This report will be based on the information contained in your application and staff analysis. The report will usually contain a recommendation for approval, conditional approval, or denial. After either being approved or denied by the Land Use and Public Works Committee, the application will be scheduled for hearing before the County Board of Supervisors.

Since the information contained in your application is used to evaluate the project and in the preparation of the staff report, it is important that you provide complete and accurate data. Failure to provide adequate information could significantly delay the processing of your application.

Each section of the application packet should be carefully reviewed prior to submittal and responses to **EVERY** question provided. If a particular response is not applicable, an N/A should be marked in the space provided indicating that the question has been reviewed by the applicant. If there are **ANY** blank spaces, staff will assume that the applicant has not completed the application packet and will return it for completion.

Applicants and/or their representatives are encouraged to attend the public hearing.

The variance criteria set forth in the Floodplain Management Ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of the ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the land itself, and not shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

If the variance requested is to allow wet floodproofing of accessory or certain agricultural structures, the wet floodproofing design will be checked during the building permit process. A wet floodproofing design is not required prior to obtaining a variance.

PLEASE CONTACT THE PUBLIC WORKS DEPARTMENT at (530) 749-5420 IF YOU HAVE ANY QUESTIONS WHILE PREPARING THE APPLICATION, OR AT ANY TIME DURING THE PERMIT PROCESS. WE WILL BE HAPPY TO ASSIST YOU IN ANY WAY WE CAN.

COUNTY OF YUBA
APPLICATION FOR FLOODPLAIN DEVELOPMENT VARIANCE

OFFICE USE ONLY		
Application No.:	Date Filed: <u>10/25/12</u>	Receipt No.: <u>PW - 1632</u>

Applicant

- ☒ a. Request variance to allow wet floodproofing
☐ b. Other (explain): _____

Property Location and Address: YUBA COUNTY, 4032 HAZEL STREET
OLIVEHURST, CA 95961 @ ELLA STREET + FEATHER RIVER

Assessor's Parcel No(s): 013,360,041,000 **Zoning:** _____

Proposed Building Type/Use: GARAGE

Proposed Building Size: 24' x 30' (sq ft) ^{discussed w/ Tuff Shed max. size of structure not to exceed 24' x 24'} **Proposed Finish Floor Elevation:** N/A

Existing Ground Elevation at Proposed Building Site: N/A (NGVD 1929)

Note: Existing ground elevation may be estimated; no formal survey is required for a variance application.

FIRM Map/Panel No: 06115C0405 ^{TY} **Flood Zone:** A **Base Flood Elevation:** NONE

Property Owner
NAME: DARYL & LOUISE ANDERSON
ADDRESS: _____
CITY: _____
PHONE: _____

Applicant
TUFF SHEDS c/o JOHN KNAPKE
1100 THARA RD
YUBA CITY CA 95993
HOME DEPOT

SIGNATURE OF PROPERTY OWNER: _____

OFFICE USE ONLY	
Floodplain Administrator Recommendation:	DATE: <u>10/31/12</u>
<input checked="" type="checkbox"/> APPROVE <input type="checkbox"/> CONDITIONAL APPROVAL <input type="checkbox"/> DENY	
DISPOSITION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED by the Land Use & PW Committee:	
DATE: _____	
DISPOSITION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED by the Board of Supervisors:	
DATE: _____ Floodplain Administrator Signature: _____	
Conditions Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No	
I agree to accept the Variance subject to the provisions of the Floodplain Management Ordinance and the Conditions of Approval of the permit.	
Owner's Signature: _____	Date: _____

THIS VARIANCE BECOMES NULL AND VOID IF ASSOCIATED BUILDING PERMIT IS NOT ISSUED WITHIN ONE YEAR OF THE DATE OF APPROVAL AND/OR BUILDING IS NOT CONSTRUCTED AND OCCUPANCY PERMIT ISSUED WITHIN TWO YEARS OF DATE OF APPROVAL.

GENERAL APPLICATION

INFORMATION FORM

This document, once completed, will provide necessary information about the proposed project. Please answer applicable questions as accurately and completely as possible. Further information could be required from the applicant to evaluate the project.

PLEASE PRINT CLEARLY OR TYPE
USE A SEPARATE SHEET, IF NECESSARY, TO EXPLAIN THE FOLLOWING:

I. Project Characteristics:

- A. Describe the proposed project including all existing and proposed uses of the site. DELIVERY AND INSTALLATION OF A 24' X 30' GARAGE ON
A CONCRETE PPD. ^{24'}

- B. Parcel size (square feet or acres): 330.4' X 660.25

- C. Existing land use (attached photographs of the site):
Undeveloped (vacant) _____ Developed ☒

If developed, describe extent (type and use of all structures): _____

- D. Existing surrounding land uses:

North HORSE PASTURE
South OPEN FIELD
East PASTURE
West FRONT YARD

- E. Will the project use, store, or dispose of any potentially hazardous materials, such as toxic substances, flammables, or explosives? NO

If yes, please explain _____

- F. Will the project include utility services (electric, gas, water, sewer) to the proposed building? NO

If yes, please explain _____

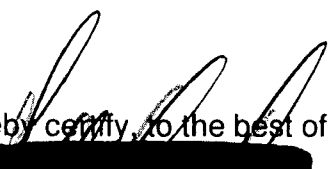

G. Will the project include any stationary mechanical equipment in the proposed building? NO

If yes, please explain _____

H. What is the necessity of the facility to have a waterfront location? N/A

I. Is there an alternative location available for the proposed structure that is not subject to flooding or erosion damage? NO

I hereby certify, to the best of my knowledge, that the above statements are correct.



Signature of Person Preparing Form

10/23/12
Date


Telephone Number

ELIGIBILITY CRITERIA

(Completed by Applicant)

In order to approve a variance, specific findings must be made and supported by evidence of record. Your application for a variance will be considered on the basis of the degree to which your statements fulfill the mandatory findings for approval:

1. Identify why the parcel's physical characteristics are so unusual that complying with the requirements of the ordinance would create an exceptional hardship to the applicant or the surrounding property owners. Applicant may wish to reference FEMA Technical Bulletin 7-93. Identify if this variance is for wet floodproofing an agricultural building that would be used exclusively in connection with production, harvesting, storage, drying or raising of agricultural commodities.

Applicant's Statement: PARCEL IS IN A NO BASE ELEVATION
STRUCTURE WILL MEET ALL FEMA MATERIAL REQUIREMENTS

2. Identify whether this variance is for new construction, substantial improvement, or other proposed new development, and also include lot size. Please note that as the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.

Applicant's Statement: NEW CONSTRUCTION,

3. Identify whether the variance is for the repair or rehabilitation of "historic structures" (as defined in Section 10.30.050 of the floodplain management ordinance). If so, include a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Applicant's Statement: N/A

4.

Is the proposed development within a regulatory floodway? If so, certification by a registered civil engineer demonstrating that the proposed encroachment shall not result in any increase in flood levels during the base flood discharge is required prior to consideration of a variance. Identify whether this "No-Rise" certification is available if the proposed development is within a regulatory floodway.

Applicant's Statement: _____

N/A

5.

Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of the floodplain management ordinance. Is the request for your variance the minimum deviation possible from code to enable reasonable development of the property?

Applicant's Statement: _____

YES.

**Acknowledgement of Adverse Effects
Application for Floodplain Management Variance
Yuba County, California**

The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage. Such construction below base flood level increases risks to life and property.

Structures built below the Base Flood Elevation shall maintain all wet floodproofing elements for the life of the structure. All interior walls, ceilings and floors below the Base Flood Elevation shall be unfinished or constructed of flood resistant materials. Mechanical, electrical or plumbing devices shall not be installed below the Base Flood Elevation except as allowed under FEMA Technical Bulletin 7-93 or successor documents. The walls of the enclosed areas below the Base Flood Elevation shall be equipped and remain equipped with vents as shown on the Permit. Any alterations or changes from these conditions constitute a violation of the Permit. The County may take any appropriate legal action to correct any violation.

Pursuant to the authority of the County of Yuba, California, Section 10.30.090 of the Yuba County Ordinance Code, the undersigned owner of the property so described below is requesting a variance to the Floodplain Management Ordinance. I, the owner of said property, do hereby acknowledge and accept full responsibility for the property value, loss during flooding conditions and any increase of risk whereby flood and/or other insurance may increase in cost by the granting of this variance. It is further understood that the County of Yuba shall not be held liable for any damage or cost incurred that may result from the granting of the attached variance request.

Property On Which Requesting Variance:

Address: 4032 HAZEL ST. OLIVEHURST, CA 95961

Yuba County APN: 013,360.041.000

PROPERTY OWNER:

Name (printed) [REDACTED]

☒ Name (Signature) [REDACTED]

Date

10/25/12

Mailing Address

Street Address: [REDACTED]

City: [REDACTED]

State: [REDACTED]

Zip: [REDACTED]

THE FOLLOWING QUESTIONS MUST BE ANSWERED BY STAFF WHEN ANALYZING THIS REQUEST FOR VARIANCE. PLEASE INCLUDE ANY PERTINENT FACTS THAT MAY ASSIST IN THIS ANALYSIS.

- I. What danger is there that materials may be swept onto other lands to the injury of others?

Little or none. The structure will be designed to automatically equalize the hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters via flood vents. The structure will be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- II. What danger to life and property may occur due to flooding or erosion damage?

Little or none. The structure will be constructed using flood resistant materials and the building utility equipment including electrical will be flood proofed.

- III. How susceptible is the proposed facility and its contents to flood damage and what effects will such damage have on the existing individual owner and future owners of the property?

This property is in the area being designated Flood Zone A. Unless there is a levee failure there is little chance of flood damage. The National Flood Insurance Program allows certain uses in enclosures below the Base Flood Elevation because they can be designed so that they are subject to minimal flood damage. This storage building is to be used exclusively for parking or limited storage, as defined in Section 10.30.080(a)(2).

- IV. What is the importance of the services provided by the proposed facility to the community?

The storage within the structure eliminate environments that create safety hazards and preserve a minimum standard of community living by battling blight and public nuisance conditions. Maintain property values and increase generating continued County growth that will enhance the enjoyment of people who live, work and visit within the community..

- V. What is the compatibility of the proposed use with existing and anticipated development?

The type of storage being proposed is consistent and accessory to the principal use of the existing structures of this parcel and within the community.

- VI. What is the relationship of the proposed use to the comprehensive plan and floodplain management program for that area?

The type of storage being proposed is consistent with the County's General Plan and zoning.

- VII. How will the property have safe access for ordinary and emergency vehicles in time of flood?

Access to this community is provided by Feather River Blvd, a County maintained road. This structure would not require additional response from emergency vehicles in time of flood.

- VIII. What is the expected height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site?

Flooding would only occur if levee fails. Historically a break in the levee occurred in 1937. In 1955, water reached the top of the levee, but did not overtop. In 1986 and 1997, water overtopped the levees on the south side.

- IX. What are the anticipated costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges?

None for this structure. In this rural community, the property owners own and maintain their own wells and septic systems. Electrical power is provided by Pacific Gas & Electric Co. and the County road provide access to the community.

**COUNTY OF YUBA
FLOODPLAIN DEVELOPMENT VARIANCE APPLICATION**

OFFICE USE ONLY		
Application No.:	Date Filed: 10/25/2012	Receipt No.: PW-16327

Summary Sheet (to be completed by Public Works Staff)

Type of Variance Requested:

- (X) Wet floodproofing of an accessory structure;
- () Wet floodproofing of a structure used solely for agricultural purposes;
- () Reconstruction, rehabilitation or restoration of an historic structure;
- () Wet floodproofing of a structure requiring a waterfront location for the conduct of a functionally dependent use.

Is application complete?	(X) Yes	() No
Would variance comply with FEMA regulations?	(X) Yes	() No
Would denial result in exceptional hardship?	(X) Yes	() No
If within Floodway, is No-Rise Certification provided? N/A	() Yes	() No
Would variance constitute minimum relief?	(X) Yes	() No
Would there be a risk of debris transport?	() Yes	(X) No
Would there be an increased risk to life or property?	() Yes	(X) No
Is proposed location necessary?	(X) Yes	() No
Is there a better alternate location for facility?	() Yes	(X) No

Staff recommendation:

- () Approve Variance
- (X) Approve Variance with conditions
- () Deny Variance



Public Works Staff Signature

10/31/12

Date

450'
TO PROPERTY LINE

84'
TO PROPERTY LINE

PROPOSED
24 X 24
GARAGE

EXISTING
SHED

19'

11'

11'

EXISTING
HOME

SEPTIC

WELL

10'

118'
TO PROPERTY LINE

DRIVEWAY

1222'
TO PROPERTY LINE



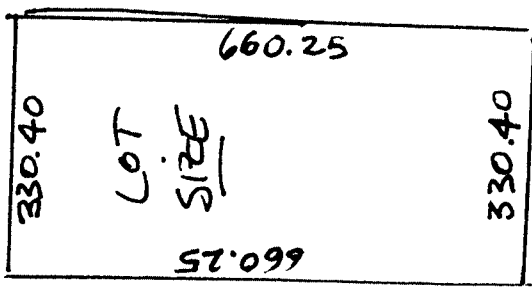
1" = 20'-0"

HOMEOWNER:

DARYL & LOUISE ANDERSON
4032 HAZEL ST.
OLIVE HURST, CA 95961
916.802.8342

CONTRACTOR

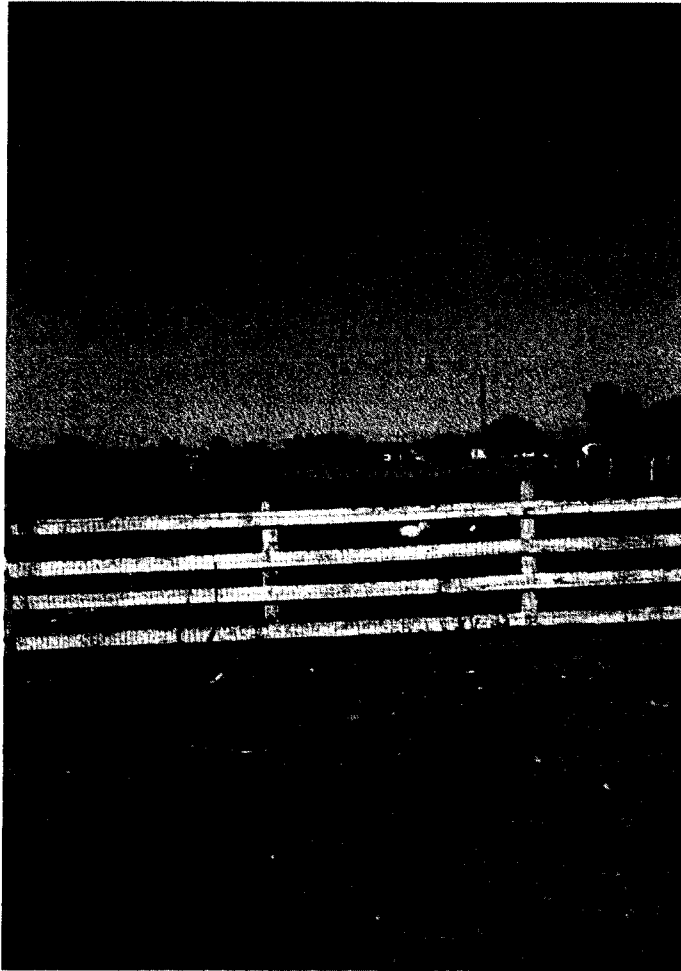
TOFF SHED LLC.
1100 THARP AVE
YUBA CITY, CA 95993
ATTN: JOHN KNAPKE
530.315.6A06



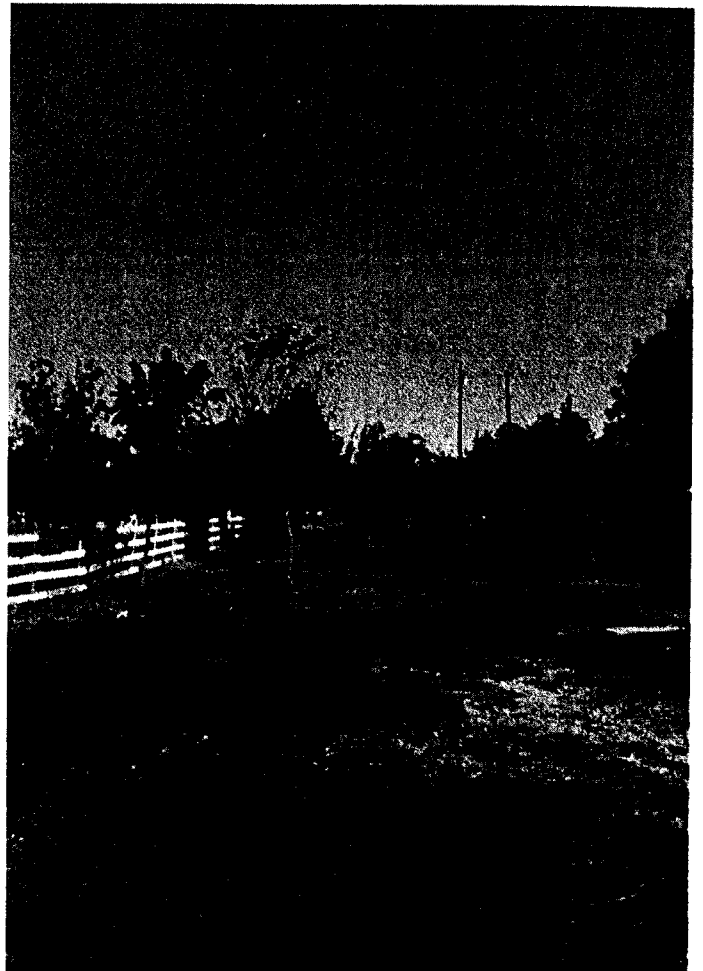
4032 HAZEL STREET

APN# 013.360.041.000

NORTH



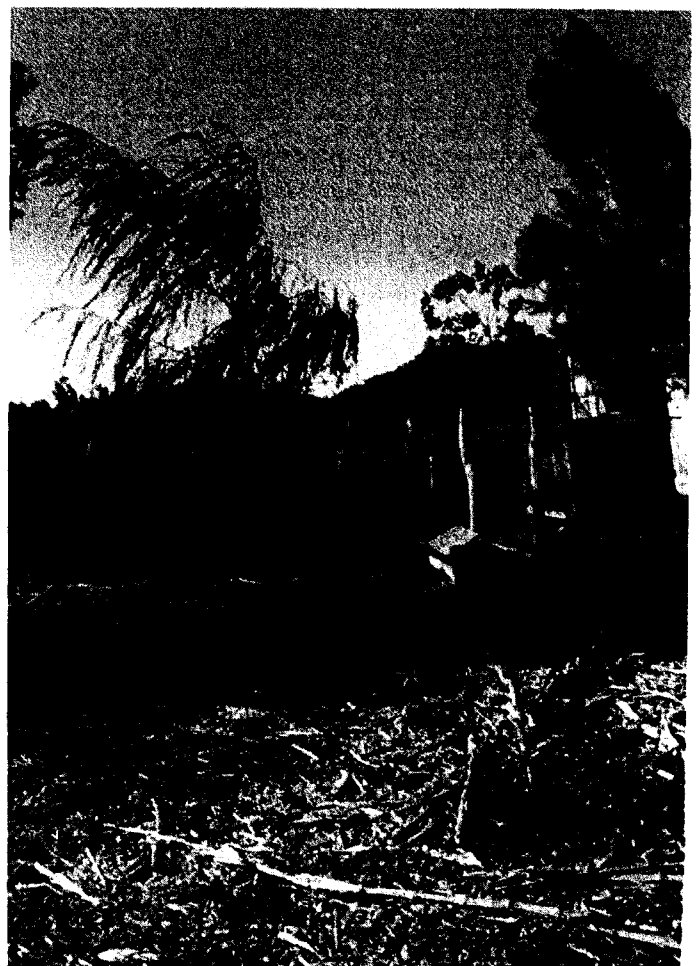
SOUTH



WEST



EAST



The County of Yuba

HEALTH & HUMAN SERVICES DEPARTMENT

Suzanne Nobles, Director

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



**Joseph W. Cassady, D.O.,
Health Officer**

Phone: (530) 749-6366

TO: Board of Supervisors
Yuba County

FROM: *Suzanne Nobles*
Suzanne Nobles, Director
Health and Human Services Department

DATE: November 13, 2012

SUBJECT: Certificates of Compliance for the California Department of Veteran Affairs County Subvention Program and the Medi-Cal Cost Avoidance Program for Fiscal Year 2012-2013

RECOMMENDATION: Approval by the Board of Supervisors of the Certificates of Compliance for the California Department of Veterans Affairs (CDVA) County Subvention Program and the Medi-Cal Cost Avoidance Program for Fiscal Year 2012-2013 is recommended.

BACKGROUND: Per Military and Veteran Code Section 972, all California County Boards of Supervisors are required to certify that their respective county is in compliance with state code. In completing the attached certificate, Yuba County will be eligible to receive CDVA funding for the County Veteran Services Office. A renewal of this certificate is required on an annual basis.

DISCUSSION: State funding is a major revenue source for the Yuba-Sutter County Veteran Services Office. By completing the attached Certificates, the Board of Supervisors will ensure that Yuba County is eligible for available state funding. In validating and signing these certificates, this funding will be secured and vital public service will continue. The services provided by the Veteran Services Office are critical in obtaining benefits for all county Veterans and their families.

COMMITTEE: The Human Services Committee recommended approval on October 23, 2012.

FISCAL IMPACT: Failure to complete the certificates for FY 2012-2013 would reduce the Yuba-Sutter County Veteran Services Office funding by approximately \$80,251, and would require an increase in expenditure of Yuba and Sutter Counties General Funds or a reduction in office staff/services.

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CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS**SUBVENTION CERTIFICATE OF COMPLIANCE****FISCAL YEAR 2012-2013****COUNTY SUBVENTION PROGRAM**Charge:

Funds are distributed under this program to counties as partial reimbursement for expenses incurred in the operation of the County Veterans Service Office. Funds are distributed according to Military and Veterans Code Sections 972, and 972.1, a State General Funds Expenditure, and 972.2, a Special Fund Expenditure.

County Certification:

I certify that Yuba County has appointed a veteran to serve as the County Veterans Service Officer according to California Code of Regulations Title 12, Subchapter 4. This County Veterans Service Officer will administer the aid provided for in Military and Veterans Code Division 4, Chapter 5.

I further certify that the County Veteran Service Officer will assist every veteran of the United States, as well as their dependents and survivors, in presenting and pursuing such claim as they may have against the United States. The County Veterans Service Officer and all accredited staff will also assist in establishing veterans, dependents and survivors' rights to any privilege, preference, care or compensation provided for by the laws and regulations of the United States, the State of California, or any local jurisdiction.

I also agree that this county, through the County Veterans Service Office, will maintain records for audit. These records will be maintained for a minimum of two years. The county agrees to submit reports in accordance with the procedures and timelines established by CalVet. The County Veterans Service Officer will permit CalVet representatives to inspect all facilities and records.

I further authorize the County Veterans Service Officer to actively participate in the promotion of the California Veterans License Plate program.

Hal Stocker
Chair, County Board of Supervisors

Date

APPROVED AS TO FORM

ANGIL P. MORRIS-JONES

COUNTY COUNSEL

BY: *Paul Garamone*

CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS
MEDI-CAL CERTIFICATE OF COMPLIANCE

FISCAL YEAR 2012-2013

YUBA COUNTY

MEDI-CAL COST AVOIDANCE PROGRAM

I certify that Yuba County has appointed a County Veterans Service Officer (CVSO) in compliance with California Code of Regulations, Title 12, Subchapter 4. Please consider this as our application to participate in the MediCal Cost Avoidance Program authorized by Military and Veterans Code Section 972.5.

I understand and will comply with the following:

1. All activities of the CVSO for which payment is made by the CalVet under this agreement will reasonably benefit the Department of Health Care Services (DHCS) or realize cost avoidance to the MediCal program. All County Eligibility Workers who generate a Form CW-5 (Veterans Benefits Referral) will be instructed to indicate the applicant's Welfare Aid Code on the face of the form.
2. All monies received under this agreement shall be allocated to and spent on the salaries and expenses of the CVSO.
3. This agreement is binding only if federal funds are available to the CalVet from the DHCS.
4. The CVSO is responsible for administering this program according to the California Code of Regulations, Title 12, Subchapter 4.

Hal Stocker
Chair, County Board of Supervisors

Date

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

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

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

DATE: November 13, 2012
TO: Board of Supervisors
FROM: Martha Wilson, Human Resources Director



RECOMMENDATION

Approve the Americans with Disabilities Act and Fair Employment and Housing Act Compliance Policy.

BACKGROUND

Human Resources has been updating and creating policies for the County. The County does not currently have a policy that addresses compliance with the Americans with Disabilities Act (ADA) or the Fair Employment and Housing Act (FEHA). These laws require the County to have a formal policy in place. Employees, applicants, and the general public need to know how to seek accommodations or resolve concerns with employment, facility or program access.

DISCUSSION

The ADA/FEHA compliance policy outlines the County's obligations and the appropriate methods to seek accommodations and resolve access concerns. This policy also gives guidelines for all County staff on how to respond to and handle requests.

COMMITTEE

This item is presented to the full Board rather than to Committee because it pertains to updated Human Resources policies.

FISCAL IMPACT

There is no financial impact to the County.

ATTACHMENTS

ADA/FEHA Compliance Policy
Guidebook to the ADA & FEHA

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County of Yuba
Human Resources &
Organizational Services
915 8th. St., Suite 113
Marysville, CA 95901



Americans with Disabilities Act and Fair Employment and Housing Act Compliance Policy

Adopted November 13, 2012

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PURPOSE / SCOPE

The County of Yuba does not discriminate on the basis of a disability, impairment or genetic information, does not exclude persons with a disability or impairment from participation in any program or activity, and provides equal access to all of its programs, services and facilities to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), Amendments Act (ADAAA) and the Fair Employment and Housing Act (FEHA).

The purpose of the ADA, ADAAA and FEHA is to ensure that individuals with disabilities are afforded the same rights and privileges as non-disabled individuals.

The ADA and amendments prohibit discrimination on the basis of disability in employment, state and local government services and public accommodation and commercial facilities.

Employment - Title I applies to covered employers and prohibits discrimination against a qualified individual with a disability with regard to job application procedures, hiring or discharge, compensation, advancement, job training, and other terms and conditions of employment.

Public Services - Title II requires covered entities to make their services, programs, and activities readily accessible and usable by the disabled. Covered entities include state and local governments, contractors who operate services and programs offered by governments, and public transportation.

Public Accommodations – Title III requires that all newly constructed or altered facilities be readily accessible and usable by individuals with disabilities. Covered entities must comply with the Uniform Federal Accessibility Standards or the standards detailed in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities. While Title III does not directly apply to the County, the County is jointly responsible for compliance with Title III when utilizing an outside venue that is covered.

The California Fair Employment and Housing Act (FEHA) is a statute prohibiting employment discrimination covering employers, labor organizations, employment agencies, apprenticeship programs and any person or entity, who aids, abets, incites, compels, or coerces the doing of a discriminatory act. It prohibits employment discrimination based on race or color; religion; national origin or ancestry; physical disability; mental disability or medical condition; marital status; sex or sexual orientation; age, with respect to persons over the age of 40; genetic information; and pregnancy, childbirth, or related medical conditions. The FEHA also prohibits retaliation for opposing any practice forbidden by the Act or for filing a complaint, testifying, or assisting in proceedings under the FEHA.

In instances where the FEHA provides a greater benefit, resulting in broader protection of the civil rights of disabled individuals, than the FEHA's provisions prevail over the ADA and are represented accordingly in this policy.

POLICY

It is the policy of the Board of Supervisors that the County of Yuba shall:

- Not exclude persons with a disability or impairment from participation in any program or activity.
- Not deny access to any of its programs, services and facilities to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), ADA Amendments Act (ADAAA) and the California Fair Employment and Housing Act (FEHA).
- Not discriminate on the basis of disability or genetic information in its hiring or employment practices and comply with all federal and state laws accordingly.
- Provide reasonable accommodation when requested for those applicants and employees, who, because of their disability, are unable to perform the essential functions of their job.
- Engage in a timely, good faith interactive active process with applicants, employees and members of the public in need of reasonable accommodation.
- Generally and upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County of Yuba programs, services and activities.
- Make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of the County of Yuba programs, services and activities.
- Comply with all applicable requirements of the ADA, ADAAA and FEHA.

The Board of Supervisors has established the Human Resources Director as the ADA Compliance Officer for Titles I and II and the Administrative Services Director as the ADA Compliance Officer (facilities) for Title III and structural access, with exceptions. Accordingly the Board of Supervisors designates the Human Resources Deputy Director as the ADA Coordinator for Titles I and II and the Assistant Director of Administrative Services as the ADA Coordinator (facilities) for Title III and structural access, with exceptions, for the County of Yuba.

The County of Yuba is committed to providing fair and impartial treatment regardless of disability status, and unrestricted access to all programs, services and activities. It is the County's intent to ensure all human resource policies, practices, and programs are administered and implemented in a fair, equitable and non-discriminatory manner. However, the ADA does not require the County of Yuba to take any action that would fundamentally alter the nature of its programs or services or impose an undue hardship.

DEFINITIONS

Ameliorative effects of mitigating measures includes medication, medical supplies, equipment, or appliance, low-vision devices, prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

Auxiliary Aides and Services include:

- Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments,
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- Acquisition or modification of equipment or devices; and other similar services and actions.

A complaint is a claimed violation of the ADA, ADAAA or the FEHA.

Disability, with respect to an individual, includes: a temporary or permanent physical or mental impairment that limits one or more of the major life activities of such individual; a record of such impairment as certified by a medical expert; or being regarded as having such impairment, whether they have an impairment or not. An individual is disabled if she or he has a physical or mental impairment that renders her or him unable to perform a major life activity, or limits the condition, manner or duration under which she or he can perform a particular major life activity in comparison to other people.

Discrimination on the basis of a disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Participate in a contract that could subject a qualified citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the County's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

Essential functions means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position. A function is typically essential for one or more of the following reasons:

- The position exists to perform the function.
- There are a limited number of employees available who perform this function.
- The function is highly specialized and the incumbent has been hired for his/her expertise and/or ability to perform it.

Genetic Characteristics is defined as either:

- Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.
- Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of a disease or disorder.

Genetic Information is broadly defined to include:

- Genetic tests of an individual or his/her family members;
- An individual's family medical history;
- An individual's request for or receipt of genetic services or participation in clinical research that includes genetic services; and
- Genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual, and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Genetic tests are analyses of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes and include:

- Carrier screening for adults using genetic analysis to determine the risk of conditions such as cystic fibrosis, sickle cell anemia, spinal muscular atrophy, or fragile X syndrome in future offspring;
- Tests to determine if someone has the BRCA1 or BRCA2 variant evidencing a predisposition to breast cancer; and
- DNA testing that reveals family relationships, such as paternity.

Good faith means an employer and employee communicate directly with each other to determine essential information where neither party delays or interferes with the process.

Interactive process is a process between the employer and the applicant or employee with a known disability, which typically includes consulting with the individual to ascertain the precise job-related limitations and how they could be overcome with a reasonable accommodation; and identifying potential accommodations and assessing their effectiveness.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. They also include major bodily functions such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, lymphatic, cardiovascular and reproductive functions. In determining whether physical or mental impairment limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered without regard to ameliorative effects of mitigating measures: the nature and severity of the impairment; the duration or expected duration of the impairment; and the permanent or long-term impact (or expected impact) of or resulting from the impairment. Under the FEHA major life activities should be broadly construed and include physical, mental and social activities and working.

Medical Condition means any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer, or a genetic characteristic (as defined above).

Mental Disability means having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity, or having any other mental or psychological disorder or condition that requires special education or related services. An employee who has a record or history of a mental or psychological disorder or condition which is known to the employer, or is who regarded or treated by the employer as having one, is also protected.

Physical Disability means having any physiological disease, disability, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of several body systems and limits a major life activity. This also includes any other health impairment that requires special education or related services; having a record of any of the above which is known to the employer; and being perceived or treated by the employer as having any of the aforementioned conditions.

Physical or mental impairments may include, but are not limited to: vision, speech, and hearing impairments; emotional disturbances and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B, HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer illegally uses drugs. The following conditions are not physical or mental impairments: transvestitism; transsexualism; illegal use of drugs; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; some gender identity disorders; height; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

A **qualified individual (qualified citizen)** with a disability means an individual with a disability, who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the County.

Reasonable accommodation is any change in program or activity or in the way things are customarily done that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity;
- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and
- That enable individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Transition Plan is a written document that sets forth the steps necessary to make a facility compliant with Title II/III of the ADA and is only required in the event that structural changes to facilities need to be undertaken to achieve program accessibility.

Undue hardship means significant difficulty or expense incurred in the provision of accommodation. Undue hardship includes, but is not limited to, financial difficulty. Undue hardship refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the County, or the position an employee holds. Factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources, the impact of the expense of the accommodation will have on the affected County operation, the permanence of the alterations affecting the site and the nature and structure of its operation.

Terms defined and not defined herein shall have the meanings as set forth in the FEHA, ADA and ADAAA, as amended or further clarified by law.

RESPONSIBILITIES

Board of Supervisors

- Commit Yuba County, its officers, and employees to support and pursue in good faith the basic guarantees of equal rights and access to County employment, services, programs and facilities;
- Pledge their support to the objectives of the Compliance Policy;
- Provide, within budgetary limits, the necessary financial and staff support needed for the effective implementation and maintenance of the Compliance Policy;
- Pledge the cooperation of all County officers and employees in the achievement of this policy's objectives; and

County Administrator

- Assume the ultimate responsibility for the success of the Compliance Policy;
- Pledge the cooperation of all department heads, supervisors, and employees in the achievement of this policy's objectives; and
- Assure effective communication of, and conformance with, the requirements of this policy and assure that each department head takes such action as is necessary to achieve the policy's objectives.

Human Resources Director / Administrative Services Director / ADA Compliance Officer (or designee)*

- Coordinate the efforts of this policy with the Board of Supervisors, County Administrator, department heads, and the ADA Coordinator;
- Initiate, coordinate and evaluate the County's compliance procedures to ensure that all employees, applicants and the general public receive the benefits of equal access to the County facilities, programs and services;
- Evaluate, monitor and make recommendations on the Compliance Policy, Self-Evaluation Process and Transition Plans, as necessary;
- Coordinate the County's Compliance policy with the appropriate federal and state agencies; and
- Work to resolve internal and external complaints of access denials or discriminatory employment actions.

Human Resources Deputy Director / Assistant Administrative Services Director / ADA Coordinator (or designee)*

- Administer the County's ADA, ADAAA & FEHA compliance procedures to ensure that all employees, applicants and the general public receive the benefits of equal access to the County facilities, programs and services;
- Assist in the evaluation and monitoring of the ADA Compliance Policy, Self-Evaluation Process and Transition Plans, as necessary;
- Engage in the Interactive Process with employees, applicants and the general public when necessary; and
- Arrange, conduct and evaluate training activities related to ADA compliance programs and policies.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

Human Resources Staff / Administrative Services Staff*

- Work with management and consultative committees to develop, review and implement the ADA/FEHA Compliance Policy;
- Provide training to department managers and supervisors on the requirements of the Compliance Policy;
- Research ADA/FEHA matters and keep management informed of developments in ADA/FEHA Compliance;
- Post this policy and/or required documentation on the County's intranet and internet.

