

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.

DECEMBER 11, 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 Stocker

II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker

III. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

A. Clerk of the Board of Supervisors

1. Approve minutes of the regular meeting of November 27, 2012. (442-12)

B. Community Development and Services

1. Adopt resolution authorizing Community Development Director or his designee to complete the purchase of single family residence APN 021-093-010 as part of the Neighborhood Stabilization Program, and execute all documents required to complete purchase, rehabilitation and resale. (443-12)

C. Treasurer-Tax Collector

1. Adopt resolution delegating investment authority to the Yuba County Treasurer for the year 2013. (444-12)

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

V. **COUNTY DEPARTMENTS**

A. Administrative Services

1. Approve renewal of Microsoft State and Local Enterprise agreement and authorize the Chair to execute same. (Ten minute estimate) (445-12)

B. County Administrator

1. Approve grant agreement with Yuba County Water Agency and authorize the Chair to execute same; approve three year limited term position in the Office of Emergency Services and adopt resolutions amending the Departmental Position Allocation Schedule and the classification system, Basic Salary Schedule effective January 1, 2013, as it relates to the Office of Emergency Services. (Five minute estimate) (446-12)

C. Human Resources and Organizational Services

1. Adopt resolution amending the Basic Salary Schedule as it relates to the Project Manager classification effective November 1, 2012 and approve extending temporary transfer of incumbent to classification until no later than June 30, 2013. (447-12)

VI. **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. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and reenacting as amended Chapter 7.40 of the Yuba County Ordinance Code relating to marijuana cultivation. (First Reading) (Twenty minute estimate) (449-12)
- B. Public Hearing - Hold public hearing and adopt findings of fact, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$7,167.72 and the recording of a lien located at 1792 Lewis Road, Wheatland Barrowman, Willard S.). (Ten minute estimate) (449-12)
- C. Public Hearing - Hold public hearing and adopt findings of fact, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$8,829.50 and the recording of a lien located at 1324 B Simpson Lane, Marysville (CSE Owned LLC). (Ten minute estimate) (4501-12)
- D. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and reenacting sections 10.05.025 and 10.05.030 of Chapter 10.05 of Title X relating to standards of building construction. (First Reading) (Twenty minute estimate) (451-21)

VII. **CORRESPONDENCE** - 452-12

- A. Notice from State of California Fish and Game Commission regarding listing Townsend's big-eared bat as a threatened or endangered species. (Copy provided to Yuba County Fish and Game Advisory Commission)
- B. Notice from Delta Stewardship Council regarding draft program environmental impact report for the Delta Plan
- C. Notice from California Department of Fish and Game regarding 2013-2014 deer hunts.

VIII. **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.

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

- A. Potential litigation pursuant to Government Code §54956.9(b) - Two Case's
- B. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - DDAA/DSA/MSA/PPOA/YCEA/ Unrepresented and County of Yuba
- C. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 006-180-056, 061, 062, 066 (Barbour, Merlynn) Negotiating Parties: Kevin Mallen Negotiation: Terms of Payment

X. **ADJOURN**

COMMITTEE MEETINGS

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

**12/12/12 5:00 P.M. Linda Liaison Committee
Linda Fire Protection District
1286 Scales Avenue
Marysville, California**

**12/14/12 11:00 A.M. Olivehurst Public Utility District/County Liaison Committee
OPUD Board Room
1970 9th Avenue
Olivehurst, California 95961**

ADDENDUM TO AGENDA - NONE

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.

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CONSENT

AGENDA

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The County of Yuba

BOARD OF SUPERVISORS

DATE NOVEMBER 27, 2012 – MINUTES



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

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Stocker
- II. ROLL CALL - Supervisors Nicoletti, Griego, Stocker – Supervisors Vasquez and Abe were absent
- 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: Mary Jane Griego SECOND: John Nicoletti
 AYES: Mary Jane Griego, John Nicoletti, Hal Stocker NOES: None
 ABSENT: Andy Vasquez, Roger Abe ABSTAIN: None

A. Auditor-Controller

1. Adopt resolutions to determine the appropriations for Special Districts and the appropriation for tax proceeds for Fiscal Year 2012-2013. (433-12) Adopted Resolution No. 2012-100, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA TO DETERMINE THE APPROPRIATIONS FOR SPECIAL DISTRICTS UNDER THE COUNTY"; and Resolution No. 2012-101, entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA TO DETERMINE THE APPROPRIATIONS OF TAX PROCEEDS FOR 2012-13".

B. Clerk of the Board of Supervisors

1. Reappoint Christian Hogan to the Yuba County Fish and Game Advisory Commission as the District Two representative for a term to end December 31, 2016. (434-12) Approved.
2. Reappoint Michael Paine to the Yuba County Library Advisory Commission as the District Two representative for a term to end December 31, 2016. (435-12) Approved.
3. Approve minutes of the regular meeting of November 13, 2012. (436-12) Approved as written.

C. Clerk-Recorder/Elections

1. Accept Certification of Statement of Vote for the November 6, 2012 Presidential General Election pursuant to Elections Code §15400. (437-12) Approved.

D. Community Development and Services

1. Approve contract with Applied Engineering and Geology, Inc. for environmental consulting and engineering services and authorize the Chair to execute same. (438-12) Approved.

E. Sheriff-Coroner

1. Approve Memorandum of Understanding with Yuba County Office of Education for vocational educational programs for inmates Fiscal Year 2012-2013 and authorize the Chair to execute same. (439-12) Approved.

IV. SPECIAL PRESENTATION

- A. Receive presentation from Francesca Wright on First Five Yuba Commission Fiscal Year 2011-2012 evaluation. (440-12) Supervisor Griego recapped the difficulty determining distribution of grant funds.

Executive Director Cynthia Sodari introduced herself and Consultant Francesca Wright. Ms. Wright recapped the following and responded to Board inquiries:

- Population served
- Family programs, workshops and services
- Child development and health
- Grantee reports and accomplishments
- Sustainability

- V. PUBLIC COMMUNICATIONS: Mr. Buck Weckman, Brownsville, regarding voter rejection of a local measure.

VI. CORRESPONDENCE - (441-12)

- A. Two Local Agency Biennial Notices regarding conflict of interest code for Reclamation District 10 and Camptonville Academy. Accepted
- B. Letter from Grady Windham regarding the condition of Oakley Lane. Accepted

VII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Nicoletti:

- Memorial Adjournment - Mr. John Harman Sr.
- Proclamation for Mayor Bill Harris

Supervisor Stocker

- Memorial Adjournment - Mrs. Elaine Coker
- Proclamation for Ann Fahl

VIII. ADJOURN: 10:09 a.m. by Chairman Stocker in memory of Mrs. Elaine Coker and Mr. John Harman Sr.

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Chair

BY: Rachel Ferris, Deputy Clerk

Approved: _____

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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



BUILDING
749-5440 • Fax 749-5616

CODE ENFORCEMENT
749-5455 • Fax 749-5424

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

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

PLANNING
749-5470 • Fax 749-5434

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

Date: December 11, 2012

To: Yuba County Board of Supervisors

From: Sean Powers, Director of Finance and Administration

Subject: Acquisition of Single Family Residence APN 021-093-010 for the Neighborhood Stabilization Program

Recommendation:

Adopt the attached resolution authorizing the Community Development Director or his designee to complete the purchase of single family residence APN 021-093-010 as part of the Neighborhood Stabilization Program and execute all documents needed for completion of purchase, rehabilitation, and resale.

Background:

The goal of the County of Yuba Neighborhood Stabilization Program is to stabilize property values and homeownership rates in neighborhoods impacted by foreclosures. The County of Yuba has been awarded \$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 areas of Marysville and Linda.

Discussion:

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

Committee Action:

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

Fiscal Impact:

The purchase and rehabilitation costs will be covered by the Neighborhood Stabilization Program funds in accordance with the requirements established by the State of California Neighborhood Stabilization Program. The purchase price of for APN 021-093-010 is estimated to be \$60,000.

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

**RESOLUTION AUTHORIZING YUBA COUNTY)
COMMUNITY DEVELOPMENT AND SERVICES)
AGENCY DIRECTOR OR HIS DESIGNEE TO)
COMPLETE THE PURCHASE OF SINGLE FAMILY)
RESIDENCE APN 021-093-010 AS PART OF THE)
NEIGHBORHOOD STABILIZATION PROGRAM)
AND EXECUTE ALL DOCUMENTS NEEDED FOR)
COMPLETION OF PURCHASE, REHABILITATION)
AND RESALE.)**

RESOLUTION NO. _____

WHEREAS, Yuba County was awarded Neighborhood Stabilization Program funds per agreement 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, these activities are to be performed in the census tract number 0403.00 in the following areas of Marysville and Linda; and

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

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

WHEREAS, the purchase and rehabilitation costs will be covered by the Neighborhood Stabilization Program funds in accordance with the requirements established by the State of California Neighborhood Stabilization Program and the purchase price of APN 021-093-010 is estimated to be \$60,000.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors authorizes the Yuba County Community Development and Services Agency Director or his designee to complete the purchase, rehabilitation and resale of APN 021-093-010 and execute any necessary documents, subject to County Counsel review.

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

AYES:

NOES:

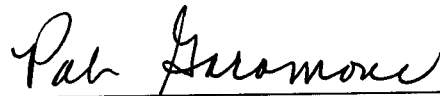
ABSENT:

ABSTAIN:

CHAIR

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

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



The County of Yuba

OFFICE OF TREASURER AND TAX COLLECTOR

DAN M. MIERZWA
TREASURER & TAX COLLECTOR



GOVERNMENT CENTER
915 8th STREET, STE. 103
444-12 VILLE, CA 95901-5273

TELEPHONE (530) 749-7840
FAX (530) 749-7844

November 28, 2012

TO: Board of Supervisors

FROM: Dan M. Mierzwa, Treasurer & Tax Collector

RE: Adopt resolution Delegating Investment Authority

RECOMMENDATION:

Adopt resolution delegating Investment Authority for the calendar year, to the Yuba County Treasurer effective January 1, 2013.

BACKGROUND / DISCUSSION:

Per Government Code Section 53600 et seq. and Article III, Section 2.54.040 of the Yuba County Ordinance Code, a resolution is required each year delegating investment authority to the Yuba County Treasurer. County Counsel has drawn up said resolution for the year of 2013 (see attached). As such I respectfully request the Board of Supervisors to adopt this resolution.

FISCAL IMPACT: None

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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

IN RE:

**RESOLUTION DELEGATING
INVESTMENT AUTHORITY TO THE
YUBA COUNTY TREASURER FOR
THE YEAR 2013.**

RESOLUTION NO: _____

WHEREAS, as the Board of Supervisors are authorized pursuant to California Government Code §53600 et seq. to delegate investment authority to the County Treasurer; and

WHEREAS, Section 2.54.040 of the Yuba County Ordinance Code, among other things, delegates to the County Treasurer the authority to invest or re-invest the funds of the County and the funds of other depositors in the County Treasury; and,

WHEREAS, as California Government Code §53607 requires such delegation to be made on an annual basis; and,

WHEREAS, Section 2.54.040 of the Yuba County Ordinance Code requires that the subject annual delegation be achieved by passage of an appropriate resolution of the Yuba County Board of Supervisors; and,

WHEREAS, the Yuba County Board of Supervisors desires to continue to delegate the referenced investment authority to the County Treasurer.

NOW, THEREFORE, BE IT RESOLVED that the Yuba County Board of Supervisors hereby delegates to the County Treasurer the authority to continue to invest or re-invest the funds of the County and the funds of other depositors in the County Treasury pursuant to Government Code Section 53600 et seq., specifically including but without limitation Government Code, Sections 53646 and 53684, and Title II, Section 2.54.040 of the Yuba County Ordinance Code.

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

AYES:

NOES:

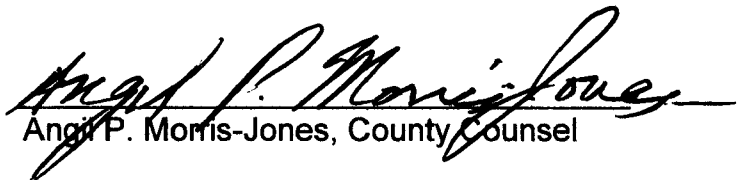
ABSENT:

HAL STOCKER, CHAIRMAN OF THE YUBA
COUNTY BOARD OF SUPERVISORS

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By: _____

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


Angil P. Morris-Jones, County Counsel



COUNTY

DEPARTMENTS

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445-12

Administrative Services Memorandum

To: Board of Supervisors
CC: Robert Bendorf, CAO
Angil Morris-Jones, County Counsel
From: Tara Repka Flores, Assistant Director of Administrative Services
Date: December 11, 2012
Re: Microsoft Enterprise Agreement

A handwritten signature in black ink, appearing to be "Tara Repka Flores", is written over the "From:" line.

Recommendation:

Recommend the Board of Supervisors authorize Yuba County's renewal into the Microsoft State and Local Government Enterprise agreement, approve the enrollment agreement (contract), and authorize the Chair to sign the Microsoft Volume Licensing Enterprise Agreement and any additional supporting documents that may be required.

Background:

Yuba County uses many of Microsoft's products as standard software on personal computers (desktops) and servers. These products include operating systems, databases, office suite applications, and client access licenses. Yuba County is currently responsible for licensing all these software packages for 950 users on 1068 computers.

Microsoft is continuing to offer the same licensing options as the previous agreements. They are offering a 3 year contract which benefits Yuba County by offering a fixed pricing level for the life of the agreement.

Discussion:

The original contract was approved in October of 2001, at that time Yuba County had 737 computers. In 2009 we had 1035 computers, and today we are licensing 1068 computers. The increase in computers is primarily due to an increase in the number of public facing computers in areas such as the library, training rooms, and testing labs etc., but is overall a reflection of our continuing need to use more computing resources and automation as time goes on.

We are 'piggybacking' a competitively bid agreement negotiated by Riverside County in conjunction with the California Counties Information Systems Director's Association (CCISDA) to assure best available pricing. Microsoft has A through D level pricing. The Riverside agreement allows us to take advantage of D level pricing, usually reserved for the largest organizations with over 15,000 employees. We would otherwise be at A level pricing, which is significantly more costly.

With this renewal agreement we are changing the way we license our servers and databases to allow for use of more efficient and less hardware. While there is an increased licensing cost to do this, the cost of required server hardware is reduced significantly by up to \$400,000, and results in significantly less energy requirements, for additional savings.

Committee Action:

This agreement must be executed by December 15th in order to take advantage of 2012 pricing. If we do not complete this by December 15th, pricing will go up by approximately another \$10,000 per year. Due to this deadline, we have bypassed the Public Facilities Committee and brought this matter directly to the Board.

November 29, 2012

Fiscal Impact:

The total first year annual cost of the Enterprise Agreement is \$230,338. The subsequent two payments for the remainder of the agreement should only increase based on any additional computers that are added to our environment based on departmental requirements.

The first year annual cost of the Agreement represents an increase of \$55,000. The general fund portion of this increase is estimated at 63% of the \$55,000, and will be finalized over the next month. Funding for this increase will be addressed with our midyear budget.

Enterprise and Enterprise Subscription Enrollment Product Selection Form – State and Local

Enrollment Number
Microsoft to complete for initial term
Reseller to complete for renewal

Step 1. Please indicate whether Enrolled Affiliate is ordering Enterprise Products or Enterprise Online Services on the initial enrollment order. Choose both if applicable.

☒ **Enterprise Products.** Choose platform option: Components only (not full platform)

Qualified Devices: 1068

Qualified Users: 950

☐ **Enterprise Online Services¹**

Step 2. Select the Products and Quantities Enrolled Affiliate is ordering on its initial Enrollment Order. Quantity may not include any Licenses which Enrolled Affiliate has selected for optional future use, or to which it is transitioning or stepping up within enrollment term. Products for which the Enrolled Affiliate has an option to transition or step-up should be listed in Step 3.

Products ²	Quantity
Office Professional Plus	
Office Pro Plus	1068
Office Pro Plus for Office 365	
Office 365 Plans¹	
Office 365 (Plan E1)	
Office 365 (Plan E2)	
Office 365 (Plan E3)	
Office 365 (Plan E4)	
Client Access License (CAL). Choose 1 Option.	
<input type="checkbox"/> Core CAL, including Bridge CAL's (if applicable)	
Core CAL	
Core CAL Bridge for Office 365	
Core CAL Bridge for Windows Intune	
Core CAL Bridge for Office 365 and Windows Intune	
<input checked="" type="checkbox"/> Enterprise CAL (ECAL)	
ECAL	950
ECAL Bridge for Office 365	
ECAL Bridge for Windows Intune	
ECAL Bridge for Office 365 and Windows Intune	
The Client Access License selection must be the same across the Enterprise. Specify whether licensing CAL per Device or User: User	
Windows Desktop	
Windows OS Upgrade	1068
Windows VDA	
Windows Intune	
Windows Intune	
Windows Intune Add-on ³	
Other Enterprise Products	
Microsoft Desktop Optimization Pack (MDOP) ⁴	

If selecting Windows Desktop or Windows Intune option, Enrolled Affiliate acknowledges the following:

- a. The Windows Desktop Operating System Upgrade licenses offered through this Enrollment are not full licenses. The Enrolled Affiliate and any included Affiliates have qualifying operating system licenses for all devices on which the Windows Desktop Operating System Upgrade or Windows Intune licenses are run.
- b. In order to use a third party to reimage the Windows Operating System Upgrade, Enrolled Affiliate must certify that Enrolled Affiliate has acquired qualifying operating system licenses. See the Product List for details.