Human Resources Staff (in addition to the above):

- Ensure that the physical requirements listed on County job classification specifications are stated clearly and completely and are relevant to the job;
- Ensure that the County's recruitment and promotional practices provide for equal consideration of all qualified applicants and/or candidates;
- Ensure all elements of the examination process are directly related to actual job duties and requirements and will be administered fairly to all applicants and/or candidates; and

Management

- Demonstrate commitment and support of this policy;
- Ensure that the principles covered in the Compliance Policy are upheld by employees for whom they are responsible;
- Ensure that decisions relating to promotions, transfers, reclassifications, demotions, lay-offs, or termination of County employees are made free of discrimination;
- Ensure equality of employment opportunity is extended to all employees, and that no unlawful discrimination occurs in employment practices; and
- Report any discrimination or non-compliance complaint to the ADA Compliance Officer.
- Ensure that the requirements of Notice to the Public are satisfied for all employment activities and programs as appropriate.
- Document requests for accommodation and ensure that the process outlined in this policy is followed.

Employees and/or Applicants

- Understand and abide by the County's Compliance Policy, and comply with its terms;
- Support a work climate that is conducive to achieving equal employment opportunities and programs, service and facility access and a workplace free from discrimination;
- Request an accommodation if one is needed;
- Report conduct which is prohibited by this policy, whether or not personally involved, to his/her supervisor or the County ADA Compliance Officer. All employees have the right and responsibility to report conduct which is a violation of any policies or guidelines related to discrimination; and
- Cooperate completely in any investigation of violations of this policy.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

GUIDELINES

Employment Practices

An individual with a disability is an employee or applicant for employment who, with or without reasonable accommodation, can perform the essential functions of an employment position the individual either holds or desires.

Provisions:

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant who is offered a job or employee with a disability to perform the essential functions of a job, to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities and/or to participate in the County's recruitment and testing process and to enjoy employment opportunities equal to those available to other applicants. For example, reasonable accommodation may include:

- Acquiring or modifying equipment or devices,
- Reassignment to a vacant position,
- Modified work schedules,
- Adjusting or modifying examinations or examination conditions, training materials or policies,
- Providing readers and/or interpreters, and
- Making the workplace readily accessible to and usable by people with disabilities.

Accommodation is not required if:

- It changes the essential functions of the position;
- The employee cannot perform the essential job functions even with the accommodation;
- It creates a hazardous condition;
- The employee would not meet a bona fide occupational qualification;
- A statutory requirement (i.e. labor code, CalOSHA, etc.) pre-empts the FEHA/ADA provision;
- It reduces or replaces the minimum requirements or a skill or certification required to perform a job;
or
- It poses an undue hardship on the County.

Reasonable Accommodations:

An individual with a disability may request a reasonable accommodation by contacting his/her immediate supervisor, the Human Resources Department, or the ADA Coordinator and/or completing the *Employee Request for Accommodation* form. Applicants for employment may request a reasonable accommodation by utilizing the *Request for Reasonable Accommodation in Employment Examination Process* available from the Human Resources Department. Individuals may suggest a reasonable accommodation based upon the individual's own life or work experience. The County is under no obligation to implement this suggested accommodation, only to take it under consideration in addition to other accommodations the County finds reasonable through its own research and experience. When an appropriate accommodation is not readily apparent, the County must make a reasonable effort to identify one. The County ADA Coordinator, or designated representative, will engage in the interactive process with the applicant or employee about potential accommodations that would enable the individual to participate in the application process and/or perform the essential functions of the job in question.

Program/Facility Access:

Individuals who are disabled may request reasonable accommodation to assist the individual in accessing County facilities, programs or services

Provisions:

Reasonable accommodation is any change or adjustment to a program, policy, facility, communication method or other equipment or service that permits an individual with a disability access to a County program, service or facilities otherwise afforded to the general public. For example, reasonable accommodation may include:

- Acquiring or modifying equipment or devices,
- Auxiliary aids,
- Adjusting or modifying service conditions or policies,
- Providing readers and interpreters, and
- Making the program/facility readily accessible to and usable by people with disabilities.

Accommodation may include modification of existing facilities and making equipment used by individuals readily accessible and usable by individuals with disabilities. Modification applies to:

- All decisions and to the application or registration process;
- All services provided in connection with the program or activity; and
- Known disabilities only.

Modification is not required if:

- It changes the essential nature of a program or activity;
- It creates a hazardous condition;
- Adjustments or modifications requested are primarily for the personal benefit of the individual with a disability; or
- It poses an undue hardship on the County.

Reasonable Accommodations:

An individual with a disability may request a reasonable accommodation by contacting the County department providing the facility, program or service; the Human Resources Department; or the ADA Coordinator (facilities) and/or completing the *ADA Complaint/Assistance Form*. The individual may suggest a reasonable accommodation based upon the individual's own life or work experience. The County is under no obligation to implement this suggested accommodation, only to take it under consideration in addition to other accommodations the County finds reasonable through its own research and experience. When an appropriate accommodation is not readily apparent the County must make a reasonable effort to identify one. The County ADA Coordinator (facilities), or designated representative, will engage in the interactive process with the disabled individual about potential accommodations that would enable the individual to partake of the County services, programs or facilities as outlined in this policy.

Exceptions:

It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. If a particular modification is determined to cause an undue hardship to the County of Yuba, the County shall attempt to identify another modification that would not pose such a hardship. If cost causes the undue hardship, the County must consider whether funding for the modification is available

from an outside source. If no such funding is available, the County must give the person with a disability the opportunity to provide the modification or to pay for that portion of the modification that constitutes an undue hardship.

All final decisions regarding reasonable accommodation and undue hardship rest with the County's designated ADA Compliance Officer*.

This policy, where silent, shall remain in accordance with the ADA/ADAAA and FEHA, as amended. When there is a disparity between these regulations, the regulation with the stricter requirement will prevail. When a conflict arises between this policy and either of these regulations, the policy or regulation with the stricter requirement shall prevail.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

PROCEDURES

The procedures below are meant to describe, in general terms, a process tailored to each distinctive circumstance. Therefore, such procedures serve only as guidelines and are subject to change based on the circumstances as deemed appropriate by the ADA Coordinator*. The ADA Coordinator* and ADA Compliance Officer* may designate an individual within the Human Resources or Administrative Services department to assume a role on his/her behalf during the ADA accommodation process. A Department head may designate another individual to assume a role on his/her behalf during the ADA accommodation process.

ADA Assistance Request

1. An individual requests an accommodation or submits the ADA Assistance Request Form to the Human Resources Department. Should an employee become aware of a request for a reasonable accommodation, the employee will notify his/her direct supervisor and the Human Resources department. The Human Resources department will encourage the individual to complete an ADA Assistance Request to assist in the interactive process.
2. The ADA Coordinator checks for available auxiliary aids, as appropriate. If necessary, the ADA Coordinator and the appropriate Department Head determine whether the individual's disability poses a direct threat to the health or safety of other individuals in the workplace, and whether the threat can be removed by a reasonable accommodation. If there is no direct threat and an auxiliary aid is available and appropriate, the individual will be reasonably accommodated. If an auxiliary aid is not available or appropriate, then other potential accommodations are reviewed.
3. For program accessibility requests, the ADA Coordinator and the Department Head consider whether reasonably modifying the policies, practices and/or procedures of the program would accommodate the individual. If an accommodation is available and appropriate, the individual will be reasonably accommodated. If the accommodation imposes an undue hardship or fundamentally alters the nature of the program the individual cannot be accommodated at this time.
4. For Title III structural access issues the ADA Coordinator (facilities) will determine if the facility meets the standards set forth in the Uniform Federal Accessibility Standards and the ADA Accessibility Guidelines for Buildings and Facilities, whether architectural barriers need to be removed from an existing facility, and whether such an alteration is available that is both achievable and does not pose an undue hardship.

Employment Applicant ADA Accommodation Request

1. Once an applicant submits the request for accommodation to the Human Resources Department, the ADA Coordinator will examine the applicant's request and determine the nexus of the disability to the testing environment/circumstances and researches potential impact and availability of the requested accommodation.
2. The ADA Coordinator enters in an interactive dialogue with the applicant to find out his/her physical or mental functional limitations as they relate to the recruitment process. This interactive dialogue will continue throughout the entire recruitment process.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

3. The ADA Coordinator determines based on objective medical or other evidence that the known requirements of the position applied for and the means in which they must be tested, if the following are met:
 - a. Is the applicant's disability covered under the ADA/FEHA?
 - b. If the applicant's disability poses a direct threat to the health or safety of other individuals in the workplace, can this threat be removed by a reasonable accommodation, if appropriate?
 - c. Is the applicant qualified for the position, with or without a reasonable accommodation?
4. The applicant and the ADA Coordinator identify potential accommodations.
5. The ADA Coordinator evaluates whether the proposed accommodations are reasonable, whether there are other accommodations which will remove any direct threat, whether the accommodations allow the examination to measure the essential function, knowledge, skills or abilities or other minimum requirements of the position desired, and whether any proposed accommodations will create an undue hardship. Accommodations that do not meet these criteria need not be implemented.
6. If the criteria are met, the applicant will be accommodated. If the criteria are not met, then the applicant will not be accommodated at this point. The ADA Coordinator will re-assess the situation when the direct threat or undue hardship is eliminated, as needed.

Employee ADA Accommodation Request

1. Employee completes the Employee Request for Accommodation Form. The employee shall give the original form to the Human Resources department and provide a copy of the form to his/her direct supervisor. Should a supervisor become aware of a request for a reasonable accommodation, the supervisor will notify the Human Resources department and provide the Employee the Employee Request for Accommodation form and request he/she complete the required fields.
2. The Supervisor completes the supervisory portion of the Employee Request for Accommodation form and sends the original form to the Human Resources department. The supervisor sends a copy of the completed form to his/her Department Head.
3. The Department Head completes the Department Head portion of the Employee Request for Accommodation form and sends the original to the Human Resources department.
4. Upon receipt of the Employee portion of the Request for Accommodation, or upon reasonable notification and request, the ADA Coordinator, or designee, analyzes the employee's job description and determines the essential functions. The ADA Coordinator, or designee, will also analyze and review the Employee Portion of the Request form, in addition to the Supervisory and Department Head portion of the Request form, as they are received. The employee may be asked to submit a Medical Release for Employee Requesting Accommodation due to Disability.
5. The ADA Coordinator and the Department Head enter into an interactive dialogue with the employee to find out his/her physical or mental functional limitations as they relate to the job's essential functions. This interactive dialogue will continue throughout the entire process.
6. The ADA Coordinator and the Department Head determine, based on objective medical or other evidence, if all of the following are met:
 - a. Is the employee's disability covered by the ADA/FEHA?
 - b. If the employee's disability poses a direct threat to the health or safety of other individuals in the workplace, can the threat be removed by a reasonable accommodation, if appropriate?
 - c. Is the employee qualified for the position and able to perform the essential duties, with or without a reasonable accommodation?
7. The employee, ADA Coordinator and the Department Head identify potential accommodations.

8. The ADA Coordinator and the Department Head evaluate whether the proposed accommodations are reasonable, whether there are accommodations which will remove any direct threat, whether the accommodation changes the essential functions and/or nature of the job, and whether any proposed accommodations will create an undue hardship. Accommodations that do not meet these criteria need not be implemented.
9. If the criteria are met, the employee will be accommodated. If the criteria are not met, then the employee will not be reasonably accommodated at this point. The ADA Coordinator will re-assess the situation when the direct threat or undue hardship is eliminated, as needed.

ADA Complaint Process

1. A complaint should be filed in writing, contain at least the name and address of the person filing it, and briefly describe the alleged violation of the regulations. Alternative means of filing will be available to individuals with disabilities who require such an alternative.
2. A complaint should be filed within sixty (60) calendar days after the complainant becomes aware of the alleged violation; federal law allows one hundred eighty (180) days.
3. Complaints will be resolved in accordance with Yuba County Employer-Employee Relations Policy, Grievance Procedures.
4. A complaint is considered received by the ADA Compliance Officer* when physically received in the Human Resources department and appropriately date stamped.
5. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation may be formal or informal but thorough and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
6. The Human Resources department shall maintain the files and records relating to the complaints filed for a period of at least one year.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by nor shall the use of this procedure be a prerequisite to the pursuit of other remedies.
8. Other remedies include the filing of an ADA complaint with the appropriate state or federal agency.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

FORMS USED

ADA Complaint / Assistance Form

Employee Request for Accommodation

Medical Release for Employee Requesting Accommodation due to Disability

Request for Reasonable Accommodation in Employment Examination Process

REFERENCES/RESOURCES

AB 1856

Made non-supervisory co-employees personally liable for committing workplace harassment in violation of the FEHA, regardless of the status of employer liability.

AB 2222 – “Poppink Act”

Amended the definitions of mental and physical disability to merely limit a major life activity; imposes a requirement on employers to engage in a timely, interactive process and prohibits disability related inquiries or examinations by employers, except under certain circumstances.

Americans with Disabilities Act of 1990

Prohibits discrimination based on a disability. The Act defines a disability as a “physical or mental impairment that substantially limits a major life activity.”

American with Disabilities Act Amendments Act (ADAAA) of 2008

Amended the definition of a disability and provided further direction on how and when employers should provide accommodation for those who qualify.

California Civil Rights Initiative – Proposition 209

Amended the California Constitution to prohibit public entities from using race, sex, color, ethnicity or national origin as a basis for either discriminating against, or granting preferential treatment to any individual or group in the operation of the State’s system of public employment, public education, or public contracting.

Disability Under the Fair Employment and Housing Act

A publication from the California Department of Fair Employment and Housing that details the requirements and duties of an agency in complying with the law.

Equal Employment Opportunity Act of 1972

Empowered the EEOC.

Fair Employment and Housing Act

Prohibits employment bias on the basis of race, religious creed, color, national origin, ancestry, physical disability, medical condition, marital status, sex (including sexual orientation), age or pregnancy.

Genetic Information Nondiscrimination Act of 2008

Prohibits the use of genetic information to make decisions about health insurance and employment, and restricts to acquisition and disclosure of genetic information.

Pregnancy Discrimination Act of 1978

Afforded EEO protection to pregnant workers and requires pregnancy to be treated like any other disability.

Rehabilitation Act of 1973, as amended, Section 504

Guarantees certain rights to people with disabilities and is widely recognized as the first civil-rights statute for persons with disabilities.

Title II Technical Assistance Manual, covering State and Local Government Programs and Services

A technical assistance manual that addresses the requirements of the ADA to assist agencies in understanding their duties under the Act.

Title II Technical Assistance Manual 1994 Supplement

A supplement to the Title II Technical Assistance Manual outlining additional requirements on agencies.

REVISION RECORD

Established Date: 11/13/2012

Appendix A – Guidebook to the ADA & FEHA



Guide to the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA)

Purpose

The County of Yuba is committed to equal employment opportunity and accessibility for individuals with disabilities and has developed this guide in accordance with the Americans with Disabilities Act, Amendments Act and Fair Employment and Housing Act Compliance Policy (Policy No. HROS 1.10), to answer frequently asked questions, to explain the processes in place within the County of Yuba for handling requests for program, facility, and employment accessibility, and to provide additional disability related resources.

Background

The Americans with Disabilities Act

The ADA and the ADA Amendments Act are federal legislation that provides civil rights protection to individuals with disabilities similar to the civil rights protections afforded for race, color, sex, national origin, age, sexual orientation, and religion. The purpose of the ADA is to assure equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications. The County of Yuba, as a local government agency, is required by law to comply with these federal regulations, as well as any related state regulations such as The Fair Employment and Housing Act (FEHA).

The ADA prohibits discrimination against any qualified individual with a disability. A qualified individual with a disability is anyone who:

- Has a temporary or permanent physical or mental impairment that substantially limits one or more major life activities, e.g., seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself and working;
- Has a record of such an impairment as certified by a medical expert; or
- Is regarded as having such impairment, whether they have an impairment or not.

Employment (Title I of the ADA)

Title I applies to covered employers and prohibits discrimination against a qualified individual with a disability with regard to job application procedures, hiring or discharge, compensation, advancement, job training, and other terms and conditions of employment.

A qualified individual with a disability is an individual with a disability who, with or without a reasonable accommodation, can perform the essential functions of the job that the individual holds or is applying for. Generally, covered employers must provide a reasonable accommodation unless the provision of the accommodation would create an undue hardship on the employer or pose a direct threat to the safety of other, and there is no reasonable means of removing the threat.

A reasonable accommodation is any change or adjustment to a job, application process, or work environment that permits a qualified applicant or employee with a disability to participate in the employment process. Accommodations may include special testing for applicants, auxiliary aids, verbal testing, providing readers or sign language interpreters, providing or modifying equipment or devices, job restructuring, modified work schedules, reassignment to a vacant position, modified examinations, modified training materials or policies, or any other accommodation which makes the workplace readily accessible and usable for someone with a disability.

Public Services (Title II of the ADA)

Title II requires public entities to make their services, programs, and activities readily accessible and usable by the disabled. Covered entities include state and local government, contractors who operate services and programs offered by these governments, and public transportation.

Program accessibility can be achieved through the use of auxiliary aids such as telecommunications devices for the deaf (TDD), sign language interpreters, listening devices for the hearing impaired, acquiring or modifying equipment or devices, adjusting or modifying service conditions and policies, and other activity modifications. The provision of auxiliary aids is required unless to do so would result in an undue hardship or a fundamental alteration in the nature of the services provided. The need for, and provision of, auxiliary aids is determined on a case-by-case basis, viewing the service, program or activity in its entirety.

Public Accommodations (Title III of the ADA)

Title II requires that all newly constructed or altered facilities be readily accessible and usable by individuals with disabilities. Covered entities must comply with the Uniform Federal Accessibility Standards or the standards detailed in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities. Facilities can be made more accessible by constructing ramps, installing grab bars, lowering telephones and light switches, and other similar modest adjustments. However, the ADA does not require a modification where the modification would fundamentally alter the nature of the services provided or where installation of the modification is not readily accessible.

Compliance Steps

The County of Yuba has established a policy on ADA/FEHA Compliance (Policy No. HROS 1.10), which outlines the commitment of the County to the spirit, intent and letter of the law. This guide represents one action by the County to educate County employees, applicants and members of the public as to the nature of the ADA/FEHA and the County of Yuba's efforts to maintain compliance. In addition, the County of Yuba has designated the Human Resources Director as the ADA Compliance Officer for Titles I and II and the Administrative Services Director as the ADA Compliance Officer (facilities)* for Title III and structural access, with exceptions. The ADA Compliance Officer is responsible for ensuring that all levels of county government maintain compliance with the ADA. Accordingly the County of Yuba has designated the Human Resources Deputy Director as the ADA Coordinator for Titles I and II and the Assistant Director of Administrative Services as the ADA Coordinator (facilities)* for Title III and

structural access, with exceptions. The ADA Coordinator, with the help of designees as appropriate, implements the ADA/FEHA policy and engages in the related interactive processes. All County Department Heads are responsible for maintaining, reporting and overseeing compliance as established by the ADA Coordinator within their individual department. The County of Yuba has a designated employee within Building Inspection who periodically performs reviews of and monitors compliance of all new and remodeled facilities. Finally, the County has an adopted grievance process, performs self-evaluations, develops transition plan for structural and non-structural changes as necessary and provides public notice that the County does not discriminate on the basis of disability.

The Fair Employment and Housing Act

The California Fair Employment and Housing Act (FEHA) is a state statute prohibiting employment discrimination covering employers, labor organizations, employment agencies, apprenticeship programs and any person or entity, who aids, abets, incites, compels, or coerces the doing of a discriminatory act. It prohibits employment discrimination based on race or color; religion; national origin or ancestry, physical disability; mental disability or medical condition; marital status; sex or sexual orientation; age, with respect to persons over the age of 40; and pregnancy, childbirth, or related medical conditions. The FEHA also prohibits retaliation for opposing any practice forbidden by the Act or for filing a complaint, testifying, or assisting in proceedings under the FEHA.

This California law offers greater protection to disabled employees than the federal ADA. For example, while the ADA defines a disability as “a physical or mental impairment that substantially limits one or more major life activities,” the FEHA only requires the impairment to make performance of a major life activity “difficult.” Thus, under the FEHA an individual who may not be considered disabled and thus offered protection under the ADA is offered protection under the FEHA.

Some of the other important items to note include:

- The definitions of mental and physical disability prevent discrimination based on a person’s record or history of certain impairment.
- Physical and mental disabilities include, but are not limited to, chronic or episodic conditions such as HIV/AIDS, hepatitis, epilepsy, seizure disorder, multiple sclerosis and heart disease
- “Working” is a major life activity regardless of whether the actual or perceived working limitations implicate a specific position or broad class of employment, whereas under the ADA, the mental or physical disability must affect a person’s ability to obtain a broad class of employment.
- An employer cannot ask about an applicant’s medical or psychological condition or disability except under specific circumstances.
- Employers cannot ask a current employee about their medical or psychological condition or disability unless the condition is related to the employee’s job.

- Employers must engage in a timely, good faith interactive process with applicants and employees in need of reasonable accommodation.
- Before an applicant or employee must be accommodated, he or she must establish that they have a disability as defined under the Act.

The FEHA defines two categories of disability: mental disability and physical disability. Each category contains its own specific definition. Additionally, under the FEHA, an employee with a “medical condition” is also entitled to accommodation.

* Administrative Services’ role is in ADA/FEHA compliance of facilities and structural access only

Glossary

Auxiliary Aids – Supportive aids such as interpreters, special listening devices, and acquisition or modification of equipment or services.

Direct Threat – The individual's condition or accommodation will or does pose a significant risk of substantial harm to the health or safety of the individual or others, and there are no reasonable means of removing the threat.

Disability - physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such impairment.

Good faith - An employer and employee communicate directly with each other to determine essential information where neither party delays or interferes with the process.

Interactive process - A process between the employer and the applicant or employee with a known disability, which typically include consulting with the individual to ascertain the precise job-related limitations and how they could be overcome with a reasonable accommodation; and identifying potential accommodations and assessing their effectiveness.

Qualified Individual with a Disability – An individual with a disability who, with or without reasonable accommodation, can perform the essential job functions that the individual holds or is applying for.

Fundamental Alteration – An action requiring significant change to the original intent of the program or service.

Major Life Activities - Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others and working. They also include major bodily functions such as the immune system, lymphatic, cardiovascular and reproductive functions.

Medical Condition – Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer, or a genetic characteristic (as defined in HROS Policy 1.10).

Mental Disability – Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity, or having any other mental or psychological disorder or condition that requires special education or related services. An employee who has a record or history of a mental or psychological disorder or condition which is known to the employer; or is who regarded or treated by the employer as having one, is also protected.

Physical Disability – Having any physiological disease, disability, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of several body systems and limits a major life activity. This also includes any other health impairment that requires special

education or related services; having a record of any of the above which is known to the employer; and being perceived or treated by the employer as having any of the aforementioned conditions.

Physical or Mental Impairments - Include, but are not limited to: vision, speech, and hearing impairments; emotional disturbances and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B, HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer illegally uses drugs. The following conditions are not physical or mental impairments: transvestitism; illegal use of drugs; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; height; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

Readily Achievable – Easily accomplished and carried out without much difficulty or expense to the program/employer.

Reasonable accommodation - Any change in a program or activity, or in the way things are customarily done, equipment that can be provided, or modifications to existing equipment/buildings that enables an individual with a disability to enjoy equal program opportunities.

Undue Hardship – A significant difficulty or expense incurred in the provision of accommodation. Undue hardship includes, but is not limited to, financial difficulty. Undue hardship refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the County, or the position an employee holds. Factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources, the impact of the expense of the accommodation will have on the affected County operation, the permanence of the alterations affecting the site and the nature and structure of its operation.

Requesting an Accommodation

While the ADA and the FEHA do not provide special treatment, entitlements, money, or benefits to individuals with disabilities, they do provide equal access to employment, government programs, services, activities, and facilities. If you are a member of the public, a current employee, or an applicant, who is disabled and would like to request an accommodation to access please complete the appropriate form.

Request for Reasonable Accommodation in Employment Examination Process form – to request an accommodation in the employment application process.

Employee Request for Accommodation form – to request an accommodation in your employment with the County of Yuba.

ADA Complaint/Assistance form – to request an accommodation for access to a County program or facility or to file a complaint related to a denial of accommodation in hiring practices, employment, and program or facility access.

All accommodation requests are analyzed on a case-by-case basis. The flowcharts provided in this guide provide an approximate visual depiction of the relevant process.

Filing a Complaint

Members of the public, applicants to, or employees of Yuba County may file a complaint in writing with the County against any action which they believe to be discriminatory in; denial of access to services, programs or facilities; procedure or practice in recruitment, examination, appointment, training, promotion, retention or any other term condition, or privilege of employment by requesting and completing the “ADA Complaint/Assistance form” and submitting it to Human Resources, Attn: ADA Compliance Officer. They may also file a complaint with the appropriate state or federal agency.

Recruitment – Request for Applicant Accommodation Flowchart

Applicant Makes ADA Request

Applicant with a qualifying disability requests accommodation or submits the Request for Reasonable Accommodation in Employment Examination Process form to the Human Resources Department prior to the final filing date for the position of interest.

Case-by-Case Analysis

The ADA Coordinator, or designee, examines the applicant's special request and determines the nexus of the disability to the testing environment/circumstances and researches potential impact and availability of the requested accommodation.

Interactive Dialogue with Applicant

The ADA Coordinator, or designee, enters in an interactive dialogue with the applicant to find out his/her physical or mental functional limitations as they relate to the recruitment process. (The interactive dialogue continues throughout the entire process.)

County Assessment

The ADA Coordinator, or designee, determine based on objective medical or other evidence and the known requirements of the position applied for and the means in which they must be tested, if the following are met:

- Is the applicant's disability covered under the ADA/FEHA?
- If the applicant's disability poses a direct threat, can this threat be removed by a reasonable accommodation, if appropriate?
- Is the applicant qualified with or without a reasonable accommodation?

Identify Accommodations

The applicant and the ADA Coordinator or designee identify potential accommodations.

Determination of Feasibility

The ADA Coordinator or designee evaluate whether the proposed accommodations are reasonable, whether there are accommodations which will remove any direct threat, whether the accommodations allow the examination to measure the essential function, knowledge, skills or abilities or other minimum requirements of the position desired, and whether any proposed accommodations will create an undue hardship. Accommodations that do not meet these criteria need not be implemented.

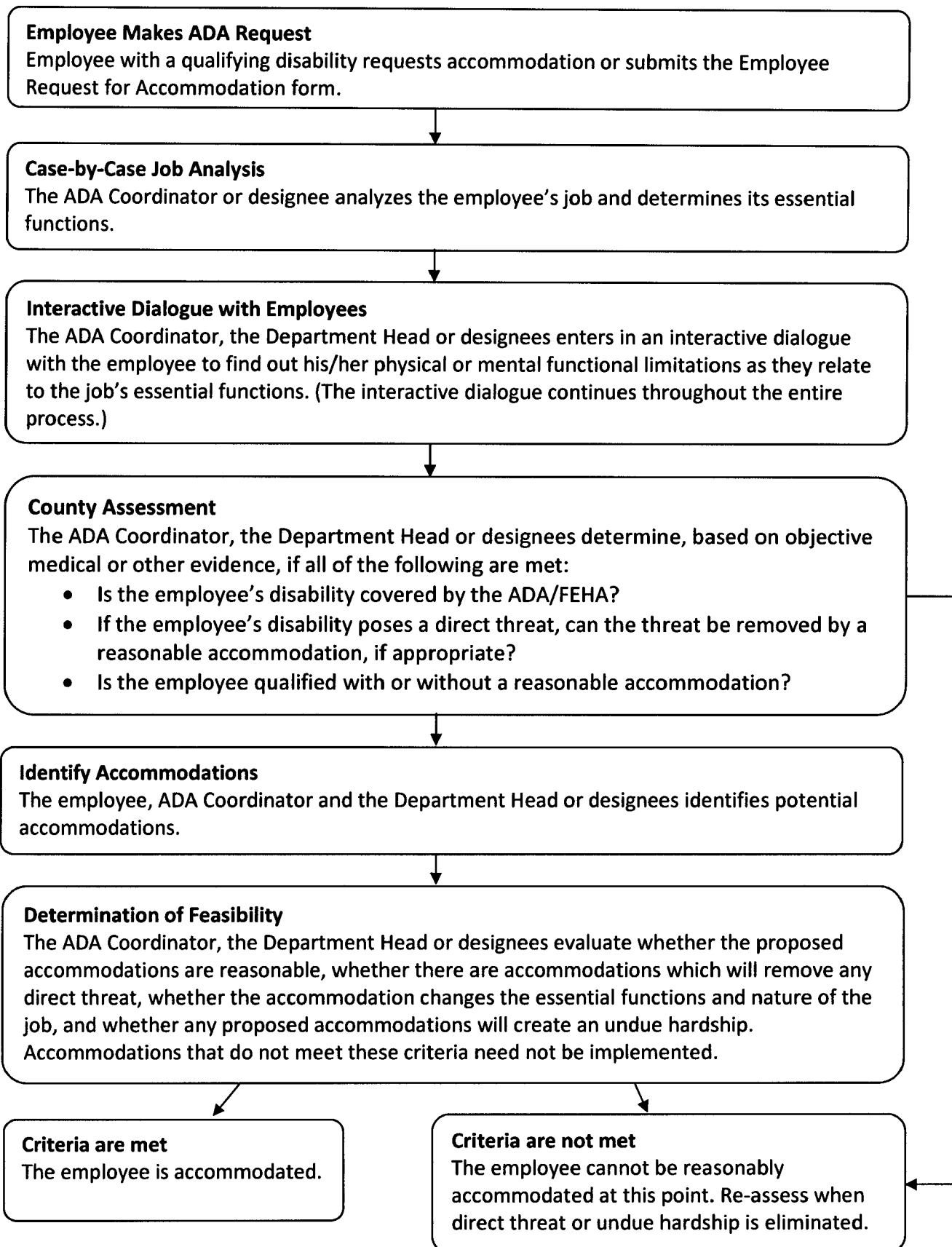
Criteria are met

The applicant is accommodated.

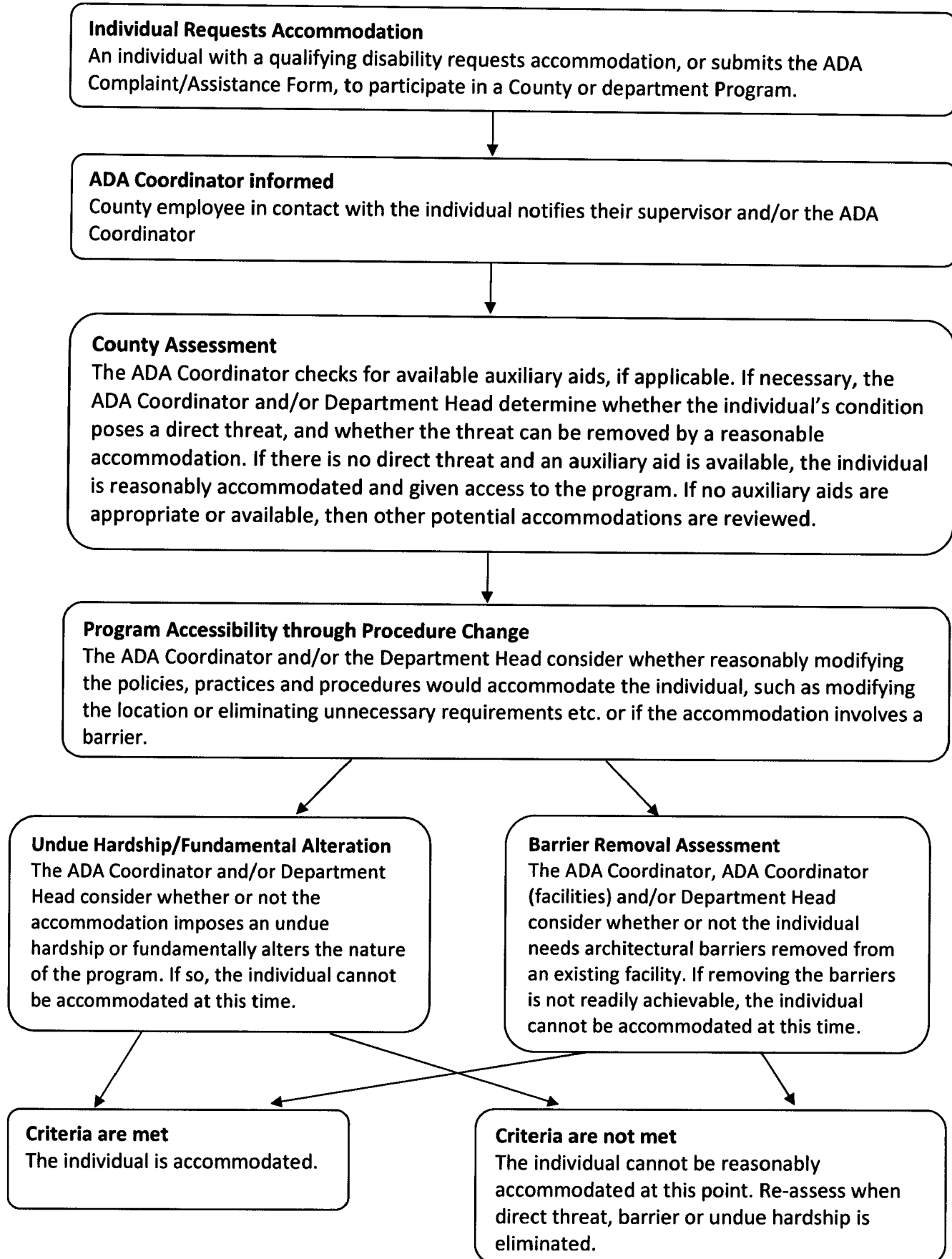
Criteria are not met

The applicant cannot be reasonably accommodated at this point. Re-assess when direct threat or undue hardship is eliminated.