Step 3. Indicate new Enterprise Products and Online Services Enrolled Affiliate has selected for optional future use where not selected on the initial enrollment order (above):

Products ²	
<input type="checkbox"/>	Office Pro Plus for Office 365
<input type="checkbox"/>	Office 365 (Plan E1)
<input type="checkbox"/>	Office 365 (Plan E2)
<input type="checkbox"/>	Office 365 (Plan E3)
<input type="checkbox"/>	Office 365 (Plan E4)
<input type="checkbox"/>	Enterprise CAL (ECAL) Step-up, including Bridge CALs
<input type="checkbox"/>	Windows Intune
<input type="checkbox"/>	Windows Intune Add-on ³

This form must be attached to a signature form to be valid.



Program Signature Form

MBA/MBSA number

Agreement number

01E73134

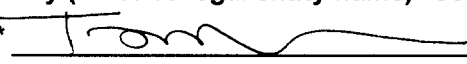
Note: Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
Enterprise Enrollment	X20-03621
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
Product Selection Form	X20-03622
Document Description	Document Number or Code
Document Description	Document Number or Code
Document Description	Document Number or Code
Document Description	Document Number or Code

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer
Name of Entity (must be legal entity name)* County of Yuba
Signature* 
Printed First and Last Name* Tara Repka Flores
Printed Title* Assistant Director Administrative Services
Signature Date* 12/3/12
Tax ID 94-6000549

* indicates required field

Microsoft Affiliate
Microsoft Licensing, GP
Signature _____ Printed First and Last Name _____ Printed Title _____ Signature Date (date Microsoft Affiliate countersigns)
Effective Date (may be different than Microsoft's signature date)

Optional 2nd Customer signature or Outsourcer signature (if applicable)

Customer
Name of Entity (must be legal entity name)* County of Yuba Signature* _____ Printed First and Last Name* Hal Stocker Printed Title* Chair Signature Date*

** indicates required field*

Outsourcer
Name of Entity (must be legal entity name)* Signature* _____ Printed First and Last Name* Printed Title* Signature Date*

** indicates required field*

If Customer requires physical media, additional contacts, or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

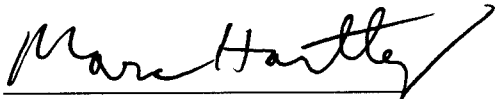
After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Licensing, GP
 Dept. 551, Volume Licensing
 6100 Neil Road, Suite 210
 Reno, Nevada 89511-1137
 USA

Prepared By: Jeff Decamp

jdecamp@co.yuba.ca.us

**APPROVED AS TO FORM:
COUNTY COUNSEL**



For Angil Morris-Jones,
County Counsel

Microsoft

Yuba County

11/26/2012

Microsoft EA Agreement Quotation

Current EA Expires 12/30/2012

Dell Inc

Fritzi Mulkey

MS Licensing Specialist

512-723-4848

fritzi.mulkey@dell.com

Quote Expires 11/15/2012

Budgetary Quote Number: FM111912EARENS679943

Note: The following must be noted on every PO in order for tax to be removed

1. PO must be payable to Dell Marketing L.P.

2. "Electronic Delivery" must be referenced on the PO.

3. PO must be signed.

Per Terms and Conditions of the County of Riverside EA Contract#RIVCO-20800-003-12 Expires 12/31/2012

State of CA MELA Contract# SCA-12-70-00075 Expires 12/31/2012

PLEASE SEE IMPORTANT TERMS AND CONDITIONS AT THE BOTTOM OF THIS QUOTATION

<u>Microsoft Part#</u>	<u>Product Description</u>	<u>Unit Price</u>	<u>Qty</u>	<u>Totals</u>
269-12442	OfficeProPlus ALNG SA MVL Ptfm	\$79.48	1,068	\$84,884.64
76A-00016	EntCAL ALNG SA MVL Ptfm USICAL wSrvcs	\$70.49	950	\$66,965.50
FOC-02460	WinPro ALNG SA MVL Ptfm	\$29.20	1,068	\$31,185.60
076-01912	PriCt ALNG SA MVL	\$92.91	2	\$185.82
H04-00268	SharePointSvr ALNG SA MVL	\$735.82	1	\$735.82
T9L-00223	SysCtStd ALNG SA MVL 2Proc	\$131.76	10	\$1,317.60
71Q-00341	SQLSvEntCore ALNG LicSAPK MVL 2Lic CoreLic	\$4,791.99	2	\$9,583.98
P71-07280	WinsvrDatactr ALNG LicSAPK MVL 2Proc	\$1,676.33	10	\$16,763.30
T6L-00315	SysCtDatactr ALNG SASU MVL SysCtStd 2Proc	\$530.66	10	\$5,306.60
076-01776	PriCt ALNG LicSAPK MVL	\$199.73	10	\$1,997.30
D86-01175	VisioStd ALNG LicSAPK MVL	\$77.33	5	\$386.65
D87-01057	VisioPro ALNG LicSAPK MVL	\$170.83	5	\$854.15
				\$0.00
				\$0.00
				\$0.00
				\$220,166.96

Annual Payment 1st Year (requires 3 year Agreement)

2nd and 3rd annual payment to be determined per State Contract Terms

Notes:

Microsoft Enterprise Enrollment #(EA) TDB

'Dell offers the following quote for the next year of Yuba County's Microsoft Enterprise Enrollment Agreement. This quote will expire thirty (30) days from the date of issuance; upon expiration of this quote, the following prices may no longer be valid. For customer's general information and budgeting purposes, Dell offers the following estimate for subsequent years of Yuba County's Microsoft Enterprise Agreement. Prices for subsequent Enrollment years are not binding on Dell or Yuba County in any way and will be determined on the Enrollment anniversary date.'

Customer must complete all required Microsoft enrollment documentation. The EA cannot be executed (processed at Microsoft) until both the complete documents and PO are received for the first annual payment.

Quote Prepared By: Fritz Mulkey

Enterprise Enrollment

State and Local

Enterprise Enrollment number
(Microsoft to complete)

5679943

Proposal ID/Framework ID

12/31/2012

Previous Enrollment number
(Reseller to complete)

5679943

Earliest expiring previous
Enrollment end date ¹

12/31/2012

This Enrollment must be attached to a signature form to be valid.

This Microsoft Enterprise Enrollment is entered into between the entities as identified in the signature form as of the effective date. Enrollment Affiliate represents and warrants it is the same Customer, or an Affiliate of the Customer, that entered into the Enterprise Agreement identified on the program signature form.

This Enrollment consists of: (1) these terms and conditions, (2) the terms of the Enterprise Agreement identified on the signature form, (3) the Product Selection Form, (4) any supplemental contact information form or Previous Agreement/Enrollment form that may be required, (5) any order submitted under this Enrollment. This Enrollment may only be entered into under a 2011 or later Enterprise Agreement.

All terms used but not defined are located at <http://www.microsoft.com/licensing/contracts>. In the event of any conflict the terms of this agreement control.

Effective date. If Enrolled Affiliate is renewing Software Assurance or Subscription Licenses from one or more previous Enrollments or agreements, then the effective date will be the day after the first prior Enrollment or agreement expires or terminates. Otherwise, the effective date will be the date this Enrollment is accepted by Microsoft. If renewing Software Assurance, the Reseller will need to insert the previous enrollment or agreement number and end date in the respective boxes above.

Term. This Enrollment will expire on the last day of the month, 36 full calendar months from the effective date unless otherwise renewed. Any reference in this Enrollment to "day" will be a calendar day.

Product order. The Reseller will provide Enrolled Affiliate with Enrolled Affiliate's Product pricing and order. Prices and billing terms for all Products ordered will be determined by agreement between Enrolled Affiliate and the Reseller. The Reseller will provide Microsoft with the order separately from this Enrollment.

Prior Enrollment(s). If renewing Software Assurance or Subscription Licenses from another Enrollment or agreement, the previous Enrollment or agreement number and end date must be identified in the respective boxes above. If renewing from multiple Enrollments or agreements, or transferring Software Assurance or MSDN details, the Previous Agreement/Enrollment form must be used.

Terms and Conditions

1. Definitions.

Terms used but not defined in this Enrollment will have the definition in the Enterprise Agreement. The following definitions are used in this Enrollment:

"Additional Product" means any Product identified as such in the Product List and chosen by Enrolled Affiliate under this Enrollment.

"Enterprise Online Service" means any Online Service designated as an Enterprise Online Service in the Product List and chosen by Enrolled Affiliate under this Enrollment. Enterprise Online Services are treated as Online Services, except as noted.

"Enterprise Product" means any Desktop Platform Product that Microsoft designates as an Enterprise Product in the Product List and chosen by Enrolled Affiliate under this Enrollment. Enterprise Products may only be licensed for all Qualified Devices and Qualified Users on an Enterprise-wide basis under this program.

"Expiration Date" means the date upon which the Enrollment expires.

"Industry Device" (also known as line of business device) means any device that: (1) is not useable in its deployed configuration as a general purpose personal computing device (such as a personal computer), a multi-function server, or a commercially viable substitute for one of these systems; and (2) only employs an industry or task-specific software program (e.g. a computer-aided design program used by an architect or a point of sale program) ("Industry Program"). The device may include features and functions derived from Microsoft software or third-party software. If the device performs desktop functions (such as email, word processing, spreadsheets, database, network or Internet browsing, or scheduling, or personal finance), then the desktop functions: (1) may only be used for the purpose of supporting the Industry Program functionality; and (2) must be technically integrated with the Industry Program or employ technically enforced policies or architecture to operate only when used with the Industry Program functionality.

"Qualified Device" means any device that is used by or for the benefit of Enrolled Affiliate's Enterprise and is: (1) a personal desktop computer, portable computer, workstation, or similar device capable of running Windows Professional locally (in a physical or virtual operating system environment), OR (2) a device used to access a virtual desktop infrastructure ("VDI"). Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, OR (2) an Industry Device, OR (3) not managed (as defined in the Product List at the start of the applicable initial or renewal term of the Enrollment) as part of Enrolled Affiliate's Enterprise. At its option, the Enrolled Affiliate may designate any device excluded above (e.g., Industry Device) as a Qualified Device for all or a subset of Enterprise Products or Online Services the Enrolled Affiliate has selected.

"Qualified User" means a person (e.g., employee, consultant, contingent staff) who: (1) is a user of a Qualified Device, or (2) accesses any server software requiring an Enterprise Product Client Access License or any Enterprise Online Service. It does not include a person who accesses server software or an Online Service solely under a License identified in the Qualified User exemptions in the Product List.

"Reserved License" means for an Online Service identified as eligible for true-ups in the Product List, the License reserved by Enrolled Affiliate prior to use and for which Microsoft will make the Online Service available for activation.

"Transition" means the conversion of one or more License to or from another License(s). Products eligible for Transition and permitted Transitions are identified in the Product List.

"Transition Period" means the time between the Transition and the next Enrollment anniversary date for which the Transition is reported.

2. Purpose.

This Enrollment enables Enrolled Affiliate's Enterprise to obtain, or subscribe to, Licenses for Enterprise Products, Enterprise Online Services, and Additional Products. Enrolled Affiliate may choose between on-premise software and Online Services as well as the ability to transition Licenses to Online Services while maintaining Enterprise-wide coverage. Additionally, Enterprise Online Services may be purchased without Enterprise-wide coverage.

3. Product Use Rights, Qualifying Systems Licenses and Transitions.

In addition to applicable terms of the Enterprise Agreement, the following terms apply to this Enrollment:

- a. **Product Use Rights.** For Enterprise Products, if a new Product version has more restrictive use rights than the version that is current at the start of the applicable initial or renewal term of the Enrollment, those more restrictive use rights will not apply to the Enrolled Affiliate's use of that Product during the term.
- b. **Qualifying systems Licenses.** The operating system Licenses granted under this program is upgrade Licenses only. Full operating system Licenses are not available under this program. If Enrolled Affiliate selects any Desktop Platform, Windows Desktop Operating System Upgrade, or Windows Intune, all Qualified Devices on which Enrolled Affiliate expects to run the Windows Desktop Operating System Upgrade must be licensed to run, and have installed on them, one of the qualifying operating systems identified in the Product List. Note that the list of operating systems that qualify for the Windows Desktop Operating System Upgrade varies with the circumstances of the order. That list is more extensive at the time of the initial order than it is for some subsequent orders and system refreshes during the term of this Enrollment. Exclusions are subject to change when new versions of Windows are released.

For example: The following are not considered qualifying operating systems: (1) ANY Windows Home or Starter edition; (2) Embedded Systems; and (3) Linux. These are examples of exclusions only and may change. Please see Product List for all current qualifying operating systems.

- c. **Transitions.** The following requirements apply to Transitions:

- (i) Licenses with active Software Assurance or Subscription Licenses may be Transitioned at any time if permitted in the Product List. While Enrolled Affiliate may Transition any time, it will not be able to reduce Licenses or associated Software Assurance prior to the end of the Transition Period.
- (ii) Enrolled Affiliate must order the Licenses to which it is transitioning for the year(s) following the Transition Period
- (iii) If a Transition is made back to a License that had active Software Assurance as of the date of Transition, then Software Assurance will need to be re-ordered for all such Licenses on a prospective basis following the Transition Period. Software Assurance coverage may not exceed the quantity of perpetual Licenses for which Software Assurance was current at the time of any prior Transition. Software Assurance may not be applied to Licenses transferred by Enrolled Affiliate.
- (iv) If a device-based License is Transitioned to a user-based License, all users of the device must be licensed as part of the Transition.
- (v) If a user-based License is Transitioned to a device-based License, all devices accessed by the user must be licensed as part of the Transition.

- d. **Effect of Transition on Licenses.** Transition will not affect Enrolled Affiliate's rights in perpetual Licenses paid in full.

- (i) New version rights will be granted for perpetual Licenses covered by Software Assurance up to the end of the Transition Period.
- (ii) For L&SA not paid in full at the end of the Transition Period, Enrolled Affiliate will have perpetual Licenses for a proportional amount equal to the total of installments paid versus total amounts due (paid and payable) for the Transitioned Product.
- (iii) For L&SA not paid in full or granted a perpetual License in accordance with the above or Subscription Licenses, all rights to Transitioned Licenses cease at the end of the Transition Period.

4. Pricing.

- a. Price Levels.** For both the initial and any renewal term Enrolled Affiliate's Price Level for all Products ordered under this Enrollment will be Level "D" throughout the term of the Enrollment. Price Level's will be captured in the Product Selection Form.
- b. Setting Prices.** Enrolled Affiliate's prices for each Product will be established by its Reseller. Microsoft's prices for Resellers are fixed throughout the Enrollment term based upon current prices at the time of the initial order for the Product. This includes the following:
 - (i) Any future pricing (if applicable); and
 - (ii) Prices for Transitions, including any prices related to the use of a Product during the Transition Period (if applicable).

5. Order requirements.

- a. Minimum Order Requirements.** Enrolled Affiliate's Enterprise must have a minimum of 250 Qualified Users or Qualified Devices.
 - (i) **Initial Order.** Initial order must include at least 250 Licenses from one of the four groups outlined in the Product Selection Form.
 - (ii) **If choosing Enterprise Products.** If choosing Enterprise Products in a specific group outlined in the Product Selection Form, Enrolled Affiliate's initial order must include an Enterprise-wide selection of one or more Enterprise Products or a mix of Enterprise Products and corresponding Enterprise Online Services for that group.
 - (iii) **Additional Products.** Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products.
 - (iv) **Country of Usage.** Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.
- b. Adding Products.**
 - (i) **Adding new Products not previously ordered.** Enrolled Affiliate may add new Enterprise Products by entering into a new Enrollment or as part of a renewal. New Enterprise Online Services may be added by contacting a Reseller. New Additional Products, other than Online Services, may be used if an order is placed in the month the Product is first used. For Additional Products that are Online Services, an initial order for the Online Service is required prior to use.
 - (ii) **Adding Licenses for previously ordered Products.** Additional Licenses for previously ordered Products must be included in the next true-up order. Enrolled Affiliate must order Licenses for Online Services prior to use, unless the Online Services are (1) identified as eligible for true-up in the Product List or (2) included as part of other Licenses (e.g., Enterprise CAL).
- c. True-up orders.** Enrolled Affiliate must submit an annual true-up order that accounts for changes since the initial order or last true-up order, including: (1) any increase in Licenses, including any increase in Qualified Devices or Qualified Users and Reserved Licenses; (2) Transitions (if permitted); or (3) Subscription License quantity reductions (if permitted). Microsoft, at its discretion and as permitted by applicable law, may validate the customer true-up data submitted through a formal product deployment assessment, using an approved Microsoft partner.

The true-up order must be received by Microsoft between 60 and 30 days prior to the Enrollment anniversary date. The third-year anniversary true-up order is due within 30 days prior to the Expiration Date. Enrolled Affiliate may true-up more often than at each Enrollment anniversary date except for Subscription License reductions.

- (i) **Enterprise Products.** Enrolled Affiliate must determine the current number of Qualified Devices and Qualified Users (if ordering user-based Licenses) and order the License difference (if any), including any Enterprise Online Services.
- (ii) **Additional Products.** For Products which have been previously ordered, Enrolled Affiliate must determine the Additional Products used and order the License difference (if any).
- (iii) **Online Services.** For Online Services identified as eligible for true-up orders in the Product List, Enrolled Affiliate must first reserve the additional Licenses prior to use. Microsoft will provide a report of Reserved Licenses in excess of existing orders to Enrolled Affiliate and its Reseller. Reserved Licenses will be invoiced retroactively for the prior year based upon the month in which they were reserved.
- (iv) **Late true-up order.** If the true-up order is not received when due:
 - 1) Microsoft will invoice Reseller for all Reserved Licenses not previously ordered.
 - 2) Transitions and Subscription License reductions cannot be reported until the following Enrollment anniversary date (or at Enrollment renewal, as applicable).
- (v) **Transitions.** Enrolled Affiliate must report all Transitions. Transitions may result in an increase in Licenses to be included on the true-up order and a reduction of Licenses for prior orders. Reductions in Licenses will be effective at end of the Transition Period. Associated invoices will also reflect this change. For Licenses paid upfront, Microsoft will issue a credit for the remaining months of Software Assurance or Subscription Licenses that were reduced as part of the Transition.
- (vi) **Subscription License Reductions.** Enrolled Affiliate may reduce the quantity of Subscription Licenses on a prospective basis if permitted in the Product List as follows:
 - 1) For Subscription Licenses part of an Enterprise-wide commitment, Licenses may be reduced if the total quantity of Licenses and Software Assurance for an applicable group meets or exceeds the quantity of Qualified Devices identified on the Product Selection Form. Step-up Licenses do not count towards this total count.
 - 2) For Enterprise Online Services not a part of an Enterprise-wide commitment, Licenses can be reduced as long as the initial order minimum requirements are maintained.
 - 3) For Additional Products available as Subscription Licenses, Enrolled Affiliate may reduce the Licenses. If the License count is reduced to zero, then Enrolled Affiliate's use of the applicable Subscription License will be cancelled.

Invoices will be adjusted to reflect any reductions in Subscription Licenses at the true-up order Enrollment anniversary date and effective as of such date.
- (vii) **Update statement.** An update statement must be submitted instead of a true-up order if, as of the initial order or last true-up order, Enrolled Affiliate's Enterprise has not: (1) changed the number of Qualified Devices and Qualified Users licensed with Enterprise Products or Enterprise Online Services; and (2) increased its usage of Additional Products. This update statement must be signed by Enrolled Affiliate's authorized representative. The update statement must be received by Microsoft between 60 and 30 days prior to the Enrollment anniversary date. The last update statement is due at least 30 days prior to the Expiration Date.
- d. **Step-up Licenses.** For Licenses eligible for a step-up under this Enrollment, Enrolled Affiliate may step-up to a higher edition or suite as follows:
 - (i) For step-up Licenses included on an initial order, Enrolled Affiliate may order according to the true-up process.

- (ii) If step-up Licenses are not included on an initial order, Enrolled Affiliate may step-up initially by following the process described in the Section titled "Adding new Products not previously ordered," then for additional step-up Licenses, by following the true-up order process.
- (iii) If Enrolled Affiliate has previously ordered an Online Service as an Additional Product and wants to step-up to an Enterprise Online Service eligible for a Transition, the step-up may be reported as a Transition.
- (iv) If Enrolled Affiliate Transitions a License, it may be able to further step-up the Transitioned License. If Enrolled Affiliate chooses to step-up and the step-up License is separately eligible to be Transitioned, such step-up Licenses may result in a License reduction at the Enrollment anniversary date following the step-up.

6. Payment terms.

For the initial or renewal order, Enrolled Affiliate may pay upfront or elect to spread its payments over the applicable Enrollment term. If spread payments are elected, unless indicated otherwise, Microsoft will invoice Enrolled Affiliate's Reseller in three equal annual installments. The first installment will be invoiced upon Microsoft's acceptance of this Enrollment and on each Enrollment anniversary date. Subsequent orders are invoiced upon acceptance of the order and Enrolled Affiliate may elect to pay annually or upfront for Online Services and upfront for all other Licenses.

7. End of Enrollment term and termination.

- a. **General.** At the Expiration Date, Enrolled Affiliate must immediately order and pay for Licenses for Products it has used but has not previously submitted an order, except as otherwise provided in this Enrollment.
- b. **Renewal Option.** At the Expiration Date, Enrolled Affiliate can renew Products by renewing the Enrollment for one additional 36 full calendar month term or signing a new Enrollment. Microsoft must receive a Product Selection Form and renewal order prior to or at the Expiration Date. The renewal term will start on the day following the Expiration Date. Microsoft will not unreasonably reject any renewal. Microsoft may make a change to this program that will make it necessary for Customer and its Enrolled Affiliates to enter into new Agreements and Enrollments.
- c. **If Enrolled Affiliate elects not to renew.**
 - (i) **Software Assurance.** If Enrolled Affiliate elects not to renew Software Assurance for any Product under its Enrollment, then Enrolled Affiliate will not be permitted to order Software Assurance later without first acquiring L&SA.
 - (ii) **Online Services eligible for an Extended Term.** For Online Services identified as eligible for an Extended Term in the Product List, the following options are available at the end of the Enrollment initial or renewal term.
 - 1) **Extended Term.** Licenses for Online Services will automatically expire in accordance with the terms of the Enrollment. An extended term feature that allows Online Services to continue month-to-month ("Extended Term") is available. During the Extended Term, Online Services will be invoiced monthly at the then-current published price for Enrolled Affiliate's price level as of the Expiration Date plus a 3% administrative fee for up to one year. If Enrolled Affiliate does want an Extended Term, Government Partner must submit a request to Microsoft. Microsoft must receive the request not less than 30 days prior to the Expiration Date.
 - 2) **Cancellation during Extended Term.** If Enrolled Affiliate has opted for the Extended Term and later determines not to continue with the Extended Term, Government Partner must submit a notice of cancellation for each Online Service. Cancellation

will be effective at the end of the month following 30 days after Microsoft has received the notice.

(iii) **Online Services not eligible for an Extended Term.** If Online Services are not identified as eligible for an Extended Term in the Product List, the Licenses will be cancelled and will terminate as of the Expiration Date. Any associated media must be uninstalled and destroyed and Enrolled Affiliate's Enterprise must discontinue use. Microsoft may request written certification to verify compliance.

(iv) **Customer Data.** Upon expiration or termination of a License for Online Services, Enrolled Affiliate must tell Microsoft whether to:

- 1) disable its account and then delete its Customer Data ("Data Deletion"); or
- 2) retain its Customer Data in a limited function account for at least 90 days after expiration or termination of the License for such Online Service (the "Retention Period") so that Enrolled Affiliate may extract its Customer Data.
- 3) If Enrolled Affiliate indicates Data Deletion, Enrolled Affiliate will not be able to extract its Customer Data. If Enrolled Affiliate indicates it wants a Retention Period, Enrolled Affiliate will be able to extract its Customer Data through Microsoft's standard processes and tools, and Enrolled Affiliate will reimburse Microsoft if there are any applicable costs to the extent allowed by applicable law. If Enrolled Affiliate does not indicate either Data Deletion or a Retention Period, Microsoft will retain Enrolled Affiliate's Customer Data in accordance with the Retention Period.
- 4) Following the expiration of the Retention Period, Microsoft will disable Enrolled Affiliate's account and then delete its Customer Data.
- 5) Enrolled Affiliate agrees that, other than as described above, Microsoft has no obligation to continue to hold, export or return Enrolled Affiliate's Customer Data. Enrolled Affiliate agrees Microsoft has no liability whatsoever for deletion of Enrolled Affiliate's Customer Data pursuant to these terms.

d. **Termination for cause.** Any termination for cause of this Enrollment will be subject to the "Termination for cause" Section of the agreement.

e. **Early termination.** Any Early termination of this Enrollment will be subject to the "Early Termination" Section of the Enterprise Agreement.

For Subscription Licenses, in the event of a breach by Microsoft, Microsoft will issue Reseller a credit for any amount paid in advance that would apply after the date of termination.

Enrollment Details

1. Enrolled Affiliate's Enterprise.

Use this section to identify which Agency Affiliates are included in the Enterprise. (Required) Enrolled Affiliate's Enterprise must consist of entire offices, bureaus, agencies, departments or other entities of Enrolled Affiliate, not partial offices, bureaus, agencies, or departments, or other partial entities. Enrolled Affiliate's organization includes . Check only one box in this section:

☒ Enrolled Affiliate

☐ Enrolled Affiliate and the following Affiliate(s):

☐ Enrolled Affiliate and all Affiliates, with following Affiliate(s) excluded:

Please indicate whether the Enrolled Affiliate's Enterprise will include all new Affiliates acquired after the start of this Enrollment: Include future Affiliates

2. Contact information.

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (*) indicate required fields. By providing contact information, Enrolled Affiliate consents to its use for purposes of administering this Enrollment by Microsoft, its Affiliates, and other parties that help administer this Enrollment. The personal information provided in connection with this Enrollment will be used and protected in accordance with the privacy statement available at <https://www.microsoft.com/licensing/servicecenter>.

- a. **Primary contact.** This contact is the primary contact for the Enrollment from within Enrolled Affiliate's Enterprise. This contact is also an Online Administrator for the Volume Licensing Service Center and may grant online access to others.

Name of entity (must be legal entity name)* County of Yuba

Contact name* First Tara **Last** Repka Flores

Contact email address* tflores@co.yuba.ca.us

Street address* 915 8th Street Suite 119

City* Marysville

State/Province* CA

Postal code* 95901-

(For U.S. addresses, please provide the zip + 4, e.g. xxxxx-xxxx)

Country* USA

Phone* 530-749-7880

Tax ID 94-6000549

** indicates required fields*

- b. **Notices contact and Online Administrator.** This contact (1) receives the contractual notices, (2) is the Online Administrator for the Volume Licensing Service Center and may grant online access to others, and (3) is authorized for applicable Online Services to add or reassign Licenses, step-up, and initiate Transitions prior to a true-up order.

☐ Same as primary contact

Name of entity* County of Yuba

Contact name* First Jerry Last Henry

Contact email address* jhenry@co.yuba.ca.us

Street address* 915 8th Street Suite 119

City* Marysville

State/Province* CA

Postal code* 95901-

(For U.S. addresses, please provide the zip + 4, e.g. xxxxx-xxxx)

Country* USA

Phone* 530-749-7890

Language preference. Choose the language for notices. English

☐ This contact is a third party (not the Enrolled Affiliate). Warning: This contact receives personally identifiable information of the Customer and its Affiliates.

** indicates required fields*

- c. **Microsoft Account Manager.** Microsoft Account Manager for this Enrolled Affiliate is:

Microsoft account manager name: Gina Kirby

Microsoft account manager email address: gkirby@microsoft.com

- d. **Online Services Manager.** This contact is authorized to manage the Online Services ordered under the Enrollment and (for applicable Online Services) to add or reassign Licenses, step-up, and initiate Transitions prior to a true-up order.

☒ Same as notices contact and Online Administrator

Name of entity*

Contact name*: First Last

Contact email address*

Street address*

City*

State/Province*

Postal code*

Country*

Phone*

☐ This contact is from a third party organization (not the entity). Warning: This contact receives personally identifiable information of the entity.

** indicates required fields*

- e. **Reseller information.** Reseller contact for this Enrollment is:

Reseller company name* Dell Marketing LP

Street address (PO boxes will not be accepted)* One Dell Way

City* Round Rock

State/Province* TX

Postal code* 78682

Country* USA

Contact name*

Phone*

Contact email address*

** indicates required fields*

The undersigned confirms that the information is correct.

Name of Reseller* Dell Marketing LP
Signature* _____
Printed name*
Printed title*
Date*

** indicates required fields*

Changing a Reseller. If Microsoft or the Reseller chooses to discontinue doing business with each other, Enrolled Affiliate must choose a replacement Reseller. If Enrolled Affiliate or the Reseller intends to terminate their relationship, the initiating party must notify Microsoft and the other party using a form provided by Microsoft at least 90 days prior to the date on which the change is to take effect.

- f. If Enrolled Affiliate requires a separate contact for any of the following, attach the Supplemental Contact Information form. *Otherwise, the notices contact and Online Administrator remains the default.*
- (i) Additional notices contact
 - (ii) Software Assurance manager
 - (iii) Subscriptions manager
 - (iv) Customer Support Manager (CSM) contact

3. *Financing elections.*

Is a purchase under this Enrollment being financed through MS Financing? No

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The County of Yuba

OFFICE OF THE COUNTY ADMINISTRATOR

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



ROBERT BENDORF
COUNTY ADMINISTRATOR

JOHN FLEMING
ECONOMIC DEVELOPMENT
COORDINATOR

RUSS BROWN
COMMUNICATIONS & LEGISLATIVE
AFFAIRS COORDINATOR

GRACE M. MULL
MANAGEMENT ANALYST

TEENA CARLQUIST
EXECUTIVE ASSISTANT TO THE
COUNTY ADMINISTRATOR

DATE: December 11, 2012
TO: Board of Supervisors
FROM: Robert Bendorf - County Administrator / Director of Emergency Services
Martha Wilson - Director of Human Resources and Organizational Services
RE: Acceptance of Emergency Services – Flood Control Grant from the Yuba
County Water Agency and approve the associated limited-term position
request

RECOMMENDATIONS

It is recommended that the Board of Supervisors;

1. Approve and authorize the Chairman of the Board of Supervisors to sign a grant agreement with the Yuba County Water Agency (YCWA) for a term of three years.
2. Consider for approval the three year limited term position of Emergency Operations Planner in the Division of Emergency Services.
3. Approve the recommendation to amend the Basic Salary Schedule and Position Allocation as they relate to the Office of the County Administrator, effective January 1, 2013.

BACKGROUND

OES is conducting day to day planning and preparedness efforts with just the Emergency Operations Manager and part-time assistance from other County Departments. In September 2011, Human Resources recommended that the Division of Emergency Services consider adding additional staff considering the planning, coordination and response workload. The Yuba County Water Agency (YCWA) approved a three-year grant agreement that would provide direct funding for staff services in support of flood protection related activities.

DISCUSSION

Reductions in staffing levels have caused the OES to prioritize preparedness and coordination efforts in all phases of emergency management. On occasion some areas of preparedness and coordination have not been addressed, or given less than full attention. This grant provides an opportunity for the Emergency Services Division to function more effectively and efficiently to meet the needs of Yuba County residents. The grant from YCWA would allow the OES to add a full time limited term position, which will be used to increase preparedness and coordination efforts, develop new Standard Operating Procedures and update

the current Emergency Operations Plan, Standard Operating Procedures and Multi-Jurisdictional Multi-Hazard Mitigation Plan as required.

The Human Resources Department and the Office of the County Administrator have coordinated to establish an Emergency Operations Planner as the proper classification to perform the work associated with the grant. This position would report to the Emergency Operations Manager and perform analytical and administrative duties in support of the daily operations; assist with the coordination, planning and training of county employees and stakeholders; assist in developing policies and procedures and implement program goals and objectives; maintain the County Emergency Operations Center in a constant state of readiness; and assist in maintaining emergency management budget and compliance with federal grant guidelines. The attached Resolutions updates the County position allocation and Basic Salary Schedule to reflect this addition. After Board of Supervisors approval, an open recruitment will be conducted to fill the position as soon as possible.

FISCAL IMPACT

There will be no fiscal impact to the general fund, as the position is funded through the YCWA grant and the Emergency Management Planning Grant.

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

IN RE:

RESOLUTION AMENDING THE
DEPARTMENTAL POSITION ALLOCATION
SCHEDULE

RESOLUTION NO. _____

BE IT RESOLVED that the Departmental Position Allocation Schedule as it relates to the following department(s) is amended effective January 1, 2013 as follows:

ADD:

DEPARTMENT	CLASSIFICATION	# OF POSITIONS
Office of the County Administrator	Emergency Operations Planner	1

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the _____ day of _____, 2012 by the following votes:

AYES:

NOES:

ABSENT:

CHAIRMAN

ATTEST: Donna Stottmeyer
Clerk of the Board

APPROVED AS TO FORM: Angil Morris-Jones
County Counsel

By: _____

By: Pan Gersmone

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

IN RE:

RESOLUTION AMENDING THE
CLASSIFICATION SYSTEM –
BASIC SALARY SCHEDULE

RESOLUTION NO. _____

BE IT RESOLVED that the Classification System – Basic Salary Schedule is amended as follows effective January 1, 2013.

ADD:

Code	Classification	Unit	BASE: STEP A	HOURLY	OT Code	WC Code
EMOP	Emergency Operations Planner	8	\$4,329	24.98	07	9410

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the ____ day of _____, 2012 by the following votes:

AYES:
NOES:
ABSENT:

CHAIRMAN

ATTEST: Donna Stottlemeyer
Clerk of the Board

APPROVED AS TO FORM: Angil Morris-Jones
County Counsel

By: _____

By: Poh Lammone

CLASSIFICATION SPECIFICATION



CLASSIFICATION: Emergency Operations Planner
ALLOCATION: County Administrator's Office
FLSA STATUS: Exempt
UNION AFFILIATION: N/A - Management

ESTABLISHED: January 2013
REVISED:

JOB SUMMARY:

Under general direction, perform analytical and administrative duties in support of the daily operations of the Division of Emergency Services; assist with the coordination, planning and training of county employees and stakeholders; assist in developing policies and procedures and implement program goals and objectives; maintain the County Emergency Operations Center in a constant state of readiness; may serve as project manager on emergency management projects; assist in maintaining emergency management budget and compliance with federal grant guidelines; and other duties as assigned.

This is the journey level in the emergency services analyst series.

CLASS CHARACTERISTICS:

This position reports directly to the Emergency Operations Manager. This class is distinguished from the Emergency Operations Manager in that the latter is responsible for the daily administration and management of the Emergency Services function.

EXAMPLES OF DUTIES:

Essential:

- Assist in the development of operational procedures and protocols for County Emergency Management functions.
- Research, prepare, and maintain a variety of technical, statistical, administrative and narrative reports and correspondence; perform special projects and tasks as assigned in support of emergency services operations.
- Assist County departments, agencies and stakeholder groups in identifying and addressing potential areas of disaster exposure; Assist various groups, including County departments and programs, special districts, cities, businesses, non-profits and non-governmental organizations in reviewing and/or developing emergency preparedness plans.
- Assist in preparing and providing emergency management exercises, including training for Emergency Operations Center Management staff, County program/department representatives, County staff, first responders, non-profits, and non-governmental organizations.
- Attend periodic on-going training to gain additional knowledge and remain current in knowledge in the area of emergency management.
- Function as a member of the Emergency Operations Center Management team and may be required to operate the Mobile Incident Command Vehicle when needed for operational area response.
- Respond to and assist in the coordination of emergency efforts by cities, state and federal agencies, and other public jurisdictions, private entities and volunteer organizations during emergencies.
- Assist with division budget by tracking expenditures, purchases and other financial business.
- Assist with research and determination of funding sources for various programs and/or projects; prepare grant applications; assist with administration of grants and monitoring of sub-grantees; monitor grant expenditures; provide guidance in the completion of State and Federal grant fund reporting documentation.
- Ensure proper documentation for compliance with Federal and State reporting.
- Assist in completing After Action/Corrective Action reports following a declared emergency, hosted drill or exercise.
- Assist County departments with the reimbursement process through the California Disaster Assistance Act and the Federal Emergency Management Agency, in collecting and submitting all necessary documentation on behalf of the County.
- Assist citizens in applying for individual assistance through state or federal disaster assistance funds.
- Assist with the creation of Local Assistant Centers (LAC) in the recovery process.
- Assist in promoting public education and outreach programs on emergency preparedness.
- Make public speaking presentations to groups, organizations or at events on emergency management.
- Coordinate special projects and tasks as assigned in support of the division.