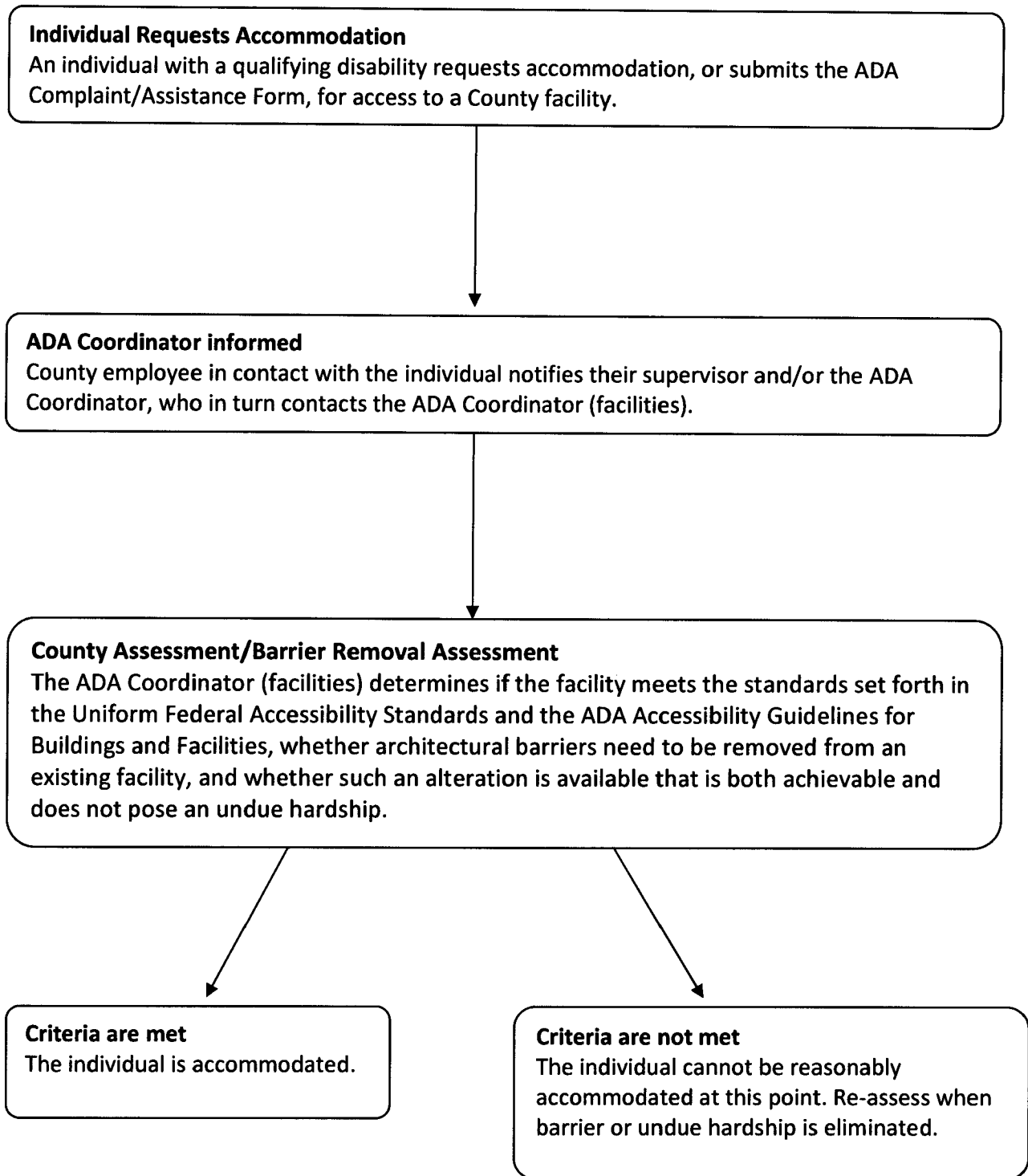
Employment – Request for Accommodation Flowchart



Program Accessibility – Request for Accommodation Flowchart



Structure Accessibility – Request for Accommodation Flowchart



Grievance Procedure Flowchart

The County of Yuba has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing the Americans with Disabilities Act and the California Fair Employment and Housing Act. Complaints regarding compliance should adhere to the following process, in compliance with the County of Yuba Employer-Employee Relations Policy:

Individual Files a Complaint

A complaint may be filed in writing, should contain at least the name and address of the person filing it and briefly describe the alleged violation of the regulations. Complainants are strongly encouraged to use the County of Yuba ADA Complaint/Assistance Form. Complaints should be filed within sixty (60) calendar days after the complainant becomes aware of the alleged violation; federal law allows one hundred eighty (180) days

Yuba County Human Resources
Attn: ADA Compliance Officer
915 8th St. Suite 113
Marysville, CA 95901
(530) 749-7860

ADA Compliance Officer Conducts Investigation

The ADA Compliance Officer, or his/her designee, affording all interested persons and any representative an opportunity to submit evidence relevant to the complaint, conducts an investigation appropriate to the circumstances alleged.

ADA Compliance Officer Issues Resolution

The ADA Compliance Officer, or his/her designee, issues a written determination as to the validity of the complaint and a description of the resolution, if applicable.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

ADA Frequently Asked Questions

Q. If I have several qualified applicants for a job, does the ADA require that I hire the applicant with a disability?

A. No. You may hire the most qualified applicant. The ADA only makes it unlawful for you to discriminate against a qualified individual with a disability on the basis of disability.

Q. Am I obligated to provide a reasonable accommodation for an individual if I am unaware of her physical or mental impairment?

A. No. An employer's obligation to provide reasonable accommodation applies only to known physical or mental limitations. However, if a disability is obvious, e.g., the applicant uses a wheelchair, the employer "knows" of the disability even if the applicant never mentions it.

Q. If I contract for a consulting firm to develop a training course for my employees, and the firm arranges for the course to be held at a hotel that is inaccessible to one of my employees, am I liable under the ADA?

A. Yes. An employer may not do through a contractual or other relationship what it is prohibited from doing directly. You would be required to provide a location that is readily accessible to and usable by your employee with a disability unless to do so would create an undue hardship.

Q. What are my responsibilities as an employer for making my facilities accessible?

A. As an employer, you are responsible under Title I of the ADA for making facilities accessible to qualified applicants and employees with disabilities as a reasonable accommodation, unless this would cause undue hardship. Accessibility must be provided to enable a qualified applicant to participate in the application process, to enable a qualified individual to perform essential job functions and to enable an employee with a disability to enjoy benefits and privileges available to other employees. However, if your business is a place of public accommodation (such as a restaurant, retail store or bank) you have different obligations to provide accessibility to the general public, under Title III of the ADA. Title III also will require places of public accommodation and commercial facilities (such as office buildings, factories and warehouses) to provide accessibility in new construction or when making alterations to existing structures.

Q. Does the ADA cover people with AIDS?

A. Yes. The legislative history indicates that Congress intended the ADA to protect persons with AIDS and HIV disease from discrimination.

Q. Does the ADA require that I post a notice explaining its requirements?

A. The ADA requires that you post a notice in an accessible format to applicants, employees and members of labor organizations, describing the provisions of the Act. The EEOC will provide employers with a poster summarizing these and other Federal legal requirements for nondiscrimination. The EEOC will also provide guidance on making this information available in accessible formats for people with disabilities.

Q. How must an individual request an accommodation?

A. When an individual decides to request accommodation, the individual or his/her representative must let the employer know that s/he needs an adjustment or change at work for a reason related to a medical condition. To request accommodation, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation." While an individual with a disability may request a change due to a medical condition, this request does not necessarily mean that the employer is required to provide the change. A request for reasonable accommodation is the first step in an informal, interactive process between the individual and the employer. In some instances, before addressing the merits of the accommodation request, the employer needs to determine if the individual's medical condition meets the ADA definition of "disability; a prerequisite for the individual to be entitled to a reasonable accommodation.

Example A: An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." This is a request for a reasonable accommodation.

Example B: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." This is a request for a reasonable accommodation.

Example C: A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. This is a request for reasonable accommodation.

Example D: An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting reasonable accommodation. He does not link his need for the new chair with a medical condition.

Q: May someone other than the individual with a disability request a reasonable accommodation on behalf of the individual?

A. Yes, a family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an individual with a disability. Of course, the individual with a disability may refuse to accept an accommodation that is not needed.

Q: Do requests for reasonable accommodation need to be in writing?

A. No. Requests for reasonable accommodation do not need to be in writing. Individuals may request accommodations in conversation or may use any other mode of communication. An employer may choose to write a memorandum or letter confirming the individual's request. Alternatively, an employer may ask the individual to fill out a form or submit the request in written form, but the employer cannot ignore the initial request. An employer also may request reasonable documentation that the individual has an ADA disability and needs a reasonable accommodation.

ADA Resources

The following resources are intended to provide information about the most frequently consulted and best known sources of information regarding the ADA, persons with disabilities, and reasonable accommodations and are divided into three sections.

- Reasonable Accommodation Resources
- Finding Qualified Individuals with Disabilities
- Statewide/Federal Resources

The entities listed should be able to refer you to the other resources that offer further information on specific disabilities and/or types of reasonable accommodations as well as state and/or local affiliates.

The County of Yuba ADA Coordinator, ADA Compliance Officer and Human Resources staff are always available for assistance.

Reasonable Accommodation Resources

U.S. Equal Employment Opportunity Commission

Jurisdictional Office: San Francisco
350 The Embarcadero
Suite 500
San Francisco, CA 94105-1260
Phone: 800-669-4000
TTY: 800-669-6820
Fax: 415-625-5609
<http://www.eeoc.gov/>

Access for All

Program on Employment and Disability
School of Industrial and Labor Relations
106 ILR Extension
Ithaca, NY 14853-3901
Phone: 607-255-7727
TTY: 607-255-2891
e-mail: ilr_ped@cornell.edu

U.S. Department of Labor Office of Disability Employment Policy

www.disabilitydirect.gov
Phone: 800-959-3652
TTY: 800-326-2577
Inquiries: 202-219-8412

U.S. Department of Justice

Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAV
Washington, DC 20530
Phone: 800-514-0301
TTY: 800-514-0383
<http://www.usdoj.gov/crt/ada/adahom1.htm>

National Business & Disability Council

201 I.U. Willets Road
Albertson, NY 11507
Phone: 516-873-9607
516-465-1501
www.business-disability.com
www.abletowork.org
www.ncds.org

ADA Disability and Business Technical Assistance Centers

800-949-4232

Job Accommodation Network

P.O. Box 6080
Morgantown, WV 26506-6080
Phone: 800-526-7234
Phone: 304-293-7184
<http://askjan.org> or www.jan.wvu.edu

AT Network

1234 H Street, Suite 100
Sacramento, CA 95814
Phone: (916) 325-1690
TTY: (916) 325-1695
Fax: (916) 325-1699
<http://www.atnet.org>

Cornell University – ADA Tips

Phone: 607-255-2906
TTY: 607- 255-2891
Fax: 607- 255-2763
E-mail: ILR_ped@cornell.edu
<http://www.ilr.cornell.edu/edi/>

AbleData

Assistive Technology Products
<http://www.abledata.com/>

Trace Research/Development Center

Electronic Access Assistance
<http://trace.wisc.edu/about>

Finding Qualified Individuals with Disabilities**Employer Assistance Referral
Network – EARN**

Phone: 866-EARN-NOW (327-6669)
www.earnworks.com

RESNA**Technical Assistance Project**

Phone: 703-524-6686
TTY: 703-524-6649
www.resna.org

RISKON

15 Central Avenue
Tenafly, NJ 07670
Phone: 201-568-7750
Fax: 201-568-5830
www.riskon.com

Statewide/Federal Resources

The **Department of Fair Employment and Housing** does not accept complaints filed for investigation by mail. To file a complaint please call one of the toll free numbers below.

Phone - Employment: 1-800-884-1684

Phone - Housing: 1-800-233-3212

TTY: 1-800-700-2320

Fax - Employment: 916-478-7320

Fax - Housing: 1-510-622-2956

<http://www.dfeh.ca.gov/DFEH>

California Department of Rehabilitation

Mailing Address:

P.O. Box 944222

Sacramento, CA 94244-2220

Physical Address:

721 Capitol Mall

Sacramento, CA 95814

Phone: 916-324-1313

TTY: 916-558-5807

externalaffairs@dor.ca.gov

<http://www.dor.ca.gov/ada/>

Disability 101 – California

<http://www.disabilitybenefits101.org/>

Disability Rights Education and Defense Fund (DREDF)

2212 Sixth Street

Berkeley, CA 94710

Phone/TTY: 800-348-4232

Fax: 510-841-8645

info@dredf.org

www.dredf.org

Pacific Disability and Business

Technical Assistance Center (DBTAC)

555 12th Street, Suite 1030

Oakland, CA 94607-4046

Phone/TTY: 800-949-4232

Fax: 510.285.5614

<http://www.adapacific.org>

Disability Rights - California Sacramento Regional Office

100 Howe Ave., Suite 235-N

Sacramento, CA 95825

Phone: 916-488-9950

Fax: 916-488-9960

info@disabilityrightscsca.org

<http://www.disabilityrightscsca.org>

**Yuba County Human Resources
Attn: ADA Compliance Officer
915 8th St. Suite 113
Marysville, CA 95901
(530) 749-7860**

Appendix B – Complaint/Assistance Procedure



ADA Complaint/Assistance Procedure

Complaints and requests for accommodations should be addressed to the ADA Compliance Officer, who has been designated to coordinate ADA compliance efforts. Please complete the appropriate ADA Form as detailed below and mail to or submit at the address below.

Request for Reasonable Accommodation in Employment Examination Process form – to request an accommodation in the employment application process.

Employee Accommodation Request form – to request an accommodation in your employment with the County of Yuba.

ADA Complaint/Assistance form – to request an accommodation for access to a County program or facility or to file a complaint related to a denial of accommodation in hiring practices, employment, program or facility access.

1. A complaint should be filed in writing, contain at least the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within sixty (60) calendar days after the complainant becomes aware of the alleged violation; federal law allows one hundred eighty (180) days.
3. Complaints will be resolved in accordance with Yuba County Employer-Employee Relations Policy, Grievance Procedures.
4. A complaint is considered received by the ADA Compliance Officer when physically received in the Human Resources department and appropriately date stamped.
5. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation may be formal or informal but thorough and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
6. The Human Resources department shall maintain the files and records relating to the complaints filed for a period of at least one year.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by nor shall the use of this procedure be a prerequisite to the pursuit of other remedies.
8. Other remedies include the filing of an ADA complaint with the appropriate state or federal agency:

U.S. Equal Employment Opportunity Commission
Jurisdictional Office: San Francisco
350 The Embarcadero
Suite 500
San Francisco, CA 94105-1260

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAV
Washington, DC 20530

The **Department of Fair Employment and Housing** does not accept complaints filed for investigation by mail. To file a complaint please call one of the toll free numbers below.

Employment: 1-800-884-1684

Housing: 1-800-233-3212

TTY: 1-800-700-2320

Yuba County Human Resources
Attn: ADA Compliance Officer
915 8th St. Suite 113
Marysville, CA 95901
(530) 749-7860



Request for Reasonable Accommodation in Employment Examination Process

Request and documentation must be received by Yuba County Human Resources by the **final filing date** of the recruitment for which you are applying. You must request special accommodations for each examination administration cycle, even if none of the information has changed since the last request. Along with the questionnaire, you must include supporting documentation verifying your disability. This form is used only in the administration of the County's program for providing accommodations in the testing process. Job accommodations, if needed, may be different and should be discussed at the time of job offer.

California Fair Employment and Housing Act (FEHA) defines a disability as "a physical or mental impairment that affects one or more of the basic bodily systems AND the condition must limit ability to participate in one or more major life activities."

Documentation requirements:

1. Must be submitted on official letterhead and signed by a licensed professional qualified to make an evaluation;
2. Should include a history of previous accommodation(s);
3. Should establish the existence of a "disability" within the meaning of applicable law;
4. Should describe how the resulting functional limitations impact the individual's ability to take the examination;
5. Should demonstrate the need for an accommodation;
6. Should specifically identify the accommodation(s) that are believed to be appropriate.

Please type or print.

1. Name: _____
Last First MI
2. Position applied for: _____
3. Exam date you are requesting accommodations for: _____
4. Which specific exam are you seeking accommodations for: _____
5. Have you taken this exam before? ☐ Yes ☐ No
If yes, did you receive special accommodations for the exam? ☐ Yes ☐ No
6. Nature of disability (check those applicable): ☐ Physical disability ☐ Mental disability
7. Based on your understanding of the examination process what reasonable accommodation(s) are you requesting that would enable you to complete the process? Accommodation(s) must be specific, supported by documentation and appropriate to the disability. Please check all that apply.
☐ Additional testing time (please specify): _____
☐ Separate test room
☐ Proctor Assistance (recorder of answers)
☐ Sign Language Interpreter (for spoken directions only)
☐ Reader
☐ Other (please specify): _____

8. Authorization & Release:

I understand this form will initiate an interactive process with Yuba County to determine what accommodations are reasonable and necessary during the examination process, and does not guarantee I will receive the accommodation(s) I have requested. I understand that this document will be kept in a confidential medical file. I understand that failure to submit this request and authorization by the **FINAL FILING DEADLINE** may result in the County being unable to provide the requested accommodation(s).

Signature: _____

Date: _____

Your completed request form and documentation must be mailed or submitted to: Yuba County Human Resources, 915 8th St. Suite 113, Marysville, CA 95901. If you have questions please contact our office at (530) 749-7860.



Employee Request for Accommodation

The Americans with Disabilities Act (ADA), Amendment Act (ADAAA) and Fair Employment and Housing Act (FEHA) requires employers to focus on the essential functions of a position to determine whether an individual is qualified. Essential job functions are the fundamental job duties that an applicant or employee must be able to perform, with or without reasonable accommodation. This form is intended to supplement the classification specification, position description and job announcement in identifying essential job functions. Please review the instructions and guidelines on page 2 before completing this form. If you need assistance completing this form, please contact Human Resources at (530) 749-7860.

Department	Division	Position Title
Date of Request	Name	Telephone

List essential job functions here or attach appropriate class specification with essential duties appropriately marked. You may list as many or as few functions as necessary. *Please attach additional sheets if necessary or desired.*

Describe how your disability limits you in performing the essential functions of your position.

Describe what accommodations you are requesting that will enable you to perform the essential functions of your job. If you are aware of a particular piece of equipment, device or change in your work environment that will allow you to perform the essential functions of your job, please describe as specifically as possible.

I hereby request a reasonable accommodation that will enable me to perform the duties of the position title listed above.

Signature

Date

Distribution: Send original to HR – provide a copy to direct supervisor

Essential Job Functions Form – Instructions & Guidelines

1. To identify essential job functions, the first consideration is whether employees in the position are actually required to perform the function.
2. If a person does perform a given function, the next consideration is whether removing that function would fundamentally change the job.
3. A list of essential job functions should focus on the results or outcome of a function, not solely on the way it is customarily performed. For example, a job that requires objects to be moved from one place to another should state this essential function. The analysis may note that the person in the job "Lifts 50 pound cartons to a height of 3 or 4 feet and loads them into truck-trailers five hours daily" and not identify the "ability to manually lift and load 50 pound cartons" unless this is the only method by which the function can be performed without causing an undue hardship.
4. A function may be essential if the position exists to perform the function. For example: A person is hired to proofread documents. The ability to proofread accurately is an essential function, because this is the reason the position exists.
5. A function may be essential if there are a limited number of other employees available to perform the function, or among whom the function can be distributed. For example, it may be an essential function for an accounting technician to answer the telephone if there are only three other employees in a very busy office and each employee has to perform many different tasks. Or, an office with a large workforce may have periods of heavy activity alternating with less active periods. The heavy activity may make performance of a function essential and limit the employer's flexibility to reassign the particular function.
6. A function may be essential if the function is highly specialized and/or a person is hired for special expertise or ability to perform it. For example, the building department is required to maintain a member of the staff with a specific certification to perform specific duties. These duties are an essential function of this job.
7. The consequences of not requiring a person in a job to perform a function are important factors to consider. Sometimes a function that is performed infrequently may be essential because there will be a serious consequence if it is not performed. For example, a corrections officer may only need to pursue and physically restrain an inmate with a weapon occasionally, but the function is essential because of the serious consequences if the officer could not perform this function.
8. The employer's judgment; a written job description prepared before advertising or interviewing applicants for a job; the amount of time spent performing a function; the terms of a collective bargaining agreement; the work experience of people who have performed the job in the past and the work experience of people who perform the same or similar jobs; and the nature of the work operations and the employer's organizational structure may also be factors in determining whether a function is essential.

Examples of essential job functions may include:

- Answering the telephone (Office Assistant)
- Filing (Office Assistant)
- Performing field visits (Social Worker)
- Driving minors to appointments (Program Aide)

If you need more information about Essential Job Functions please review the appropriate classification specification for your position and/or contact Human Resources at (530) 749-7860.

Supervisory Accommodation Request Follow-up

Section 1: To be completed by supervisor

Supervisor Name	Supervisor Title	Telephone
Do you agree with the essential functions listed on the Employee Request Form? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain in the space below. In addition, list any additional essential job functions you have identified.		
Describe the potential impact, if any, of the accommodation requested in Section 1 on the essential functions of this position.		

I have reviewed the reasonable accommodation that is being requested.

Signature

Date

Section 3: To be completed by the Department Head

Name	Position Title	Telephone
Do you agree with the essential functions listed in Section 1 and the Employee Request Form? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain in the space below. In addition, list any additional essential job functions you have identified.		
Describe the potential impact, if any, of the accommodation requested in Section 1 on the essential functions of this position.		

I have reviewed the reasonable accommodation that is being requested.

Signature

Date



ADA Complaint/Assistance Form

Please fill out as much of this form as you can. If you need help, tell us, and we would be happy to provide it. If you don't know the answer to something please leave it blank.

The Americans with Disabilities Act, the Fair Employment and Housing Act, and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination in the services, programs, activities, accessibility or employment of all state and local governments on the basis of disability and establish requirements for making programs accessible to individuals with disabilities and for providing equally effective communications.

Please type or print.

Name: _____
Last First MI
Mailing Address: _____
Street City State Zip Code
Daytime Phone Number: _____ Check if this is a TTY ☐
E-mail Address: _____
Preferred method of contact (i.e. phone, e-mail etc): _____
Are you a Veteran of the Armed Services? ☐ Yes ☐ No

ADA issues usually fall into one of several categories. Please let us know which category best describes your issue:

- ☐ **Architectural Access** –The access problem is about a building; for example, a wheelchair ramp is needed, accessible bathrooms are not available, or counters and phones are not at the correct height for wheelchair users.
- ☐ **Programmatic Access** –The access problem is about a service; for example, you cannot get or maintain a county benefit or service because of a disability, or you asked for a reasonable modification of a policy, practice or procedure in order to obtain County benefits or services, but were denied one.
- ☐ **Communication Access** – The access problem involves communication; for example, you need an interpreter, materials in alternative formats, or other auxiliary aids and services in order to have equal access to information and communications for a County benefit, service or activity.
- ☐ **Employment** –The problem relates to your employment, the selection process or employment application; for example, you were denied a reasonable accommodation by your employer.

Which Department/Agency does this involve: _____

Please describe the problem you encountered or your request for accommodation (attach additional sheets if necessary):

Location of the issue (if applicable): _____

Date(s) of the issue: _____

Complete this section below if you are submitting a complaint.

Have efforts been made to resolve this complaint through the policies outlined by the department in question?

☐ Yes ☐ No

If yes, what is the status of the complaint:

Has this complaint been filed with another agency or any other Federal, State, or local civil rights agency or court?

☐ Yes ☐ No

If yes, list agency and date filed: _____

Is there a change in policy or procedure you wish to see that would be helpful in solving this problem?

Names and Positions of Staff Encountered (if known):

Name: _____

Position: _____

Name: _____

Position: _____

Name: _____

Position: _____

Name: _____

Position: _____

Was there anyone else who had the same difficulty, or with whom you would want us to speak with in order to get more information?

☐ Yes ☐ No

Name: _____

Phone: _____

Name: _____

Phone: _____

Name: _____

Phone: _____

Name: _____

Phone: _____

Signature: _____

Date: _____

Your completed request form and documentation must be mailed or submitted to: Yuba County Human Resources, Attn: ADA Compliance Officer, 915 8th St. Suite 113, Marysville, CA 95901. If you have questions please contact our office at (530) 749-7860.

The County Of Yuba

427-12

VICTIM AND PROGRAM SERVICES

CHILDREN AND FAMILIES AT RISK

JASON M. ROPER
PROGRAM MANAGER



PROBATION DEPARTMENT

(530) 741-6275
FAX (530) 749-7913

JAMES L. ARNOLD
CHIEF

TO: Board of Supervisors

FROM: James L. Arnold, Chief Probation Officer

DATE: October 23, 2012

SUBJECT: Appropriate Transfer of Trust Funds

RECOMMENDATION:

Authorize an increase in appropriation of \$2,235 in Child Abuse Treatment funds to be transferred to revenue account 101-0000-361-56-01 to correct a revenue account miscalculation.

BACKGROUND:

The Probation Department receives grant funds from the California Emergency Management agency to support the Child abuse treatment grant. The grant funds operate on a federal fiscal year running from October 1-September 31 of each year.

DISCUSSION:

Money was budgeted for in county fiscal year 2011-2012 for the purchase of fixed assets, specifically computers. Due to difficulties in obtaining quotes as well as granting agency complications, the computers were not purchased until the county fiscal year 2012-2013. This has resulted in the Probation department needing to increase our fixed asset appropriations. See Attached.

FISCAL CONSIDERATIONS:

This request involves no general fund monies.

COMMITTEE:

No Committee action is necessary as request does not involve any county general fund monies.



SERVING CRIME VICTIMS SINCE 1985
4240 DAN AVENUE, OLIVEHURST, CALIFORNIA 95961



WHITE AUDITOR - CONTROLLER
YELLOW - COUNTY ADMINISTRATOR
PINK - DEPARTMENT

427-12

AUDITOR - CONTROLLER TRANSFER NO. _____

DATE: 10-19-12 20

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

DEPARTMENT Probation-Victim/Witness - (CHS) CHAT

REQUEST APPROVAL OF THE FOLLOWING TRANSFER FISCAL YEAR ENDING JUNE 30, 2012

BUDGET OR ESTIMATED REVENUE

☒ **ESTIMATED REVENUE INCREASED**

☐ **APPROPRIATION DECREASED**

☒ **APPROPRIATION INCREASED**

ACCOUNT NO.	NAME	AMOUNT
101-0000-361-56-01	Aid for	
	Corrections	\$2,235.00
	TOTAL	\$2,235.00

ACCOUNT NO.	NAME	AMOUNT
101-3102-423-62-00	Fixed Assets	\$2,235.00
	TOTAL	\$2,235.00

FUND TRANSFERS

FUNDS TO BE REDUCED:

FUND	AMOUNT

FUNDS TO BE INCREASED:

FUND	AMOUNT

GENERAL LEDGER (AUDITOR - CONTROLLER USE ONLY)

FUND	ACCOUNT	AMOUNT			FUND	ACCOUNT	AMOUNT	
		DEBIT	CREDIT				DEBIT	CREDIT

REASON FOR TRANSFER: Funds were appropriated last fiscal year, however, the two computers were purchased this fiscal year. Grant year ends 9/30/12

APPROVED:

☒ **AUDITOR - CONTROLLER**

Signature

Date

Signature

DEPARTMENT OR PUBLIC OFFICIAL

☒ **COUNTY ADMINISTRATOR**

Signature

Date

TITLE

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

AUDITOR - CONTROLLER

Auditor/Controller, Dean E. Sellers

Approved:

BOARD OF SUPERVISORS

Clerk of the Board

Date



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Yuba County Board of Supervisors

My name is Dana Hubbard and I am president of the board for the Yuba County Museum of History, a tax free foundation. We have the lobby of the old Tower Theater at 101 D Street. We have it free of charge for 30 months provided we bring it up to code. We have been working on the lobby for a year and need \$6000 for parts to finish the electrical, the sprinkler system, the ceiling and the alarm system. Youth Build has promised to do the labor for free. The owner of the Tower Theater has promised to renegotiate the lease so that we have 30 months from the time we move in. I am asking that the Board of Supervisors consider making this a true County History Museum. A first step would be to appoint someone to represent the Board of Supervisors on the board of the Yuba County Museum of History. The representative need not be a member of the Board of Supervisors but someone who is interested in the history of Yuba County who would keep the Board informed of what is going on with the museum. Once we have the museum going we would be able to qualify for grants from corporations such as P.G.& or Tiechert. I hope that individual members of the Board of Supervisors will consider joining as members of the Yuba County Museum of History. Membership is \$25 per year, \$20 a year for those over 65 or \$40 a year for two adults at the same address. Membership will bring you a quarterly newsletter about what is happening with the museum. Please make checks out to the Yuba County Museum of History. Members are also encouraged to attend our board meetings which occur on Wednesday nights at St John's Episcopal Church on D Street at 6:30.

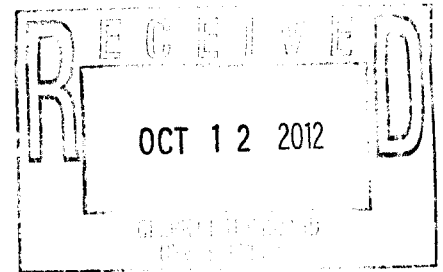
Dana Hubbard

Yuba County Museum of History

P.O. Box 1243

Marysville, CA 95901

Telephone: 743-8283



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Administrative Services Memorandum

To: Board of Supervisors
CC: Robert Bendorf, County Administrator
From: Doug McCoy, Director, Administrative Services
Date: November 13, 2012
Re: 4H Camp Annual review (reschedule)

Recommendation

Receive annual review from the Yuba County Office of Education on the status of the 4H Outdoor Education camp in Dobbins / Oregon House.

Background

The County has an Operations and Maintenance Agreement with the Yuba County Office of Education for operational oversight of the Camp.

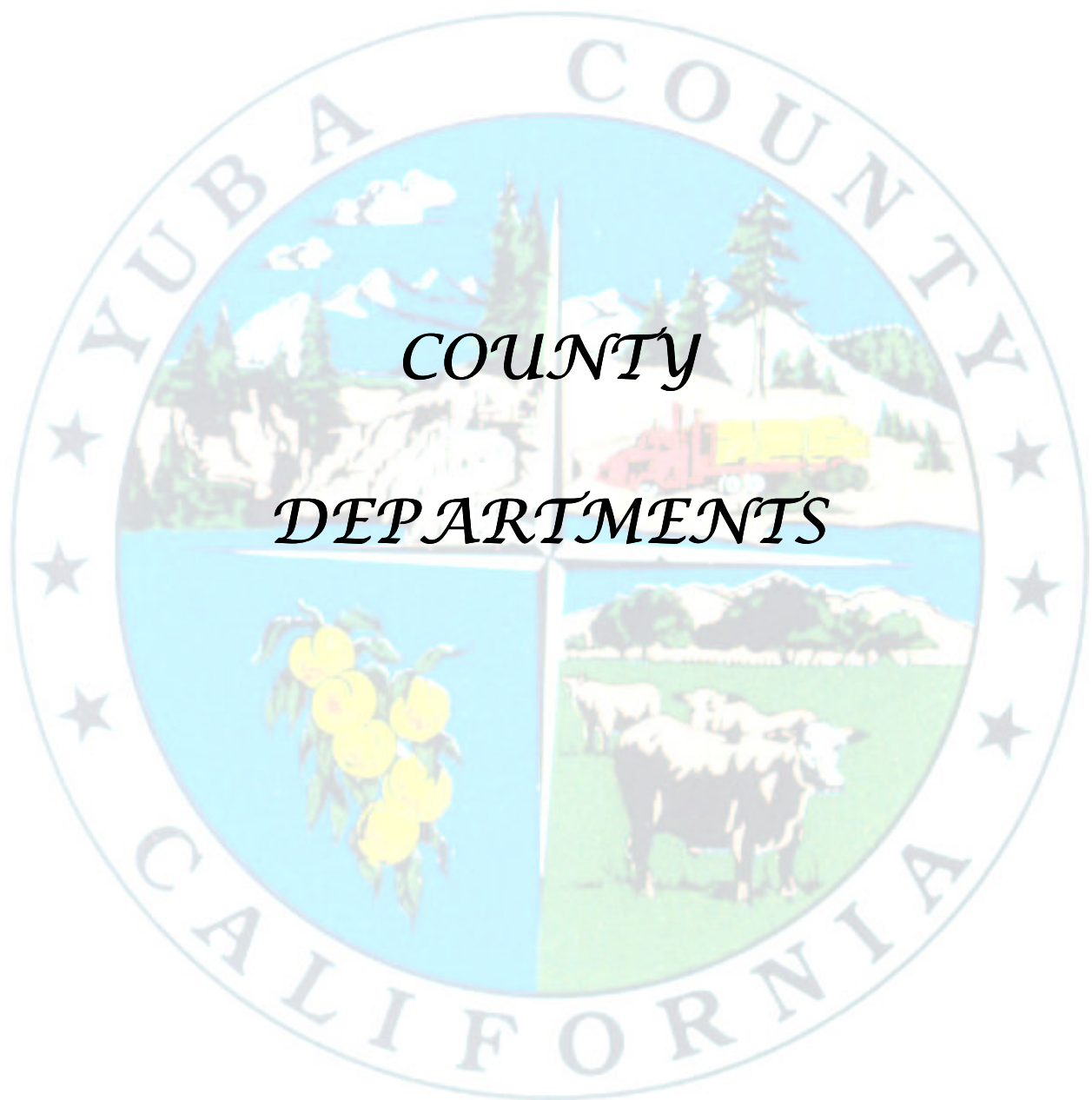
Discussion

As part of the Agreement, the Office of Education is obligated to provide the Board an annual update on Camp operations, use, and development.

Financial Impact

There is no impact to the General Fund at this time.

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COUNTY
DEPARTMENTS

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The County of Yuba

Office of the County Administrator

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

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

DATE: November 13, 2012
TO: Board of Supervisors
FROM: Robert Bendorf, County Administrator
 By Grace Mull, Management Analyst
RE: 1st Quarter Financial Report for Fiscal Year 2012-13

RECOMMENDATION

It is recommended that the Board of Supervisors receive the 1st quarter financial report for Fiscal Year 2012-13 and provide direction as necessary.

BACKGROUND

The purpose of the quarterly financial report is to provide your Board with timely information regarding the FY 2012-2013 budget and related economic information.

DISCUSSION

The 1st quarter report provides a summary of activities in various areas including general fund discretionary revenue receipts, general fund expenditures, departmental budget reporting, building permits, and state budget updates.

COMMITTEE

This item did not go to Committee as it is an informational item only.

FISCAL IMPACT

There is no fiscal impact associated with receiving of this report.

1st Quarter Budget Report Fiscal Year 2012/2013

Period July 1, 2012 – September 30, 2012



General Fund Discretionary Revenue

General fund discretionary revenue is general fund revenue that is not a direct reimbursement revenue source for a department. The funds are thus "discretionary" and approved by the Board of Supervisors for the general fund needs of the County. The major discretionary general fund revenue sources that make up this revenue include property and sales taxes, franchise fees, general fines, interest, triple flip, and tipping fees.

The total discretionary general fund revenue budgeted for FY 12/13 is \$24,479,454. The following chart displays the major discretionary general fund revenue sources, the amounts budgeted, the amounts received and percent received in 1st quarter FY 12/13, as well as a comparison to the amounts received in 1st quarter FY 11/12.

Major Discretionary General Fund Revenue Source	Amount Budgeted FY 12/13	Received 1 st Qtr FY 12/13	Percent of Budget FY 12/13	Received 1 st Qtr FY 11/12	Increase/Decrease +/-	Notes
Secured Property Taxes	\$9,267,396	\$0	0%	\$0	\$0	Property taxes are received in 2 nd and 4 th quarters.
Sales Taxes	\$2,064,067	\$571,610	27.69%	\$506,654	\$64,956	12.82% increase from prior year.
Franchise Fees	\$1,144,243	\$179,568	15.69%	\$170,837	\$ 8,731	5.11% increase from prior year.
General Fines	\$275,000	(\$48,606)	(17.67%)	(\$3,357)	(\$45,249)	(1347.90%) decrease from prior year due to Aug posted in Oct instead of Sep: \$43,818
Interest Earned	\$301,500	\$144,556	47.95%	\$129,397	\$15,159	11.72% increase from prior year.
Triple Flip	\$7,100,000	\$0	0%	\$0	\$0	Triple flip is received in 2 nd and 4 th quarters.
Tipping Fees	\$850,000	\$257,476	30.29%	\$246,750	\$10,726	4.35% increase from prior year.