Important:

- Comply with all County equipment and safety policies and procedures, and California Occupational

Safety and Health Administration (CalOSHA) rules and regulations.

- May represent the Division of Emergency Management and the County of Yuba at local, state and federal meetings related to emergency management and occasionally act on behalf of the Emergency Operations Manager.
- Drive a motor vehicle in the course of the work to access work sites.
- May supervise assigned staff on a project or day-to-day basis.

EMPLOYMENT STANDARDS:

Knowledge of:

- Principles and practices of emergency response planning, training and management.
- Principles, practices, methods and techniques of modern disaster response including the use of Standardized Emergency Management System (SEMS), Operational Area Satellite Information System (OASIS), State Resource Information Management System (RIMS), Geographic Information System (GIS), Hazards US (HAZUS), the National Incident Management System (NIMS) and the Incident Command System (ICS).
- Principles and practices of public health, hospital, law enforcement, fire and public works operations.
- Principles and practices of project planning, development and evaluation, including preparation, implementation and administration of policies and procedures.
- Basic elements of an effective emergency operations plan.
- Federal, state and local laws, codes, ordinances related to emergency planning and operations.
- Records management and retention schedules for emergency services documents.
- Techniques for dealing with a variety of individuals from various socio-economic, ethnic and cultural backgrounds, in person, via telephone and electronically, when relations may be strained.
- Standard office equipment and computer applications related to the work.
- Principles and practices of budget development and administration, public funding and state and federal reimbursement processes.
- Emergency services and communications systems, equipment and procedures utilized in staffing and coordinating activities within an emergency operations center.
- Conditions leading to major emergencies, their effects, mitigation, response lines, lines of authority, resource requirements, damage assessment, recovery methods and safety and survival procedures.
- Methods and techniques of developing and presenting technical documentation and training materials.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition and grammar.
- Principles and practices of technical and functional supervision and training.

Skill in:

- Developing, recommending and implementing goals, objectives, policies, procedures and work standards.
- Evaluating program strategies, analyzing alternatives, defining problem areas and recommending solutions.
- Understanding, interpreting, applying and explaining complex local, state and federal rules and regulations governing emergency preparedness.
- Training and facilitating others in policies and procedures related to the work.
- Assessing and prioritizing multiple tasks, projects and demands within limited timeframes.
- Exercising authority and providing direction in various situations, as required.
- Exercising sound independent judgment within general policy guidelines.
- Preparing clear, concise, reports, correspondence and other written materials.
- Developing and maintaining accurate logs, records and files.
- Effectively using tact, patience, courtesy, discretion and prudence in dealing with those contacted in the course of the work.
- Communicating clearly and concisely, both orally and in writing.
- Planning, directing and reviewing the work of others on a project or day-to-day basis.

Ability to:

- Give full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate and not interrupting at inappropriate times.
- Perform calmly, purposefully and appropriately in emergency and stressful situations.
- Maintain composure, keep emotions in check, control anger, and avoid aggressive behavior, even in very difficult situations.

- Evaluate alternate courses of action and make decisions under the pressures of disaster and emergency situations.
- Make effective written and verbal presentations to large civic groups, official bodies, and the general public to provide information.
- Gather and evaluate information in order to reason logically, draw valid conclusions, take appropriate actions and/or make appropriate recommendations.
- Deal tactfully and effectively with the public, regulatory agencies and policy-making bodies, vendors, consultants and others contacted in the course of the work.
- On a continuous basis, know and understand all aspects of the job.
- Organize, plan and prioritize work, developing specific goals and plans to accomplish the work in a timely manner as established by regulations and local policy.
- Pay attention to detail and be thorough in completing work tasks.
- Adapt quickly to changes in policies, procedures and assignments.
- Establish and maintain effective working relationships with those contacted in the course of the work.
- Coordinate emergency services planning with other governmental agencies.
- Analyze the potential for disasters and assist development and production of a comprehensive plan for mitigation, response and recovery including research and modification of elements of existing comprehensive emergency response plans.

Physical Demands: The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential function of the job, with or without accommodation. Prospective employees must complete a pre-employment medical exam (Occupational Group V) which will measure the following abilities:

- See well enough to read fine print and view a computer screen; speak and hear well enough to understand, respond, and communicate clearly in person and on the telephone.
- Independent body mobility sufficient to stand, sit, walk, stoop and bend to access the work environment and a standard office environment; mobility to work in some very adverse conditions including mud, smoke, heat, cold, rain, high winds and steep terrain to observe emergency conditions or conduct training exercises.
- Manual dexterity and sufficient use of hands, arms and shoulders to repetitively operate a keyboard and to write; and the ability to sit or walk for prolonged periods of time.
- Operate the Mobile Incident Command Vehicle when needed for operational area response and to drive a motor vehicle to visit sites and attend meetings.
- Occasionally lift, carry, push, pull or otherwise move bags or boxes of material weighing up to 75 pounds.

Accommodation may be made for some of these physical demands for otherwise qualified individuals who require and request such accommodation.

Work Environment:

- May require work with exposure to dangerous conditions, extreme weather, physical harm and infectious diseases.
- May require unusual or prolonged work hours during emergencies or disasters and during training programs or emergency preparedness exercises.

QUALIFICATIONS:

The minimum and preferred requirements are listed below. While the following requirements outline the minimum qualifications, Human Resources reserves the right to select applicants for further consideration who demonstrate the best qualifications match for the job. Meeting the minimum qualifications does not guarantee further participation in selection procedures.

Licenses and Certification:

- The ability to obtain a valid California Class C driver's license within ten (10) days of employment and maintain it throughout employment.

Special Requirements:

- Must successfully complete an extensive and thorough background investigation including Live Scan fingerprinting prior to hire.
- DMV printout prior to hire.
- Attend meetings outside of normal working hours including weekends.
- Must file statements of economic interest with the Yuba County Clerk/Recorder.
- Will be required to perform disaster service activities pursuant to Government Code 3100-3109.

- Must be able to implement appropriate response to any County emergency within 30 minutes of being notified.

Education and Experience:

MINIMUM: Bachelor's Degree from an accredited college or university with major course work in business or public administration, public safety/emergency management or a field related to the work; and one year of technical-level experience performing disaster planning, management or response or successful completion of state and federally sponsored courses in disaster preparedness, response and recovery.

Candidates with strong experience who lack the degree are encouraged to apply.

PREFERRED: In addition to the minimum requirements, certifications or credentialing in emergency services programs or as a trainer of emergency services programs, the completion of Federal Emergency Management Agency Professional Development Series; or professional experience planning, managing, or organizing for disaster relief, emergencies, and civil defense, either in an office of emergency services or in the police, fire protection, emergency medical or other related field.

This class specification lists the major duties and requirements of the job. Incumbent may be expected to perform job-related duties other than those contained in this document.

CAO Approval: Robert Bendorf
Date:

EEOC: B
WC: 9410

Human Resources Approval: Iva Seaberg
Date:

Signature: _____

Signature: _____

**YUBA COUNTY WATER AGENCY
GRANT AGREEMENT
With COUNTY OF YUBA
For OES Flood Protection Related Work**

THIS AGREEMENT is made this 11th day of September, 2012, by and between Yuba County Water Agency, a public agency ("Agency") and County of Yuba Office of Emergency Services ("Grantee"). This grant is for the purpose of providing short term temporary funding in support of flood protection related work. Agency and Grantee agree as follows:

1. Grant. The Agency agrees to grant to Grantee a sum of up to Two Hundred Twenty Five Thousand Dollars (\$225,000.00) at the rate of Seventy Five Thousand dollars (\$75,000.00) each fiscal year for three years on and subject to the terms of this Agreement. The grant shall be used by Grantee solely for the purposes described in Exhibit A, attached hereto and incorporated herein. Agency shall not be liable for any costs for the Work (see section 2) in excess of this amount, or for any unauthorized or ineligible costs.

2. Work To Be Performed. Grantee shall fully perform the work described in Exhibit A (the "Work").

3. Method of Payment. The initial \$75,000 will be disbursed as soon as this agreement is fully executed and in July of the two successive fiscal years beginning with Fiscal 2013-14. Grantee shall use the funds to pay all invoices, bills, statements, and other expenses for the Work. The total of the disbursements under this Agreement shall not exceed the grant amount. Grantee will submit a report to the Agency documenting work product and make a presentation in May or June of each fiscal year to the Agency Board of Directors. Further disbursements will be made only subsequent to this annual presentation.

4. Term & Termination.

4.1. This Agreement shall take effect November 1, 2012. Grantee must complete the Work on or before May 10, 2015, unless this deadline is extended by mutual agreement of the parties. Any grant funds not expended by June 30, 2015 or any extended deadline shall be forfeited by the Grantee and retained by Agency.

4.2. Agency may terminate this Agreement at any time for cause by giving 14 days prior written notice to Grantee. Cause shall mean: (a) Grantee violates this Agreement, and such violation continues for a period of 30 days after notice of violation from Agency, which notice shall specify the violation; (b) Grantee files or there is filed against Grantee a bankruptcy petition (unless, in the case of a petition filed against Grantee, the same is dismissed or stayed within 60 days); (c) Grantee makes an

assignment for the benefit of creditors; (d) Grantee becomes insolvent or there shall occur a material adverse change in the financial conditions of Grantee; (e) Grantee applies for or consents to the appointment of a receiver, trustee, or conservator, or such appointment is made without Grantee's consent and is not vacated within 60 days; or (f) Grantee files a petition or resolution of application for reorganization.

5. Compliance with Laws. Grantee shall perform the Work in compliance with all applicable federal, state and local laws and regulations and codes, and Grantee shall obtain all required permits, licenses, entitlements, and authorizations.

6. Public Works Requirement. If any of the Work consists of public works, as defined at Labor Code sections 1720 to 1720.4, then Grantee and its contractors and subcontractors shall comply with California statutes and regulations applicable to public works projects, including, but not limited to, the following requirements: payment of prevailing wage rates; employment of apprentices; hours of labor limitations and overtime; payroll records; workers' compensation insurance; payment/labor and materials bond; non-discrimination laws; contractors' state license requirements; and California Environmental Quality Act review.

7. Inspections. Agency reserves the right to inspect any Work to determine whether it is being performed in accordance with this Agreement. Agency may withhold grant payments if it finds any Work does not conform to this Agreement, until Grantee remedies the nonconformity.

8. Record Keeping and Reporting

8.1 Grantee shall keep and maintain bookkeeping records, accounts, and documentation pertaining to the receipt, disbursement, and use of grant proceeds to pay vendors, contractors, suppliers, and others who perform any Work for Grantee, including all invoices, receipts, canceled checks, contracts, purchase orders, and other source documents.

8.2 These records shall be retained for a period of not less than three years from the date of the final grant payment.

8.3 These records shall be accessible and available for inspection or audit by Agency, or by its employees, accountants, attorneys or agents, at reasonable times and upon reasonable notice.

9. Indemnification. Grantee shall indemnify, defend, protect, and hold harmless Agency, and its officers, employees, volunteers and agents from and against any and all liability, losses, claims, damages, expenses, demands, and costs (including but not limited to, attorney, expert witness and consultant fees, and litigation costs) of every nature arising out of Grantee's performance of the Work and caused by the negligent or willful act or

omission of Grantee or its contractor or subcontractor or any of their employees, agents or subcontractors, except where caused by the active negligence, sole negligence or willful misconduct of Agency or as otherwise provided or limited by law. Contractor's obligations under this indemnification provision shall survive the termination of, or completion of, Work under, this Agreement.

10. General Provisions.

10.1 Integration. This Agreement constitutes the sole, final, complete, exclusive and integrated expression and statement of terms of this contract among the parties concerning the subject matter addressed in this Agreement, and it supersedes all prior negotiations, representations or agreements, either oral or written, that may be related to the subject matter of this Agreement, except those other documents that are expressly referenced in this agreement.

10.2 Waiver. The waiver at any time by any party of its rights with respect to a default or other matter arising in connection with this Agreement shall not be deemed a waiver with respect to any subsequent default or matter.

10.3 Successors and Assignment. This Agreement shall bind and inure to the benefit of the respective successors, assigns, heirs, devisees and personal representatives of the parties.

10.4 Governing Law and Venue. Except as otherwise required by law, this Agreement shall be interpreted, governed by, and construed under the laws of the State of California.

10.5 Notices. Any notice, demand, invoice or other communication required or permitted to be given under this Agreement shall be in writing and either served personally or sent by prepaid, first class U.S. mail addressed as follows:

Agency:

General Manager
Yuba County Water Agency
1220 F Street
Marysville, CA 95901

Grantee:

County of Yuba
OES Suite 117
915 8th Street
Marysville, CA 95901

Any party may change its address by notifying the other party of the change in the manner provided above.

YUBA COUNTY WATER AGENCY

GRANTEE

By: Mary Jane Griego
Mary Jane Griego, Chair

By: _____
Hal Stocker, Chairman

Attest: Jeanene Ipton
Secretary

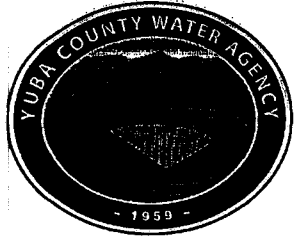
Attest: _____
Clerk of the Board

Exhibits Incorporated into this Grant Agreement

Exhibit A Agenda Support Material 9/11/2012 includes scope of Work

APPROVED FOR THE
ANGIL P. MORRIS-JONES
COUNTY COUNSEL
BY: Pat Gassman

September 11, 2012



**AGENDA SUPPORT MATERIAL
for September 11, 2012 Y.C.W.A. Regular Board Meeting**

Agenda Item No.4: Consider approval of a \$75,000 grant per year for three years to Yuba County to support flood protection related work by the Yuba County Office of Emergency Services, direct the Finance Manager to produce the grant agreement and authorize the Chair to sign the grant agreement.

Item:

The Yuba County Office of Emergency Services has limited capabilities to deliver quality flood related emergency services to the people and businesses in Yuba County. The \$75,000 per year for three years would give OES the funding needed to ensure accomplishment of their flood related goals and objectives. These include completing the Slow Rise Flood Plan revision, continued coordination with the National Weather Service for the Bear River Forecast Gauge for the flood plan, to produce the flood related 5 year update to the Multi Jurisdiction Hazard Mitigation Plan, to continue on-going training and preparation of Yuba County personnel emergency flood response actions, to review and update Operational Area Tactical Interoperability Communications Plan with county departments and regional stakeholders, to coordinate flood readiness planning with the Reclamation Districts, to take action on new FEMA mandates, to continue community outreach with the Be Prepared website and the annual flood season preparedness flyer, to participate and help manage the CVFPP Regional Plan, to provide YCWA with guidance and training on the National Incident Management System and assist YCWA with additional flood related tasks as needed. Funding will be provided in three annual payments starting October 1 of each year. The County will provide an annual report of work accomplished.


Action:

Consider approval of a \$75,000 grant per year for three years to Yuba County to support flood protection related work by the Yuba County Office of Emergency Services, direct the Finance Manager to produce the grant agreement and authorize the Chair to sign the grant agreement.

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YUBA COUNTY
HUMAN RESOURCES & ORGANIZATIONAL
SERVICES DEPARTMENT

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

DATE: December 11, 2012
TO: Board of Supervisors
FROM: Martha Wilson, Human Resources Director 
Doug McCoy, Director of Administrative Services

RECOMMENDATION

Approve the recommendation to amend the Basic Salary Schedule as it relates to the Project Manager classification, effective November 1, 2012, and to extend the temporary transfer of the incumbent to the Project Manager classification until no later than June 30, 2013

BACKGROUND

The Project Manager classification was established in 2005 for a specific need in the Health & Human Services department and with the intent that it be a County-wide classification for future use. There is a current need for the use of this classification in Administrative Services because the Capital Improvements Project Manager has been vacant since October 2012 and the project has further work to be performed. An employee in the Administrative Services Department has been temporarily transferred to perform the transitional project management.

DISCUSSION

The salary for the Project Manager classification was established along with the classification. Several of the internal classifications that this classification was originally aligned with have since seen salary adjustments to address recruitment and retention issues. A survey of the market revealed that the County's current base pay is not competitive. There are several Project Management needs on the horizon and it is important that the County be able to attract and retain candidates qualified to complete these vital projects in an efficient and effective manner. Human Resources recommends an increase in base pay to \$5,321 to align the salary with appropriate classifications internally and to be competitive in the market. The base salary of \$5,321 will match the market average for this classification. The attached Resolution updates the County Basic Salary Schedule.

On November 1, 2012, an Administrative Services employee was temporarily transferred to the Project Manager classification under provisions of the YCEA Master Labor Agreement Article 31, Section 31.03 which allow for a 90 day appointment without further authorization. Additional time in this classification must be approved by the Board of Supervisors pursuant to Article 15, Section 3 of the Yuba County Merit Resolution. The Administrative Services department anticipates the need for this temporary appointment will exceed the 90 days and may last until June 30, 2013, depending on the requirements of the project. This temporary

Sheriff's facility without further delays and avoid an expensive and timely recruitment for a short term need. It is expected that the RFP process will be complete between March and June. Extension of the temporary transfer to this classification is in the best interest of the department and the County.

COMMITTEE

This item has bypassed committee due to limited Board of Supervisors meetings before the end of the calendar year.

FISCAL IMPACT

The continuation of the temporary assignment will not have a fiscal impact as this position was previously funded through June 30, 2013.

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

IN RE:

RESOLUTION AMENDING THE
CLASSIFICATION SYSTEM –
BASIC SALARY SCHEDULE

RESOLUTION NO. _____

BE IT RESOLVED that the Classification System – Basic Salary Schedule is amended as follows effective November 1, 2012.

AMEND:

Code	Classification	Unit	BASE: STEP A	HOURLY	OT Code	WC Code
PJMG	Project Manager	8	\$5,321	30.70	07	8810.1

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the _
_____ day of _____, 2012 by the following votes:

AYES:
NOES:
ABSENT:

CHAIRMAN

ATTEST: Donna Stottlemeyer
Clerk of the Board

APPROVED AS TO FORM: Angil Morris-Jones
County Counsel

By: _____

By: 

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*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



BUILDING
448-12 749-5440 • Fax 749-5616
CODE ENFORCEMENT
749-5455 • Fax 749-5424
ENVIRONMENTAL HEALTH • CUPA
749-5450 • Fax 749-5454
HOUSING & COMMUNITY SERVICES
749-5460 • Fax 749-5464
PLANNING
749-5470 • Fax 749-5434
PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

To: Yuba County Board of Supervisors
From: Kevin Mallen, CDSA Director 
Date: December 11, 2012
Subject: Repeal and Reenact as Amended Chapter 7.40, Marijuana Cultivation Ordinance

Recommendation:

Adopt the attached ordinance repealing and reenacting as amended Chapter 7.40 of the Yuba County Ordinance Code relating to Marijuana Cultivation.

Background:

Chapter 7.40 of the Yuba County Ordinance Code, Marijuana Cultivation, went into effect on June 1, 2012 and a handful of clarifying amendments to the Chapter became effective on August 10, 2012. Chapter 7.40 is an ordinance created to reduce conditions associated with marijuana cultivation that create a public nuisance. On June 29, 2012, a lawsuit was filed by Yuba County Growers Association, Sam McConnell, Yuba Patient Collective, Lew Neal, Old Crow Farm Collective, Kathie Thelen, and Déjà vu Collective against the County in reaction to the County's adoption of Chapter 7.40.

Discussion:

Subsequent to the lawsuit being filed, the Courts requested that the plaintiffs and the County meet and see if the parties could meet a mutual resolution. The Marijuana Cultivation Ad Hoc Committee (consisting of Supervisors Griego and Nicoletti, CDSA staff, Sheriff, and District Attorney), with guidance from County Counsel and outside counsel, was utilized to discuss the plaintiff's requests and ultimately utilized to advise on whether a mutual resolution to the lawsuit could be reached. After several rounds of negotiations with the plaintiffs, the attached amended Chapter 7.40 is being recommended to the full Board for their consideration. This proposed amended Chapter 7.40 has already received concurrence from the plaintiffs that if approved by the Board will result in their dismissal of the entire lawsuit with prejudice.

Attached to this memo is a document that provides the tracked changes from the current version of Chapter 7.40 to the proposed amended version. A summary of the changes are as follows:

- Section 7.40.140, add a definition for Accessory Structure and refine the definition of Defined Area of Cultivation.

- Sections 7.40.300 and 7.40.310, clarified the legally established residence and physical and legal place of residence requirement.
- Section 7.40.300, change exception limits from a mature plant and square footage limit to a mature plant and total plant limit. In addition, broke the 1 to 20 acre category into 1 to 5 acre and 5 to 20 acre. Also, adjusted the mature marijuana plant counts up, with a greater increase on the larger parcels. However, the outdoor mature plant limit of 6 on parcels less than 1 acre remains unchanged.
- Sections 7.40.300 and 7.40.310, increase the square footage limitation within a residence from 50 to 100 square feet. However, still retain the 6 plant limit.
- Section 7.40.320, increase the outdoor cultivation setback requirements on the larger parcels due to the increased plant count.
- Section 7.40.330, on parcels greater than 5 acres in size allow a combination of chain link fencing and vegetation or natural topography screening in lieu of solid fencing.
- Section 7.40.410, rewrote the section to provide better clarity on intent.
- Section 7.40.420, deleted statement that violating this Chapter is subject to misdemeanor charges.
- Section 7.40.440, added language to provide clarity as to Administrative Penalty process including the amount of the penalties and the appeal process.

Committee Action:

This item was prepared as a result of direction from the Marijuana Cultivation Ad Hoc Committee.

Fiscal Impact:

None when comparing amended to current Chapter 7.40

Attachments:

Tracked Changes between current and amended Chapter 7.40

Ordinance, Repealing and Reenacting as Amended Chapter 7.40

7.40.140 Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

- a. "Accessory Structure" means a separate and permitted structure located on the same parcel as the residence or an attached garage separated by a firewall.
- a.b. "Code" means the Yuba County Ordinance Code
- b.c. "Code Enforcement Officer" means any person employed by the County of Yuba and appointed to the position of code enforcement officer.
- e.d. "Costs of Enforcement" or "Enforcement Costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of an Administrative Law Judge (ALJ), the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from the any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.
- d.e. "County" means the County of Yuba
- e.f. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.
- f.g. "Defined Area of Cultivation" means a single indoor area per residence or accessory structure or single outdoor area defined by ~~of rectangular or circular shape with~~ visible boundaries, wherein all portions of cultivation, including all of the marijuana plant canopy, resides within and that vertically projects no higher than the fence or wall screening the cultivation from public view.

ARTICLE 3 EXCEPTIONS, INDOOR, OUTDOOR, AND FENCING

7.40.300 Exceptions

This ordinance shall not apply to cultivation where all of the following conditions are met:

- a. The cultivation occurs on a parcel with an occupied legally established ~~residence~~dwelling, and
- b. The cultivation is conducted by one or more qualified patients or primary caregivers and at least one of the plants being cultivated is for the qualified patient or primary caregiver who occupies the dwelling as their physical and legal place of residence, and
- c. The defined areas of cultivation ~~is~~are in accordance with this section and sections

Tracked Changes between current Chapter 7.40 (as amended on 7-10-12)
and proposed Chapter 7.40

7.40.310, 7.40.320, and 7.40.330 of this eChapter, there is not more than one outdoor defined area of cultivation per parcel and not more than one indoor defined area of cultivation as allowed for in this Chapter, and

d. The cultivation does not ~~encompass~~ ~~beyond the defined area(s) of cultivation or exceed the~~ marijuana plant quantities listed below:

1. For parcels less than one (1) acre in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 18 marijuana plants. Of that total, only 12 can be mature marijuana plants. A maximum of 6 of the 12 mature marijuana plants can be cultivated outdoors. ~~defined areas of cultivation that do not exceed one hundred (100) square feet in total, and do not contain more than 6 mature marijuana plants in total.~~
2. For parcels at least one (1) acre but ~~not greater~~ less than twentyfive (205) acres in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 30 marijuana plants. Of that total, only 18 can be mature marijuana plants. Mature marijuana plants can all be cultivated outdoors or a combination of outdoors and indoors. ~~defined areas of cultivation that do not exceed two hundred and fifty (250) square feet in total, and do not contain more than 12 mature marijuana plants in total.~~
- 2.3. For parcels five (5) acres but less than twenty (20) acres in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 60 marijuana plants. Of that total, only 36 can be mature marijuana plants. Mature marijuana plants can all be cultivated outdoors or a combination of outdoors and indoors.
- 3.4. For parcels ~~larger than~~ twenty (20) acres or more in size with one residence, there is a combined limit of indoor and outdoor cultivation of ~~defined areas of cultivation that do not exceed five hundred (500) square feet in total, and do not contain no more than 25 mature~~ 99 marijuana plants. Of that total, only 60 can be mature marijuana plants. Mature marijuana plants can all be cultivated outdoors or a combination of outdoors and indoors. ~~in total.~~
- 4.5. For parcels containing multiple residences, in addition to the parcel limitations identified in 7.40.300d1, 2, and 3, and 4, an additional indoor defined area of cultivation within each of the secondary residences that ~~does~~ not exceed one hundred-fifty (5100) square feet of area and do not contain more than 6 mature marijuana plants per residence.

7.40.310 Indoor Cultivation

~~This ordinance shall not apply to indoor cultivation where all of the following conditions are met:~~

- a. ~~The~~ Indoor cultivation shall not occur outside ~~cultivation. Only occurs in a single defined area of cultivation within a per-structure as defined by 7.40.140f and, is shall not be in public view, and shall not be accessible to minors. The structure shall be located on a parcel with a legally established residence, occupied by a qualified patient or~~

Tracked Changes between current Chapter 7.40 (as amended on 7-10-12)
and proposed Chapter 7.40

primary caregiver as their physical and legal place of residence. Additionally, the structure indoor cultivation shall not be accessible to minors and shall not be in violation of the County's Building and Zoning Ordinances by conforming to one of the following:

1. ~~Indoor cultivation of marijuana shall occur in~~ an accessory structure that is greater than 120 square foot in size and has received an approved building permit from Yuba County.
2. ~~Indoor cultivation of marijuana shall occur in~~ an accessory structure that is 120 square foot or less in size, and all of the following requirements are met:
 - i. The structure is not located within the front yard setback, is setback from the property line a distance consistent with the zoning the parcel is located within, and in no case located within five (5) feet of a property line, and
 - ii. The structure is one story in height and consistent with the zoning height restriction, and
 - iii. The structure has a roof, floor, and walls constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials, and
 - iv. All necessary building permits are obtained, including those needed for any plumbing, mechanical or electrical equipment.
3. ~~Indoor cultivation of marijuana shall occur w~~ Within the habitable portion of a residence, and all of the following requirements are met:
 - i. The A qualified patient or primary caregiver occupies the dwelling as their physical and legal place of residence, residence is occupied by the qualified patient or primary care giver, and
 - ii. ~~There is no area to cultivate outdoors that doesn't violate the requirements of 7.40.320 or there is no existing accessory structure that conforms to the requirements of 7.40.310, and~~
 - iii.ii. The lighting used for cultivation does not exceed 1200 watts, and
 - iv.iii. No gas products (CO2, butane, etc.) are used, and
 - v.iv. The cultivation is not located within the kitchen, and
 - v. The residence maintains at least one operable bathroom, and
 - vi. —
 - vii. The defined area of cultivation is not more than one hundredfifty (~~(\$100)~~-square feet in
 - vii.vi. — ~~area~~ and contains no more than 6 ~~mature~~ marijuana plants.

b. No portion of any structure shall be altered unless a building permit has first been obtained, and under no circumstance shall any alteration create a fire-life-safety hazard.

7.40.320 Outdoor Cultivation

- a. Outdoor cultivation of marijuana shall not occur outside a single defined area of cultivation, ~~(as defined by 7.40.140f) per parcel; and~~ shall not be in public view, shall be surrounded by a fence as required by 7.40.330, and shall not be accessible to minors.
- b. All outdoor cultivation shall not be located on parcels in a manner that increases the potential to create a public nuisance, and shall reduce the potential by:

Tracked Changes between current Chapter 7.40 (as amended on 7-10-12)
and proposed Chapter 7.40

1. First and foremost, locating the area of cultivation on the parcel as far away as possible from neighboring residences, and
 2. Locating the area of cultivation on the parcel as close as possible to the cultivator's residence for security purposes, but taking into consideration the need to keep the cultivation away from neighboring residences, and
 3. For parcels less than one (1) acre in size, locating the area of cultivation no greater than twenty (20) feet from the cultivator's residence.
- c. Outdoor cultivation of marijuana shall not be located within:
1. Ten (10) feet of the property line and within three hundred (300) feet of a school, school bus stop, park, or youth-oriented facility on parcels less than one (1) acre in size ~~with outdoor cultivation on one hundred (100) or less square feet.~~

2. Fifty (50) feet of the property line and within six hundred (600) feet of a school, school bus stop, park, or youth-oriented facility on parcels one (1) acre but less than five (5) acres in size with outdoor cultivation on more than one hundred (100) square but no more than two hundred and fifty (250) square feet.
- 2.3. One hundred (100) feet of the property line and within one thousand (1,000) feet of a school, school bus stop, park, or youth-oriented facility on parcels five (5) acres but less than twenty (20) acres in size.
- 3.4. One Two hundred (1200) feet of the property line and within one thousand (1,000) feet of a school, school bus stop, park, or youth-oriented facility on parcels twenty (20) acres or more in size with outdoor cultivation on more than two hundred and fifty (250) square feet but no more than five hundred (500) square feet.
- d. The distances specified in this section shall be the horizontal distance measured in a straight line to the closest area in which the medical marijuana is cultivated.

7.40.330 Fencing

Outdoor cultivation shall be fully surrounded by a solid fence at least six (6) feet but not greater than (8) feet in height with a locking gate and conform to the following:

- a. Fencing materials shall be in compliance with Section 7.40.140h_i, and
- a.b. Location of fence shall meet zoning setback and height requirements, and
- b.c. Fences over six (6) feet in height will require proof of an approved building permit, and
- e.d. Marijuana plant(s) shall not be higher than the fence, and
- d.e. The fence and gate must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.
- e.f. Bushes or hedgerows alone shall not constitute an adequate fence under this Chapter. However, for parcels greater than 5 acres in size, a combination of mature vegetation or natural topography that keeps the cultivation out of public view in combination with a securable six foot tall chain link fence may be substituted for a solid fence.

ARTICLE 4 ENFORCEMENT

Tracked Changes between current Chapter 7.40 (as amended on 7-10-12)
and proposed Chapter 7.40

7.40.410 Right of Entry/Inspection

To enforce the provision of this Code, an Enforcement Officer may at a reasonable time request inspection of any parcel suspected of cultivating marijuana. If the person owning or occupying the parcel refuses the request for an inspection, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry, including obtaining an inspection warrant. Whenever necessary to enforce the provision of this Code, or whenever an Enforcement Officer has reasonable cause to believe that there exist in or upon any parcel any such violation which makes such parcel unsafe, dangerous or hazardous, the Enforcement Officer may enter upon such premises at a reasonable time to inspect the same or to perform any duty imposed upon the Enforcement Officer by this Code. If such entry is refused, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry.

7.40.420 Violations

- a. It is unlawful and a violation of this Chapter for any person to permit a public nuisance to exist upon real property in which such person has an ownership or possessory interest.
- b. It shall be unlawful and a violation of this Chapter to do anything in contrary to the guidelines set forth in this Chapter.
- c. Each person violating this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, which any violation of any provision of this Chapter is committed, continued, or permitted by any such person. Any violation which persists for more than one day is deemed a continuing violation.
- ~~b. Each person violating this Chapter is subject to being charged a misdemeanor for said violation and, upon conviction, punishable up to a \$1,000 fine or 1 year in jail or both a fine and jail.~~

7.40.440 Penalties and Remedies

- a. Any violation of this Chapter shall be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code and specifically by Chapter 7.36 of the Yuba County Ordinance Code.
- b. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. In addition to the actual abatement and/or administrative costs incurred by the County any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty as follows:

Tracked Changes between current Chapter 7.40 (as amended on 7-10-12)
and proposed Chapter 7.40

1. A penalty of \$100.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.
 2. A penalty of \$200.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.
 3. A penalty of \$500.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.
- c. For the purpose of calculating the Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation. In addition, each marijuana plant in excess of the exceptions contained in Section 7.40.300 shall be charged as a separate violation.
- d. The Administrative Penalty, pursuant to this Section, shall begin to accrue immediately upon issuance of a Notice and Order to Abate Public Nuisance and continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer. In the event an appeal has been properly filed with the County, the accrual of the Administrative Penalty shall be stayed during the pendency of the hearing.
- e. Any person who has received a Notice and Order to Abate Public Nuisance may request an appeal within 10 calendar days of the date of the Notice and Order to Abate. The request for appeal shall be in writing and must be accompanied by a deposit for costs as enumerated in Title XIII of this Code.
- a.f. As authorized by Government Code Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two year period finding that an owner of property is responsible for a condition that may be abated in accordance with this Chapter, the court may order the owner to pay treble the costs of abatement.
- b.g. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County of Yuba or any other governmental entity to enforce County ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.

Tracked Changes between current Chapter 7.40 (as amended on 7-10-12)
and proposed Chapter 7.40

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

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

Section 2. Chapter 7.40 of Title VII of the Yuba County Ordinance Code is hereby amended to read as follows:

CHAPTER 7.40

MARIJUANA CULTIVATION

Sections

- 7.40.100 Authority**
- 7.40.110 Purpose & Intent**
- 7.40.120 Findings**
- 7.40.130 Scope**
- 7.40.140 Definitions**
- 7.40.200 Conditions Creating Public Nuisance**
- 7.40.300 Exceptions**
- 7.40.310 Indoor Cultivation**
- 7.40.320 Outdoor Cultivation**
- 7.40.330 Fencing**
- 7.40.400 Enforcement Authority**
- 7.40.410 Right of Entry / Inspection**
- 7.40.420 Violations**
- 7.40.430 Responsibilities**
- 7.40.440 Penalties and Remedies**
- 7.40.450 Private Right of Action**
- 7.40.460 Enforcement Costs**
- 7.40.470 Severability**

ARTICLE I GENERAL PROVISIONS

7.40.100 Authority

Pursuant to authority granted by Article XI Section 7 of the California Constitution, Section 11362.83(c) of the California Health and Safety Code and Section 25845 of the California Government Code, the Yuba County Board of Supervisors does hereby enact this Chapter.