1st Quarter Major Revenue Source Trends

- General Fine revenue traditionally exhibits a negative amount received in the first quarter due to an annual "true-up" that is performed between the County and the State.
- The largest share of Franchise Fee revenue is historically received in the third quarter.

General Fund Expenditures

General Fund expenditures were \$1,006,566 more than the same period last year. The majority of the increase is attributed to no insurance fund charges posted in 1st quarter of last year compared to 1st quarter of this year. Total percent expended through the end of September was 24.78%.

Departmental Revenue and Expenditure Reporting

County departments report their revenues received and expenditures made on a monthly basis to the County Administrator's Office. Reports are summarized and distributed to the Auditor-Controller and Treasurer-Tax Collector. Through the end of the first quarter of this fiscal year, there were seven (7) departments in the General Fund that exhibited shortfalls for a total amount of (\$542,845). The shortfalls are attributed to timeliness of grant and program reimbursements.

In the Non-General Fund departments, there were twelve (12) departments that exhibited shortfalls for a total amount of (\$1,572,471). The shortfall is primarily due to two factors. The first item is late budget transfers for workers compensation and liability insurance reimbursement (the full premium is paid in July and

transfers are usually processed at the end of each quarter by the Auditor's Office). The second item is due to the NSP program. CDSA is processing a "bridge loan" from the PLSP Road Impact fee to cover the negative cash flow per Board approval in February 2012. This should be completed in October 2012.

General Fund Reserves/Contingencies

General Fund Reserves

Adopted Budget: \$1,350,631

Balance 9/30/12: \$1,350,631*

General Fund Contingencies

Adopted Budget: \$594,872

Balance 9/30/11: \$594,872

* The transaction to transfer \$91,957 from the General Fund to Trust Fund 825-General Reserves per the adopted budget was not completed in 1st quarter. The Auditor-Controller will complete this transaction in 2nd quarter.

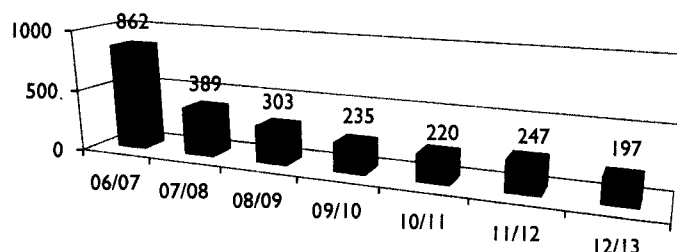
New Hires

We started the fiscal year with 874 allocated positions. 52 of these positions were unfunded vacant positions and 38 were funded vacant positions. Thirteen vacant positions were filled in the first quarter. The positions, departments and associated funding sources are as follows:

Department	Position	Quantity	Funding Source
Auditor-Controller	Accounting Assistant	1	General Fund
Health & Human Services	Public Health Nurse	1	Health Grants/Realignment
Health & Human Services	Eligibility Technician	6	Fed/State
Health & Human Services	Supply Mail Clerk	1	Fed/State
Health & Human Services	First 5 Executive Director	1	First 5 Funding
Sheriff-Coroner	Communications Dispatcher	1	General Fund
Sheriff-Coroner	Deputy Sheriff I	1	Jail Bed Rental (ICE)
Sheriff-Coroner	Correctional Facility LVN	1	Jail Bed Rental/Realignment

Building Permits

	1 st Qtr	1 st Qtr	1 st Qtr	1 st Qtr	1 st Qtr	1 st Qtr	1 st Qtr
	Permits	Permits	Permits	Permits	Permits	Permits	Permits
Month	06/07	07/08	08/09	09/10	10/11	11/12	12/13
July	168	142	98	84	77	84	68
August	237	171	100	80	79	88	74
September	457	76	105	71	64	75	55
1st Qtr	862	389	303	235	220	247	197
% of Change		-54.87%	-22.11%	-22.44%	-6.38%	12.27%	-20.24%



Total permits issued are down -20.24% from FY 11/12 in the same period.

Single Family Dwelling Permits (SFD) There were 21 SFD building permits issued for the first quarter compared to 10 in the same period last year.

Statewide Real Estate Activity According to the California Department of Finance's Monthly Bulletin for September 2012, "California's real estate markets continued to improve in July. Sales of existing, single-family detached homes totaled 529,230 units at a seasonally adjusted annualized rate – up 15.3 percent from a year earlier. The pace of existing home sales during the first seven months of 2012 was up over 7 percent from the same months in 2011. The median price of existing, single-family homes sold in July was \$333,860, up 12.7 percent from a year earlier. This was the highest median price reached since August 2008."

Foreclosure Activity

There were 96 foreclosed homes in the first quarter (Jul/Aug/Sep) of FY 2012-13 compared to 168 in the same period last year. This represents a decrease of (42.86%).

CalWORKS Employment Activity

The goal of the CalWORKS program is to assist and empower families to become self sufficient, contributing members of the community through employment. An average of 122 CalWORKS participants were employed each month in the first quarter of FY 2012-13.



Often, participants who enter the work force are still eligible for a portion of their cash aid as they accept entry level jobs to gain skills and experience. Participants are encouraged to apply for higher paying jobs after gaining work experience to help them meet their goal of self sufficiency.

CalFresh (Food Stamp) Activity



Health & Human Services reported that a total of 1895 applications for CalFresh were received in the first quarter of FY 2012-13. This represents a 7.49% increase compared to the same period in the prior year where 1763 applications were received. Staff has indicated that the increase is attributed to the changes in eligibility criteria that occurred last year where income alone is used to determine eligibility and resources are excluded as well as the popularity of the C4 Yourself electronic application process which allows clients to submit applications on-line.

State Budget Update

Revenue Report

The State Controller's Cash Update for the month of September indicated that "Preliminary General Fund agency cash for August was \$138 million above the 2012-13 Budget Act forecast of \$5.832 billion. Year-to-date revenues are \$238 million below the expected \$11.278 billion."



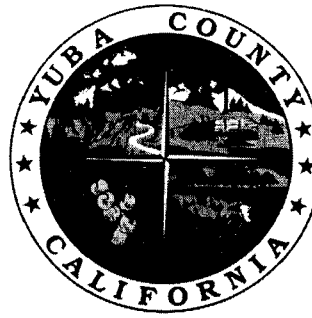
*ORDINANCES
AND
PUBLIC HEARINGS*

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director
Phone – (530) 749-5430 • Fax – (530) 749-5424
915 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



429-12

749-5430 • Fax 749-5424

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: November 13, 2012

To: Yuba County Board of Supervisors

From: Sean Powers, Director of Finance and Administration 

Subject: Approve Program Income Reuse Plan for the Neighborhood Stabilization Program (NSP3)

Recommendation:

Approve the attached resolution adopting the Program Income Reuse Plan as part of the Neighborhood Stabilization Program (NSP3).

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 \$4,265,711 under the Neighborhood Stabilization Program allocation per agreement 11-NSP3-8112 for acquisition, rehabilitation, and resale single family homes. The activities are to be primarily performed in census tract number 0403.00 in the area of Linda.

This Program Income Reuse Plan is intended to satisfy the requirements specified in Federal statute and regulation at Section 104(j) of the Housing and Community Development Act ("the Act") as amended in 1992 and 24 Code Federal Regulations (CFR) 570.489 (e) (3) and of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

Discussion:

The Neighborhood Stabilization Program Income Reuse Plan details the proposed uses of the Neighborhood Stabilization Program Program Income and confirms the jurisdictions required compliance with state and federal regulations.

These statutory and regulatory sections permit the Grantee to retain for reuse, NSP Program Income generated by eligible NSP activities pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. The eligible NSP activities shall principally benefit low- and moderate income (LMI) individuals and families, and limited to only those activities as described

in the Grantee's Application and Exhibit B of the NSP Standard Agreement. Such activities may include:

Acquisition / Rehabilitation / Resale – Single Family Housing of foreclosed homes. A minimum of twenty-five percent (25%) of all Program Income funds (calculated on the total amount received prior to the administrative costs calculations) must be used to assist households at or below the fifty (50%) AMI level.

Committee Action:

There has been no committee action.

Fiscal Impact:

There will be no cost to the General Fund.

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

RESOLUTION ADOPTING THE PROGRAM)
INCOME REUSE PLAN FOR THE YUBA COUNTY)
NEIGHBORHOOD STABILIZATION PROGRAM)
(NSP3), A REUSE PLAN GOVERNING PROGRAM)
INCOME FROM NEIGHBORHOOD)
STABILIZATION PROGRAM (NSP3) ASSISTED)
ACTIVITIES)

RESOLUTION NO. _____

WHEREAS, Yuba County was awarded Neighborhood Stabilization Program funds per agreement 11-NSP3-8112 with the Department of Housing and Community Development on April 30, 2012 and is authorized to conduct activities in housing acquisition, rehabilitation, and resale of single family homes; and

WHEREAS, the purpose of acquiring foreclosed properties through the Neighborhood Stabilization Program (NSP3) is to rehabilitate and resell the properties to a owner-occupant that meets the program requirements; and

WHEREAS, these activities are to be performed in the areas of Marysville and Linda or other areas within Yuba County approved by Housing and Community Development; and

WHEREAS, the County conducted a public hearing on the 13th day of November, 2012 for the purpose of receiving comments from county residents, property owners, and other interested persons concerning the Neighborhood Stabilization Program 3 (NSP3) Program Income Reuse Plan; and

WHEREAS, before the County may reuse Program Income for such activities, the County's Program Income Reuse Plan must be adopted; and

WHEREAS, the NEIGHBORHOOD STABILIZATION PROGRAM THREE PROGRAM INCOME REUSE PLAN is attached as Exhibit A and herein incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Yuba adopts the Neighborhood Stabilization Program Three (NSP3) Program Income Reuse Plan to meet compliance with state and federal regulations pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the _____ day of _____, 2012 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:



**NEIGHBORHOOD STABILIZATION PROGRAM THREE
PROGRAM INCOME REUSE PLAN**

Grantee Name Yuba County

Grantee Address 915 8th Street, Suite 123, Marysville CA 95901

Grantee Telephone # (530) 749-5430 Grantee E-mail spowers@co.yuba.ca.us

The purpose of this plan is to establish guidelines on the policies and procedures for the administration and utilization of program income received as a result of activities funded under the Neighborhood Stabilization Program Three (NSP3).

Need for Plan Governing Reuse of NSP Program Income

NSP3 was authorized and allocated under Section 1497 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 that provided an additional \$1 billion for the Neighborhood Stabilization Program (NSP) that was originally established under the Housing and Economic Recovery Act of 2008. NSP3 is to mitigate the negative impact of the nation's economic decline and housing market collapse and to stabilize and revitalize communities/areas hit the hardest. The regulations for NSP3 can be cited at 75 FR 64322.

This Reuse Plan is intended to satisfy the requirements specified in federal statute and regulation at Section 104(j) of the Housing and Community Development Act ("the Act"), as amended in 1992 and 24 Code of Federal Regulations (CFR) 570.489 (e)(3) and of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

These statutory and regulatory sections permit the Grantee to retain for reuse, NSP Program Income generated by eligible NSP activities pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. The eligible NSP activities shall principally benefit low- and moderate income (LMI) individuals and families, and limited to only those activities as described in the Grantee's Application and Exhibit B of the NSP Standard Agreement. Such activities may include:

Acquisition / Rehabilitation / Resale - Single Family Housing of foreclosed homes. A minimum of twenty-five percent (25%) of all Program Income funds (calculated on the total amount received prior to the administrative costs calculations) must be used to assist households at or below the fifty percent (50%) AMI level.

Acceptance of the NSP Program Income Reuse Plan

The NSP Program Income Reuse Plan must detail the proposed uses of NSP Program Income and confirm the jurisdiction's required compliance with state and federal regulations.

The NSP Program Income Reuse Plan must be accepted and certified by the certifying official of the NSP grant.

The Grantee shall obtain the Department of Housing and Community Development's (Department) written acceptance before taking any site specific prohibitive choice limiting actions with any NSP Program Income funded activity.

Program Income Defined

Program Income is defined as gross income received by the recipient or a subrecipient directly generated from the use of NSP or CDBG funds. The NSP Program follows the CDBG regulations on program income. NSP program income must be spent on NSP-eligible activities only.

Common sources of NSP program income are:

- Payments of principal and interest on loans made with NSP funds;
- Proceeds from the sale of properties acquired and/or improved with NSP funds;
- Recapture of NSP subsidies if an assisted home is sold before the end of the affordability period;
- Interest earned on program income pending its disposition;
- Repayments of liens placed on privately owned property that was demolished using NSP money;
- Gross income from the use or rental of real property constructed or improved with NSP funds, less the costs incidental to the generation of that income.

The Department is allowing the Grantee to maintain NSP Program Income funds if those funds are used by the end of the subsequent quarter in which the NSP Program Income was earned on eligible NSP activities. If the funds are not used by the end of the subsequent quarter, the Grantee may submit a waiver request, along with a description of the proposed use and timeline, subject to Department approval. Any NSP Program Income funds earned that are not identified to be used (expended) on the Grantee's subsequent Quarterly NSP Program Income Report must be returned to the Department within ninety (90) days, unless the

Department has provided written approval to a plan for expending the Program Income funds.

All NSP Program Income funds received by the Grantee after March 31, 2014, must be returned to the Department.

Cash Management

1. All NSP Program Income must be disbursed for eligible NSP activities before additional NSP funds are made available to the Grantee for reimbursement.
 - a. All NSP Program Income generated by NSP-funded activities must be placed in a separate NSP Program Income account.
 - b. Any NSP Program Income funds earned that are not identified to be used on the Grantee's subsequent Quarterly NSP Program Income Report must be returned to the Department within ninety (90) days, unless the Department has provided written approval to a plan for expending the Program Income funds.
 - c. A minimum of twenty-five percent (25%) of all Program Income funds (calculated on the total amount received prior to the administrative costs calculations) must be used to assist households at or below the fifty percent (50%) AMI level.
2. Agreements with subrecipients and other entities. States and units of general local governments must incorporate in subrecipient agreements such provisions as are necessary to ensure compliance with the requirements of this paragraph, including the requirement that program income be remitted to the Department. States, units of general local government, and subrecipients must incorporate in agreements with private individuals and other entities that are not subrecipients such provisions as are necessary to ensure compliance with the requirements governing disposition of revenue generated by activities carried out pursuant to Section 570.503.

General Administration (GA) Cost Limitation

The Grantee will be allowed general administrative costs of up to five percent (5%) of all NSP Program Income expended during each fiscal year.

Activity Delivery (AD) Cost Limitation

The Grantee will be allowed activity delivery costs up to the percentage (%) of the total activity expenditure amount. The maximum activity delivery percentage (%) for each activity is up to 12 percent (12%):

Housing Acquisition
Housing Rehabilitation
Disposition (Rental, Sale)

Reuses of NSP Program Income

The Grantee will be allowed to use the earned NSP Program Income for eligible NSP activities in the areas of greatest needs listed in the Grantee's Application and in Exhibit B of the NSP Standard Agreement.

The Department is allowing the Grantee to maintain NSP Program Income funds if those funds are used by the end of the subsequent quarter in which the NSP Program Income was earned on eligible NSP activities. If the funds are not used by the end of the subsequent quarter, the Grantee may submit a waiver request, along with a description of the proposed use and timeline, subject to Department approval. Any NSP Program Income funds earned that are not identified to be used (expended) on the Grantee's subsequent Quarterly NSP Program Income Report must be returned to the Department within ninety (90) days, unless the Department has provided written approval to a plan for expending the Program Income funds.

Program Income received on or after March 31, 2014, must be returned to the Department.

All program income generated by activities funded by NSP grants must be placed in a separate NSP program income account. ***(Do not co-mingle NSP Program Income funds with CDBG program income funds.)***

Reporting

The Grantee shall comply with all NSP reporting requirements, including, but not limited to:

REPORT	TIMELINE
Section 3 Reports	Submit by July 31 for each State Fiscal Year
Minority-owned Business Enterprise/Woman-owned Business Enterprise Reports	Submit by July 31 for each State Fiscal Year
Wage Compliance Reports: Semi-annual Wage Compliance Reports	Submit by October 31 and April 30 during the entire construction period
Final Wage Compliance Report	Submit within thirty (30) days after construction is completed
Monthly NSP Program Income Reports	Submit on or before the 15 th day of each month to report the previous month activity for the full term of this Agreement
Quarterly NSP Program Income Reports	Required for all PI activity beginning March 2014 – Reports are to be submitted on or before January 15, April 15, July 15 and October 15 to report the quarters PI activity
Monthly Expenditure and Performance Reports	Submit on or before the 15 th day of each month to report the previous month activity for the full term of this Agreement
Funds Request Forms	Submit as funds are needed

The Monthly and Quarterly NSP Program Income Reports will detail all program income receipts, expenditure amounts, and specific activity detail for all expenditure.

NOTE: Any NSP Program Income funds earned that are not identified to be expended on the Grantee's subsequent Quarterly NSP Program Income Report must be returned to the Department within ninety (90) days, unless the Department has provided written approval to a plan for expending the Program Income funds.

Federal Overlay Compliance

The Grantee shall ensure that the use of NSP Program Income under this NSP Program Income Reuse Plan complies with all federal overlay requirements, including, but not limited to:

- citizen participation
- Section 3 employment
- acquisition and relocation
- maintenance of adequate accounting and recordkeeping systems
- environmental review
- lead-based paint
- procurement
- equal opportunity
- labor standards
- property management

Revising This Plan

The Grantee has the authority to amend this document with a properly noticed Council/Board public hearing, board resolution, and acceptance by the Department.

These certifications are made under penalty of perjury under the laws of the State of California.

NAME OF CERTIFYING OFFICIAL: Kevin Mallen

TITLE OF CERTIFYING OFFICIAL: CDSA Director

(Chief Administrative Executive—enter exact title of person signing)

Accepted and Certified:


Signature

9-25-12
Date

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434
915 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



749-5430 • Fax 749-5434

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

November 13, 2012

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL LEE, PUBLIC WORKS DIRECTOR 

SUBJ: ADOPT THE YUBA COUNTY BIKEWAY MASTER PLAN UPDATE

RECOMMENDATION:

Adopt the Yuba County Bikeway Master Plan (BMP) Update.

Make a finding that the preparation of the Bikeway Master Plan was contemplated as part of the 2030 General Plan Environmental Impact Report (EIR) and no new effects will occur or mitigation measures required. Therefore, pursuant to Government Code Sections 15162 and 15168(c), the 2030 Yuba County General Plan EIR will serve as the environmental document for this action

BACKGROUND:

In 1995 the Yuba-Sutter Bikeway Master Plan was adopted by Yuba County. The plan incorporated bicycle routes within Yuba and Sutter Counties, ensuring connections between the urban areas of each county. Within Yuba County the plan focused on the urban portions of Linda and Olivehurst with little discussion on the rural parts of the County.

Many bicycle lanes have been installed from projects listed in the 1995 Plan. These include Chestnut Road, North Beale Road, Lindhurst Avenue, Simpson Lane, Powerline Road, Dunning Avenue, Linda Avenue, Alberta Avenue and Feather River Blvd. Upcoming projects incorporating bicycle lanes are Olivehurst Avenue and the remaining portion of Powerline Road.

Public Workshops were held in September 2011 and February 2012 to receive input on potential bicycle routes, impediments to bicycling, and other concerns from the general public. In addition to the workshops, an online survey was available to the general public to express their concerns about bicycling within Yuba County. Comments received at the workshops and from the online survey were incorporated into the Draft BMP.

Funding for bicycle projects comes from many different sources, such as the State's Bicycle Transportation Account (BTA), State and Federal Safe Routes to Schools programs, and SACOG's Regional Bicycle & Pedestrian Funding Program. By updating the BMP, it will permit the County to apply for BTA funds, which provides funds only for bicycle projects. One criteria of the BTA is to have a current adopted Master Plan in order to submit applications for funding projects. With this update, the County will meet this criterion and open up a new funding source for future bicycle projects.

DISCUSSION:

The Bikeway Master Plan seeks to promote and encourage bicycling as a viable transportation option and increase the recreational experience for Yuba County residents and riders. To encourage bicycling as a means of transportation, the draft BMP identifies bicycle routes that provide a highly connected network from residential areas to employment centers, commercial businesses, and schools within the urbanized areas. To encourage recreational use, the draft BMP proposes routes that will provide pleasant and scenic trails along County roadways, local rivers and connections to County parks for all users.

Many of the routes in the urbanized areas will be Class II bicycle lanes, which are dedicated lanes solely for the use of bicycles and are adjacent to vehicular travel lanes. Some of the proposed routes are Class I trails, which are pathways separated from roadways that will provide shared facilities for bicyclists and pedestrians. The main Class I route proposed in the urban area is along the old railroad alignment that runs from the Plumas Lake area heading northward to Linda.

The BMP also identifies a well connected network of bicycle routes in the rural portions of the County. The rural, less populated areas are ideal for recreational cycling due to relatively low traffic volumes on many County roads. Most of these bicycle routes are shown to be Class III bicycle routes with multi-use shoulders. The shoulders would be widened and are meant to be shared by bicyclists and pedestrians. This is mostly due the substantial costs involved with widening the roadway section to provide separated facilities for bicyclists and pedestrians.

The BMP provides design guidelines for all of the classifications of bicycle lanes. The BMP also discusses bicycling support facilities (e.g. bicycle parking/lockers and employer provided shower facilities), and bicycling education, encouragement, and enforcement programs.

With the implementation of the full BMP, 271 miles of new bicycle routes would be installed to provide a total of 304 miles of bicycle routes within the County. Construction of the 271 miles of bicycle routes is estimated to cost \$137 million. It would obviously take many decades to construct all the proposed bicycle routes; therefore "short-term" projects were identified. The estimated cost for short-term projects is \$28.5 million.

The website to the Draft Bikeway Master Plan can be found at the following link:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Public%20Works/pubBike.aspx>

ENVIRONMENTAL DETERMINATION:

The Yuba County Bikeway Master Plan serves to implement Action CD19.1 (Pedestrian and Bikeway Master Planning) of the 2030 Yuba County General Plan for which an EIR was certified and adopted. The Yuba County Bikeway Master Plan is a visioning document outlining existing and future bicycle paths/facilities and recommendations for modifications to County ordinances and policies to better facilitate bicycle travel for existing and future residents consistent with the 2030 General Plan. The Plan does not raise any new or different environmental impacts than those addressed in the prior document. Therefore, pursuant to Government Code Sections 15162 and 15168(c) no further environmental review is required and the 2030 Yuba County General Plan EIR will serve as the environmental document for

the BMP. Individual construction projects or improvements needed to implement the BMP may be subject to further CEQA review.

PUBLIC COMMENTS:

The Draft Plan was presented to your Board on September 11, 2012. Public comments were solicited through online posting. The comment period was open from September 4 to October 5, 2012. Public comments were also encouraged at the September 11 Board meeting. Comments received by October 5, 2012 have been reviewed and addressed in the final Bikeway Master Plan being presented to the Board for adoption.

COMMITTEE ACTION:

This item was previously presented to and discussed with the full Board of Supervisors.

FISCAL IMPACT:

The total cost of the Bikeway Master Plan update is \$108,000. Funding for this project came from SACOG's Bicycle & Pedestrian Funding Program (\$95,580) and from the Road Fund (\$12,420). There is no fiscal impact related to today's action.

ATTACHMENTS:

1. Final Yuba County Bikeway Master Plan
2. Comment Letters/Responses

K. Mullen
344-12
CONFERENCE

September 11, 2012
William Appleby
6203 Stonehedge Drive
Loma Rica, CA
95901

RECEIVED

Community of Yuba County
Services Agency

Board of Supervisors
County of Yuba
915 8th Street
Marysville, CA
95901

RECEIVED BY EACH
BOARD MEMBER

CCOSH

RE: Draft Bikeway Master Plan and proposed Bicycle Pedestrian Advisory Committee.

Dear Board of Supervisors;

This proposed *Bikeway Master Plan* will be of great value to the citizens of Yuba County. In this draft form it is still in need of public comment and some minor revision.

As a long time Yuba County resident and active Cycling Advocate I support, in principle this document, subject to future comment, suggestion and revision.

However, this *Plan* as any *Plan* is only as good as its implementation.

Meaningful implementation requires active citizen advocacy and input to the appropriate agencies and County Departments in a timely and effective manner.

To this end, this *Plan* should include a provision to establish and require a Bicycle Pedestrian Advisory Committee and designate a County employee (in some fractional FTE capacity) as a Bicycle Pedestrian Coordinator.

Attached is a suggested Resolution based on and modified from the successful Resolution of the City of Davis to establish an on going Bicycle Pedestrian Advisory Committee. A CD-ROM of this document and supporting literature has been given to the Clerk of the Board.

In light of the current inaction of the Trails Commission, I respectfully request that the Board of Supervisors considers and Resolves to establish a Bicycle Pedestrian Advisory Committee.

Sincerely,

William Appleby

William Appleby
Bicycle Representative

A-1

September 15, 2012
William Appleby
6203 Stonehedge Drive
Loma Rica, CA
95901

Bikeway Master Plan
Public Works Department
Van A. Boeck
Board of Supervisors
County of Yuba
915 8th Street
Marysville, CA
95901

RE: Comment on Draft *Bikeway Master Plan* and proposed Bicycle Pedestrian Advisory Committee.

The proposed *Bikeway Master Plan* will be of great value to the citizens of Yuba County. Comment on this this draft is offered here.

As a long time Yuba County resident and active Cycling Advocate, I have seen Cycling and Bikeway facilities evolve, progress and advance in a number good ways over the years. This Plan is part of that progress and will be a useful and positive tool in years to come.

Bicycle Pedestrian Advisory Committee and Bicycle Coordinator

A-2 | However, this *Plan* as any Plan is only as good as its implementation. Meaningful implementation requires active citizen advocacy and input to the appropriate agencies and County Departments in a timely and effective manner. To this end, this *Plan* should include a provision to establish and require a Bicycle Pedestrian Advisory Committee and designate a County employee (in some fractional FTE capacity) as a Bicycle Pedestrian Coordinator. This idea was presented in the Board of Supervisors on September 11, 2012 and appeared to be well received. But specific language in this *Plan* will give such an Advisory Committee standing.

It should be noted as stated on pages 17 and 18, such a body is implied in the *General Plan* in reference to a *Bicycle Pedestrian Master Plan* and in the *Parks Master Plan*.

Route Connection

A-3 | The map of proposed Bikeway System on page 44 appears to address existing issues of connectivity, but I would like to suggest a connection with Erle Road and Pasio Lane west traveling connection to the proposed two north/south Bikeway road and levee routes.

Enhanced Class III Bike Route Design

The largely rural nature of Yuba County invites the creative Bikeway design defined in this document as "Class III multi-use shoulder" and "enhanced Class III Bike Route". On page 59 this feature is clarified as being paved, in addition to other design details. An excellent idea! However the

A-4

requirement of pavement should be strengthen by the use of "shall" and where referenced on pages 48 and 62 again state as paved for clarity.

Also page 62 suggests a "climbing lane". This would most beneficial on Marysville Road between Loma Rica Road and Willow Glen Road, as current this route is a choke point cutting off the eastern portion of the County and such recreational trip generators as Collins Lake from the rest of the County.

Cycling Events

A-5

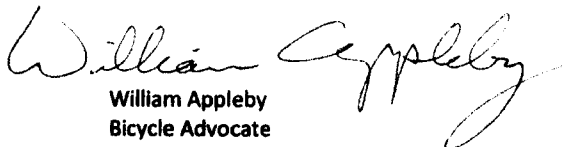
There is a need to coordinate County facilities and community support with Cycling Events, (page 54) such as the "Challenge, Challenge" referred to by Supervisor Stocker at the September 11, 2012 hearing. Without such coordination Cycling events can create ill-will among residents and other road users.

Education and Enforcement

A-6

Education and enforcement issues as referred to on page 13, "Goals" page 26 and "moving violations" page 54 are incomplete. Cyclists who are cited by authorities for violations need an educational remedy not economic punishment. The Socio-economic structure in the County cause many to use their bicycle for transportation as well as recreation. If cited for a violation there should be a "traffic school" option to forgive and educate the Cyclist as there is for Motorists. This option does exist in jurisdictions as City of Davis, Yolo County and Yuba City, Sutter County; language should be included in this Plan as well.

Sincerely,


William Appleby
Bicycle Advocate

C.C. Charles Alexander PE
Fehr&Peers

The Bicycle Advocates of Yuba Sutter (BAYS) would like to thank the Yuba County Public Works and its partners for developing a comprehensive and strategic bicycle plan for the community. BAYS would also like to provide a few suggestions that may support details in the plan. We hope our input can be evaluated and perhaps the suggestions can be incorporated into the final version of the document.

B-1

- Suggest that when bids or purchases are made for items related to the construction of the bike facilities that local businesses are provided with a benefit. As an example the local company Park-a-Bike provides high quality bike racks and has a distribution warehouse located in Olivehurst.

B-2

- The design standard for a Roadway with Curb, Gutter and On-street parking should invert the parking and the bike lane. The bike lane should be between the sidewalk and the parking, and the parking should be between the bike lane and travel lane. Establishing this method physically separates the bicyclist from the moving traffic and creates a safer travel lane for the bikes.

B-3

- The county should prioritize the acquisition of the abandoned rail corridor or work to rail bank the property. The earlier the corridor is acquired the easier it will be to develop with bike trails in the future but the right/access to the property is most critical. If the county postpones the acquisition of the property then it may lose any future opportunity unlike other roadways which the county currently owns and can develop on its own timeframe. The rail corridor would provide a major link between the complete metro area from Plumas Lake to Yuba City and Sutter. The future use of this facility can be estimated by the large volume of users on the old rail corridor between Yuba City and Sutter on weekends and evenings. The corridor would have multiple uses unlike other areas and can be used for both commuters and recreational activities. The county would not have to provide a bikeway immediately on this property but it can wait until money becomes available if it first acquires the right/access. Any postponement by the county to only move forward until both the purchase and development money is in hand will lengthen the timeframe and chances of potential loss of the property is increased. The abandoned railway through the middle of Yuba City is a good example of waiting too long to try and acquire rights and now the property has rights and cost issues that are sure to delay or completely derail that future bikeway.

B-4

- One of the main benefits of the area is the rivers and levee systems. They are perfect for providing places for bicyclist and walkers to commute and recreate. The levee system around Marysville provides a great way to avoid the dangers and difficulty of riding through town while also allowing levee crews an easy way to perform repairs and inspections. If the Bear River and Feather River levees could be provided with an asphalt surface and locked gates for service vehicles only then they would be a great benefit to the community and an attraction for visitors. The suggestion is that the county works with the levee authorities to determine the best approach in providing these benefits.

Thank you again for you efforts and the opportunity to provide comments.

I will continue to oppose this proposed bike trail as long as I own (and reside on) property in the area.

Barbara J. Osburn
7922 Hallwood Blvd
Marysville, Calif. 95901

DEPARTMENT OF TRANSPORTATION

DISTRICT 3—SACRAMENTO AREA OFFICE

2379 GATEWAY OAKS DRIVE, SUITE 150

SACRAMENTO, CA 95833

PHONE (916) 274-0635

FAX (916) 274-0602

TTY 711

www.dot.ca.gov

*Flex your power!
Be energy efficient!*

October 5, 2012

032012-YUB-0012
YUB - VAR

Mr. Van Boeck
Yuba County Public Works
915 8th Street, Ste 125
Marysville, CA 95901

Yuba County Bikeway Master Plan (BMP)

Dear Mr. Boeck,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. The updated BMP reflects current plans for growth and promotes bicycle travel as a practical mode of transportation within the community. The BMP provides an updated vision of connected bikeways that link together neighborhoods, places of employment, shopping centers, parks and schools. The BMP also proposes ways to eliminate short and long-term barriers to bicycle travel, especially in southern Yuba County where State Route (SR) 70, SR 65 and the Union Railroad feature several crossings of local roadways. We commend the County on the completion of a thorough and well-prepared update to the BMP. Working with the community, you have identified many locations that are either barriers or gaps in the County's bicycle transportation system. The following comments are based on the BMP.

Assembly Bill (AB) 819 and Exemption Procedures

C-1
Pertaining to the Executive Summary (Page 1) and "Background" (page 3), the California Streets and Highway Code, section 890 through 894.2 is referenced in the Plan. As of August 2012 with the passing of AB 819, Section 891 was amended and Section 891.1 was repealed. This will require Caltrans to establish procedures for cities and counties to request exceptions from statewide standards for bicycle facilities for purposes of research, testing and evaluation. Caltrans is required to have the procedures in place by June 2013. The design exception process will be defined and streamlined. Please review this legislation and make changes to the document as needed. Please contact Caltrans early for any project that may deviate from existing standards.

Directional Signage for Bicycle Facilities

In the section, "Bicycle Facilities – Directional Signage" (page 11), please note that all signs should convey the "Three D" elements: Direction, Destination and Distance. The California

"Caltrans improves mobility across California"

Mr. Van Boeck/Yuba County Public Works
October 5, 2012
Page 2

C-2 Manual on Uniform Traffic Control Devices (MUTCD) provides guidance for regulatory signage and placement. The MUTCD can be found at the following website:
<http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/>

C-3 ***Goals, Policies and Action***

The following comment pertains to the section, "Goals, Policies and Action – Chapter 3" (pages 26-27):

In the discussion, "Goal: A well-maintained bikeway system," please consider that using the correct pavement for the type of soil below the path will reduce costly maintenance and provide a higher level of rider safety. Additionally, preservation and planting of vegetation should be considered for shading and aesthetics, while keeping in mind the effects on construction, maintenance and public safety.

C-4 ***Collaboration with Caltrans***

As a partner agency in achieving transportation objectives for all users of transportation facilities, we recognize the benefits of early collaboration. We recommend the BMP include language that stresses the importance of communication and collaboration with Caltrans early in the planning and design process for all relevant projects. This will help the County and Caltrans identify any potential issues and maximize mutual efforts, where feasible, to provide bicycle transportation.

C-5 ***Facilities on State Roadway Shoulders***

Pertaining to the discussion in "Class III Bike Routes and Eliminating Barriers to Bicycle Travel (page 62)," please work with Caltrans functional areas to ensure multi-use shoulder, shoulder widths and signage are consistent with applicable standards.

For any questions regarding this letter, please contact Sukhi Johal of my staff by at (530) 740-4843, or by email: sukhi.johal@dot.ca.gov.

Sincerely,



ERIC FREDERICKS, Chief
Office of Transportation Planning –South

"Caltrans improves mobility across California"

October 4, 2012

RE: proposed Yuba River bike trail

As a property/home owner I am STRONGLY opposed to the proposed bike trail along the Yuba River. The proposed trail will allow easy access to the connecting/neighborhood properties. For many years the residents of Hallwood have had problems with out-of-area people trespassing on private property by way of the levee road and river bottom land. Local residents that wish to access the river are usually granted that privilege by the land owners.