7.40.110 Purpose & Intent

The purpose and intent in adopting this Chapter is to acknowledge State law as it relates to medical marijuana and to reduce conditions that create public nuisances through enacting these regulations governing the number and location of marijuana plants cultivated by qualified patients and their caregivers within the Board's jurisdictional limits.

7.40.120 Findings

- a. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision.
- b. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.
- c. Division 10 of the California Health and Safety Code, Uniform Substance Control Act, makes it unlawful, under State law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana.
- d. In 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act", (codified as Health and Safety Code Section 11362.5) which was intended to decriminalize cultivation and possession of medical marijuana by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating marijuana. The Act further provided that nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.
- e. The State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act", codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996 by creating the medical marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering marijuana, as well as limiting the amount marijuana a qualified individual may possess. The Medical Marijuana Program Act defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person and is further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Ca1.4th 274.
- f. The County's geographic and climatic conditions, which include dense forested areas

receiving substantial precipitation, provide conditions that are favorable to outdoor marijuana cultivation, thus growers can achieve a high per-plant yield. The Federal Drug Enforcement Administration reports that various types of marijuana plants under various planting conditions may yield averages of 236 grams, or about one-half (1/2) pound, to 846 grams, or nearly two (2) pounds.

- g. The strong distinctive odor of marijuana plants may create an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery and/or armed robbery.
- h. The strong and distinctive odor of marijuana plants creates a need to ensure that smells that disrupt the use of adjacent properties are minimized, much in the same way that the County has ordinances currently in place to minimize the smells associated with raising livestock.
- i. The unregulated cultivation of marijuana in the unincorporated area of Yuba County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation, and that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.
- j. The immunities from certain prosecution provided to qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the County will achieve a significant reduction in the complaints of odor and the risks of fire, crime and pollution caused or threatened by the unregulated cultivation of marijuana in the unincorporated area of Yuba County.
- k. Nothing in this Chapter shall be construed to allow the use of marijuana for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the County of Yuba, Yuba County District Attorney, the Attorney General of State of California, or the United States of America.
- l. Children (minor under the age of 18) are particularly vulnerable to the effects of marijuana use and the presence of marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).

7.40.130 Scope

The provisions of this Chapter shall apply generally to all property throughout the unincorporated area of the County of Yuba.

7.40.140 Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

- a. "Accessory Structure" means a separate and permitted structure located on the same parcel as the residence or an attached garage separated by a firewall.
- b. "Code" means the Yuba County Ordinance Code
- c. "Code Enforcement Officer" means any person employed by the County of Yuba and appointed to the position of code enforcement officer.
- d. "Costs of Enforcement" or "Enforcement Costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of an Administrative Law Judge (ALJ), the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.
- e. "County" means the County of Yuba
- f. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.
- g. "Defined Area of Cultivation" means a single indoor area per residence or accessory structure or single outdoor area defined by visible boundaries, wherein all portions of cultivation, including all of the marijuana plant canopy, resides within and that vertically projects no higher than the fence or wall screening the cultivation from public view.
- h. "Enforcing Officer" means the Code Enforcement Officer or the Sheriff, or the authorized deputies or designees of either, each of whom is independently authorized to enforce this Chapter.
- i. "Fence" means a solid wall or a barrier connected by boards (redwood or cedar), masonry, rails, panels, or any other materials typically utilized for residential fences (subject to the approval of the Community Development and Services Agency) for the purpose of enclosing, securing, and screening space from public view. The term "fence" does not include retaining walls.
- j. "Indoors" means within a fully enclosed structure, with a solid roof, floor, and walls. The structure must be securable against unauthorized entry and constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.
- k. "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

- l. "Marijuana plant" means any mature or immature marijuana plant including the stalks of the plant, or any marijuana seedling, that is capable of producing marijuana. A "mature" marijuana plant is one whose sex can be determined by visual inspection.
- m. "Minor" means a person less than 18 years of age.
- n. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.
- o. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means parcels that are described, recorded and kept in official County records specifically including documents and maps used by the County Assessor's Office, the County Tax Collector's Office and the County Recorder's Office.
- p. "Primary Caregiver" shall have the same meaning as "primary caregiver" as defined in the California Health and Safety Code, commencing with Section 11362.7(d), and as further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.
- q. "Public View" shall mean as viewed at ground level, without the use of a ladder or similar device, from any place the general public has a lawful right to be including the public right of way, a public way or neighboring premises.
- r. "Qualified patient" shall have the same meaning as "qualified patient" as defined in the California Health and Safety Code, commencing with Section 11362.7(f).
- s. "Residence" shall mean the habitable portion of a building designed for and occupied exclusively for living purposes, including one-family, two-family, mobile home within a mobile home park, and multifamily dwellings, but not including hotels, motels, trailers, tents, converted transit vehicles, boarding or lodging houses, or any type of temporary structures.
- t. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.
- u. "School Bus Stop" means any location designated in accordance with California Code of Regulations, Title 13, Section 1238, to receive school buses, as defined in California Vehicle Code Section 233, or school pupil activity buses, as defined in Vehicle Code Section 546.
- v. "Sheriff" or "Sheriff's Office" means the Yuba County Sheriff's Office or the authorized representatives thereof.
- w. "Youth-Oriented facility" means preschool, elementary school, middle school, high school, public park, large family day care or day care center as defined in Chapters 12.05 and 12.120 of the Yuba County Ordinance Code, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

ARTICLE 2

PUBLIC NUISANCES DECLARED

7.40.200 Conditions Creating Public Nuisance

A public nuisance shall be deemed to exist when any of the following conditions or circumstances is present:

- a. Any person owning, leasing, occupying or having charge or possession of any parcel of land within the unincorporated area of the County to cause or allow such parcel of land to be used for the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.
- b. The cultivation of marijuana on a parcel that does not have an occupied legally established residence in conformance with the Yuba County Ordinance Code.
- c. The cultivation of marijuana on a parcel by anyone other than a qualified patient or a primary caregiver.
- d. Marijuana plants in public view as defined in Section 7.40.140 of this Chapter.
- e. Marijuana plants accessible to a minor (under the age of 18).
- f. The cultivation of marijuana in a manner that exceeds the exceptions of Section 7.40.300 of this Chapter.
- g. The improper use, storage and/or disposal (per the manufacturer's instructions and/or any law that governs same) of chemicals, fertilizers, gas products (CO₂, butane, etc.) or any other products or equipment associated with the cultivation of marijuana.
- h. Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.

ARTICLE 3

EXCEPTIONS, INDOOR, OUTDOOR, AND FENCING

7.40.300 Exceptions

This ordinance shall not apply to cultivation where all of the following conditions are met:

- a. The cultivation occurs on a parcel with an occupied legally established residence, and
- b. The cultivation is conducted by one or more qualified patients or primary caregivers and at least one of the plants being cultivated is for the qualified patient or primary caregiver who occupies the dwelling as their physical and legal place of residence, and
- c. The defined areas of cultivation are in accordance with this section and sections 7.40.310, 7.40.320, and 7.40.330 of this Chapter, there is not more than one outdoor defined area of cultivation per parcel and not more than one indoor defined area of cultivation as allowed for in this Chapter, and
- d. The cultivation does not exceed the marijuana plant quantities listed below:
 1. For parcels less than one (1) acre in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 18 marijuana plants. Of that total, only 12 can be mature marijuana plants. A maximum of 6 of the 12 mature marijuana plants can be cultivated outdoors.

2. For parcels one (1) acre but less than five (5) acres in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 30 marijuana plants. Of that total, only 18 can be mature marijuana plants. Mature marijuana plants can all be cultivated outdoors or a combination of outdoors and indoors.
3. For parcels five (5) acres but less than twenty (20) acres in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 60 marijuana plants. Of that total, only 36 can be mature marijuana plants. Mature marijuana plants can all be cultivated outdoors or a combination of outdoors and indoors.
4. For parcels twenty (20) acres or more in size with one residence, there is a combined limit of indoor and outdoor cultivation of no more than 99 marijuana plants. Of that total, only 60 can be mature marijuana plants. Mature marijuana plants can all be cultivated outdoors or a combination of outdoors and indoors.
5. For parcels containing multiple residences, in addition to the parcel limitations identified in 7.40.300d1, 2, 3, and 4, an additional indoor defined area of cultivation within each of the secondary residences that does not exceed one hundred (100) square feet of area and do not contain more than 6 marijuana plants per residence.

7.40.310 Indoor Cultivation

- a. Indoor cultivation shall not occur outside a single defined area of cultivation within a structure, shall not be in public view, and shall not be accessible to minors. The structure shall be located on a parcel with a legally established residence, occupied by a qualified patient or primary caregiver as their physical and legal place of residence. Additionally, the structure shall not be in violation of the County's Building and Zoning Ordinances by conforming to one of the following:
 1. In an accessory structure that is greater than 120 square foot in size and has received an approved building permit from Yuba County.
 2. In an accessory structure that is 120 square foot or less in size, and all of the following requirements are met:
 - i. The structure is not located within the front yard setback, is setback from the property line a distance consistent with the zoning the parcel is located within, and in no case located within five (5) feet of a property line, and
 - ii. The structure is one story in height and consistent with the zoning height restriction, and
 - iii. The structure has a roof, floor, and walls constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials, and
 - iv. All necessary building permits are obtained, including those needed for any plumbing, mechanical or electrical equipment.
 3. Within a residence, and all of the following requirements are met:
 - i. A qualified patient or primary caregiver occupies the dwelling as their physical and legal place of residence, and
 - ii. The lighting used for cultivation does not exceed 1200 watts, and

- iii. No gas products (CO₂, butane, etc.) are used, and
 - iv. The cultivation is not located within the kitchen, and
 - v. The residence maintains at least one operable bathroom, and
 - vi. The defined area of cultivation is not more than one hundred (100) square feet and contains no more than 6 marijuana plants.
- b. No portion of any structure shall be altered unless a building permit has first been obtained, and under no circumstance shall any alteration create a fire-life-safety hazard.

7.40.320 Outdoor Cultivation

- a. Outdoor cultivation of marijuana shall not occur outside a single defined area of cultivation, shall not be in public view, shall be surrounded by a fence as required by 7.40.330, and shall not be accessible to minors.
- b. All outdoor cultivation shall not be located on parcels in a manner that increases the potential to create a public nuisance, and shall reduce the potential by:
 - 1. First and foremost, locating the area of cultivation on the parcel as far away as possible from neighboring residences, and
 - 2. Locating the area of cultivation on the parcel as close as possible to the cultivator's residence for security purposes, but taking into consideration the need to keep the cultivation away from neighboring residences, and
 - 3. For parcels less than one (1) acre in size, locating the area of cultivation no greater than twenty (20) feet from the cultivator's residence.
- c. Outdoor cultivation of marijuana shall not be located within:
 - 1. Ten (10) feet of the property line and within three hundred (300) feet of a school, school bus stop, park, or youth-oriented facility on parcels less than one (1) acre in size.
 - 2. Fifty (50) feet of the property line and within six hundred (600) feet of a school, school bus stop, park, or youth-oriented facility on parcels one (1) acre but less than five (5) acres in size.
 - 3. One hundred (100) feet of the property line and within one thousand (1,000) feet of a school, school bus stop, park, or youth-oriented facility on parcels five (5) acres but less than twenty (20) acres in size.
 - 4. Two hundred (200) feet of the property line and within one thousand (1,000) feet of a school, school bus stop, park, or youth-oriented facility on parcels twenty (20) acres or more in size.
- d. The distances specified in this section shall be the horizontal distance measured in a straight line to the closest area in which the medical marijuana is cultivated.

7.40.330 Fencing

Outdoor cultivation shall be fully surrounded by a solid fence at least six (6) feet but not greater than (8) feet in height with a locking gate and conform to the following:

- a. Fencing materials shall be in compliance with Section 7.40.140i, and
- b. Location of fence shall meet zoning setback and height requirements, and
- c. Fences over six (6) feet in height will require proof of an approved building permit, and

- d. Marijuana plant(s) shall not be higher than the fence, and
- e. The fence and gate must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.
- f. Bushes or hedgerows alone shall not constitute an adequate fence under this Chapter. However, for parcels greater than 5 acres in size, a combination of mature vegetation or natural topography that keeps the cultivation out of public view in combination with a securable six foot tall chain link fence may be substituted for a solid fence.

ARTICLE 4 ENFORCEMENT

7.40.400 Enforcement Authority

The Office of the Yuba County Sheriff and/or the Director of the County Department that has been assigned responsibility for administration of Code Enforcement services are hereby designated to enforce this Chapter.

7.40.410 Right of Entry/Inspection

To enforce the provision of this Code, an Enforcement Officer may at a reasonable time request inspection of any parcel suspected of cultivating marijuana. If the person owning or occupying the parcel refuses the request for an inspection, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry, including obtaining an inspection warrant.

7.40.420 Violations

- a. It is unlawful and a violation of this Chapter for any person to permit a public nuisance to exist upon real property in which such person has an ownership or possessory interest.
- b. It shall be unlawful and a violation of this Chapter to do anything in contrary to the guidelines set forth in this Chapter.
- c. Each person violating this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, which any violation of any provision of this Chapter is committed, continued, or permitted by any such person. Any violation which persists for more than one day is deemed a continuing violation.

7.40.430 Responsibilities

- a. Regardless of whether an owner is in actual possession of his or her real property, it is the duty of every owner of real property within the unincorporated area of Yuba County to prevent a public nuisance from arising on, or from existing upon, his or her real property.
- b. No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this Chapter to exist upon any property within their control and shall not cause a public nuisance to exist upon any other property within the unincorporated limits of the County of Yuba. It shall be the duty of every owner, occupant, and person that controls any land or interest therein within the unincorporated area of the County of Yuba to remove, abate and prevent the reoccurrence of any public nuisance upon such land.

7.40.440 Penalties and Remedies

- a. Any violation of this Chapter shall be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code.
- b. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. In addition to the actual abatement and/or administrative costs incurred by the County any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty as follows:
 1. A penalty of \$100.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.
 2. A penalty of \$200.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.
 3. A penalty of \$500.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.
- c. For the purpose of calculating the Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation. In addition, each marijuana plant in excess of the exceptions contained in Section 7.40.300 shall be charged as a separate violation.
- d. The Administrative Penalty, pursuant to this Section, shall begin to accrue immediately upon issuance of a Notice and Order to Abate Public Nuisance and continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer. In the event an appeal has been properly filed with the County, the accrual of the Administrative Penalty shall be stayed during the pendency of the hearing.
- e. Any person who has received a Notice and Order to Abate Public Nuisance may request an appeal within 10 calendar days of the date of the Notice and Order to Abate. The request for appeal shall be in writing and must be accompanied by a deposit for costs as enumerated in Title XIII of this Code.
- f. As authorized by Government Code Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two year period finding that an owner of property is responsible for a condition that may be abated in accordance with this Chapter, the court may order the owner to pay treble the costs of abatement.
- g. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County of Yuba or any other governmental entity to enforce County ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.

7.40.450 Private Right of Action

Nothing contained in this Chapter shall be construed to prohibit the right of any person or public or private entity damaged by any violation of this Chapter to institute a civil proceeding for injunctive relief against such violation, for money damages, or for whatever other or additional relief the court deems appropriate. The remedies available under this Chapter shall be in addition to, and shall not in any way restrict other rights or remedies available under law.

7.40.460 Enforcement Costs

All costs associated with the enforcement of this Chapter are the responsibility of the owner(s) of any parcel(s) on which a nuisance has been found to exist.

7.40.470 Severability

If any section, subsection, sentence, clause, or phrase of this Chapter, is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this Chapter.

Section 3.If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434
915 8th Street, Suite 123
Marysville, California 95901
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BUILDING
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749-5470 • Fax 749-5434

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

DATE: December 11, 2012
TO: Board of Supervisors
FROM: Community Development & Services Agency, Code Enforcement Division
Jeremy Strang, Division Manager
SUBJECT: Accounting Hearing to Determine Costs of Summary Abatement to be Assessed Against Property located at 1792 Lewis Road, Wheatland, CA 95692 and to Authorize Recording an Abatement Lien.

RECOMMENDATION: Confirm the attached Cost Accounting and adopt the attached Findings of Fact, Conclusion of Law and Orders authorizing the assessment of Administrative and Summary Abatement costs and the recording of a lien regarding the subject address.

BACKGROUND: On April 4, 2012, Environmental Health Technician, Margaret Hochstrasser performed an inspection of the subject property which lead to the identification of illicit discharge of sewage to the ground surface from a rental unit on the parcel.

On April 6, 2012, Code Enforcement staff ordered that rental unit vacated and oversaw the Summary Abatement of sewage removing the conditions deemed detrimental to the health and safety of the community and averting the immediate threat to the public.

On August 1, 2012, a Demand for Payment was sent, by certified mail, to the property owner, Willard S. Barrowman, care of Edie Hulsey for \$5,775.72; the property owner is deceased, Ms. Hulsey, daughter of the deceased, resides on the property. To date, the Demand remains unpaid, the total now being \$7,167.72; refer to Attachment A for the Cost Accounting.

Edie Hulsey has been given written notice of this Accounting Hearing, a copy of which is attached hereto marked as Attachment B.

DISCUSSION: This hearing has been scheduled to allow evidence and testimony to be presented and heard on the sole questions of whether the accounting and the costs included are accurate and reasonable and whether the costs should be assessed and a lien recorded.

COMMITTEE ACTION: None required.

FISCAL IMPACT: Implementing the requested recommendation will facilitate cost recovery and reimbursement of appropriate funds and accounts.

HEARING TO ASSESS PROPERTY AND RECORD
NOTICE OF ABATEMENT LIEN
BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

COUNTY OF YUBA,)	CASE NO.	CE12-0108
)		
Plaintiff,	)	RE:	1792 Lewis Road
	)		Wheatland, CA 95692
vs.)		
	)	APN:	015-171-035
Willard S. Barrowman)		
Edie Hulsey	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 015-171-035 is located at 1792 Lewis Road, Wheatland, CA 95692, and is owned by Willard S. Barrowman; the property owner is deceased. In addition to the tenants who resided at 1792 Lewis Road, Edie Hulsey, daughter of the deceased property owner, also resides in and on the property in a separate house with a separate septic system.
2. On April 4, 2012, staff performed an inspection of the subject rental property and identified the illicit discharge of sewage to the ground surface.
3. On April 6, 2012, Code Enforcement staff ordered that dwelling vacated and oversaw the Summary Abatement of sewage removing the conditions deemed detrimental to the health and safety of the community and averting the immediate threat to the public.
4. On August 1, 2012, a Demand for payment was sent, by certified mail, to the property owner, in care of Ms. Hulsey. The Demand remains unpaid and now totals \$7,167.72.
5. Edie Hulsey was served with written notice of this hearing.
6. A Hearing was held on December 11, 2012 to assess the costs of abating the public nuisances and to determine if the administrative and summary abatement costs should be made a lien on said property.
 - (a) A one-page memorandum along with supporting documentation marked as Attachment A (Cost Accounting) and Attachment B (Notice of Hearing) was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.

(b) Edie Hulsey was () was not () present.

7. The administrative and abatement costs and penalties incurred total: \$7,167.72.

CONCLUSIONS OF LAW

1. Edie Hulsey was properly notified to appear before the Board of Supervisors on December 11, 2012, at 9:30a.m. to show cause, if any, why the administrative and summary abatement costs for the property located at 1792 Lewis Road, Wheatland , CA, APN 015-171-035, abated pursuant to Summary Abatement, should not be assessed against the property and why a Notice of Abatement Lien should not be recorded.
2. Administrative and summary abatement costs regarding APN 015-171-035 were properly incurred in the amount of \$7,167.72 and the property and its owner bear the costs of same.

ORDERS

1. It is hereby found and ordered that the administrative and abatement costs to date incurred by the County of Yuba in the amount of \$7,167.72 shall be an assessment against the property located at 1792 Lewis Road, Wheatland, CA, APN 015-171-035.
2. It is hereby found and ordered that administrative and abatement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of administrative and abatement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these Orders shall have 90% of the total amount paid deposited into Trust account 254 and 10% of the total amount deposited into Trust 256.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the

30th day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 11th day of December 2012, by the following vote:

AYES:

NOES:

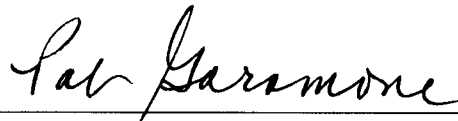
ABSENT:

ABSTAIN:

Chairperson of the County of Yuba
State of California

ATTEST: Donna Stottlemeyer
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones
County Counsel



YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: December 11, 2012

Case #: CE12-0108

APN: 015-171-035

Owner: Willard S. Barrowman C/O Edie Hulsey

Situs: 1792 Lewis Road, Wheatland CA 95692

Date	Reason for Charge	Hours	Total
05-Apr-12	Initial Site Inspection with Code Enforcement Supervisor (2 Officers @ 1.5 Hours Each)	3.00	\$ 315.00
06-Apr-12	Arrangements Made for Emergency Shelter for Tenants	.50	52.50
06-Apr-12	Summary Abatement with Thrifty Rooter, Pump Sewage from Tank and Ground Surface	1.50	157.50
09-Apr-12	Pickup Emergency Shelter Invoice	.50	52.50
10-Apr-12	Reinspection	1.00	105.00
	Total Staff Hours Billed at \$105.00 per Hour	6.50	\$ 682.50
06-Apr-12	Relocation Assistance to Tenants		3,180.00
09-Apr-12	Reimbursement of Contractor's Fee (Thrifty Rooter)		644.72
24-Apr-12	Prepared & Recorded Notice of NonCompliance		105.00
09-May-12	Reimbursement of Contractor's Fee (Rio Inn & Suites)		390.00
24-May-12	Environmental Health Billing (IN0000942)		773.50
11-Dec-12	Cost Account Hearing Before Board of Supervisors		1,050.00
11-Dec-12	Recording Fee, Two Documents		28.00
11-Dec-12	Prepare Notice of Compliance		105.00
11-Dec-12	Prepare Release of Abatement Lien		105.00
11-Dec-12	CDSA Process Recording Fee		104.00
	Total		\$7,167.72



The County Of Yuba

Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5424



915 8th Street, Suite 123, Marysville, California 95901

Willard S. Barrowman
C/O Edie Hulsey
P.O. Box 826
Wheatland, CA 95692

NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8th Street, Marysville, California, in the Board of Supervisors Chambers, on December 11, 2012, at the hour of 9:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the administrative and summary abatement costs for the property located at 1792 Lewis Road, Wheatland, CA, APN 018-230-038, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the costs reflected in Attachment A are accurate and reasonable and whether such costs should be assessed and a lien recorded.

Dated: November 26, 2012

Certified Mail # 7003 0500 0005 1306 4699

Enclosure: Attachment A, Cost Accounting

CODE ENFORCEMENT DIVISION MANAGER
FOR THE COUNTY OF YUBA

BY: _____

Jeremy Strang

Attachment B

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434
915 8th Street, Suite 123
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PLANNING
749-5470 • Fax 749-5434

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

DATE: December 11, 2012
TO: Board of Supervisors
FROM: Community Development & Services Agency, Code Enforcement Division
Jeremy Strang, Division Manager
SUBJECT: Accounting Hearing to Determine Costs of Summary Abatement to be Assessed
Against Property located at 1324 'B' Simpson Lane, Marysville, CA, 95901 and to
Authorize Recording an Abatement Lien.

RECOMMENDATION: Confirm the attached Cost Accounting and adopt the attached Findings of Fact, Conclusion of Law and Orders authorizing the assessment of Administrative and Summary Abatement costs and the recording of a lien regarding the subject address.

BACKGROUND: On January 12, 2011, Code Enforcement Officer, Debee McNally was summoned by the Sheriff's Department to the subject address to assist them with a nuisance property by identifying the degree of public nuisance conditions. Code violations consisted of multiple occupied recreational vehicles, inoperative vehicles and vehicle parts, an environment creating an attractive nuisance for vagrants and criminal activity, the accumulation of junk, trash and debris creating an environment conducive to the propagation and harborage of vector and vermin.

On January 21, 2011, vehicle removal orders were issued pursuant to Chapter 7.35 of the Yuba County Ordinance Code to the vehicle owners as well as the owner of the property. Upon final analysis it was determined that due to the degree and nature of the violations and especially the violations that remained subsequent to the property becoming vacant, a Summary Abatement was conducted on February 2 and 4, 2011 removing all conditions deemed detrimental to the health and safety of the community, averting the immediate threat to the public.

On March 4, 2011, a Demand for Payment was sent, by certified mail, to the property owner, CSE Owned LLC. No payment was received but on April 26, 2011, counsel for the property owner contacted the Division in efforts to negotiate the amount due. A revised payment Demand for Payment was issued, contingent on the prompt payment of the revised amount. To date, that too remains unpaid. Presently, the unpaid amount now totals \$8,829.50, which includes the original Demand amount plus the additional time spent towards collection efforts; refer to Attachment A for the Cost Accounting.

CSE Owned LLC has been given written notice of this Accounting Hearing, a copy of which is attached hereto marked as Attachment B.

DISCUSSION: This hearing has been scheduled to allow evidence and testimony to be presented and heard on the sole questions of whether the accounting and the costs included are accurate and reasonable and whether the costs should be assessed and a lien recorded.

COMMITTEE ACTION: None required.

FISCAL IMPACT: Implementing the requested recommendation will facilitate cost recovery and reimbursement of appropriate funds and accounts.

HEARING TO ASSESS PROPERTY AND RECORD
NOTICE OF ABATEMENT LIEN
BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

COUNTY OF YUBA,)	CASE NO.	CE10-0035
)		
Plaintiff,	)	RE:	1324 'B' Simpson Lane
	)		Marysville, CA 95901
vs.)		
	)	APN:	018-230-038
CSE Owned LLC)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 018-230-038 is located at 1324 'B' Simpson Lane, Marysville, CA 95901, and is owned by CSE Owned LLC.
2. On January 12, 2011, Code Enforcement staff was summoned by the Sheriff's Department to the subject address to assist them with a nuisance property by identifying the degree of public nuisance conditions. Code violations consisted of multiple occupied recreational vehicles, inoperative vehicles and parts, an environment creating an attractive nuisance for vagrants and criminal activity. Also present was the accumulation of junk, trash and debris creating an environment conducive to the propagation and harborage of vector and vermin.
3. February 2 and 4, 2011, Code Enforcement personnel oversaw the Summary Abatement of all violations removing all conditions deemed detrimental to the health and safety of the community averting the immediate threat to the public.
4. On March 4, 2011, a Demand for Payment was sent, by certified mail, to the property owner, CSE Owned LLC. No payment was received but on April 26, 2011, counsel for the property owner contacted the Division in efforts to negotiate the amount due. A revised payment Demand for Payment was issued, contingent on the prompt payment of the revised amount. To date, that too remains unpaid. Presently, the unpaid amount now totals \$8,829.50, which includes the original Demand amount plus the additional time spent towards collection efforts. To date, that too remains unpaid.
5. The property owner, CSE Owned LLC, was served with written notice of this hearing.

6. A Hearing was held on December 11, 2012 to assess the costs of abating the public nuisances and to determine if the administrative and summary abatement costs should be made a lien on said property.
 - (a) A one-page memorandum along with supporting documentation marked as Attachment A (Cost Accounting) and Attachment B (Notice of Hearing) was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.
 - (b) The owner, CSE Owned LLC was () was not () present.
7. The administrative and abatement costs and penalties incurred total: \$8,829.50.

CONCLUSIONS OF LAW

1. CSE Owned LLC was properly notified to appear before the Board of Supervisors on December 11, 2012 at 9:30 a.m. to show cause, if any, why the administrative and summary abatement costs for the property located at 1324 'B' Simpson Lane, Marysville, CA, APN 018-230-038, abated pursuant to a summary abatement of a public nuisance, should not be assessed against the property and why a Notice of Abatement Lien should not be recorded.
2. Administrative and summary abatement costs regarding APN 018-230-038 were properly incurred in the amount of \$8,829.50 and the property and its owner bear the costs of same.

ORDERS

1. It is hereby found and ordered that the administrative and summary abatement costs to date incurred by the County of Yuba in the amount of \$8,829.50 shall be an assessment against the property located at 1324 'B' Simpson Lane, Marysville, CA, APN 018-230-038.
2. It is hereby found and ordered that administrative and summary abatement costs shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of administrative and summary abatement costs shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these Orders shall have 90% of the total amount paid deposited into Trust account 254 and 10% of the total amount deposited into Trust 256.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.

6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 11th day of December 2012, by the following vote:

AYES:

NOES:

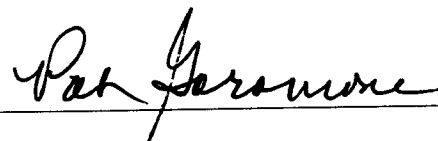
ABSENT:

ABSTAIN:

Chairperson of the County of Yuba
State of California

ATTEST: Donna Stottlemeyer
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones
County Counsel



YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: December 11, 2012

Case #: CE10-0035

APN: 018-230-038

Owner: CSE Owned LLC, Attn: Portfolio Manager SFG (EFG)

Situs: 1324 'B' Simpson Lane, Marysville CA 95901

Date	Reason for Charge	Hours	Total
26-Jan-10	Received Complaint, Opened Case	.50	\$ 52.50
26-Jan-10	Email to Planning, Request CUP Review	0.00	0.00
18-Feb-10	Inspection	.50	52.50
22-Feb-10	Reinspection	.25	26.25
29-Nov-10	Researched Property Owner Information	.25	26.25
12-Jan-11	Reinspection, Took Photos	1.50	157.50
12-Jan-11	Submitted 1028 Information to Sheriff's Dept.	0.00	0.00
21-Jan-11	Prepared & Mailed 7.35 Letters	1.00	105.00
24-Jan-11	Reinspection	.25	26.25
25-Jan-11	Received Additional Complaint	.25	26.25
31-Jan-11	Reinspection	.50	52.50
01-Feb-11	Reinspection	.50	52.50
02-Feb-11	Reinspection, Towed Vehicles	6.00	630.00
02-Feb-11	Inspection by Code Enforcement Supervisor	2.00	210.00
04-Feb-11	Conducted Summary Abatement (Officer @ 6 Hours & Supervisor @ 2 Hours)	8.00	840.00
14-Feb-11	Phone Call from Dawn Tayman - CSE Owned LLC	0.00	0.00
04-Mar-11	Prepared & Mailed Demand for Payment	.50	52.50
26-Apr-11	Research @ Request of Attorney	1.00	105.00
27-Apr-11	Phone Call with Attorney	.50	52.50
05-May-11	Revised Bill / Demand for Payment	.25	26.25
07-Jun-11	Phone Call with Attorney	.50	52.50
07-Jun-11	Email Attorney Files	1.00	105.00
06-Sep-11	Case Review	.25	26.25
01-Nov-12	Research	1.00	105.00
	Total Staff Hours Billed at \$105.00 per Hour	26.50	\$ 2,782.50
03-Mar-11	Reimbursement of Contractor's Fee (G.W. Demolition)		4,000.00
03-Mar-11	Reimbursement of Contractor's Fee (Anderson's Towing)		655.00
11-Dec-12	Cost Account Hearing Before Board of Supervisors		1050.00
11-Dec-12	Recording Fee, Two Documents		28.00
11-Dec-12	Prepare Notice of Compliance		105.00
11-Dec-12	Prepare Release of Abatement Lien		105.00
11-Dec-12	CDSA Process Recording Fee		104.00
	Total		\$ 8,829.50



The County Of Yuba

Community Development &
Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5424



915 8th Street, Suite 123, Marysville, California 95901

CSE Owned LLC
Attn: Portfolio Manager SFG (EFG)
4445 Willard Avenue, 12th Floor
Chevy Chase, MD 20815-3692

NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8th Street, Marysville, California, in the Board of Supervisors Chambers, on December 11, 2012, at the hour of 9:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the administrative and summary abatement costs for the property located at 1324 'B' Simpson Lane, Marysville, CA, APN 018-230-038, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the costs reflected in Attachment A are accurate and reasonable and whether such costs should be assessed and a lien recorded.

Dated: November 26, 2012

Certified Mail # 7003 0500 0005 1306 4668

Enclosure: Attachment A, Cost Accounting

CODE ENFORCEMENT DIVISION MANAGER
FOR THE COUNTY OF YUBA

BY: _____

Jeremy Strang

Attachment B

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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



BUILDING
749-5440 • Fax 749-5616
451-12 CODE ENFORCEMENT
749-5455 • Fax 749-5424
ENVIRONMENTAL HEALTH • CUPA
749-5450 • Fax 749-5454
HOUSING & COMMUNITY SERVICES
749-5460 • Fax 749-5464
PLANNING
749-5470 • Fax 749-5434
PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

To: Yuba County Board of Supervisors
From: Kevin Mallen, CDSA Director 
Date: December 11, 2012
Subject: Standards of Building Construction Ordinance, Sections 10.05.025 and 10.05.030

Recommendation:

Adopt the attached ordinance repealing and reenacting Sections 10.05.025 and 10.05.030 of the Yuba County Ordinance Code pertaining to standards of building construction.

Background:

In 2010, the Board adopted an ordinance amendment to Chapter 10.05 of the Yuba County Ordinance Code effectively updating all of the County's standards of building construction codes to the latest State required standards. Part of the State required standards included the list of activities for residential as well as non-residential construction that were exempted from requiring a building permit, and those lists were adopted by reference.

Discussion:

In order to make it clearer what activities are exempt from County building permit requirements, staff has prepared the attached ordinance, which takes the exemptions contained in the State Codes and incorporates them into the County Ordinance Code to make them easier to find. In addition, staff has taken the standard language and tried to make it clearer, as well as broader in regards to minor repairs to a building such as replacing doors, windows and siding, and finally provide better direction as to how the exemptions need to also conform to other County Codes in order to be exempt.

Section 10.05.025 pertains to the California Building Code, which covers all activities requiring a building permit from the County except for residential activities, which are covered by the California Residential Code in Section 10.05.030. Subsections (a)(2) of both of these Sections contain the respective lists of work exempt from permits. The other subsections contained in both Sections are unchanged from the current ordinance.

Related to the issue of what activities require a building permit, are what fees are charged by the County for the required permits. Chapter 10.05 of the Yuba County Ordinance Code provides County staff the guidance as to what activities require a building permit. Once it has been determined based on the guidance provided in Chapter 10.05 that a building permit is required,

Chapter 13.20 is then utilized to determine what fee shall be charged for the type of activity requiring a building permit. Staff is performing a comprehensive review of all the building permit fees contained in Chapter 13.20 in regards to both their applicability to required permits based on Chapter 10.05 as well as their ability to accurately reflect the costs associated with the services. We intend to have this comprehensive review completed in the Spring of 2013 and be ready to implement in fiscal year 2013/14. For the remainder of fiscal year 2012/13 the current fees contained in Chapter 13.20 will be utilized on required building permits pursuant to Chapter 10.05.

Committee Action:

This item was prepared as a result of a response to the Grand Jury, which the full Board was previously made aware of.

Fiscal Impact:

None.