Let's face facts. . . the proposed trail will open the area not only to biking, hiking, and horse back riding but also to vagrants, prowlers, thieves, and possibly to an influx of homeless camps. By allowing public access to the proposed trail along the river you put not only myself but all area residents in jeopardy.

My property is posted "PRIVATE PROPERTY" and "NO TRESPASSING" but that doesn't stop people from coming on to my land. How do you propose to keep trail users off of private property? As with most orchard/farm land the area is a maze of dirt roads thru the orchards that are used for accessing land-locked parcels of farmland in order for farmers to care for and harvest their crops.

0-1 Speaking of farmers caring for their crops. . . Certain chemicals used in caring for the crops require strict licensing. Classes are required in order to obtain the license/permits to use said chemicals. Being along the river, the sprayed application can drift on the air current that is caused by the flow of the water in the river. The person applying the chemical is "suited up" in order to be protected from the spray. In some instances, signs are required to be posted on the perimeter of the application area. -I'm sure you've seen them. . . a skull and crossbones - poison - PELIGRO!! Who is going to prevent people from using the bike trail at such a critical time as the spraying/application of such chemicals. . . or prevent people from entering onto the property that has been treated? Does the county plan to lock off access to the trail during such times? If so, how do they propose to accomplish closure of the trail? This NOT a wilderness area, a great part of the land in question is actively being farmed. Do you intend to take away the livelihood of landowner/farmers out of fear of being sued over exposure to the chemicals necessary to grow their crops? Think about it. . . and then THINK ABOUT IT AGAIN!!!

Who will maintain the proposed trail? Does the county plan to patrol the area and keep it in safe condition for the users?

C'mon folks. . . get real!! The county "doesn't have enough funding" to keep our public roads in proper repair nor enough funding to provide enough law enforcement to adequately protect our county. So instead you propose to build a bike trail that will open up even more area that will not be patrolled and place land/home owners at risk.

It is dangerous enough with the hundreds of gravel trucks that access Teichert/Knife River sand and gravel plants by way of Walnut Ave/Hallwood Blvd. AND NOW YOU WANT TO ADD EVEN MORE DANGER for the residents of this area to contend with!!!

Sun Sep 23 00:10:37 PDT 2012 To

whom it may concern:

R-1

We wish to register our strong opposition to having a bike trail down Plumas Ave. west of Feather River Blvd. This area is in active agricultural use with equipment and practices that, while perfectly safe for agriculture, are not compatible with casual travelers passing through. Furthermore, Yuba County does not have an easement from the marked end of Plumas Ave. This easement was surrendered by the county as part of a settlement involving the construction of the setback levee. Only RD784 (and their partners) and the property owners have access to the farm dirt road that is past the official end of Plumas Ave. In addition, there are no approved passes over the levee near Plumas Ave.; the nearest ramp and gate are to the south on Broadway Road. Having a trail end where there is no approved way over the levee would be an attractive nuisance with bikers likely riding up and over and thus risking the levee. If there is to be a bike trail from Feather River Blvd west toward the levee, the only reasonable and logical place for it would be down Broadway Road, as this is compatible with existing and constructed roads, easements, gates, and traffic patterns. The risks to travelers, farmers, and agriculture of placing a trail through the middle of an established agricultural operation are unreasonable, especially when more appropriate support infrastructure is only one road to the south.

Sincerely,
Thomas and Jeanette Rice
(Owners / Rice River Ranch)
671 Plumas Ave.
Olivehurst, CA 95961

RESPONSES TO COMMENTS RECEIVED CONCERNING THE
YUBA COUNTY BIKEWAY MASTER PLAN UPDATE

Response to A-1:

The commenter suggests a provision to establish a Bicycle and Pedestrian Advisory Committee.

Chapter 6: Education, Encouragement, and Enforcement of the Final Bikeway Master Plan was updated to include a Bicycle and Pedestrian Advisory Committee as a candidate program (page 54).

Response to A-2:

Similar to comment A-1, the commenter suggests a provision to establish a Bicycle and Pedestrian Advisory Committee.

Chapter 6: Education, Encouragement, and Enforcement of the Final Bikeway Master Plan was updated to include a Bicycle and Pedestrian Advisory Committee as a candidate program (page 54).

Response to A-3:

The commenter suggests a connection between Erle Road/Pasado Road to the proposed Class I Bike Path on the Feather River levee system.

Because Erle Road/Pasado Road is not continuous between Alicia Avenue and Grand Avenue, and there are no current plans to make this roadway continuous, no on-street bikeway is proposed. A Class I bike path is not proposed for this alignment at this time.

Response to A-4:

The commenter suggests requiring that Class III Bike Routes with multi-use shoulder include a paved shoulder. Additionally, the commenter suggests a climbing lane on Marysville Road between Loma Rica Road and Willow Glen Road.

The intent of Class III Bike Routes with multi-use shoulder is for these facilities to feature a paved shoulder. Chapter 7: Implementation of the Final Bikeway Master Plan was updated to clarify that the design standard for these facilities includes a paved shoulder width between four and six feet (page 61). A Class III Bike Route with multi-use shoulder is proposed on Marysville Road between Loma Rica Road and Willow Glen Road.

Response to A-5:

The commenter suggests that cycling events should include coordination with County departments and local residents to avoid ill-will.

Chapter 6: Education, Encouragement, and Enforcement of the Final Bikeway Master Plan was updated to suggest that recreational bicycling events be coordinated with appropriate agencies and that the public should receive sufficient notice of such events (page 55).

Response to A-6:

The commenter suggests that bicyclists cited with moving violations be provided with education instead of fines.

Chapter 6: Education, Encouragement, and Enforcement of the Final Bikeway Master Plan was updated to suggest educational diversion programs in lieu of a fine for bicyclist and motorist moving violations (page 55).

Response to B-1:

The commenter suggests a local preference policy for bicycle-related construction/material bids.

Because a local preference policy for construction and materials bids has broader implications beyond the Bikeway Master Plan, it was not included as a part of this plan.

Response to B-2:

The commenter suggests that the standard for Class II Bike Lanes on roadways with curb and gutter with on-street parking, which places the bike lane between the parking lane and the travel lane, should instead place the bike lane between the curb and the parking lane.

The standard for Class II Bike Lanes on roadways with curb and gutter with on-street parking is consistent with the California Manual on Uniform Traffic Control Devices (CAMUTCD); the CAMUTCD has legal standing in the California Vehicle Code Section 21400. Chapter 7: Implementation of the Final Bikeway Master Plan was updated to include "One-Way Protected Cycle Tracks", where the bike lane is placed between the curb and the parking lane, as an optional alternative to conventional bike lanes (page 60). The implementation of Class II Bike Lanes and One-Way Protected Cycle Tracks will be evaluated on a case-by-case basis.

Response to B-3:

The commenter suggests that the County prioritize the acquisition of the abandoned Union Pacific Railroad (UPRR) corridor.

Chapter 7: Implementation of the Final Bikeway Master Plan was updated to suggest that the County take necessary preparations to quickly obtain or purchase rights-of-way for Class I Bike Path projects should they become available (page 63).

Response to B-4:

The commenter suggests that the County work with levee authorities to implement Class I bike paths on the levee system.

The County is committed to working with levee authorities to implement the Class I bike paths proposed by this plan. The City of Marysville is responsible for the implementation of Class I bike paths within their City limits. Where possible, this plan recommends appropriate connections with Class I bike paths and levees in the City of Marysville.

Response to C-1:

The commenter suggests updating the Bikeway Master Plan to reflect changes in the California Streets and Highways Code.

The Executive Summary and Chapter 1: Introduction of the Final Bikeway Master Plan was updated to reflect recent changes in the California Streets and Highways Code Section 891 (page 1 and page 3).

Response to C-2:

The commenter suggests that recommended signage should convey direction, destination, and distance.

The sample directional signage is consistent with the provisions of the California Manual on Traffic Control Devices. Chapter 1: Introduction of the Final Bikeway Master Plan was updated to clarify that a best-practice for signage is to include direction, destination, and distance (page 11).

Response to C-3:

The commenter suggests that design standards for Class I bike paths should include appropriate pavement structure and landscaping.

Chapter 7: Implementation of the Final Bikeway Master Plan was updated to specify that pavement material and structure reflect local conditions and appropriate design criteria. Additionally, the design standards specify that landscaping should be chosen to have a minimal effect on pavement quality and to maintain appropriate visibility (page 58).

Response to C-4:

The commenter suggests that the plan include language that stresses the importance of communication and collaboration with Caltrans.

Chapter 3: Goals, Policies, and Actions was updated to include a new policy: "Coordinate with appropriate agencies, including Caltrans, as appropriate through the bikeway planning and design process" (page 27).

Response to C-5:

The commenter suggests that the County work with Caltrans to ensure that multi-use shoulder widths and signage are consistent with applicable standards.

Implementation of multi-use shoulders on Caltrans facilities will be done in coordination with Caltrans and will meet applicable design standards.

Response to O-1:

The commenter opposes the proposed Class I Bike Path on the Yuba River. The commenter cites concerns relating to trespassing on private property, crime, agricultural chemical exposure, trail maintenance, and funding.

Because the Bikeway Master Plan is a long-range planning document, further analysis and review will be necessary for individual projects. Implementation of the proposed Class I bike path on the Yuba River will require additional feasibility analysis and environmental review; this analysis would investigate and account for concerns noted by the commenter. To implement the Class I bike path substantial amount of right-of-way would also need to be acquired. The Board of Supervisors will have to authorize further analysis, right-of-way acquisition, and construction of a Class I bike path on the Yuba River before the phases could commence. This will provide additional time for discussion on the merits of the project and to determine the consensus of the desires of the residents of Yuba County.

During the two public workshops for the proposed Master Plan, many attendees expressed their desire for a trail along the Yuba River from the City of Marysville to the County's park at Sycamore Ranch. Also, the proposed Class I bike path on the Yuba River is consistent with previous adopted plans in the County's 2030 General Plan and the 2008 Parks Master Plan. Both plans show a trail along the Yuba River; however, exact alignment is still to be determined.

The proposed Class I bike path on the Yuba River is a low priority project according to the Bikeway Master Plan. For this reason, the bike path is a long-term project that would not start for many years.

Response to R-1:

The commenter suggests the proposed Class III Bike Route with signage only on Plumas Avenue be removed completely or relocated to Broadway Street.

The proposed Class III Bike Route with signage only on Plumas Avenue was removed west of Feather River Boulevard. A Class III bike route with signage only was added on Broadway Street between Feather River Boulevard and the Feather River levee (Figure 8).

Petition to Stop the Yuba County Multi-Use Trail Along the Yuba River

Public Works received a Petition in addition to the comment letters. The petition had the following statements:

Background: The Yuba County Planning Department has plans in effect to build a "multi-use" trail along the Yuba River north of the City of Marysville. The plan can be found at www.yuba.org under the link "Yuba County Bikeway Master Plan". Several bike routes, on-street bike lanes, and multi-use trails are included in the master plan. Several private properties will be affected in this multi-use trail along the Yuba River.

Petition: We, the undersigned, ask the Yuba County Public Works Department and the Yuba County Supervisors to stop this "multi-use trail" from being constructed along the Yuba River north of Marysville. Please keep our private property private!

The petition was signed by 130 individuals. However, not all of the signatories reside in the Hallwood area or along the Yuba River. Of the addresses given by the signatories, there were residents from 45 properties that are within the Hallwood area or are along the part of the Yuba River where the Class I bike path would be situated. Other signatories resided in the City of Marysville, Linda, Olivehurst and City of Wheatland.

See the response to O-1.

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434

915 8th Street, Suite 123
Marysville, California 95901

www.co.yuba.ca.us



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 Hartman, Planning Director
Kevin Perkins, Associate Planner *OK*

Subject: Off-Sale General Alcoholic Beverage Type 20 License –8446 Smartsville Road
APN: 006-244-016 – Alyson & Jacob Shortridge

Date: November 13, 2012

RECOMMENDATION:

Consider the application from Alyson & Jacob Shortridge to the Board of Supervisors to make a finding of public convenience or necessity to allow a Type 20 Off-Sale Beer & Wine Alcohol Beverage License.

BACKGROUND:

Yuba County has received an application from Alyson & Jacob Shortridge to make a finding that public convenience or necessity will be served by allowing an Off-Sale General (Type 20) alcoholic beverage license for permanent use for a convenience store they are opening in Smartsville located at 8446 Smartsville Road (APN: 006-244-016) on a parcel zoned River Highlands Plan-Rural Residential and having a General Plan land use designation of Rural Community.

Accompanying the application from Alyson & Jacob Shortridge is documentation (**Attachment 1**) from the State of California Department of Alcoholic Beverage Control (ABC), which includes information regarding a 1998 ABC moratorium on the issuance of off-sale beer and wine licenses in jurisdictions where the ratio of Type 20 licenses exceeds one for each 2,500 inhabitants. The Shortridge's convenience's store is located in Census tract #0409.01, which currently has only one permitted Off-Sale type licenses (Type 20 & 21) and is below the number of ABC licenses allowed in the census tract. In order to proceed with the application, ABC directed the applicant to contact the local governing body to obtain an official finding regarding public convenience or necessity. Therefore, in order for ABC to allow a Type 20 Alcoholic Beverage License in this County, the Board of Supervisors must make a finding that the public convenience or necessity will be served.

DISCUSSION:

Alyson & Jacob Shortridge are seeking a Type 20 Off-Sale General Alcoholic Beverage License for their new store located at 8446 Smartsville Road in Smartsville and Census Tract #0409.01. Alcoholic beverage licenses are regulated by ABC and only a specific number of licenses are allotted (based on population) per census tract. Although Census Tract #0407 is currently under their allotted number of

Type 20 or 21 licenses, Yuba County is subject to the 1998 moratorium on Type 20 alcohol beverage licenses and a finding of public convenience or necessity by the Board of Supervisors is necessary for Walgreens to obtain their requested permit.

Alyson & Jacob Shortridge's justification as to why selling beer and wine at their store at 8446 Smartsville Road would serve a public convenience or necessity include: beer and wine sales would only be sold during store hours of operation, 7:00 a.m. to 10:00 p.m.; no physical changes would occur to the interior or exterior of the store; sales of beer and wine would allow their convenience store to be more of a "one-stop" shopping experience; and the distance Smartsville residents would need to travel to purchase beer and wine would be reduced.

The County does not have any adopted policies on alcoholic beverage licenses therefore, in order for the Board of Supervisors to take action in favor of the Shortridge application; the Board must make findings of public necessity or convenience. This is consistent with the requirements of the State of California Department of Alcoholic Beverage Control.

COMMITTEE:

Since this is an item of "public interest" it was not presented to the Land Use & Public Works Committee.

ACTION BY BOARD of SUPERVISORS:

In order for the Board of Supervisors to take action in favor of the Shortridge application, the Board must find that such is a public necessity or for the convenience of the public. Therefore, if the Board **finds** that allowing an Off-Sale Beer & Wine alcoholic beverage license for convenience store is a public necessity or is for the convenience of the public then such findings shall be stated by the Board when taking action on the request. In the alternative, the application would be denied if the Board of Supervisors does **not** find that there is a public necessity or that such is for the convenience of the public.

In either event, Planning Department staff will send a letter outlining the Board's action by a minute order to ABC at their Sacramento office.

FISCAL IMPACT:

Staff does not anticipate a fiscal impact resulting from this action.

ATTACHMENTS:

1. ABC License Application

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governor

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

SHORTRIDGE, ALYSON CHRISTY & SHORTRIDGE, JACOB WILLIAM

2. PREMISES ADDRESS (Street number and name, city, zip code)

8446 SMARTVILLE ROAD, SMARTVILLE, CA 95977

3. LICENSE TYPE

20

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input checked="" type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

2210

6. TOTAL NUMBER OF LICENSES IN COUNTY

☐ On-Sale ☐ Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

☐ On-Sale ☐ Off-Sale

8. CENSUS TRACT NUMBER

409.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

3

☐ On-Sale ☒ Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

1

☐ On-Sale ☒ Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- ☐ Yes, the number of existing licenses exceeds the number allowed
- ☒ No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- ☐ Yes (Go to Item #13)
- ☒ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- ☐ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- ☐ No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- ☐ a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- ☐ b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- ☐ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

This is a Moratorium County so Public Convenience or Necessity is needed

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.

Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes☐ No☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

3927 Lennane Drive, Suite 100
Sacramento, CA 95834
(916) 419-2500



2011 Moratorium Counties/Cities

2011 Moratorium Figures – Section 23817.5 B & P Code

On January 1, 1998, Section 23817.5 was amended to permanently establish a moratorium on the issuance of off-sale and wine licenses (Type 20) in cities and counties where the ratio of Type 20 licenses exceeds one for each 2,500 inhabitants.

In the city and county of San Francisco, the ratio has been established as one for each 1,250 inhabitants. The San Francisco computation combines off-sale beer and wine license with off-sale general licenses for the purpose of establishing the ratio.

Enclosed are the following lists and a map showing the new Type 20 license limitation data:

- List of Counties with their moratorium status.
- List of Cities in Counties with partial moratorium status.
- Summary of Changes to Moratorium Counties/Cities.

Please note the changes in moratorium counties compared to the 2005 list. There have been changes in some of the cities within the current 11 non-moratorium counties.

The new moratorium lists are effective as of May 9, 2011 and will be in effect until recalculated in approximately five years, in accordance with Section 23817.9.

The enclosed lists and map may be distributed to all interested parties.

If you have any questions or need additional information, please contact Debbie Holden:

Email: [REDACTED]

Phone: [REDACTED]

MORATORIUM - COUNTIES - SECTION 23817.5 B.P. CODE

May 9, 2011

<u>COUNTY</u>	<u>MORATORIUM</u>	<u>COUNTY</u>	<u>MORATORIUM</u>
Alameda	No	Orange	No
Alpine	YES	Placer	YES
Amador	YES	Plumas	YES
Butte	YES	Riverside	No
Calaveras	YES	Sacramento	No
Colusa	YES	San Benito	YES
Contra Costa	No	San Bernardino	No
Del Norte	YES	San Diego	No
El Dorado	YES	San Francisco	YES
Fresno	YES	San Joaquin	YES
Glenn	YES	San Luis Obispo	YES
Humboldt	YES	San Mateo	No
Imperial	YES	Santa Barbara	YES
Inyo	YES	Santa Clara	No
Kern	YES	Santa Cruz	YES
Kings	YES	Shasta	YES
Lake	YES	Sierra	YES
Lassen	YES	Siskiyou	YES
Los Angeles	No	Solano	No
Madera	YES	Sonoma	YES
Marin	YES	Stanislaus	YES
Mariposa	YES	Sutter	YES
Mendocino	YES	Tehama	YES
Merced	YES	Trinity	YES
Modoc	YES	Tulare	YES
Mono	YES	Tuolumne	YES
Monterey	YES	Ventura	No
Napa	YES	Yolo	YES
Nevada	YES	Yuba	YES

SUMMARY OF CHANGES TO MORATORIUM COUNTIES/CITIES
EFFECTIVE May 9, 2011

<u>NO LONGER MORATORIUM CITIES</u>	<u>CITIES</u>	<u>MORATORIUM</u>
CONTRA COSTA COUNTY	Pittsburg	NO
LOS ANGELES COUNTY	Paramount	NO
	Pico Rivera	NO
RIVERSIDE COUNTY	Beaumont	NO
	San Jacinto	NO
SACRAMENTO COUNTY	Galt	NO
SAN BERNARDINO COUNTY	Grand Terrace	NO
	Montclair	NO
	Pomona	NO
	Victorville	NO
SANTA CLARA COUNTY	Hollister	NO
VENTURA COUNTY	Westlake Village	NO
<u>NEWLY ADDED MORATORIUM CITIES</u>		
ALAMEDA COUNTY	San Leandro	YES
CONTRA COSTA COUNTY	Danville	YES
	Martinez	YES
	Walnut Creek	YES
LOS ANGELES COUNTY	Artesia	YES
	Beverly Hills	YES
	Calabasas	YES
	Covina	YES
	Culver City	YES
	El Monte	YES
	Gardena	YES
	La Puente	YES
	Manhattan Beach	YES
	San Dimas	YES
	Torrance	YES
	Whittier	YES

**SUMMARY OF CHANGES TO MORATORIUM COUNTIES/CITIES
EFFECTIVE May 9, 2011**

ORANGE COUNTY	La Palma	YES
RIVERSIDE COUNTY	Corona	YES
	La Quinta	YES
	Palm Springs	YES
	Temecula	YES
SACRAMENTO COUNTY	Rio Vista	YES
SAN DIEGO COUNTY	Encinitas	YES
SAN MATEO COUNTY	Atherton	YES
	Burlingame	YES
	Redwood City	YES
	San Bruno	YES
	South San Francisco	YES
SOLANO COUNTY	Vacaville	YES

MORATORIUM CITIES - SECTION 23817.5 B. P. CODE

Effective May 9, 2011

ALAMEDA COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Alameda	NO	Livermore	YES
Albany	YES	Newark	NO
Berkeley	YES	Oakland	NO
Dublin	NO	Piedmont	NO
Emeryville	YES	Pleasanton	NO
Fremont	NO	San Leandro	YES
Hayward	NO	Union City	NO

CONTRA COSTA COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Antioch	NO	Oakley	NO
Brentwood	YES	Orinda	NO
Clayton	NO	Pinole	NO
Concord	NO	Pittsburg	NO
Danville	YES	Pleasant Hill	YES
El Cerrito	NO	Richmond	NO
Hercules	NO	San Pablo	YES
Lafayette	NO	San Ramon	NO
Martinez	YES	Walnut Creek	YES
Moraga	NO		

LOS ANGELES COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Agoura Hills	NO	La Verne	NO
Alhambra	NO	Lawndale	YES
Arcadia	NO	Lomita	NO
Artesia	YES	Long Beach	NO
Avalon	YES	Los Angeles	NO
Azusa	YES	Lynwood	NO
Baldwin Park	NO	Malibu	YES
Bell	YES	Manhattan Beach	YES
Bell Flower	NO	Maywood	YES
Bell Gardens	YES	Monrovia	NO
Beverly Hills	YES	Montebello	NO
Bradbury	NO	Monterey Park	NO
Burbank	NO	Norwalk	NO

MORATORIUM CITIES - SECTION 23817.5 B. P. CODE

Effective May 9, 2011

LOS ANGELES COUNTY (Continued)

CITY	MORATORIUM	CITY	MORATORIUM
Calabasas	YES	Palmdale	NO
Carson	NO	Palos Verdes Estate	NO
Cerritos	NO	Paramount	NO
Claremont	NO	Pasadena	NO
Commerce	YES	Pico Rivera	NO
Compton	NO	Pomona	NO
Covina	YES	Rancho Palos Verde	NO
Cudahy	YES	Redondo Beach	NO
Culver City	YES	Rolling Hills	NO
Diamond Bar	NO	Rolling Hills Estates	NO
Downey	NO	Rosemead	NO
Duarte	YES	San Dimas	YES
El Monte	YES	San Fernando	YES
El Segundo	YES	San Gabriel	NO
Gardena	YES	San Marino	NO
Glendale	NO	Santa Clarita	NO
Glendora	NO	Santa Fe Springs	YES
Hawaiian Garder	YES	Santa Monica	NO
Hawthorne	NO	Sierra Madre	NO
Hermosa Beach	YES	Signal Hill	YES
Hidden Hills	NO	South El Monte	YES
Huntington Park	YES	South Gate	YES
Industry	YES	South Pasadena	NO
Inglewood	YES	Temple City	NO
Irwindale	YES	Torrance	YES
La Canada Flintr	NO	Vernon	YES
La Habra Height	NO	Walnut	NO
Lakewood	NO	West Covina	NO
La Mirada	NO	West Hollywood	NO
Lancaster	NO	Westlake Village	NO
La Puente	YES	Whittier	YES

ORANGE COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Aliso Viejo	NO		
Anaheim	NO	La Palma	YES
Brea	NO	Los Alamitos	NO
Buena Park	NO	Mission Viejo	NO

MORATORIUM CITIES - SECTION 23817.5 B. P. CODE

Effective May 9, 2011

ORANGE COUNTY (Continued)

CITY	MORATORIUM	CITY	MORATORIUM
Costa Mesa	YES	Newport Beach	NO
Cypress	NO	Orange	NO
Dana Point	NO	Placentia	NO
Fountain Valley	NO	Rancho Santa Marg:	NO
Fullerton	YES	San Clemente	NO
Garden Grove	NO	San Juan Capistrano	NO
Huntington Beac	NO	Santa Ana	NO
Irvine	NO	Seal Beach	NO
Laguna Beach	NO	Stanton	YES
Laguna Hills	NO	Tustin	NO
Laguna Niguel	NO	Villa Park	NO
Laguna Woods	NO	Westminster	NO
La Habra	NO	Yorba Linda	NO
Lake Forest	NO		

RIVERSIDE COUNTY

CITY		CITY	
Banning	YES	La Quinta	YES
Beaumont	NO	Menifee	NO
Blythe	YES	Moreno Valley	NO
Calimesa	YES	Murrieta	NO
Canyon Lake	NO	Norco	YES
Cathedral City	YES	Palm Desert	YES
Coachella	YES	Palm Springs	YES
Corona	YES	Perris	NO
Desert Hot Sprin	YES	Rancho Mirage	NO
Hemet	YES	Redlands	NO
Indian Wells	NO	Riverside	NO
Indio	YES	San Jacinto	NO
Lake Elsinore	YES	Temecula	YES
		Wildomar	NO

SACRAMENTO COUNTY

CITY			
Citrus Heights	NO	Isleton	YES
Elk Grove	NO	Rancho Cordova	NO
Folsom	NO	Rio Vista	YES
Galt	NO	Sacramento	YES

MORATORIUM CITIES - SECTION 23817.5 B. P. CODE

Effective May 9, 2011

SAN BERNARDINO COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Adelanto	NO	Montclair	NO
Apple Valley	NO	Needles	YES
Barstow	YES	Ontario	YES
Big Bear Lake	YES	Pomona	NO
Chino	YES	Rancho Cucamonga	NO
Chino Hills	NO	Redlands	NO
Colton	YES	Rialto	NO
Fontana	NO	San Bernardino	YES
Grand Terrace	NO	Upland	NO
Hesperia	NO	Victorville	NO
Highland	NO	Yucaipa	NO
Loma Linda	NO	Yucca Valley	YES
		29 Palms	NO

SAN DIEGO COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Carlsbad	NO	Lemon Grove	NO
Chula Vista	NO	National City	NO
Coronado	NO	Oceanside	NO
Del Mar	NO	Poway	NO
El Cajon	YES	San Diego	NO
Encinitas	YES	San Marcos	NO
Escondido	YES	Santee	NO
Imperial Beach	NO	Solana Beach	NO
La Mesa	NO	Vista	NO

SAN MATEO COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Atherton	YES	Menlo Park	YES
Belmont	NO	Millbrae	NO
Brisbane	YES	Pacifica	NO

MORATORIUM CITIES - SECTION 23817.5 B. P. CODE

Effective May 9, 2011

SAN MATEO COUNTY (Continued)

Burlingame	YES	Portola Valley	NO
Colma	YES	Redwood City	YES
Daly City	NO	San Bruno	YES
East Palo Alto	NO	San Carlos	NO
Foster City	NO	San Mateo	NO
Half Moon Bay	YES	South San Francisco	YES
Hillsborough	NO	Woodside	NO

SANTA CLARA COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Campbell	YES	Morgan Hill	YES
Cupertino	NO	Monte Sereno	NO
Gilroy	YES	Mountain View	NO
Hollister	NO	Palo Alto	NO
Los Altos	NO	San Jose	NO
Los Altos Hills	NO	Santa Clara	NO
Los Gatos	YES	Saratoga	NO
Milpitas	NO	Sunnyvale	NO

SOLANO COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Benicia	YES	Suisun City	NO
Dixon	YES	Vacaville	YES
Fairfield	NO	Vallejo	NO
Rio Vista	YES		

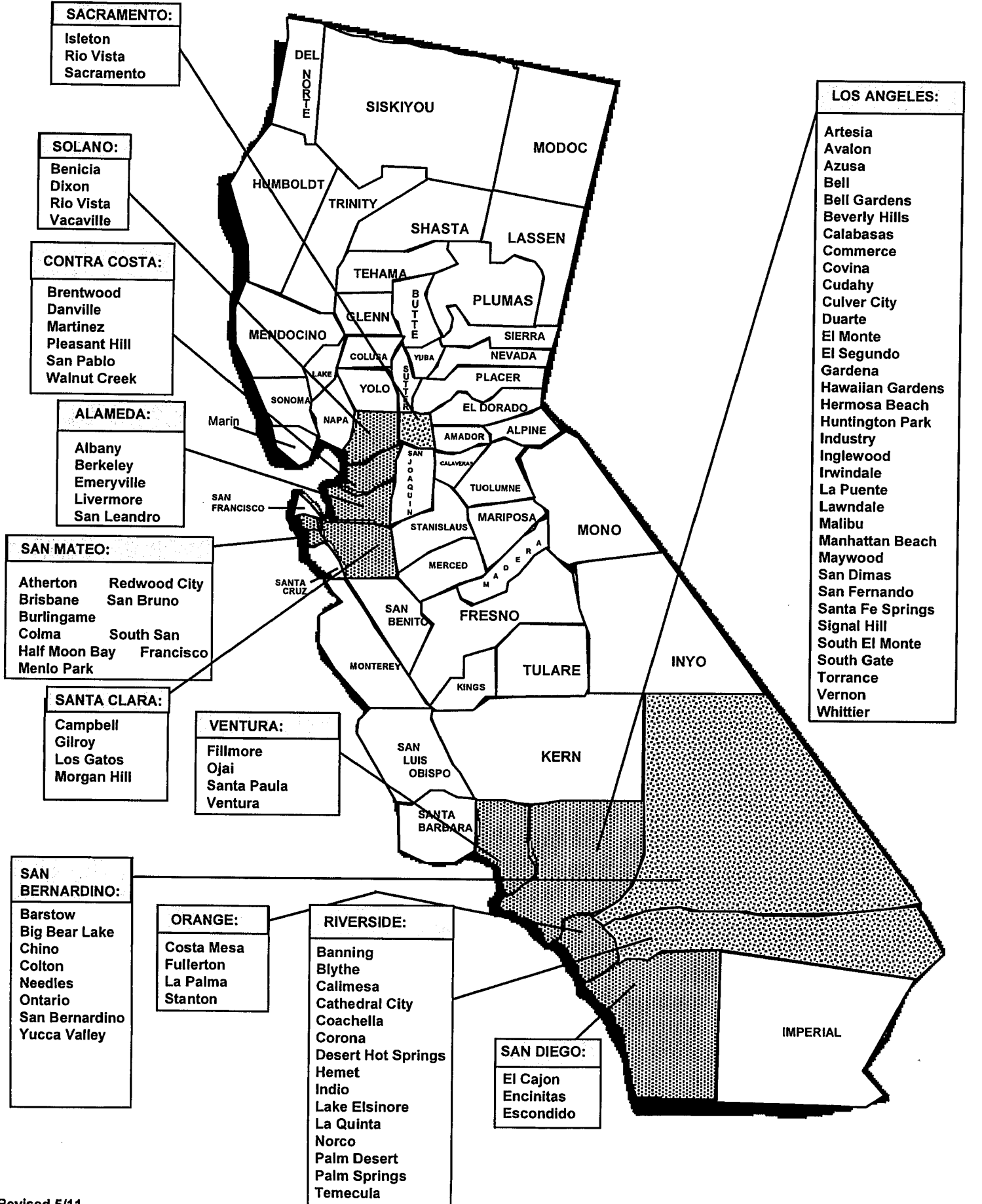
VENTURA COUNTY

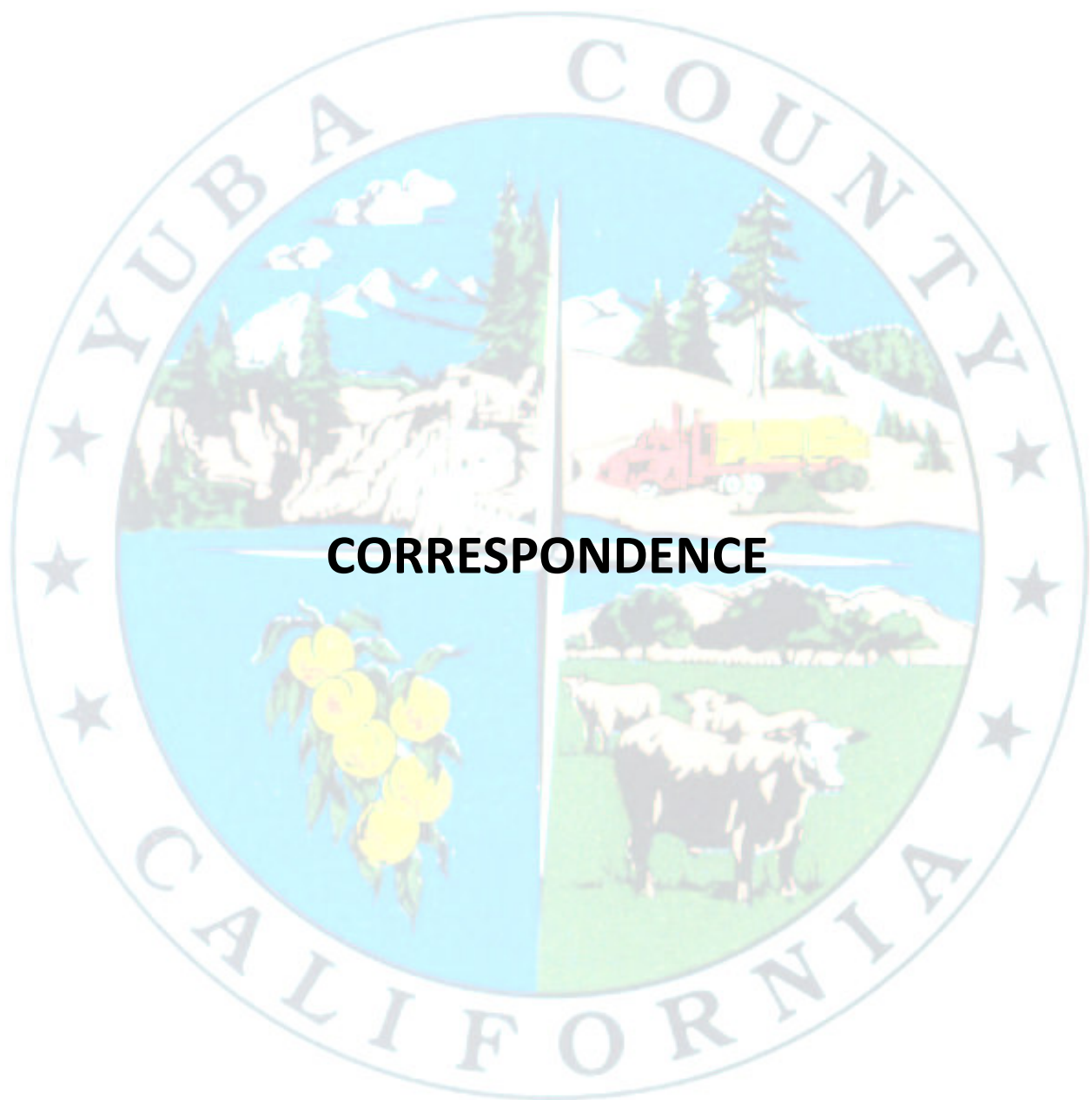
CITY	MORATORIUM	CITY	MORATORIUM
Camarillo	NO	Port Hueneme	NO
Fillmore	YES	Santa Paula	YES
Moorpark	NO	Simi Valley	NO
Ojai	YES	Thousand Oaks	NO
Oxnard	NO	Ventura	YES
		Westlake Village	NO



COUNTIES WITH MORATORIUM = UNSHADED

COUNTIES WITH PARTIAL MORATORIUM = **SHADED**



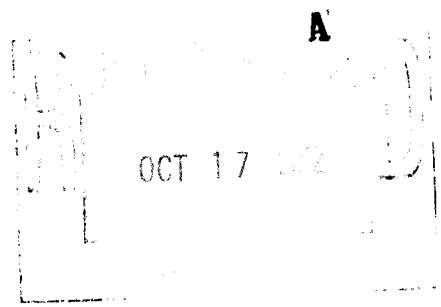




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October 4, 2012

Yuba County Fish and Game Advisory Commission
Debbie Bynre, Chair

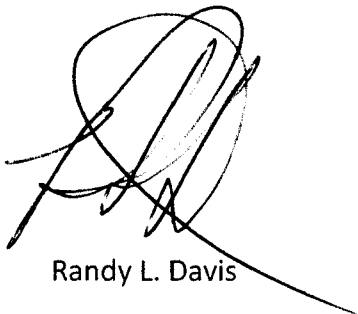


It is with much regret that I submit this resignation letter to the Yuba County Fish and Game Advisory Commission. Though I continue to own property in Yuba County, I have changed my official state of residence to Nevada and therefore I am not a resident of Yuba County California and can no longer serve on the Commission.

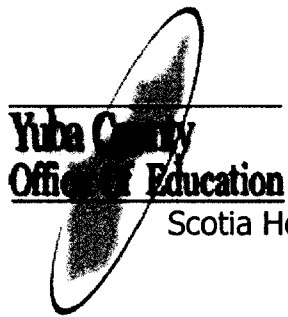
I have learned much while serving on the Commission. I have enjoyed working with the Commissioners in our efforts to promote a healthy environment for fish and wildlife in the Yuba County area. I have also enjoyed working with local residents on projects that support the goals of the Commission.

I wish the Commission all the best in its efforts to enhance the aquatic and terrestrial habitat for fish and wildlife in the Yuba County vicinity. If in the future my residence becomes Yuba County, I would be interested in serving on the Commission again.

Sincerely,



Randy L. Davis



Scotia Holmes Sanchez, Ed.D.
Superintendent

B
935 14th Street
Marysville, CA 95901
530-749-4900
Fax: 530-741-6500
www.yuba.net

October 17, 2012

Donna Stottlemeyer
Clerk of the Board
Yuba County Government Center
915 8th Street, Suite 109
Marysville, CA 95901

Dear Ms. Stottlemeyer,

Each year, pursuant to the Williams Uniform Complaints Act, Education Code §1240, the County Superintendent of Schools must submit a report to the Board of Supervisors describing the state of the schools in said county. Enclosed, you will find a copy of the Williams Report for distribution to the Board of Supervisors at the November 13, 2012 Board Meeting.

Should you require additional information, please do not hesitate to contact me at 749-4854 or maggie.nicoletti@yubacoe.k12.ca.us.

Sincerely,

Maggie Nicoletti

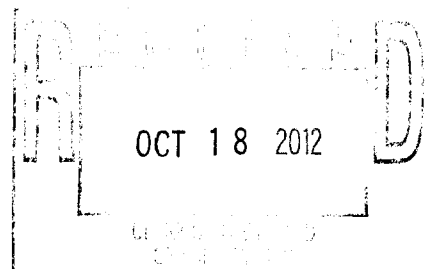
Maggie Nicoletti
Assistant to the Superintendent

October 15, 2012

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:

California Education Code Section 1240 requires that I, as Superintendent of Schools, visit schools identified in Yuba County and report to you the results of my visit. This report concerns my visit to Lindhurst High School which is in the Marysville Joint Unified School District. Let me state at the outset that the visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Lindhurst High School. The purpose of my visit as specified in California Education Code 1240 was:

1. To ensure that students have access to "sufficient" instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To 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"; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

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

1. Teacher assignments in Decile 1-3 schools;
2. Receive 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
3. 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.

While the areas enumerated in this paragraph 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 Lindhurst High School is 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.
- “Facilities standards” means that each school district that 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 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 2012 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** – Good Repair
- **MECH/HVAC** – Good Repair
- **SEWER** – Good Repair
- **INTERIOR SURFACES** – Library: carpet in bad shape, worn with seams showing
- **OVERALL CLEANLINESS** – Good Repair
- **PEST/VERMIN INFESTATION** – Good Repair

- **ELECTRICAL** – Gym: electrical panels are blocked, exposed electrical wiring in the boiler room. West Portables: #103 cover missing on fire alarm wiring. G Bldg.: electrical panels blocked in the Ag. Shop. C Bldg.: two electrical receptacles broken. D Bldg.: electrical panel blocked by flammable compressed gas
- **RESTROOMS** – Gym: ADA toilet paper dispenser missing in men’s restroom
- **SINKS/ FOUNTAINS** – Gym: sink not working in women’s restroom. C Bldg.: upstairs fountain not working
- **FIRE SAFETY** – A Bldg: expired fire extinguisher. Gym: expired fire extinguisher, missing fire extinguisher, under charged fire extinguisher, SW exit sign broken. West Portables: P103 & P104 fire extinguishers missing. G Bldg.: Discharged fire extinguisher in Wood Shop. D Bldg.: expired fire extinguisher. Library: fire extinguisher in office not serviced since 2007
- **HAZARDOUS MATERIALS** – D Bldg.: chemicals stored in food refrigerator
- **STRUCTURAL DAMAGES** – Good Repair
- **ROOFS** – Good Repair
- **PLAYGROUND/SCHOOL GROUNDS** – Good Repair
- **WINDOWS/DOORS/GATES/FENCES** – Good Repair

Instructional Materials:

The Williams Verification Visit to Lindhurst High School occurred on September 12, 2012. 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 2010-2011 School Accountability Report Card, published during the 2011-2012 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on September 2011, resulting in an overall rating of “Fair.” See the attached Facility Inspection Tool for details of school facility condition on September 13, 2012.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 12, 2012 Williams visit.

Teacher Misassignment:

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3rd 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 2011-2012 school year, April 1 – June 30.

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: State Facility Inspection Tool

PART II: EVALUATION DETAIL		Date of Inspection: 09/13/12		School Name: LINDHURST HIGH SCHOOL											
CATEGORY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
AREA	GAS LEAKS	MECHANICAL	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND SCHOOL GROUNDS	INDOOR DOORS GATEPAGES
A Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
	COMMENTS: Expired extinguisher, main office. Building is much improved.														
Cafeteria	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS: Very good, much improvement, very clean.														
Gym	✓	✓	✓	✓	✓	✓	D	D	D	D	✓	✓	✓	✓	✓
	COMMENTS: Electrical panels blocked. Expired fire extinguisher, missing fire extinguisher & an undercharged fire extinguisher. SW exit sign broken. ADA toilet paper dispenser missing in men's restroom. Women's restroom sink not working. Open electrical wiring exposed in the boiler room. Gym much improved.														
West Portables	✓	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
	COMMENTS: P103 & P104 fire extinguishers missing. #103 cover missing fire alarm wiring														
G Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
	COMMENTS: Fire extinguisher discharged in Wood Shop. Ag Shop electrical panels blocked, sink fountain not working. Wood Shop very clean.														
D Building	✓	✓	✓	✓	✓	✓	D	✓	✓	D	D	✓	✓	✓	✓
	COMMENTS: Electrical panel blocked by flammable compressed gas. Expired fire extinguisher. Chemicals stored in the food refrigerator.														
Library	✓	✓	✓	D	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
	COMMENTS: Fire extinguisher in office not serviced since 2007. Carpeting is very worn, open seams.														
C Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
	COMMENTS: Main room fire extinguisher discharged. Two electrical receptacles broken. Upstairs fountain not working.														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

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.

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 MJUSD Maintenance Director		
INSPECTOR'S TITLE			
YCOE Maintenance Supervisor			
TIME OF INSPECTION	WEATHER CONDITION AT TIME OF INSPECTION		
8:00 am - 11:00 am	Clear and Dry		

PART III: CATEGORY TOTALS AND RANKING(round all calculations to two decimal places)																	
TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS			F. SAFETY		G. STRUCTURAL		H. EXTERIOR PLAYGROUND/ SCHOOL GROUNDS	I. INTERNAL HANGING GARDEN
		GAS LEAKS	MECHANICAL	SEWER		OVERALL CLEANLINESS	PEST/VERMIN INFESTATION		ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	POOLS		
↓ 8	Number of "Y"s	8	8	8	7	8	8	6	7	5	1	7	8	8	8	8	
	Number of "D"s	0	0	0	1	0	0	2	1	3	7	1	0	0	0	0	
	Number of "C"s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Number of N/A's	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent of System in Good Repair Number of "Y"s divided by (Total Areas - "N/A"s)		100.00%	100.00%	100.00%	87.50%	100.00%	100.00%	75.00%	87.50%	62.50%	12.50%	87.50%	100.00%	100.00%	100.00%	100.00%	
Total Percent per Category (average of above)		100.00%			87.50%	100.00%		75.00%	75.00%			50.00%		100.00%		100.00%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			FAIR	GOOD		FAIR	FAIR			POOR		GOOD		GOOD	

October 15, 2012

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:

California Education Code Section 1240 requires that I, as Superintendent of Schools, visit schools identified in Yuba County and report to you the results of my visit. This report concerns my visit to Linda Elementary School which is in the Marysville Joint Unified School District. Let me state at the outset that the visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Linda Elementary School. The purpose of my visit as specified in California Education Code 1240 was:

1. To ensure that students have access to "sufficient" instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To 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"; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

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

1. Teacher assignments in Decile 1-3 schools;
2. Receive 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
3. 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.

While the areas enumerated in this paragraph 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 Linda Elementary School is 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.
- “Facilities standards” means that each school district that 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 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 2012 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** – Good Repair
- **MECH/HVAC** – Good Repair
- **SEWER** – Good Repair
- **INTERIOR SURFACES** – Kitchen/Cafeteria: floor chipped at drain by disposal
- **OVERALL CLEANLINESS** – Good Repair
- **PEST/VERMIN INFESTATION** – Good Repair
- **ELECTRICAL** – Kitchen/Cafeteria: Broken switch cover on the disposal. North Classes: #115 low voltage cover missing next to heater unit in room
- **RESTROOMS** – Good Repair
- **SINKS/ FOUNTAINS** – Kitchen/Cafeteria: bubbler missing on the fountain

- **FIRE SAFETY** – South Portables: P-3 fire extinguisher needs service. Library: missing fire extinguisher west side of the room
- **HAZARDOUS MATERIALS** – Good Repair
- **STRUCTURAL DAMAGES** – Good Repair
- **ROOFS** – Good Repair
- **PLAYGROUND/SCHOOL GROUNDS** – Good Repair
- **WINDOWS/DOORS/GATES/FENCES** – Good Repair

Instructional Materials:

The Williams Verification Visit to Linda School occurred on September 11, 2012. 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 2010-2011 School Accountability Report Card, published during the 2011-2012 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on August 2011, resulting in an overall rating of "Good." See the attached Facility Inspection Tool for details of school facility condition on September 5, 2012.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 11, 2012 Williams visit.

Teacher Misassignment:

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3rd 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 2011-2012 school year, April 1 – June 30.

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, reading "Scotia Holmes Sanchez". The signature is written in black ink and is positioned below the word "Sincerely,".

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

Enc: State Facility Inspection Tool

PART II: EVALUATION DETAIL		Date of Inspection: 09/05/12		School Name: LINDA ELEMENTARY											
CATEGORY AREA	1 GAS LEAKS	2 MECH/HVAC	3 SEWER	4 INTERIOR SURFACES	5 OVERALL CLEANLINESS	6 PEST/VERMIN INFESTATION	7 ELECTRICAL	8 RESTROOM	9 SINKS/ FOUNTAINS	10 FIRE SAFETY	11 HAZARDOUS MATERIALS	12 STRUCTURAL DAMAGE	13 ROOF	14 PLAYGROUND EQUIP AREAS	15 WINDOWS DOORS GATES/FENCES
Kinder. Area	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS: OK, no notations														
Grounds Parking Lot	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS: OK, no notations. Bark & equipment good														
S Portables	✓	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
	COMMENTS: P-3 fire extinguisher needs service														
Kitchen Cafeteria	✓	✓	✓	D	✓	✓	D	✓	D	✓	✓	✓	✓	✓	✓
	COMMENTS: Floor chipped at drain by disposal. Broken switch cover on disposal. Bubbler missing on fountain.														
North Classes	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS: #115 low voltage cover missing next to heater unit in room.														
Library	✓	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
	COMMENTS: Missing fire extinguisher west side of room.														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

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.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION
MARYSVILLE JOINT UNIFIED / YUBA COUNTY OFFICE OF EDUCATION

SCHOOL SITE
LINDA ELEMENTARY SCHOOL

COUNTY
YUBA COUNTY

SCHOOL TYPE (GRADE LEVELS)
Elementary (K-5)

NUMBER OF CLASSROOMS ON SITE
41

INSPECTOR'S NAME
Howard Busch

INSPECTOR'S TITLE
YCOE Maintenance Supervisor

NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)
Terry Biladeau MJUSD Maintenance Director

TIME OF INSPECTION
11:00 am - 1:00 pm

WEATHER CONDITION AT TIME OF INSPECTION
Dry and Clear

PART III: CATEGORY TOTALS AND RANKING(round all calculations to two decimal places)																		
TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR		C. CLEANLINESS		D. ELECTRICAL		E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/VAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/TERMITE INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES		
↓ 6	Number of "Y"s	6	6	6	5	6	6	4	4	6	5	4	6	6	6	6	6	
	Number of "D"s	0	0	0	1	0	0	2		0	1	2	0	0	0	0	0	
	Number of "X"s	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0	
	Number of N/A's	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0	
Percent of System in Good Repair Number of "Y"s divided by (Total Areas - "N/A"s)		100.00%	100.00%	100.00%	83.33%	100.00%	100.00%	66.67%	66.67%	100.00%	83.33%	66.67%	100.00%	100.00%	100.00%	100.00%	100.00%	
Total Percent per Category (average of above)		100.00%			83.33%	100.00%		66.67%	91.67%		83.34%		100.00%		100.00%		100.00%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			FAIR	GOOD		POOR	GOOD		FAIR		GOOD		GOOD		GOOD	

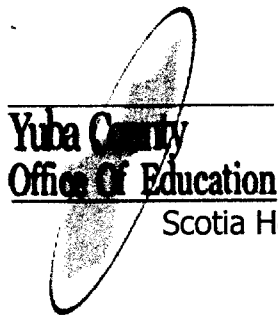
*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:
DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE
90.63%
SCHOOL RATING:
GOOD

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

PERCENTAGE	DESCRIPTION	RATING
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:
Overall facility shows staff & student taking pride in their school.



Scotia Holmes Sanchez, Ed.D.
Superintendent

935 14th Street
Marysville, CA 95901
530-749-4900
Fax: 530-741-6500
www.yuba.net

October 15, 2012

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:

California Education Code Section 1240 requires that I, as Superintendent of Schools, visit schools identified in Yuba County and report to you the results of my visit. This report concerns my visit to Ella Elementary School which is in the Marysville Joint Unified School District. Let me state at the outset that the visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Ella Elementary School. The purpose of my visit as specified in California Education Code 1240 was:

1. To ensure that students have access to "sufficient" instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To 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"; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

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

1. Teacher assignments in Decile 1-3 schools;
2. Receive 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
3. 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.

While the areas enumerated in this paragraph 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 Ella Elementary School is 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.
- “Facilities standards” means that each school district that 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 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 2012 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** – Good Repair
- **MECH/HVAC** – Good Repair
- **SEWER** – Good Repair
- **INTERIOR SURFACES** – Good Repair
- **OVERALL CLEANLINESS** – Good Repair
- **PEST/VERMIN INFESTATION** – Main Bldg.: bee nest in NE corner of roof.
- **ELECTRICAL** – Good Repair
- **RESTROOMS** – South Portables: women’s restroom has a bent, inoperable stall door.
- **SINKS/ FOUNTAINS** – North Portables: #106 sink faucet is loose.
- **FIRE SAFETY** – South Portables: #107 exit sign missing

- **HAZARDOUS MATERIALS** – Good Repair
- **STRUCTURAL DAMAGES** – Good Repair
- **ROOFS** – Good Repair
- **PLAYGROUND/SCHOOL GROUNDS** – Playground needs additional bark.
Dead tree on south side of facility
- **WINDOWS/DOORS/GATES/FENCES** – Good

Instructional Materials:

The Williams Verification Visit to Ella School occurred on September 4, 2012. 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 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 2010-2011 School Accountability Report Card, published during the 2011-2012 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on September 2011, resulting in an overall rating of "Good." See the attached Facility Inspection Tool for details of school facility condition on September 4, 2012.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 4, 2012 Williams visit.

Teacher Misassignment:

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3rd 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 2011-2012 school year, April 1 - June 30.

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 written in a cursive, flowing style.

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

Enc: State Facility Inspection Tool

PART II: EVALUATION DETAIL		Date of Inspection:	School Name: ELA ELEMENTARY														
		09/04/12	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
AREA	CATEGORY		GAS LEAKS	MECH/WAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND SCHOOL GROUNDS	WINDOWS DOORS GATES/FENCES
Main Building		✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	Bee nest in NE corner of roof															
Office Area		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	Clean and orderly															
Portables North		✓	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	✓
	COMMENTS:	#106 sink faucet loose															
Portables South		✓	✓	✓	✓	✓	✓	✓	✓	D	✓	D	✓	✓	✓	✓	✓
	COMMENTS:	#107 exit sign missing. Women's restroom has a bent, inoperable restroom stall door															
Playground Parking Lot		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	D	✓
	COMMENTS:	Playground needs additional bark. Dead tree on south side of facility.															
	COMMENTS:																
	COMMENTS:																
	COMMENTS:																
	COMMENTS:																
	COMMENTS:																
	COMMENTS:																
	COMMENTS:																

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.

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, MJUSD Maintenance Director		
INSPECTOR'S TITLE			
YCOE Maintenance Supervisor			
TIME OF INSPECTION	WEATHER CONDITION AT TIME OF INSPECTION		
9:30 am - 11:30 am	Clear & Dry		

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

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION		RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL AREAS	WINDOWS/DOORS (GATES/FENCES)
5	Number of "Y"s	5	5	5	5	5	4	5	4	4	4	5	5	5	4	5
	Number of "D"s	0	0	0	0	0	1	0	1	1	1	0	0	0	1	0
	Number of "X"s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Number of N/A's	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent of System in Good Repair: Number of "Y"s divided by (Total Areas - "N/A"s)		100.00%		100.00%	100.00%	100.00%	80.00%	100.00%	80.00%	80.00%	80.00%	100.00%	100.00%	100.00%	80.00%	100.00%
Total Percent per Category (average of above)		100.00%		100.00%	100.00%	90.00%		100.00%	80.00%		90.00%		100.00%		90.00%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD		GOOD	GOOD	GOOD		GOOD	FAIR		GOOD		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:	DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	93.75%	SCHOOL RATING	GOOD
-----------------	--	--------	---------------	------

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

PERCENTAGE	DESCRIPTION	RATING
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: Overall clean and much improved over last reporting period. Efforts of staff, students and parents shows pride in the facility.

October 15, 2012

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:

California Education Code Section 1240 requires that I, as Superintendent of Schools, visit schools identified in Yuba County and report to you the results of my visit. This report concerns my visit to Cedar Lane Elementary School which is in the Marysville Joint Unified School District. Let me state at the outset that the visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Cedar Lane Elementary School. The purpose of my visit as specified in California Education Code 1240 was:

1. To ensure that students have access to "sufficient" instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To 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"; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

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

1. Teacher assignments in Decile 1-3 schools;
2. Receive 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
3. 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.

While the areas enumerated in this paragraph 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 Cedar Lane Elementary School is 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.
- “Facilities standards” means that each school district that 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 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 2012 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** – Good Repair
- **MECH/HVAC** – Good Repair
- **SEWER** – Good Repair
- **INTERIOR SURFACES** – Good Repair
- **OVERALL CLEANLINESS** – Good Repair
- **PEST/VERMIN INFESTATION** – Good Repair
- **ELECTRICAL** – Staff Copy Room: electrical panel blocked, 2 microwaves & 1 refrigerator plugged into 1 receptacle causing an overload.
- **RESTROOMS** – Adult restroom exterior ADA signing missing from door.
- **SINKS/ FOUNTAINS** – Good Repair
- **FIRE SAFETY** – Room A: A101, fire extinguisher blocked by bookshelf

- **HAZARDOUS MATERIALS** – Good Repair
- **STRUCTURAL DAMAGES** – Good Repair
- **ROOFS** – Good Repair
- **PLAYGROUND/SCHOOL GROUNDS** – Good Repair
- **WINDOWS/DOORS/GATES/FENCES** – Room D: D-106, broken window at the top SW corner

Instructional Materials:

The Williams Verification Visit to Cedar Lane Elementary School occurred on September 7, 2012. 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 2010-2011 School Accountability Report Card, published during the 2011-2012 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on August 2011, resulting in an overall rating of "Good." See the attached Facility Inspection Tool for details of school facility condition on September 5, 2012.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 7, 2012 Williams visit.

Teacher Misassignment:

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3rd 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 2011-2012 school year, April 1 – June 30.

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

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

Enc: State Facility Inspection Tool

PART II: EVALUATION DETAIL															
Date of Inspection: 09/05/12															
School Name: CEDAR LANE															
CATEGORY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
AREA	GAS LEAKS	MECH/VAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUNDS/ SCHOOL GROUNDS	WINDOWS/ DOORS/ GATES/FENCES
Main Office	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	Clean and orderly													
Cafeteria	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	Very clean and well maintained													
Rooms A, C, D, 101-108	✓	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	D
	COMMENTS:	A101 fire extinguisher blocked by bookshelf. D-106 broken window, top SW corner.													
Rooms P-100's & 200's	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	Adult restroom exterior ADA signing missing from door.													
Staff Copy Room	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	Electrical panel blocked. 2 microwaves & 1 refrigerator plugged into 1 receptacle causing overload													
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

Marks: ✓ = Good Repair (When filling up the electronic version, please use ctrl+G); D = Deficiency; D = Extreme Deficiency; NA = Not Applicable

Use additional sheets as necessary.

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
CEDAR LANE ELEMENTARY SCHOOL		Elementary (K-5)	32
INSPECTOR'S NAME	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)		
Howard Busch	Terry Biladeau, MJUSD Maintenance Director		
INSPECTOR'S TITLE			
YCOE Maintenance Supervisor			
TIME OF INSPECTION	WEATHER CONDITION AT TIME OF INSPECTION		
11:00 am - 1:00 pm	Clear & Dry		

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

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/VAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION		RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOF'S	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
5	Number of "Y"s	5	5	5	5	5	5	4	4	5	4	5	5	5	5	4
	Number of "D"s	0	0	0	0	0	0	1	1	0	1	0	0	0	0	1
	Number of "X"s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Number of N/A's	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent of System in Good Repair Number of "Y"s divided by (Total Areas - "N/A"s)		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	80.00%	80.00%	100.00%	80.00%	100.00%	100.00%	100.00%	100.00%	80.00%
Total Percent per Category (average of above)*		100.00%			100.00%	100.00%		80.00%	90.00%		90.00%		100.00%		90.00%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			GOOD	GOOD		FAIR	GOOD		GOOD		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:

DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE

93.75%

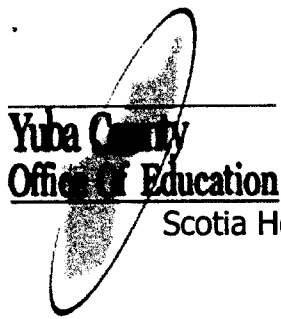
SCHOOL RATING: GOOD

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

PERCENTAGE	DESCRIPTION	RATING
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:

Overall appearance very good considering age of the school.



Scotia Holmes Sanchez, Ed.D.
Superintendent

935 14th Street
Marysville, CA 95901
530-749-4900
Fax: 530-741-6500
www.yuba.net

October 15, 2012

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:

California Education Code Section 1240 requires that I, as Superintendent of Schools, visit schools identified in Yuba County and report to you the results of my visit. This report concerns my visit to Abraham Lincoln High School which is in the Marysville Joint Unified School District. Let me state at the outset that the visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Abraham Lincoln High School. The purpose of my visit as specified in California Education Code 1240 was:

1. To ensure that students have access to "sufficient" instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To 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"; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

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

1. Teacher assignments in Decile 1-3 schools;
2. Receive 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
3. 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.

While the areas enumerated in this paragraph 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 Abraham Lincoln High School is 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.
- “Facilities standards” means that each school district that 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 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 2012 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** – Good Repair
- **MECH/HVAC** – East Portable: P106 HVAC unit not cooling efficiently.
- **SEWER** – Good Repair
- **INTERIOR SURFACES** – Good Repair
- **OVERALL CLEANLINESS** – West Portable: P103, suggest removal of items on top of bookshelves (falling hazard)
- **PEST/VERMIN INFESTATION** – Good Repair
- **ELECTRICAL** – Good Repair
- **RESTROOMS** – Good Repair
- **SINKS/ FOUNTAINS** – Good Repair
- **FIRE SAFETY** – Good Repair

- **HAZARDOUS MATERIALS** – Good Repair
- **STRUCTURAL DAMAGES** – Good Repair
- **ROOFS** – Good Repair
- **PLAYGROUND/SCHOOL GROUNDS** – Good Repair
- **WINDOWS/DOORS/GATES/FENCES** – West Portable: P102, broken front window (boarded & glass is on order)

Instructional Materials:

The Williams Verification Visit to Abraham Lincoln High School occurred on September 14, 2012. 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 2010-2011 School Accountability Report Card, published during the 2011-2012 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district in September 2011, resulting in an overall rating of "Fair." See the attached Facility Inspection Tool for details of school facility condition on September 12, 2012.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 14, 2012 Williams visit.

Teacher Misassignment:

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3rd 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 2011-2012 school year, April 1 – June 30.

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: State Facility Inspection Tool

PART II: EVALUATION DETAIL															
Date of Inspection: 09/12/12															
School Name: ABRAHAM LINCOLN															
CATEGORY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
AREA	GAS LEAKS	MECH/VAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUNDS / SCHOOL GROUNDS	WINDOWS / DOORS / GATES/FENCES
Office	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	Very clean													
East Portable	✓	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	P106 HVAC unit not cooling efficiently													
West Portable	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	D
	COMMENTS:	P103 suggest removal of items on top of bookshelves (falling hazard). P102 broken front window (boarded & glass on order)													
Restrooms	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	All restrooms clean and well stocked													
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

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.

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
ABRAHAM LINCOLN HOME SCHOOL	Alternative (K-12)	7
INSPECTOR'S NAME	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
Howard Busch	Terry Biladeau, MJUSD Maintenance Director	
INSPECTOR'S TITLE		
YCOE Maintenance Supervisor		
TIME OF INSPECTION	WEATHER CONDITION AT TIME OF INSPECTION	
8:30 am - 9:30 am	Clear & Dry	

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

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDSHIELDS/ GATES/FENCES
4	Number of "A"s	4	3	4	4	3	4	4	4	4	4	4	4	4	4	3
	Number of "D"s	0	1	0	0	1	0	0	0	0	0	0	0	0	0	1
	Number of "X"s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Number of "N/A"s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent of Systems in Good Repair Number of "A"s divided by (Total Areas - "N/A"s")		100.00%	75.00%	100.00%	100.00%	75.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	75.00%
Total Percent per Category (average of above)*		91.67%			100.00%	87.50%		100.00%	100.00%		100.00%		100.00%		87.50%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			GOOD	FAIR		GOOD	GOOD		GOOD		GOOD		FAIR	

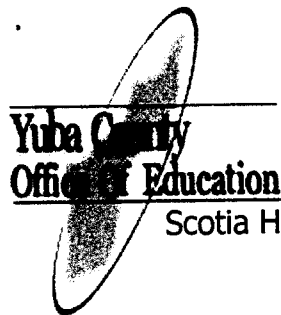
*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	95.83%	SCHOOL RATING	GOOD
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**For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
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: All units well maintained, clean and orderly.



Scotia Holmes Sanchez, Ed.D.
Superintendent

935 14th Street
Marysville, CA 95901
530-749-4900
Fax: 530-741-6500
www.yuba.net

October 15, 2012

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:

California Education Code Section 1240 requires that I, as Superintendent of Schools, visit schools identified in Yuba County and report to you the results of my visit. This report concerns my visit to Yuba Feather Elementary School which is in the Marysville Joint Unified School District. Let me state at the outset that the visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Yuba Feather Elementary School. The purpose of my visit as specified in California Education Code 1240 was:

1. To ensure that students have access to "sufficient" instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To 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"; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

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

1. Teacher assignments in Decile 1-3 schools;
2. Receive 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
3. 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.

While the areas enumerated in this paragraph 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 Yuba Feather Elementary School is 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.
- “Facilities standards” means that each school district that 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 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 2012 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** – Good Repair
- **MECH/HVAC** – Good Repair
- **SEWER** – Good Repair
- **INTERIOR SURFACES** – Good Repair
- **OVERALL CLEANLINESS** – North Area: Room 3 refrigerator needs cleaning
- **PEST/VERMIN INFESTATION** – Good Repair
- **ELECTRICAL** – Boiler Room: electrical outlet broken at bottom of stairs
- **RESTROOMS** – Staff Restroom: electrical switch not working
- **SINKS/ FOUNTAINS** – Good Repair
- **FIRE SAFETY** – Boiler Room: expired fire extinguisher at entry; North Area: fire extinguisher covered up

- **HAZARDOUS MATERIALS** – Good Repair
- **STRUCTURAL DAMAGES** – Good Repair
- **ROOFS** – Good Repair
- **PLAYGROUND/SCHOOL GROUNDS** – Good Repair
- **WINDOWS/DOORS/GATES/FENCES** – Good Repair

INSTRUCTIONAL MATERIALS:

The instructional materials monitoring visit took place on September 10, 2012. 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 2010-2011 School Accountability Report Card, published during the 2011-2012 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on September 2011, resulting in an overall rating of “Good.” See the attached Facility Inspection Tool for details of school facility condition on September 5, 2012 Williams visit.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 10, 2012 Williams visit.

TEACHER MISASSIGNMENTS:

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

AUDIT REVIEW:

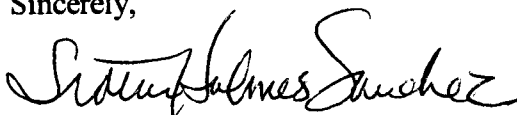
There were no audit findings for this site.

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 2011-2012 school year, April 1 – June 30.

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 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: State Facility Inspection Tool

PART II: EVALUATION DETAIL

Date of Inspection: 09/05/12

School Name: YUBA FEATHER

CATEGORY AREA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	GAS LEAKS	MECH/VAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUNDS, CHOCOL GROUND, GROUNDS	WINDOWS, DOORS, GATEWAYS
Boiler Room	✓	✓	✓	✓	✓	✓	D	✓	✓	D	✓	✓	✓	✓	✓
COMMENTS:	Expired fire extinguisher at entry. Electrical outlet broken at bottom of stairs.														
North Area	✓	✓	✓	✓	D	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
COMMENTS:	Room 3 refrigerator needs cleaning. Fire extinguisher covered up.														
Central Staff Restroom	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	✓	✓
COMMENTS:	Electrical switch not working in staff restroom.														
Cafeteria & Gym	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
COMMENTS:	Excellent condition.														
South Area	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
COMMENTS:	No issues found.														
Grounds & Parking Lot	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
COMMENTS:	Very good.														
COMMENTS:															
COMMENTS:															
COMMENTS:															
COMMENTS:															
COMMENTS:															

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.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION		COUNTY
MARYSVILLE JOINT UNIFIED / YUBA COUNTY OFFICE OF EDUCATION		YUBA COUNTY
SCHOOL SITE		SCHOOL TYPE (GRADE LEVELS)
YUBA FEATHER ELEMENTARY		Elementary (K-8)
INSPECTOR'S NAME	INSPECTOR'S TITLE	NUMBER OF CLASSROOMS ON SITE
Howard Busch	YCOE Maintenance Supervisor	9
TIME OF INSPECTION	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
9:00 am - 10:30 am	Terry Biladeau, MJUSD Maintenance Director	
WEATHER CONDITION AT TIME OF INSPECTION		
Clear and dry		

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

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/VAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/TERMITE INFESTATION		RESTROOMS	SINKS/FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/SCHOOL GROUNDS	WINDOWN/DOORS
6	Number of ✓'s	6	6	6	6	5	6	5	5	6	4	6	6	6	6	6
	Number of 0's	0	0	0	0	1	0	1	1	0	2	0	0	0	0	0
	Number of X's	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Number of N/A's	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent of System in Good Repair Number of ✓'s divided by (Total Areas - "N/A's")		100.00%		100.00%	100.00%	83.33%	100.00%	83.33%	83.33%	100.00%	66.67%	100.00%	100.00%	100.00%	100.00%	100.00%
Total Percent per Category (average of above)*		100.00%			100.00%	91.67%		83.33%	91.67%		83.34%		100.00%		100.00%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			GOOD	GOOD		FAIR	GOOD		FAIR		GOOD		GOOD	

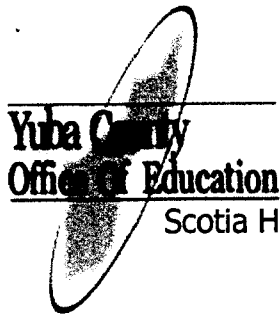
*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	SCHOOL RATING**
	93.75%	GOOD

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

PERCENTAGE	DESCRIPTION	RATING
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: Overall facility very clean and exhibits pride from custodial staff & teachers alike.



Scotia Holmes Sanchez, Ed.D.
Superintendent

935 14th Street
Marysville, CA 95901
530-749-4900
Fax: 530-741-6500
www.yuba.net

October 15, 2012

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:

California Education Code Section 1240 requires that I, as Superintendent of Schools, visit schools identified in Yuba County and report to you the results of my visit. This report concerns my visit to Yuba Gardens Intermediate School which is in the Marysville Joint Unified School District. Let me state at the outset that the visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Yuba Gardens Intermediate School. The purpose of my visit as specified in California Education Code 1240 was:

1. To ensure that students have access to "sufficient" instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To 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"; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

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

1. Teacher assignments in Decile 1-3 schools;
2. Receive 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
3. 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.

While the areas enumerated in this paragraph 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 Yuba Gardens Intermediate School is 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.
- “Facilities standards” means that each school district that 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 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 2012 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** – Good Repair
- **MECH/HVAC** – Good Repair
- **SEWER** – Good Repair
- **INTERIOR SURFACES** – Good Repair
- **OVERALL CLEANLINESS** – Good Repair
- **PEST/VERMIN INFESTATION** – Good Repair
- **ELECTRICAL** – South Portables: electrical cords taped down on floor are coming up posing a tripping hazard. Cafeteria: broken electrical receptacle on the stage front step.
- **RESTROOMS** – Good Repair

- **SINKS/ FOUNTAINS** – Main Building: exterior walkthrough fountains need cleaning.
- **FIRE SAFETY** – South Portables: P203 fire extinguisher discharged.
Attendance Office: boxes stored too close to heater
- **HAZARDOUS MATERIALS** – Good Repair
- **STRUCTURAL DAMAGES** – Good Repair
- **ROOFS** – Good Repair
- **PLAYGROUND/SCHOOL GROUNDS** – Good Repair
- **WINDOWS/DOORS/GATES/FENCES** – Library: broken top window outside glass only (glass on order)

Instructional Materials:

The Williams Verification Visit to Yuba Gardens Intermediate School occurred on September 13, 2012. 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 2010-2011 School Accountability Report Card, published during the 2011-2012 school year was reviewed.

- **School Facilities:** The SARC reports that the facilities inspection was completed by the district on August 2011, resulting in an overall rating of "Good." See the attached Facility Inspection Tool for details of school facility condition on September 12, 2012.
- **Instructional Materials:** The SARC reports that students have sufficient textbooks in the four core subjects. This was verified by the September 13, 2012 Williams visit.

Teacher Misassignment:

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3rd 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 2011-2012 school year, April 1 – June 30.

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 Intermediate 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: State Facility Inspection Tool

PART II: EVALUATION DETAIL															
Date of Inspection: 09/12/12 School Name: YUBA GARDENS															
CATEGORY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
AREA	GAS LEAKS	MECH/VAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND SCHOOL GROUNDS	WINDOWS DOORS GATES/FENCES
Science Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Lab chemicals stored properly and area very clean and safe.														
South Portables	✓	✓	✓	✓	✓	✓	D	✓	✓	D	✓	✓	✓	✓	✓
	P203 fire extinguisher discharged and electrical cords taped on floor coming up posing a tripping hazard.														
Cafeteria & Gym	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	✓	✓	✓
	Cafeteria: broken electrical receptacle, stage front step. Gym area ok.														
Library & Surrounding Area	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	D
	Broken top window outside glass only (glass on order).														
Wood Shop	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Very clean and orderly, all safety guards in place.														
Main Bldg. Attendance Throughfare	✓	✓	✓	✓	✓	✓	✓	✓	D	D	✓	✓	✓	✓	✓
	Exterior walk-through: fountains need cleaning. Attendance Office: boxes stored too close to heater.														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

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.

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	Terry Bildeau, MJUSD Maintenance Director		
INSPECTOR'S TITLE			
YCOE Maintenance Supervisor			
TIME OF INSPECTION	WEATHER CONDITION AT TIME OF INSPECTION		
9:45 - 11:30 am	Clear and dry		

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

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. WATER			B. INTERIOR		C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	POOR	LANDSCAPE/SURROUNDS	WIND/DAMAGE	REFERENCES
6	Number of "Y's"	6	6	6	6	6	6	4	6	5	4	6	6	6	6	5	
	Number of "O's"	0	0	0	0	0	0	2	0	1	2	0	0	0	0	1	
	Number of "X's"	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Number of N/A's	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent of System in Good Repair Number of "Y's" divided by (Total Areas - "N/A's")		100.00%		100.00%	100.00%	100.00%	100.00%	66.67%	100.00%	83.33%	66.67%	100.00%	100.00%	100.00%	100.00%	83.33%	
Total Percent per Category (average of above)		100.00%		100.00%	100.00%	100.00%	100.00%	66.67%	91.67%	83.34%	83.34%	83.34%	100.00%	100.00%	100.00%	91.67%	
Rank (Circle one) GOOD = 80%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD		GOOD	GOOD	GOOD	GOOD	POOR	GOOD	GOOD	FAIR	FAIR	GOOD	GOOD	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:	DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	91.67%	SCHOOL RATING	GOOD
-----------------	--	--------	---------------	------

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

PERCENTAGE	DESCRIPTION	RATING
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
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:

The total facility shows noticeable improvement since last inspected.

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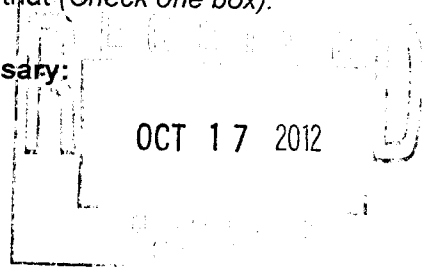
2012 Local Agency Biennial Notice

Name of Agency: KEYSTONE CEMETERY DISTRICT
 Mailing Address: P.O. B. #172 DOBBINS CA, 95935
 Contact Person: CAROL BENTLEY Office Phone No: 692-2955
 E-mail: _____ Fax No: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

- ☐ An amendment is required. The following amendments are necessary:
 (Mark all that apply.)
- ☐ Include new positions.
 - ☐ Revise disclosure categories.
 - ☐ Revise the titles of existing positions.
 - ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
 - ☐ Other (describe) _____



- ☒ No amendment is required.
☐ The code is currently under review by the code reviewing body.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Robert W. Robert
 Signature of Chief Executive Officer

10-16-12
 Date

Complete this notice regardless of how recently your code was approved or amended.
 Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

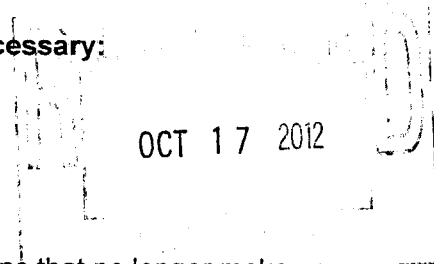
2012 Local Agency Biennial Notice

Name of Agency: Browns Valley Irrigation District
 Mailing Address: P.O. Box 6 Browns Valley, CA 95918
 Contact Person: Walter Cotter Office Phone No: 530-743-5703
 E-mail: walter@bvid.org Fax No: 530-743-0445

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

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Signature of Chief Executive Officer

October 16, 2012

Date

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 Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

2012 Local Agency Biennial Notice

Name of Agency: PEORIA CEMETERY DISTRICT

Mailing Address: P.O. BOX 23, BROWNS VALLEY, CA 95918

Contact Person: DOLORES MCGUIRE Office Phone No: (530) 749-8473

E-mail: _____ Fax No: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that *(Check one box)*:

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(Mark all that apply.)

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- ☐ Other (describe) _____

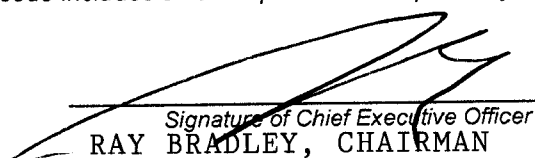
OCT 18 2012

☒ **No amendment is required.**

☐ **The code is currently under review by the code reviewing body.**

Verification

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Signature of Chief Executive Officer
RAY BRADLEY, CHAIRMAN

10/15/12
Date

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Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

2012 Local Agency Biennial Notice

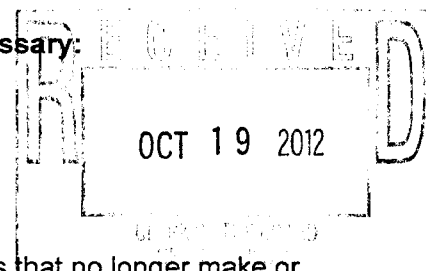
Name of Agency: Plumas Lake Elementary School District
 Mailing Address: 2743 Plumas School Rd, Plumas Lake, CA 95961
 Contact Person: Jeff Roberts Office Phone No: 530-743-4428
 E-mail: jroberts@plUSD.org Fax No: 530-743-4408

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

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 (Mark all that apply.)

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- ☐ Other (describe) _____



☒ **No amendment is required.**

☐ **The code is currently under review by the code reviewing body.**

Verification

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 Signature of Chief Executive Officer

10/16/2012

 Date

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Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

2012 Local Agency Biennial Notice

Name of Agency: Camptonville Union Elementary School District
Mailing Address: P.O. Box 278 Camptonville, CA 95922
Contact Person: Sandra Ross Office Phone No: 530 288-3277
E-mail: sross@cville.k12.ca.us Fax No: 288-0805

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

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(Mark all that apply.)
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 - ☐ Revise the titles of existing positions.
 - ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
 - ☐ Other (describe) _____

OCT 24 2012

☒ No amendment is required.

☐ The code is currently under review by the code reviewing body.

Verification

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Sandra Ross
Signature of Chief Executive Officer

9-10-12
Date

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Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

2012 Local Agency Biennial Notice

Name of Agency: Olivehurst Public Utility District
 Mailing Address: P.O. Box 670 Olivehurst, CA 95961
 Contact Person: Cindy Van Meter Office Phone No: (530) 743-0317
 E-mail: cvanmeter@opud.org Fax No: (530) 743-3023

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

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- ☐ Other (describe) _____

OCT 24 2012

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☐ The code is currently under review by the code reviewing body.

Verification

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James L. Carpenter
 Signature of Chief Executive Officer

10/18/12
 Date

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Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

2012 Local Agency Biennial Notice

OCT 29 2012

Name of Agency: CORDUA IRRIGATION DISTRICT
Mailing Address: P.O. BOX 1111
MARYSVILLE, CA 95901
Contact Person: Charles Mathews, Chair Office Phone No: (530) 743-6264
E-mail: cmathews@pulsarco.com Fax No: 743-7409

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

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 - ☐ Other (describe) _____

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Signature of Chief Executive Officer

October 25, 2011

Date

Paul R. Minasian, Atty for District

Complete this notice regardless of how recently your code was approved or amended.

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Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

2012 Local Agency Biennial Notice

Name of Agency: Wheatland Union High School District
 Mailing Address: 1010 Wheatland Rd, Wheatland, CA 95692
 Contact Person: Vic Ramos Office Phone No: 530 633-3100 x102
 E-mail: vramos@wheatlandhigh.org Fax No: 530 633-3119

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

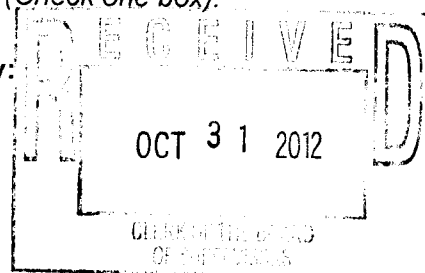
☐ An amendment is required. The following amendments are necessary:
 (Mark all that apply.)

- ☐ Include new positions.
- ☐ Revise disclosure categories.
- ☐ Revise the titles of existing positions.
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

☒ Other (describe) New BB in place as of 10/4/2011

☒ No amendment is required. if current BB is on file - see attached.

☐ The code is currently under review by the code reviewing body.



Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

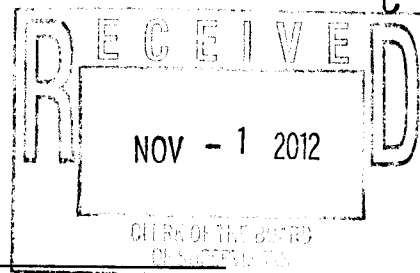
[Signature]
 Signature of Chief Executive Officer

10/24/12
 Date

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Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

2012 Local Agency Biennial Notice



Name of Agency: District 10- Hallwood C.S.D.

Mailing Address: 2251 Walnut Ave, Marysville, CA 95901

Contact Person: Mary Hall Office Phone No: 530-743-2490

E-mail: mary.hall@infostations.com Fax No: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

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- ☐ Revise disclosure categories.
- ☐ Revise the titles of existing positions.
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
- ☒ Other (describe) Filing officer changed

☐ **No amendment is required.**

☒ **The code is currently under review by the code reviewing body.**

Verification

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Signature of Chief Executive Officer

10/17/12

Date

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Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

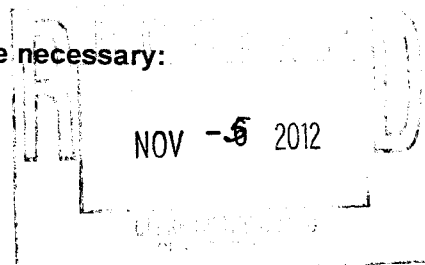
2012 Local Agency Biennial Notice

Name of Agency: Wheatland Cemetery District
 Mailing Address: P.O. Bx 281, Wheatland, CA 95692
 Contact Person: Holly A Welch Office Phone No: 530 633 4333
 E-mail: wheatlandcd@att.net Fax No: NONE

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

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 - ☐ Revise the titles of existing positions.
 - ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
 - ☐ Other (describe) _____
- ☒ **No amendment is required.**
- ☐ **The code is currently under review by the code reviewing body.**



Verification

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 Signature of Chief Executive Officer

05 Nov 12
 Date

Complete this notice regardless of how recently your code was approved or amended.
 Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

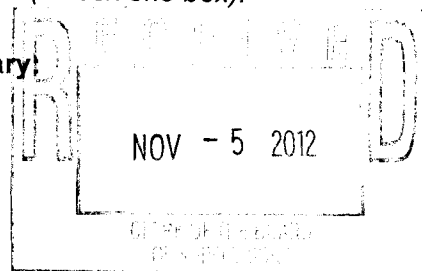
2012 Local Agency Biennial Notice

Name of Agency: Marysville Local Commission
Mailing Address: P.O. Box 150 Marysville CA 95901
Contact Person: Pat Ajula Office Phone No: (530) 632-5110
E-mail: _____ Fax No: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

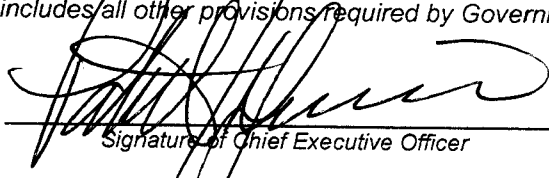
This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

- ☐ An amendment is required. The following amendments are necessary:
(Mark all that apply.)
- ☐ Include new positions.
 - ☐ Revise disclosure categories.
 - ☐ Revise the titles of existing positions.
 - ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
 - ☐ Other (describe) _____
- ☒ No amendment is required.
- ☐ The code is currently under review by the code reviewing body.



Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

11/1/12

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

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Commissioners
Jim Kellogg, President
 Discovery Bay
Michael Sutton, Vice President
 Monterey
Daniel W. Richards, Member
 Upland
Richard Rogers, Member
 Santa Barbara
Jack Baylis, Member
 Los Angeles

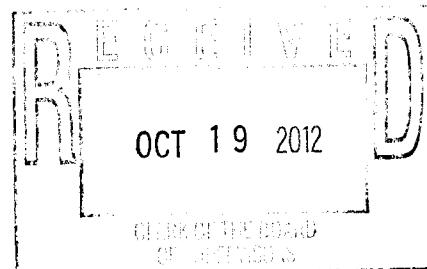
STATE OF CALIFORNIA
 Edmund G. Brown Jr., Governor

Fish and Game Commission



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

October 17, 2012



TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to sections 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, and 28.58, Title 14, California Code of Regulations, relating to recreational fishing regulations for federal groundfish and associated species for consistency with federal rules for 2013 and 2014, which will be published in the California Regulatory Notice Register on October 19, 2012.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Paul Hamdorf, Marine Region, Department of Fish and Game, phone (562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena

Sherrie Fonbuena
 Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 702, 7071, and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215, 220, 1802, 5508, 5509, 7071, 8585.5, 8586, of the Fish and Game Code, 50 CFR Part 660, Subpart G; 50 CFR 660.384; and Title 14 CCR 27.20, proposes to amend sections 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, and 28.58, Title 14, California Code of Regulations, relating to recreational fishing regulations for federal groundfish and associated species for consistency with federal rules for 2013 and 2014

Informative Digest/Policy Statement Overview

Under California law (California Fish and Game Code sections 200 and 205), the California Fish and Game Commission (Commission) adopts regulations for recreational groundfish fishing in state waters zero to three miles from shore. The Pacific Fishery Management Council (Council) recommends management measures for jointly managed fisheries operating in federal waters three to 200 miles from shore. These measures are then implemented into federal law. For consistency the Commission routinely adopts regulations to bring state law into conformance with federal law for groundfish and other federally-managed species, a regular process which occurs biennially.

Existing law authorizes the recreational take of groundfish with a sport license subject to regulations set forth by federal and state authorities. Current regulations establish season lengths, depth constraints, methods of take, and size and bag limits within the six groundfish management areas for all federal groundfish and associated species.

At its June 2012 meeting in San Mateo, the Council recommended regulatory changes for recreational groundfish fishing in California in 2013 and 2014. These changes were intended to provide additional opportunities where appropriate or constrain catches to keep within allowable limits.

Proposed Amendments to Season Length and Depth Constraints

The proposed changes to seasons for 2013-2014 (Table 1) will reduce regulatory complexity in the Northern and Mendocino Management Areas by providing consistent opening dates in each year. The Mendocino Management Area will also receive increased opportunities from a longer season that extends through Labor Day, based on a small increase in the allowable take level for yelloweye rockfish.

The proposed regulation modifies the Southern Management Area depth constraint from 60 fathoms to 50 fathoms.

Table 1. Season structure and depth constraints for the California recreational groundfish fishery proposed for 2013 and 2014, as recommended by the Council in June 2012.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed				May 15 – Oct 31, <20fm						Closed	
Mendocino	Closed				May 15 – Sep 2, <20fm May 15 – Sep 1, < 20fm ²				Closed			
San Francisco	Closed				Jun 1 – Dec 31, <30fm							
Central	Closed				May 1 – Dec 31, <40fm							
Southern	Closed		Mar 1 – Dec 31, <50fm									
CCA	Closed		Mar 1 – Dec 31, <20fm									

¹ Fishing is allowed from May 15 Through September 2, 2013, in the Mendocino Management Area.

² Fishing is allowed from May 15 Through September 1, 2014, in the Mendocino Management Area.

Bocaccio Recreational Size Limit, Fillet Length Limit and Bag Limit

Bocaccio are the only rockfish in the recreational fishery with a minimum size limit, which is ten inches [subsection 28.55 (c), Title 14, California Code of Regulations (CCR)]. The proposed regulation will repeal the bocaccio minimum size limit and the corresponding fillet length limit.

The proposed regulation will increase the bocaccio sub-bag limit increase from two fish to three fish within the 10-fish Rockfish, Cabezon, Greenling (RCG) complex bag limit.

Species or Species Groups which may be Taken or Possessed in Cowcod Conservations Areas (CCAs)

Currently all shelf rockfish [as defined in, subsection 1.91(a)(3), Title 14, CCR] taken in the CCA must be discarded. The proposed regulation will authorize take and possession of shelf rockfish in the CCA during the open season for groundfish in depths shallower than 20 fathoms. Retention of bronzedspotted rockfish, canary rockfish, cowcod, and yelloweye rockfish will remain prohibited in the CCA, as they are in all areas of the state.

Summary of Proposed Amendments

1. Season structure and depth constraints will be amended as outlined in Table 1.
2. Regulations regarding bocaccio minimum size limit and fillet length limit would be repealed.
3. Regulation regarding the bocaccio sub-bag limit within the RGC complex will be amended to allow for a three fish sub-bag limit.
4. Regulations regarding take and possession of species and/or species groups in the Cowcod Conservation Area will be amended to allow take and possession of shelf rockfish. Take and possession of bronzedspotted rockfish, canary rockfish, cowcod, and yelloweye rockfish will remain prohibited.

The Commission anticipates benefits to the environment by the sustainable management of California's groundfish resources.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of California's wildlife.

The Commission does not anticipate any non-monetary benefits to worker safety, the prevention of discrimination, the promotion of fairness or social equity, or the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Radisson Hotel-LAX, 6225 West Century Blvd., Los Angeles, California, on Wednesday, November 7, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hilton San Diego-Mission Valley, 901 Camino del Rio South, San Diego, California, on Wednesday, December 12, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 7, 2012.** All comments must be received no later than December 12, 2012, at the hearing in San Diego, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Paul Hamdorf, Marine Region, Department of Fish and Game, phone (562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person

interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are consistent with the continued preservation of the resource and therefore should prevent adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment::

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes which may or may not include changes to fishing regulations. Additionally, the long-term intent of the proposed action is to provide for increased opportunity for sustainable harvest of fishable stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of California's wildlife.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: October 5, 2012

Sonke Mastrup
Executive Director

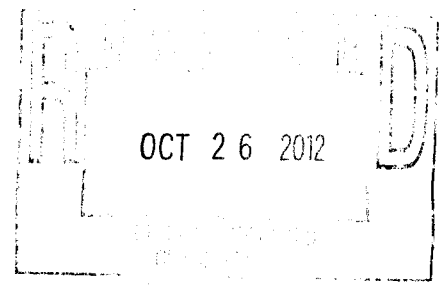
Commissioners
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Jack Baylis, Member
Los Angeles

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



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



October 24, 2012

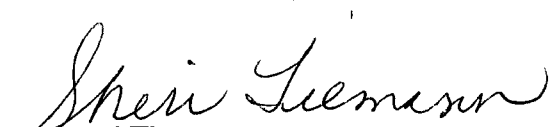
TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action resulting from the Commission's February 2, 2012, meeting, when it made a finding pursuant to Section 2075.5, Fish and Game Code, that listing the southern mountain yellow-legged frog (*Rana muscosa*) as Endangered under CESA is warranted; and listing the Sierra Nevada yellow-legged frog (*Rana sierrae*) as Threatened under CESA is warranted. The notice of proposed regulatory action will be published in the California Regulatory Notice Register on October 26, 2012.

Please note the date of the public hearing related to this matter and associated deadlines for receipt of written comments.

Mr. Stafford Lehr, Fisheries Branch, Department of Fish and Game, phone (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,


Sheri Tiemann
Staff Services Analyst

Attachment

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 2070 and 2075.5 of the Fish and Game Code and to implement, interpret or make specific sections 1755, 2055, 2062, 2067, 2070, 2074.6, 2075.5, 2077, 2080, 2081 and 2835, of the Fish and Game Code, proposes to amend Section 670.5, Title 14, California Code of Regulations, relating to Animals of California Declared to Be Endangered or Threatened.

Informative Digest/Policy Statement Overview

The Department of Fish and Game recommends that the Commission amend subsection (a)(3) of Section 670.5 of Title 14, CCR, to add the southern mountain yellow-legged frog (*Rana muscosa*) to the list of endangered animals, and amend subsection (b)(3) of Section 670.5 of Title 14, CCR, to add the Sierra Nevada mountain yellow-legged frog (*Rana sierrae*) to the list of threatened animals.

In making the recommendation to list the mountain yellow-legged frog (*Rana muscosa* and *Rana sierrae*) pursuant to CESA, the Department identified the following primary threats:

1) introduction and persistence of non-native trout populations to habitats occupied by mountain yellow-legged frog; 2) introduction and persistence of the amphibian disease chytridiomycosis; and 3) catastrophic natural events impacting relictual southern California populations of southern mountain yellow-legged frog (*Rana muscosa*). More detail about the current status of the mountain yellow-legged frog (*Rana muscosa* and *Rana sierrae*) can be found in the "Report to the California Fish and Game Commission, "A Status Review of the Mountain Yellow-Legged Frog (*Rana muscosa* and *Rana sierrae*)" (Department of Fish and Game, November 28, 2011).

The proposed regulation will benefit the environment by protecting the southern mountain yellow-legged frog (*Rana muscosa*) as an endangered species and the Sierra Nevada yellow-legged frog (*Rana sierrae*) as a threatened species.

The Commission does not anticipate any non-monetary benefits to worker safety, the prevention of discrimination, the promotion of fairness or social equity, or the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. No other state entity has the authority to list threatened and endangered species.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hilton San Diego-Mission Valley, 901 Camino del Rio South, San Diego, California, on Wednesday, December 12, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 7, 2012.** All comments must be received no later than December 12, 2012, at the hearing in San Diego, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct

requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sheri Tiemann at the preceding address or phone number. **Stafford Lehr, Fisheries Branch, Department of Fish and Game, phone (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

While the California Endangered Species Act (CESA) does not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing process.

Listing a species pursuant to CESA is a multi-stage process. During one stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this next stage, the Commission is required to follow the Administrative Procedure Act (APA).

The provisions of the APA, specifically sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact on businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other state laws.

Since the finding portion of CESA is silent to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on businesses and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this

analysis fully meets the intent and language of both statutory programs.

Designation of the southern mountain yellow-legged frog (*Rana muscosa*) and the Sierra Nevada mountain yellow-legged frog (*Rana sierrae*) as endangered and threatened, respectively, will subject it to the provisions of CESA. CESA prohibits take and possession except as may be permitted by the Department.

Listed status is not expected to result in any significant adverse economic effect on small business or significant cost to private or public entities undertaking activities subject to the California Environmental Quality Act (CEQA). Prior to making any discretionary approval of a project subject to CEQA, public agencies are to consider de facto endangered species to be subject to the same requirements under CEQA as though they were already listed by the Commission in Sections 670.2 or 670.5 of Title 14, CCR (CEQA Guidelines, Section 15380). All populations of mountain yellow-legged frog have qualified for protection under CEQA Guidelines Section 15380 since its designation by the Department in 1994 as a species of special concern.

Required mitigation as a result of public agency compliance with CEQA, whether or not the species is listed by the Commission, may increase the cost of a project. Such costs may include, but are not limited to, purchasing off-site habitat, development and implementation of management plans, establishing new populations, installation of protective devices such as fencing, protection of additional habitat, and long-term monitoring of mitigation sites. Public agencies may also require additional actions should the mitigation measures fail, resulting in added expenditures by the project proponent. If the mitigation measures required by the public agency do not minimize and fully mitigate project effects on a listed species as required for the Department to issue an incidental take permit pursuant to CESA, listing could increase business costs by requiring measures beyond those required by CEQA.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment::

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission does not anticipate benefits to the health and welfare of California residents or to worker safety.

The Commission anticipates benefits to the environment by the protection of the mountain yellow-legged frog (*Rana muscosa* and *Rana sierrae*).

- (c) Cost Impacts on a Representative Private Person or Business:

Designation of threatened or endangered status, per se, would not necessarily result in any significant cost to private persons or entities undertaking activities subject to CEQA. CEQA presently requires private applicants undertaking projects subject to CEQA to consider de facto endangered (or threatened) and rare species to be subject to the same protections under CEQA as though they are already listed by the Commission in Sections 670.2 or 670.5 of Title 14, CCR (CEQA Guidelines Section 15380).

Any added costs should be more than offset by savings that would be realized through

the information consultation process available to private applicants under CESA. The process would allow conflicts to be resolved at an early stage in project planning and development, thereby avoiding conflicts later in the CEQA review process, which would be more costly and difficult to resolve.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: October 16, 2012

Sonke Mastrup
Executive Director

Commissioners
Jim Kellogg, President
Discovery Bay
Michael Sutton, Vice President
Monterey
Daniel W. Richards, Member
Upland
Richard Rogers, Member
Santa Barbara
Jack Baylis, Member
Los Angeles

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



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

October 30, 2012

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Findings regarding the Gray Wolf (*Canis lupus*) which will be published in the California Regulatory Notice Register on November 2, 2012.

Sincerely,

Sheri Tiemann
Staff Services Analyst

Attachment

Commissioners
Jim Kellogg, President
Discovery Bay
Michael Sutton, Vice President
Monterey
Daniel W. Richards, Member
Upland
Richard Rogers, Member
Santa Barbara
Jack Baylis, Member
Los Angeles

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
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Fish and Game Commission



CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINDINGS

Gray Wolf (*Canis lupus*)

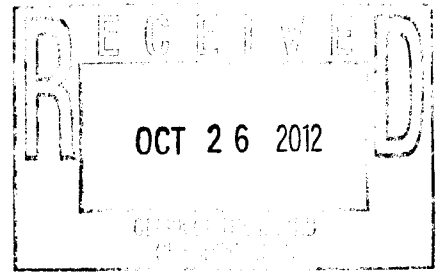
NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its October 3, 2012, meeting in Sacramento, California, accepted for consideration the petition submitted to list the Gray Wolf (*Canis lupus*) as an endangered species. A single, migrating wolf entered California from Oregon in 2012 and is the only member of his species currently alive in the state. His elimination, from any cause, will result in the extirpation of the species within the state. Imminent human threats to his survival include: illegal take, vehicle collisions, and exposure to diseases from domestic animals. 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 3, 2012, 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

October 18, 2012

Sonke Mastrup
Executive Director



Browns Valley Cemetery District

Audited Financial Statements

Fiscal Years June 30, 2006 and 2007

Prepared by:
D.R. Watts Accountancy Corporation
1585 Butte House Road, Suite E
Yuba City, CA 95993
Phone (530) 674-8809 / Fax (530) 674-8868
drwattscpa@aol.com

BROWNS VALLEY CEMETERY DISTICT

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INDEPENDENT AUDITOR'S REPORT

Board of Trustees

Browns Valley Cemetery District

Browns Valley, California

We have audited the accompanying financial statements of the Browns Valley Cemetery District as of and for the years ended June 30, 2007 and June 30, 2006, as listed in the Table of Contents. These financial statements are the responsibility of Browns Valley Cemetery District's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the *State Controller's Minimum Audit Requirements for California Special Districts*, and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amount and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the general purpose financial statements referred to above present fairly, in all material respects, the financial position of the Browns Valley Cemetery District's internal control over financial reporting. Also reported are our findings on the District's compliance with certain provisions of laws, regulations, contracts and grants. That report is an integral part of the audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of the audit.

The District has not presented the Management Discussion and Analysis that the government Accounting Standards Board has determined is necessary to supplement, although not required to be part of the basic financial statements. The supplementary information on pages 16 and 17 are not a required part of the basic financial statements, but are supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the supplementary information. However, we did not audit the information and express no opinion on it.

D.R Watts Accountancy Corporation

A handwritten signature in cursive script that reads "D.R. Watts Accountancy Corp".

Yuba City, California

October 11, 2012

BROWNS VALLEY CEMETERY DISTRICT
STATEMENT OF NET ASSETS

June 30, 2007 and June 30, 2006

	2007 Governmental Activities	2006 Governmental Activities
ASSETS		
Cash and investments (Note 3)	\$ 83,598	\$ 70,451
Prepaid expense	1,950	----
Interest receivable - Yuba County	1,052	678
Receivable from other funds	100	100
Capital assets, net of accumulated depreciation (Note 4)	<u>25,711</u>	<u>26,970</u>
Total Assets	<u>\$ 112,411</u>	<u>\$ 98,199</u>
LIABILITIES		
Payroll tax payable	\$ ----	\$ 667
Payable to other funds	<u>100</u>	<u>100</u>
Total Liabilities	<u>\$ 100</u>	<u>\$ 767</u>
NET ASSETS		
Invested in capital assets, net of related debt	\$ 25,711	\$ 26,970
Restricted-Endowment Fund	14,991	14,191
Unrestricted	<u>71,609</u>	<u>56,271</u>
Total Net Assets	<u>\$ 112,311</u>	<u>\$ 97,432</u>
Total Liabilities and Net Assets	<u>\$ 112,411</u>	<u>\$ 98,199</u>

The accompanying notes are an integral part of these financial statements.

BROWNS VALLEY CEMETERY DISTRICT
STATEMENT OF ACTIVITIES
For the Years Ended June 30, 2007 and June 30, 2006

	2007	2006
EXPENSES		
Governmental Activities-Cemetery Services:		
Salaries and benefits	\$ 11,381	\$ 11,485
Maintenance and supplies	2,288	3,195
Insurance	1,628	263
Depreciation	<u>1,260</u>	<u>1,260</u>
Total Program Expenses	<u>\$ 16,557</u>	<u>\$ 16,203</u>
PROGRAM REVENUES		
Charges for services	<u>\$ 2,150</u>	<u>\$ 2,550</u>
Net Program Expenses	\$ 14,407	\$ 13,653
GENERAL REVENUES		
Property taxes	\$ 24,919	\$ 20,888
Use of money and property	<u>3,567</u>	<u>2,144</u>
Total General Revenues	\$ 28,486	\$ 23,032
ENDOWMENT CARE	<u>\$ 800</u>	<u>\$ 800</u>
Change in Net Assets	\$ 14,879	\$ 10,179
Net Assets, Beginning of Year	<u>97,432</u>	<u>87,253</u>
Net Assets, End of Year	<u>\$ 112,311</u>	<u>\$ 97,432</u>

The accompanying notes are an integral part of these financial statements.

BROWNS VALLEY CEMETERY DISTRICT
BALANCE SHEET-GOVERNMENTAL FUNDS

JUNE 30, 2007

	General Fund	Endowment Fund	Total Governmental Funds
ASSETS			
Cash and investments (Note 3)	\$ 62,374	\$ 21,224	\$ 83,598
Prepaid expense	1,950	----	1,950
Interest receivable, Yuba County	795	257	1,052
Receivable from other funds	<u>100</u>	<u>----</u>	<u>100</u>
Total Assets	<u>\$ 65,219</u>	<u>\$ 21,481</u>	<u>\$ 86,700</u>
LIABILITIES AND FUND BALANCES			
Liabilities			
Payable to other fund	\$ ----	\$ 100	\$ 100
Total Liabilities	<u>\$ ----</u>	<u>\$ 100</u>	<u>\$ 100</u>
Fund Balances			
Restricted:			
Endowment Care	\$ ----	\$ 14,991	\$ 14,991
Unrestricted:			
Undesignated	<u>65,219</u>	<u>6,390</u>	<u>71,609</u>
Total Fund Balances	<u>\$ 65,219</u>	<u>\$ 21,381</u>	<u>\$ 86,600</u>
Total Liabilities and Fund Balances	<u>\$ 65,219</u>	<u>\$ 21,481</u>	<u>\$ 86,700</u>

Amounts reported for governmental activities in the statement of net assets are different because:

Capital assets used in the governmental activities are not financial resources and therefore are not reported in the governmental funds. In the statement of net assets, all assets are reported, including capital assets and accumulated depreciation.

Total fund balance, governmental fund	\$ 86,600
Capital assets at historical cost	32,360
Accumulated depreciation	<u>(6,649)</u>
Total net assets, governmental activities	<u>\$ 112,311</u>

The accompanying notes are an integral part of these financial statements.

BROWNS VALLEY CEMETERY DISTRICT
BALANCE SHEET-GOVERNMENTAL FUNDS

June 30, 2006

	General Fund	Endowment Fund	Total Governmental Funds
ASSETS			
Cash and investments (Note 3)	\$ 50,921	\$ 19,530	\$ 70,451
Interest receivable, Yuba County	487	191	678
Prepaid expense	-----	-----	-----
Receivable from other fund	<u>100</u>	<u>-----</u>	<u>100</u>
Total Assets	<u>\$ 51,508</u>	<u>\$ 19,721</u>	<u>\$ 71,229</u>
LIABILITIES AND FUND BALANCES			
Liabilities			
Payroll tax payable	\$ 667	\$ -----	\$ 667
Payable to other fund	<u>-----</u>	<u>100</u>	<u>100</u>
Total Liabilities	<u>\$ 667</u>	<u>\$ 100</u>	<u>\$ 767</u>
Fund Balances			
Restricted:			
Endowment Care	\$ ----	\$ 14,191	\$ 14,191
Unrestricted:			
Undesignated	<u>50,841</u>	<u>5,430</u>	<u>56,271</u>
Total Fund Balances	<u>\$ 50,841</u>	<u>\$ 19,621</u>	<u>\$ 70,462</u>
Total Liabilities and Fund Balances	<u>\$ 51,508</u>	<u>\$ 19,721</u>	<u>\$ 71,229</u>

Amounts reported for governmental activities in the statement of net assets are different because:

Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds. In the statement of net assets, all assets are reported, including capital assets and accumulated depreciation.

Total fund balance, government fund	\$ 70,462
Capital assets at historical cost	\$ 32,360
Accumulated depreciation	<u>(5,390)</u>
Total net assets, governmental activities	<u>\$ 97,432</u>

The accompanying notes are an integral part of these financial statements.

BROWNS VALLEY CEMEMTERY DISITRICT
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS

For the Year Ended June 30, 2007

	General Fund	Endowment Fund	Total Governmental Funds
REVENUES			
Property taxes	\$ 24,919	\$ ----	\$ 24,919
Charge for services	2,150	800	2,950
Use of money and property	<u>2,607</u>	<u>960</u>	<u>3,567</u>
Total revenues	<u>29,676</u>	<u>1,760</u>	<u>31,436</u>
EXPENDITURES			
Current			
Salaries and benefits	11,381	----	11,381
Maintenance and supplies	2,289	----	2,289
Insurance	<u>1,628</u>	<u>----</u>	<u>1,628</u>
Total expenditures	<u>15,298</u>	<u>----</u>	<u>15,298</u>
Excess of revenues over (under) expenditures	14,378	1,760	16,138
Fund balances, July 1, 2006	<u>50,841</u>	<u>19,621</u>	<u>70,462</u>
Fund Balances, June 30, 2007	<u>\$ 65,219</u>	<u>\$ 21,381</u>	<u>\$ 86,600</u>

The accompanying notes are an integral part of these financial statements.

BROWNS VALLEY CEMETERY DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
For The Year ended June 30, 2006

	General Fund	Endowment Fund	Total Governmental Funds
REVENUES			
Property taxes	\$ 20,888	\$ -----	\$ 20,888
Charge for services	2,550	800	3,350
Use of money and property	<u>1,498</u>	<u>646</u>	<u>2,144</u>
Total revenues	<u>24,936</u>	<u>1,446</u>	<u>26,382</u>
EXPENDITURES			
Current			
Salaries and benefits	11,485	-----	11,485
Maintenance and supplies	3,195	-----	3,195
Insurance	<u>263</u>	<u>-----</u>	<u>263</u>
Total expenditures	<u>14,943</u>	<u>-----</u>	<u>14,943</u>
Excess of revenues over (under) expenditures	9,993	1,446	11,439
Fund balances, July 1, 2005	<u>40,848</u>	<u>18,175</u>	<u>59,023</u>
Fund balances, June 30, 2006	<u>\$ 50,841</u>	<u>\$ 19,621</u>	<u>\$ 70,462</u>

The accompanying notes are an integral part of these financial statements.

BROWNS VALLEY CEMETERY DISTRICT

NOTES TO THE FINANCIAL STATEMENTS

JUNE 30, 2007 AND JUNE 30, 2006

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The Browns Valley Cemetery District, the "District", was formed under the California Health and Safety Code to provide and maintain burial grounds for residents in the geographical area covered by the District. The District is an autonomous special district of the State of California operating in Yuba County, and is governed by a three member Board of the Trustees. These financial statements encompass all fiscal activities conducted by the District.

B. Basis of Presentation

Government-wide Financial Statements

The Statement of net assets and statement of activities display information about the reporting government as a whole. They include all funds of the reporting entity except for fiduciary funds. The statements distinguish between governmental and business-type activities, if any. Governmental activities are financed through taxes, intergovernmental revenues and other nonexchange revenues. Business-type activities are financed in whole or in part by fees charged to external parties for goods or services. The District does not have business-type funds.

Fund Financial Statements

Fund financial statements of the reporting entity are organized into funds, each of which is considered to be separate accounting entities. Each fund is accounted for by providing a separate set of self-balancing accounts that constitute its assets, liabilities, fund equity, revenues and expenditures/expenses. Funds are organized into three major categories; government, proprietary, and fiduciary. An emphasis is placed on major funds within the governmental and proprietary categories. A fund is considered major if it is the primary operating fund of the District or meets the following criteria.

1. Total assets, liabilities, revenues or expenditures/expenses of that individual governmental or enterprise fund are at least 10 percent of the corresponding total for all funds of that category or type; and
2. Total assets, liabilities, revenues, or expenditures/expenses of the individual governmental fund or enterprise fund are at least 5 percent of the corresponding total for all governmental and enterprise funds combined.

BROWNS VALLEY CEMETERY DISTRICT

NOTES TO THE FINANCIAL STATEMENTS

JUNE 30, 2007 AND JUNE 30, 2006

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

C. Description of Funds and Account Groups

The accounts of the District are organized on the basis of funds, each of which is considered to be a separate set of self-balancing accounts which are comprised of each fund's assets, liabilities, fund equity, revenues and expenditures. Government resources are allocated to and for individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled. The various funds are grouped, in the financial statements in this report, into the following fund types:

GOVERNMENT FUNDS

General Fund: The General Fund is the general operating fund of the District. It is used to account for all financial resources except those required to be accounted for in another fund.

Endowment Fund- The Endowment Fund accounts for endowment fees collected by the District on grave sales which are permanently restricted, and interest earned on endowment funds which are unrestricted.

D. Measurement Focus and Basis of Accounting

Measurement focus is a term used to describe "Which" transactions are recorded within the various financial statements. Basis of accounting refers to "When" revenues and expenditures of expenses are recognized in the accounts and reported in the financial statement regardless of the measurement focus applied.

Measurement Focus

On the government-wide Statement of Net Assets and the Statement of Activities, governmental activities are presented using the "economic resources" focus as defined in item 2 below.

In the fund financial statements, the "current financial resources" measurement focus or the "economic resources" measurement focus is used as appropriate:

BROWNS VALLEY CEMETERY DISTRICT

NOTES TO THE FINANCIAL STATEMENTS

JUNE 30, 2007 AND JUNE 30, 2006

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

D. Measurement Focus and Basis of Accounting (continued)

1. The “current financial resources” measurement focus is used when accounting for all governmental funds. With this measurement focus, only current assets and current liabilities generally are included on their balance sheets. Their operating statements present sources and uses of available spendable financial resources at the end of the period.

2. The accounting objectives of the “economic resources” measurement focus are the determination of operating income, changes in net assets (or cost recovery), financial position, and cash flows. All assets and liabilities (whether current or noncurrent) associated with the operation of these funds are reported.

Basis of Accounting

In the government-wide Statement of Net Assets and Statement of Activities, governmental accounting activities are presented using the accrual basis of accounting. Revenues are recognized when earned and expenses are recorded when the liability is incurred or economic asset is used. Revenues, expenses, gains, losses, assets and liabilities resulting from exchange transactions are recognized when the exchange takes place.

In the fund financial statements, governmental funds are presented on the modified accrual basis of accounting. Revenues are recognized in the accounting period in which they become available and measureable. Measureable mean knowing or being able to reasonably estimate the amount. Available means collectible within the current period or soon enough thereafter to pay current liabilities. The District defines “available” to mean collectible within 60 days after the year end. Expenditures (including capital outlay) are recorded when the related fund liability is incurred.

E. Budgets and Budgetary Accounting

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

Formal budgetary integration is employed as a management control device during the year for the general fund.

BROWNS VALLEY CEMETERY DISTRICT

NOTES TO THE FINANCIAL STATEMENTS

JUNE 30, 2007 AND JUNE 30, 2006

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E. Budgets and Budgetary Accounting (Continued)

Unused appropriations for the above annually budgeted fund lapse at the end of the year. Budgeted amounts are the original authorized amounts. There were no revisions during the year. Actual revenues and expenditures can be compared with related budgeted amounts without any significant reconciling items for the general fund.

F. Use of Estimates

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

NOTE 2: PROPERTY TAXES

Property assessments are attached as an enforceable lien on real property as of January 1. Assessments are levied on July 1 and are payable in two installments on November 1 and February 1. The County of Yuba bills and collects the assessments and subsequently remits the allocated amount due to the District through the County Auditor-Controller's office in installments during the year.

The County of Yuba has elected into the Teeter Plan for property tax distributions. Therefore, the District receives 100 percent of the secured property tax levies to which it is entitled, whether or not collected. Unsecured delinquent taxes are considered fully collectible and no allowance for uncollectible taxes is provided.

Property taxes are accrued as receivable in the period when they are levied. Property tax revenues are recognized when they become available. "Available" means due, or past due, and receivable within the current period and collected or expected to be collected soon enough thereafter to be used to pay liabilities for the current period. This period was 60 days from the end of the fiscal year.

BROWNS VALLEY CEMETERY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND JUNE 30, 2006

NOTE 3: CASH AND INVESTMENTS

Cash and investments of the District for the years ended June 30, 2007 and June 30, 2006 are summarized below:

	<u>June 30, 2007</u>	<u>June 30, 2006</u>
Cash with Yuba County	\$ 83,598	\$ 70,451
Total cash and investments	<u>\$ 83,598</u>	<u>\$ 70,451</u>

Investments: The District maintains most of its cash and investments with the Yuba County Treasurer in an investment pool. On a quarterly basis the Treasurer allocates interest to participants based upon their average daily balances. Required disclosure information regarding categorization of investments can be found in the County's financial statements, which were audited by other auditors. These investments are not categorized since these funds and pools contain a diversified portfolio of securities within each category as defined below.

Category 1 includes investments that are insured or registered or for which collateral is held by the District or its agent in the District's name.

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

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

NOTE 4. CAPITAL ASSETS AND DEPRECIATION

Capital assets purchased or acquired with an original cost of \$200 or more are reported at historical cost or estimated historical cost. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred. Depreciation on all assets is provided on the straight-line basis over the following estimated useful lives:

Structures and improvements	20-40 years
Equipment	5-10 years
Infrastructures	40 years

BROWNS VALLEY CEMETERY DISTRICT

NOTES TO THE FINANCIAL STATEMENTS

JUNE 30, 2007 AND JUNE 30, 2006

NOTE 4. CAPITAL ASSETS AND DEPRECIATION (Continued)

GASB Statement No. 34 requires the District to report and depreciate infrastructure assets.

Infrastructure assets include roads, underground pipe, etc.

The following is a summary of changes in the capital assets of the District for the year ended June 30, 2007:

	Balance July 1, 2006	Additions	Retirements	Balance June 30, 2007
Government Activities				
Non-depreciable land	10,541	----	----	10,541
Depreciable capital assets:				
Buildings and improvements	20,000	----	----	20,000
Equipment	<u>1,819</u>	<u>----</u>	<u>----</u>	<u>1,819</u>
Total depreciable capital assets	32,360	----	----	32,360
Less accumulated depreciation	<u>(5,390)</u>	<u>(1,259)</u>	<u>----</u>	<u>(6,649)</u>
Net Capital Assets	<u>\$ 26,970</u>	<u>\$ (1,259)</u>	<u>\$ ----</u>	<u>\$ 25,711</u>

Depreciation expense for the fiscal year ended June 30, 2007 was \$ 1,259 and is charged to the cemetery services function in the Statement of Activities.

The following is a summary of changes in the capital assets of the District for the year ended June 30, 2006.

	Balance June 30, 2005	Additions	Retirements	Balance June 30, 2006
Governmental Activities				
Non-depreciable land	10,541	----	----	10,541
Depreciable capital assets:				
Buildings and improvements	20,000	----	----	20,000
Equipment	<u>1,819</u>	<u>----</u>	<u>----</u>	<u>1,819</u>
Total depreciable capital assets	32,360	----	----	32,360
Less accumulated depreciation	<u>(4,130)</u>	<u>(1,260)</u>	<u>----</u>	<u>(5,390)</u>
Net Capital Assets	<u>\$ 28,230</u>	<u>\$ (1,260)</u>	<u>\$ ----</u>	<u>\$ 26,970</u>

Depreciation expense for the fiscal year ended June 30, 2006 was \$1,260 and is charged to the cemetery services function in the Statement of Activities.

BROWNS VALLEY CEMETERY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND JUNE 30, 2006

NOTE 6. RISK MANAGEMENT

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

There is no claim liability to be reported based on the requirements of Government Accounting Standards Board Statement No. 10, which requires that a liability for claims be reported if information prior to the issuance of the financial statements indicates that it is probable that a liability has been incurred at the date of the financial statements and the amount of the loss can be reasonably estimated.

There appears to have been no lapse of coverage in liability, workers compensation and property insurance during the years being audited, but the amount of coverage is not known, since insurance policy records for those years could not be located.

During the audit of the years ended June 30, 2006 and 2007, an insurance payment made on July 3, 2003 to provide coverage for the fiscal year ending June 30, 2004 was outlawed as a stale-dated warrant by the Yuba County Auditor/Controller. This was unknown at the time the audit report was issued on the years ended June 30, 2004 and 2005. The management letter issued for those years therefore, did not communicate that the District had no liability, workers compensation or property coverage for the entire year from July 1, 2003 through June 30, 2004. There were no claims filed against the District during that time.

BROWNS VALLEY CEMEMTERY DISTRICT
GENERAL FUND
SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN GENERAL
FUND BALANCE-BUDGET AND ACTUAL

For the Year Ended June 30, 2007

	<u>Budgeted Amounts</u>		<u>Actual</u>	<u>Variance</u> <u>Positive</u> <u>(Negative)</u>
	<u>Original</u>	<u>Final</u>		
REVENUES				
Property taxes	\$ 20,888	\$ 20,888	\$ 24,919	\$ 4,031
Charges for services	2,550	2,550	2,150	(400)
Interest earned	<u>1,498</u>	<u>1,498</u>	<u>2,607</u>	<u>1,109</u>
Total revenues	24,936	24,936	29,676	4,740
EXPENDITURES				
Salaries and benefits	14,300	14,300	11,381	2,919
Insurance	1,700	1,700	1,628	72
Maintenance	2,000	2,000	1,984	16
Office	300	300	81	219
Utilities	300	300	199	101
Professional services	1,000	1,000	----	1,000
Miscellaneous	300	300	25	275
Improvement fund	21,006	21,006	----	21,006
Reserve fund	<u>7,965</u>	<u>7,965</u>	<u>----</u>	<u>7,965</u>
Total expenditures	<u>48,871</u>	<u>48,871</u>	<u>15,298</u>	<u>33,573</u>
Excess of revenues over (under) expenditures	<u>(23,935)</u>	<u>(23,935)</u>	14,378	<u>38,313</u>
Fund balances, July 1, 2006			<u>50,841</u>	
Fund balances, June 30, 2007			<u>\$ 65,219</u>	

BROWNS VALLEY CEMETERY DISTRICT
GENERAL FUND
SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN GENERAL
FUND BALANCE-BUDGET AND ACTUAL

For the Year Ended June 30, 2006

	<u>Budgeted Amounts</u>		<u>Actual</u>	Variance
	<u>Original</u>	<u>Final</u>		<u>Positive (Negative)</u>
REVENUES				
Property taxes	\$ 15,924	\$ 15,924	\$ 20,888	\$ 4,964
Charges for services	4,155	4,155	2,550	(1,605)
Interest earned	<u>621</u>	<u>621</u>	<u>1,498</u>	<u>877</u>
Total revenues	20,700	20,700	24,936	4,236
EXPENDITURES				
Salaries and benefits	12,900	12,900	11,485	1,415
Insurance	1,900	1,900	263	1,637
Maintenance	1,600	1,600	2,680	(1,080)
Tools	550	550	60	490
Office supplies	200	200	110	90
Utilities	300	300	195	105
Professional services	700	700	----	700
Miscellaneous	200	200	150	50
Improvement fund	22,006	22,006	----	22,006
Reserve fund	<u>1,262</u>	<u>1,262</u>	<u>----</u>	<u>1,262</u>
Total expenditures	<u>41,618</u>	<u>41,618</u>	<u>14,943</u>	<u>22,675</u>
Excess of revenues over (under) expenditures	<u>(20,918)</u>	<u>(20,918)</u>	<u>9,993</u>	<u>30,911</u>
Fund balances, July 1, 2005			40,848	
Fund balances, June 30, 2006			<u>\$ 50,841</u>	

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

To the Board of Trustees
Browns Valley Cemetery District
Browns Valley, California

We have audited the financial statements of the Browns Valley Cemetery District (an autonomous special district of the state of California) as of and for the years ended June 30, 2007 and June 30, 2006 and have issued our report thereon dated October 11, 2012. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller of the United States.

Internal Control over Financial Reporting

In planning and performing our audit, we considered Browns Valley Cemetery District's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide an opinion on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be material weakness. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low-level risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Compliance

As part of obtaining reasonable assurance about whether Browns Valley Cemetery District's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests did not disclose instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of the Board of Trustees, management and various funding sources. However, this report is a matter of public record and its distribution is not limited.

DRH & Associates, Inc.

Yuba City, California

October 11, 2012

MANAGEMENT LETTER

Board of Directors
Browns Valley Cemetery District

In planning and performing our audit of the financial statements of the Browns Valley Cemetery District for the years ended June 30, 2006 and June 30, 2007, we considered its internal control structure in order to determine our auditing procedures for the purpose of expressing an opinion on the financial statements and not to provide assurance on their internal control structure.

During our audit, we noted certain matters involving the internal control structure and other operational matters that are presented for your consideration. Our comments and recommendations, all of which have been discussed with appropriate members of management, are intended to improve the internal control structure or result in other operating efficiencies. We will be pleased to discuss these comments in further detail at your convenience, to perform any additional study of these matters, or to assist you in implementing the recommendations. Our comments and recommendations are summarized as follows:

PRIOR YEAR RECOMMENDATIONS

The following prior year recommendation was addressed and corrected by the Board of Directors. All subsequent financial statements will report capital assets in excess of \$200 according to GAAP.

Financial Reporting

Findings: Assets purchased in prior years were not capitalized and depreciated over their useful lives as required by Generally Accepted Accounting Principles (GAAP).

Recommendation: The Board has been advised to determine a capitalization threshold for purchased assets with useful lives in excess of one year. The Board adopted a capitalization threshold of \$200 before the date of this audit report.

Other prior year findings and recommendations continued through the years June 30, 2006 and 2007 with slight exceptions and are enumerated below.

CURRENT YEAR RECOMMENDATION

Internal Controls

- 1. Finding :** We found that the paid invoices that could be located, were not marked as "approved" by the Board of Trustees for payment.

Recommendation: The current Board gives blanket approval on small, routine payables that do not vary significantly month to month. All non-recurring, large or unusual invoices to be paid should be initialed by one or more trustees before warrants are requested from the County.

2. **Finding:** The Board of Trustees is being presented with a Treasurer's Report produced on a word processor, showing beginning general fund balance, deposits, disbursements and ending general fund balance.

Recommendation: The Board should be presented with a *Bank Reconciliation* after the month end, produced with the accounting software used by the District (Quickbooks), along with a copy of the *Account Activity Listing* produced by the Yuba County Auditor-Controller's Office, showing beginning and ending balances for both the General and Endowment funds.

Payroll Records

3. **Findings:** No timesheets could be located for the District employees, and payroll periods and amounts were inconsistent from month to month.

Recommendation: Timesheets should be kept for each pay period and signed by both the employee and a designated trustee before paychecks are requested from the County. Currently, there is one employee who is paid a monthly salary, and timesheets are not needed.

4. **Findings:** Most quarterly and annual payroll tax reports could not be located. It appears that either the State of California Employment Development Department was being paid in error for State Disability Insurance (SDI) that was not being deducted from employees paychecks, or past years State Unemployment Insurance (SUI) payments were delinquent and paid in the current years being audited, with interest and penalties.

Recommendation: An accountant or bookkeeper who is familiar with payroll tax withholding, reporting and deposit requirements should be engaged to properly prepare employees paychecks and the Federal and California annual and quarterly reports.

Board of Trustees Oversight and Recordkeeping

6. **Findings:** In reviewing the capital assets that had been expensed in prior years, it came to our attention that in August, 2002 the District paid \$20,000 to have a sprinkler system installed at the cemetery. The installation was performed by the husband of an employee and acting Secretary and Treasurer for the District at that time. There was no evidence of requesting competitive bids in the minutes to the Board meetings, or any indication as to why the husband of the District's Secretary and paid employee was awarded the contract.

Recommendation: After this transaction was discovered and prior to the date of this audit report, the current Board of Trustees put into place a competitive bid policy that will require preferably three, with a minimum of two, competitive bids for any purchases or infrastructure additions in excess of \$1,000.

7. **Findings:** In the minutes to the January 27, 2004 Board of Trustees meeting, the decision was made to hire a trustee then serving on the Board as a paid groundskeeper for the cemetery. The acting Board Secretary at that date was directed to seek advice from the Yuba County Counsel as to the legality of a trustee also working for the District as an employee.

The trustee in question agreed that she would resign as trustee if it was not possible for her to hold both positions. She was officially hired as of February 1, 2004. The Yuba County Counsel sent a written response dated February 27, 2004 saying that the trustee also performing services as a paid employee would create an invalid employee contract or agreement. The County Counsel cited Government Code Section 1090, which states:

"Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members."

Although the legal conflict created by this situation was clearly communicated to the Board of Trustees, the trustee in question continued to be paid as the Cemetery groundskeeper and maintained her position on the Board until 2010. The same trustee/groundskeeper accepted the position of Chairman of the Board on January 29, 2007. The Chairman/groundskeeper signed her own paychecks and expense reimbursements, along with the two other trustees. The Board serving at the time seems to have ignored legal counsel on this issue in 2004, and continued to ignore the county response going forward. There was also no information in the Board minutes as to why or how the previous groundskeeper left the employ of the District, or whether the hourly wage paid to the trustee/groundskeeper was comparable to the previous groundskeeper.

Government Code Section 1097 states that any person who willfully violates any provisions of such laws, is punishable by a fine of not more than \$1,000, or by imprisonment in the state prison, and is forever disqualified from holding any office in the state of California.

Recommendation: As of the date of this audit, there seems to be no action required by the District, considering the lapse in time from the occurrence. The current Board of Trustees has acknowledged the importance of compliance with the California Government Code and intends to avoid any similar legal conflicts in the future.

- 8. Findings:** The minutes to the Board of Trustee meetings for the years audited are incomplete. There are several records, documents and reports referred to in the minutes, yet almost none are attached.

Recommendation: Any invoices to be approved for payment, the monthly Treasurer's reports, and any contracts, proposals, or correspondence discussed at the Board meetings should be copied and attached to the Board minutes to provide a complete record of the meeting.

- 9. Findings:** The Board minutes for the years being audited did not report any discussion of arranging for the annual audit to be completed. In the prior year, there was discussion at the Board meetings that indicated that the trustees were aware of their responsibility to have the Districts financial statements audited each year.

Recommendation: The current Board of Trustees understands the need for an annual or biennial audit, and have taken steps to ensure that the audits are brought up to date.

10. Findings: On March 14, 2006, the Yuba County Auditor-Controller outlawed as a stale-dated warrant a payment made on July 3, 2003 to obtain liability, workers compensation and property insurance for the period of July 1, 2003 through June 30, 2004. Therefore, the District was without any insurance coverage of any type for the entire fiscal year ended June 30, 2004. There were no discussions at the Board of Trustee meetings concerning insurance coverage between the date the warrant was issued on July 3, 2003 and the date it was outlawed as stale-dated on March 14, 2006.

Recommendation: Fortunately, there were no claims against the District during this lapse in coverage. The current Board of Trustees is fully aware of their responsibility to safeguard the assets of the District by carrying adequate and continuous insurance coverage.

YUBA COUNTY

Digital

LAW LIBRARY

F

OCT 29 2012
OCT 27 2012

TO: Yuba County Board of Supervisors

FROM: Carl Lindmark, President, Yuba County Digital Law Library

SUBJECT: Yuba County Digital Law Library Annual Report FY 2011-2012

DATE: November 13, 2012

Recommendation:

Receive Yuba County Digital Law Library's Annual Report for fiscal year 2011-2012.

Background:

California Business and Professions Code Section 6349 requires the Law Library Board of Trustees, on or before the 15th day of October of each year, to present to the Board of Supervisors of the county in which the law library is maintained a report for the preceding fiscal year ending on the 30th day of June.

The report shall give the condition of the account, complete with financial information of receipts and expenditures, along with any other information that might be of interest.

Discussion:

The Yuba County Digital Law Library respectfully presents to the Yuba County Board of Supervisors the Law Library 2011-2012 Annual Report. This report details the events and decisions that helped to carry out the Law Library's objective to make online legal research available to the residents of the County. The report also contains the financial information for fiscal year 2011-2012.

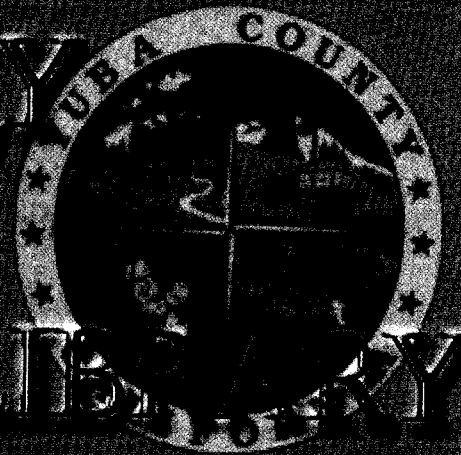
Fiscal Impact:

None.

YUBA COUNTY

Digital

LAW LIBRARY



ANNUAL REPORT

FISCAL YEAR

2011 - 2012

INTRODUCTION

The Yuba County Digital Law Library is established under the authority of Chapter 5, Division 3, of the California Business & Professions Code, Sections 6300, et seq.

The following annual report for the fiscal year ending June 30, 2012, is prepared pursuant to the provisions of Sections 6349 and 6350 of the California Business & Professions Code.

BOARD OF LAW LIBRARY TRUSTEES

Carl Lindmark, Esq., President

Mark Woods, Esq., Vice President

The Honorable Debra Givens

Brenda Smith, Esq.

Roxanna Gomez, Esq.

John Whidden, Esq.

LAW LIBRARY SECRETARY

Erika Stedman, Legal Services Coordinator

YUBA COUNTY DIGITAL LAW LIBRARY

Summary of Fiscal Year 2011 - 2012

GOALS OF THE BOARD OF TRUSTEES

“THE OBJECTIVE OF THE YUBA COUNTY LAW LIBRARY IS TO MAKE AVAILABLE TO ALL RESIDENTS OF THE COUNTY AN INNOVATIVE ONLINE LEGAL RESEARCH DATABASE TO ASSIST IN THE PERFORMANCE OF LEGAL RESEARCH AND PRACTICE.”

- Yuba County Digital Law Library Objective
Adopted October 2009

The Yuba County Digital Law Library (hereinafter “Law Library”) recognizes that the needs of the community and the methods of conducting legal research are forever changing. The Law Library’s objective is to provide a beacon for current service and future planning.

This report highlights the events and decisions that helped the Board of Trustees carry out its objective and lay the foundation for exciting changes ahead.

LEGAL RESEARCH PROVIDERS

CEB

In February 2012, the Law Library approved renewing a one-year contract with OnLAW database, from California’s Continuing Education of the Bar (CEB). OnLAW provides access to more than 140 of CEB’s

California practice guides. OnLAW's "libraries" organize the CEB guides by practice area, namely: business law; criminal law; estate planning; family law; litigation; and real property law.

The guides are complete and up-to-date online versions of CEB's print practice guides. They serve as an excellent resource for the community to conduct legal research.

WESTLAW

Westlaw provided the additional information in regards to the price change of adding a fourth location and on February 16, 2011, the Board of Trustees accepted the Westlaw offer for legal research services provided to four computers and entered into a three year contract with Westlaw.

Westlaw provides the following content: California Core material (California Statutes Annotated; California Cases; California Court Rules-State, Federal and Local; California Attorney General Opinions; California Administrative Code; California Journals and Law Reviews and Key Cite); California Federal Material (All District Court Cases; All Supreme Court Cases; 9th Circuit Cases and USCA); California Jurisprudence; Rutter California Practice Guide; Witkin; and Miller & Starr.

ESSENTIAL FORMS

In February 2011, Martin Dean Essential Forms provided their software free of charge to be installed on all Law Library computers. Essential Forms provides every form issued by the Judicial Council, along with additional Non-Judicial Forms. Essential Forms also provides local forms. The forms are updated every January and July.

NOLO PRESS

The e-books installed on all Law Library computers are: How to Probate an Estate in California; California Workers' Comp; Nolo's Guide to California Law; California Tenants' Rights; The California Landlord's Law Book (Rights & Responsibilities); The California Landlord's Law Book (Evictions); How to Change Your Name in California; Fight Your Ticket and Win in California; Everybody's Guide to Small Claims Court in California; Living Wills and Powers of Attorney for California; The Guardianship Book for California; Prenups for Partners; California Mechanics' Lien Kit for Homeowners; and Win Your Lawsuit (Sue in California Superior Court without a Lawyer).

COMPUTERS AND EQUIPMENT

The Yuba County Digital Law Library has the following equipment located at the following sites:

GOVERNMENT CENTER-

- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag # 3MHWNK1 located in Lorena Procsal's cubicle.
- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag # 2MHWNK1 in place for Public access in the lobby.
- Hewlett Packard, LaserJet P2055dn printer, Serial number# CNB9P80968 in place for Public use in the lobby.

COURTHOUSE-

- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag #1MHWNK1 in Attorney's Room on the 2nd floor.

- Hewlett Packard, LaserJet P2055dn printer, Serial number# CNB9919435 in Attorney Room on the 2nd floor.

YUBA COUNTY LIBRARY-

- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag #4MHWNK1 between two Public use computers (G & H).

PONDEROSA COMMUNITY CENTER-

- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag # 3MHWNK1 in place for Public use at the community center.
- HP Jetdirect EW2500 802.11g Printer Server, Serial number/Security ID:CNOB4C80E6
- HP LaserJet P2055dn Printer, Serial Number/Security ID: CNBJ631094

There are a total of four computers with monitors and accessories and three printers. Locks have been purchased for computers.

YUBA COUNTY DIGITAL LAW LIBRARY LOCATIONS

At the start of the 2011 fiscal year, three Law Library locations were already established. Computers were operational at the Yuba County Public Library, the Courthouse Attorney Room, and the Yuba County Government Center. In January 2012, the Ponderosa Community Center was established and operational.

BOARD OF TRUSTEES AND LAW LIBRARY STAFF CHANGES

At the start of the fiscal year, the Board of Trustees consisted of the following members: Honorable Debra Givens, Brenda Smith, Mark Woods, Christine Dehr, Roxanna Gomez, David Ashby and Carl Lindmark. The Law Library Secretary was Ann Marie Doersch.

November 2011 was the last month Christine Dehr served on the Law Library Board of Trustees.

December 2011 was the last month Ann Marie Doersch served as Law Library Secretary.

December 2011 was the last month David Ashby served on the Law Library Board of Trustees.

In February 2012, John Whidden, of County Counsel, replaced Christine Dehr on the Board of Trustees.

In February of 2012, Erika Stedman began her service as the new Law Library Secretary.

FINANCES

Finances for the 2011-2012 fiscal year were submitted and reported monthly in the financial reports of the Secretary of the Board of Law Library Trustees.

Attached is the financial statement summary and detailed report for fiscal year 2011-2012.

FUTURE GOALS

The Board of Trustees looks forward to the future of the Yuba County Digital Law Library. The need for legal resources to be available to all citizens of Yuba County is imperative. With multiple locations in Marysville and one in Brownsville, the Board would like to focus on placement of computer terminals in Wheatland and Plumas Lake.

Additionally, in the upcoming fiscal year the Board of Trustees would like to create more advertising so that Yuba County residents are aware that these resources are available to them. Along with advertising to raise awareness of the resources available, the Board of Trustees would like to create a website detailing all the Yuba County Digital Law Library has to offer.

Finally, the Board of Trustees look forward to offering more training similar to the CEB OnLAW training that was offered in January 2011. This would include trainings from both Westlaw and CEB OnLAW and these trainings would be offered at different areas around Yuba County.

CONCLUSION

A County Law Library is an individual's "first step" in accessing justice. The Yuba County Digital Law Library strives to serve the community by providing an easy way for the public to find assistance to guide them through their legal issues. The Law Library also strives to serve attorneys by providing access to tools to best represent their clients. The accomplishments during Fiscal Year 2011-2012 succeeded in fulfilling the objective of the Yuba County Digital Law Library. The Board of Trustees looks forward to continuing this progress in the upcoming fiscal year.

YUBA COUNTY DIGITAL LAW LIBRARY
FINANCIAL STATEMENT FOR FISCAL YEAR 2011-2012

SUMMARY:

BALANCE JULY 1, 2011	\$	130,418.96
Receipts	\$	28,973.86
SUBTOTAL	\$	159,392.82
Total Disbursements/Deductions	\$	24,740.77
BALANCE JUNE 30, 2012	\$	134,652.05

YUBA COUNTY DIGITAL LAW LIBRARY
FINANCIAL STATEMENT DETAIL - RECEIPTS

Court Filing Fees		\$ 22,982.39
Other		\$ 5,991.47
Interest	1,930.25	
Disbursement Delinquent Shasta Co.	3.71	
Disbursement Superior Court	24.00	
Payroll Adjustments	250.00	
Miscellaneous	3,783.51	
TOTAL RECEIPTS		\$ 28,973.86

YUBA COUNTY DIGITAL LAW LIBRARY
FINANCIAL STATEMENT DETAIL - DISBURSEMENTS

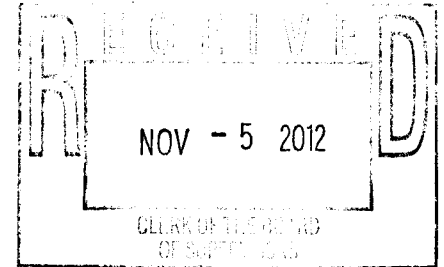
Library Resources		\$ 12,445.27
CEB OnLaw Subscription (1 year)	\$ 805.12	
Westlaw (Services Provided to 4 Computers)	11,640.15	
Personnel		\$ 3,000.00
Payroll	\$ 3,000.00	
Equipment and IT Services		\$ 8,671.12
IT Billing	\$ 7,853.99	
Printer	817.13	
Other		\$ 624.38
Cost of Collections	\$ 5.13	
Comcast	619.25	
TOTAL EXPENDITURES		\$ 24,740.77



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

Memorandum

To: Yuba County Clerk to the Board
From: Tonya K. Byers
Date: November 1, 2012
Re: Public Hearing on Early Education and Child Care Needs



The Child Care Planning Council is now completing a community based needs assessment for early care and education. The Council is responsible for documenting the child care needs of the community and submitting a report to the State Department of Education every five years. The information contained in the needs assessment update will be used to provide our legislature with data on the needs in our community and provide a base for the distribution of funding for child care and development services over the next five years.

The Council is very interested in including the needs and points of view of parents and guardians, as well as service providers. Recognizing that you have a special relationship with families, we hope that you will be able to encourage their participation in the Child Care Planning Council's public hearing as well as attend yourself. The hearings are scheduled for December 6, 2012. There will be two sessions on December 6th, one from 2:00-3:30 p.m. at the Yuba County Center for Education-Yuba River Room, 1104 E Street, Marysville and a second session from 5:00-6:30 p.m. at Children's Home Society of California, 1650 Sierra Avenue, Suite 102, Yuba City.

Thank you for your continued interest!