Attachments:

Ordinance, Repealing and Reenacting Sections 10.05.025 and 10.05.030

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

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

Section 2. This ordinance repeals and re-enacts in their entirety Sections 10.05.025 and 10.05.030 of Chapter 10.05 of Title X of the Yuba County Ordinance Code as follows:

10.05.025 California Code of Regulations Title 24, Parts 2, 8, 10, Volumes 1 and 2 (California Building Code) (2010)

The 2010 California Code of Regulations, Title 24, Parts 2, 8 and 10, Volumes 1 and 2, based on the 2009 edition of the International Building Code, 2009 edition of the California Historical Building Code, and the 2009 edition of the International Existing Building Code published by the International Code Council, including the Appendices thereto, copies of which are on file and available for public review at the Yuba County Building Department, are adopted and incorporated into this Chapter by reference, except for those changes listed below:

- a. The California Code of Regulations Title 24, Part 2, Volumes 1 and 2 are changed as follows:
 1. Appendix Chapters A, B, D, G, and H are deleted.
 2. Chapter 1, Section 105.2, Work Exempt from Permit, is deleted and replaced by the following:
 - i. **Non-Residential Work Exempt from Permit.** Exemptions from permit requirements pursuant to this Section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Chapter or any other laws or ordinances of this jurisdiction. Building permits pursuant to this Chapter shall not be required for the following:
 - A. Fences not over 6 feet high and in conformance with –Yuba County Zoning regulations.
 - B. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

- C. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio on height to diameter or width does not exceed 2 to 1.
- D. Outdoor surfacing such as concrete or asphalt concrete associated with an existing non-residential use that is not more than 30 inches above adjacent grade, in conformance with County Codes pertaining to Encroachments on County Roads, Grading, Drainage, and Zoning, not over any basement or story below, not supporting a structure, and is not part of an accessible route.
- E. Finish work such as painting, papering, tiling, carpeting, cabinets, counter tops and similar type work. However, Design Review Permits may be required by the Planning Department prior to exterior finish work that alters existing colors or surface finishes.
- F. Temporary motion picture, television and theater stage sets and scenery that are in conformance with Yuba County Zoning regulations.
- G. Shade cloth structures constructed for nursery or agricultural purposes located on agriculturally zoned parcels that are located at least 30 feet from the property line and permitted structures.
- H. Swings and other playground equipment.
- I. Window awnings supported by the exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- J. Minor electrical repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- K. Radio and television transmitting station: The provisions of this Chapter shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.
- L. Any temporary system required for the testing or servicing of electrical equipment or apparatus.
- M. Portable heating, ventilation, and/or cooling equipment.
- N. Replacement of any minor part of gas or mechanical equipment with a like part that does not alter approval of equipment or make such equipment unsafe.
- O. Self-contained refrigeration system containing 10 pounds or less of refrigerant that are actuated by motors of 1 horsepower or less.
- P. The stopping of leaks in drains, water, soil, waste or vent piping, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes

necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Chapter.

- Q. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Administrative Provisions, Section 105.5, Expiration, is deleted and replaced by Yuba County Ordinance Code Section 10.05.095(b)(2)(B).
 4. Administrative Provisions, Section 110.10, Final Inspection, is amended by adding thereto as follows:
 - i. Yuba County Ordinance Code Section 10.05.095(b)(5).
 - ii. With respect to building projects, a final inspection shall not be performed until proof of proper disposal of construction waste has been submitted to the Building Official.
 5. Administrative Provisions, Section 109.2, Fees, are defined by Yuba County Ordinance Code Section 10.05.095(b)(4).
 6. Administrative Provisions, Section 113, Board of Appeals, is defined by Yuba County Ordinance Code Section 10.05.095(b)(6).

10.05.030 California Code of Regulations Title 24, Part 2.5, (California Residential Code) (2010)

The 2010 California Code of Regulations, Title 24, Part 2.5, based on the 2009 edition of the International Building Code published by the International Code Council, including the Appendices thereto, copies of which are on file and available for public review at the Yuba County Building Department, is adopted and incorporated into this Chapter by reference, except for those changes listed below:

- a. The California Code of Regulations Title 24, Part 2.5, are changed as follows:
 1. Appendix Chapters A, B, D, E, F, G, I, J, K, L, M, N, N, O, P, Q, and R are deleted.
 2. Chapter 1, Section R105.2, Work Exempt from Permit, is deleted and replaced by the following:
 - i. **Residential Work Exempt from Permit.** Exemptions from permit requirements pursuant to this Section shall not occur on a parcel that does not first have a legally established and permitted residence, and shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Chapter or any other laws or ordinances

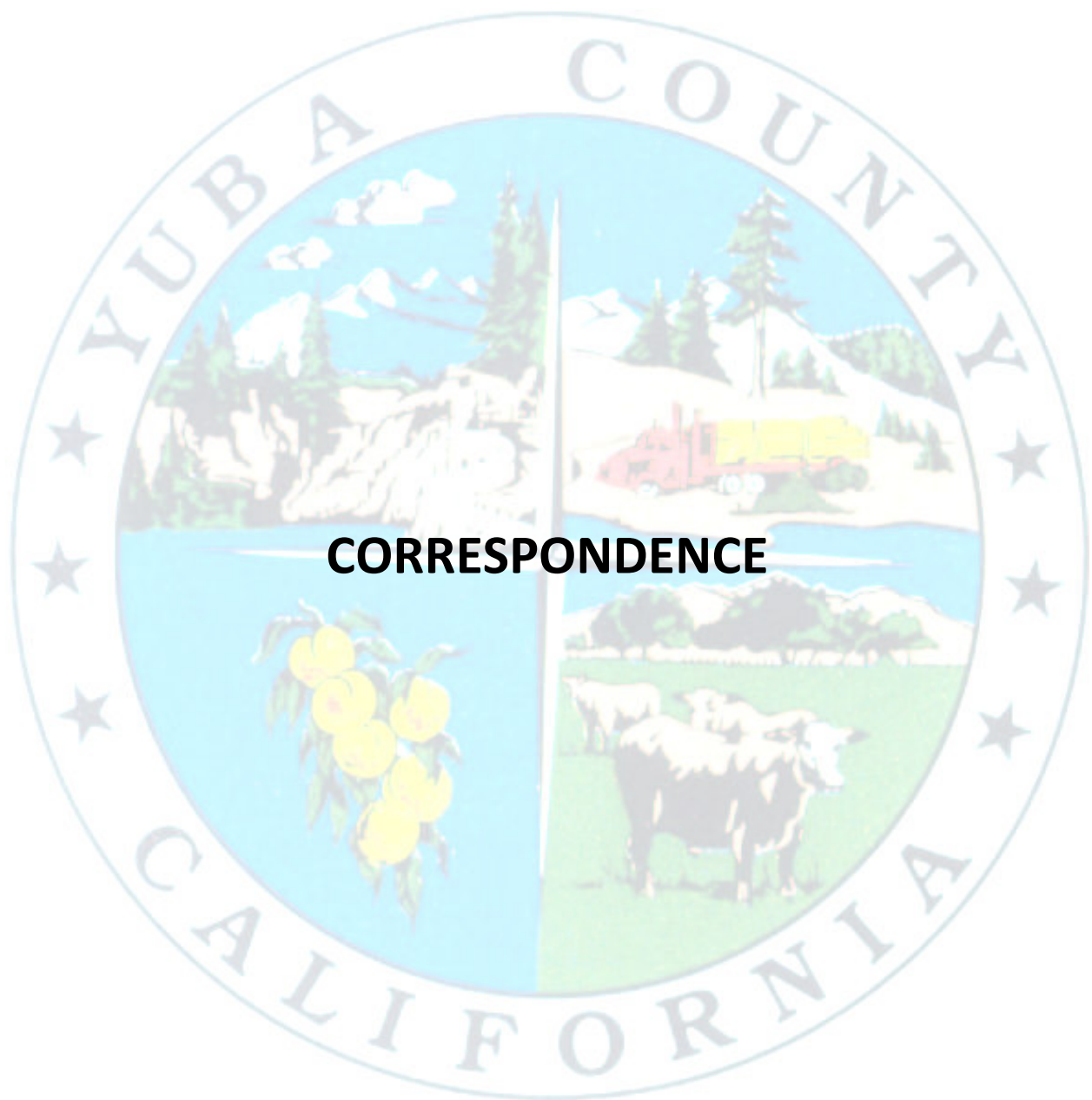
of this jurisdiction. Building permits pursuant to this Chapter shall not be required for the following:

- A. One-story detached accessory buildings, meeting the building setback and height requirements contained in this Code, are not located within a FEMA designated Special Flood Hazard Area, do not contain plumbing, and are used for storage or other uses ancillary to a legally established residential use, provided the floor area does not exceed 120 square feet. An electrical permit shall be required for any electrical work contained within this exempt building.
- B. Repair and/or replacement of a minor portion (no greater than 25%) of a building's non-structural, non-electrical, non-plumbing, and non-mechanical elements, with equivalent materials meeting the most current building standards code requirements, including exterior siding, roofing, sheetrock, flooring, insulation, doors, windows, and gutters, provided that no portion of the building, including window and door openings and types, or roof loading, are altered. For replacement of materials affected by the Energy Code or Green Building Standards Code, completed required forms shall be submitted to the Building Department to be filed on the subject property.
- C. Fences not over 6 feet high and in conformance with –Yuba County Zoning regulations.
- D. Walls constructed of concrete, masonry block or equivalent material that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- E. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio on height to diameter or width does not exceed 2 to 1.
- F. Outdoor surfacing such as concrete or asphalt concrete associated with an existing residential use that is not more than 30 inches above adjacent grade, in conformance with County Codes pertaining to Encroachments on County Roads, Grading, Drainage and Zoning, not over any basement or story below, and not supporting a structure.
- G. Finish work such as painting, papering, tiling, carpeting, cabinets, counter tops and similar type work.
- H. Prefabricated above ground swimming pools less than 24 inches deep with portable filtering equipment utilizing power from an existing ground fault interrupter receptacle.

- I. Swings and other playground equipment.
- J. Window awnings supported by the exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- K. Decks that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
- L. Lattice and other common decorative landscape structures without solid roofs such as arbors, trellises or gazebos that are not attached to a building, and are not located within 5 feet of the property line when they exceed 6 feet in height but in no case shall they exceed 10 feet in height.
- M. Replacement of listed electrical devices such as switches, receptacles, breakers, and lights with equivalent listed devices.
- N. Installation of electrical wire, devices, appliances, apparatus or equipment at less than 25 volts and not capable of supplying more than 50 watts of energy.
- O. Portable heating, cooking or clothes drying appliances.
- P. Replacement of any minor part of gas or mechanical equipment with a like part that does not alter approval of equipment or make such equipment unsafe.
- Q. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- R. Portable heating, ventilation, and cooling units utilizing power from an existing receptacle.
- S. Replacement of steam, hot or chilled water piping within any heating or cooling equipment regulated by this Chapter.
- T. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
- U. The stopping of leaks in drains, water, soil, waste or vent piping, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Chapter.
- V. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3. Administrative Provisions, Section R105.5, Expiration, is deleted and replaced by Yuba County Ordinance Code Section 10.05.095(b)(2)(B).
4. Administrative Provisions, Section R110.10, Final Inspection, is amended by adding thereto as follows:
 - i. Yuba County Ordinance Code Section 10.05.095(b)(5).
 - ii. With respect to building projects, a final inspection shall not be performed until proof of proper disposal of construction waste has been submitted to the Building Official.
5. Administrative Provisions, Section R108.2, Fees, are defined by Yuba County Ordinance Code Section 10.05.095(b)(4).
6. Administrative Provisions, Section R112, Board of Appeals, is defined by Yuba County Ordinance Code Section 10.05.095(b)(6).

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.





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



452-12 Mastrup, Executive Director
Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov


November 28, 2012

NOV 29 2012

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Receipt of Petition to list the Townsend's big-eared bat (*Corynorhinus townsendii*) as threatened or endangered under the California Endangered Species Act. This notice will appear in the California Regulatory Notice Register on November 30, 2012.

Sincerely,


Sheri Tiemann
Staff Services Analyst

Attachment

BOS CORRESPONDENCE A

11-30-12:CC Yuba County Fish and Game Advisory Commission/rf

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

CALIFORNIA FISH AND GAME COMMISSION NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on November 1, 2012 received a petition from the Center for Biological Diversity to list the Townsend's big-eared bat (*Corynorhinus townsendii*) as threatened or endangered under the California Endangered Species Act.

Townsend's big-eared bats require a range of habitats for various parts of their life history, including summer roosts (maternity roosts), hibernacula, and foraging habitat.

Pursuant to Section 2073 of the Fish and Game Code, on November 9, 2012 the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its March, 2013 Commission meeting. Interested parties may contact Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, CA 95811, or telephone (916) 445-3555 for information on the petition or to submit information to the Department relating to the petitioned species.

November 20, 2012

Fish and Game Commission

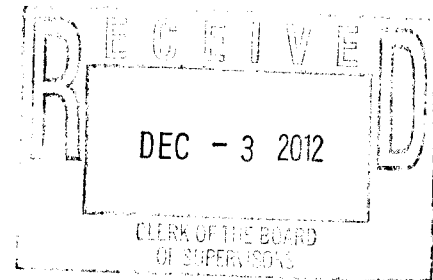
Sonke Mastrup
Executive Director

DELTA STEWARDSHIP COUNCIL

980 9th Street, Suite 1500

Sacramento, CA 95814

(916) 445-5511



Please find enclosed:

1. Notice of Availability of a Recirculated Draft Program Environmental Impact Report for the Delta Plan
2. Delta Stewardship Council Notice of Proposed Rulemaking

NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE DELTA PLAN

The Delta Stewardship Council, an independent state agency, is issuing this notice to advise the public that a Recirculated Draft Program Environmental Impact Report (Recirculated Draft PEIR) for the Delta Plan, which is Volume 3 of the Draft Program Environmental Impact Report for the Delta Plan, has been prepared and is now available for public review and comment for 45 days, from November 30, 2012 through (and including) January 14, 2013. This notice is provided pursuant to noticing requirements found in the California Environmental Quality Act (CEQA) (Public Resources Code Sec. 21092), and the State CEQA Guidelines (Guidelines Sec. 15087).

SUMMARY

In November 2009, the California Legislature enacted SBX7 1. It requires the Delta Stewardship Council (Council) to develop, adopt, and implement the Delta Plan, a legally enforceable, comprehensive, long-term management plan for the Sacramento–San Joaquin Delta and the Suisun Marsh (Delta) that furthers the coequal goals (Water Code section 85300(a)). “‘Coequal goals’ means the two goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place” (Water Code section 85054). Furthering achievement of the coequal goals is a primary and fundamental purpose of the Delta Plan.

The Recirculated Draft PEIR analyzes the significant adverse environmental effects of the November 2012 Final Draft Delta Plan. The Council developed the Final Draft Delta Plan in response to comments received on the August 2011 Fifth Staff Draft Delta Plan and the November 2011 Draft Program Environmental Impact Report (Draft PEIR), which analyzed the Fifth Draft Delta Plan and consists of Volumes 1 and 2. **A Final Draft Delta Plan to meet the requirements of SBX7 1 has been prepared and is the project being evaluated in the Recirculated Draft PEIR, which is Volume 3 of the Draft PEIR.** For the purposes of this Recirculated Draft PEIR, the Fifth Staff Draft Delta Plan analyzed in the November 2011 Draft PEIR is referred to as the “Proposed Project” or the “Proposed Project Alternative.” The Final Draft Delta Plan analyzed in the Recirculated Draft PEIR is the “Revised Project.”

PROJECT DESCRIPTION AND PROJECT AREA

The Final Draft Delta Plan covers five topic areas and goals: increased water supply reliability, restoration of the Delta ecosystem, protection and enhancement of the Delta as an evolving place, improved water quality, and reduced risks of flooding in the Delta. The Delta Plan does not propose or contemplate the Council constructing, owning, or operating any facilities related to these five topic areas, however. Rather, the Delta Plan contains regulatory policies, recommendations, performance measures and issues for further evaluation and coordination that seek to influence and encourage actions, activities and projects of cities, counties, and State, federal, regional and local agencies that will further achievement of the coequal goals. Examples of the types of actions/activities the Delta Plan seeks to influence and encourage include, but are not limited to: new or expanded water storage reservoirs; wetlands and riparian restoration; invasive species management; water flow patterns in the Delta; water, wastewater, stormwater and agricultural runoff water treatment; levee modification and construction; floodplain expansion; new/improved active and passive recreation opportunities in the Delta.

The focus of the Delta Plan is on the Delta and Suisun Marsh, although the Delta Plan could have influence beyond the Delta. The Delta area is generally located west of Sacramento and east of the San Francisco Bay area within the network of waterways formed primarily by the confluence of the Sacramento and San Joaquin rivers. Activities the Delta Plan could influence in the Delta and Suisun Marsh could include, for example, levee improvements, wetlands restoration, and recreation projects, among others. Accomplishing the coequal goals across the five topic areas the Delta Plan covers, however, could involve physical actions (should other agencies undertake them) in areas outside the Delta, including the Delta Watershed to the north of the Delta and other areas that currently rely on water exported from the Delta. These areas include, for example, portions of the Sacramento and San Joaquin Valleys and southern California. Activities the Delta Plan could influence in those areas could include, for example, groundwater storage enhancements, new/expanded reservoirs, and treatment plants, among others.

DOCUMENT AVAILABILITY

Copies of the Recirculated Draft Delta Plan Program EIR are available online at the Delta Stewardship Council’s Web site: <http://www.deltacouncil.ca.gov>. You can obtain a CD-ROM copy of the Recirculated Draft PEIR by sending an e-mail with the subject line “Request for CD-ROM Copy of Recirculated DPEIR” to recirculateddpeircomments@deltacouncil.ca.gov or by calling 916-445-0144. A copy of the Recirculated Draft PEIR and any documents incorporated by reference are also available for viewing at the Delta Stewardship Council offices located at 980 9th Street, Suite 1500, Sacramento, CA 95814. Lastly, a copy of the Recirculated Draft PEIR is available in the main branch of each County library in counties that possibly could be affected by the Delta Plan; addresses for these libraries can be found at <http://www.deltacouncil.ca.gov>.

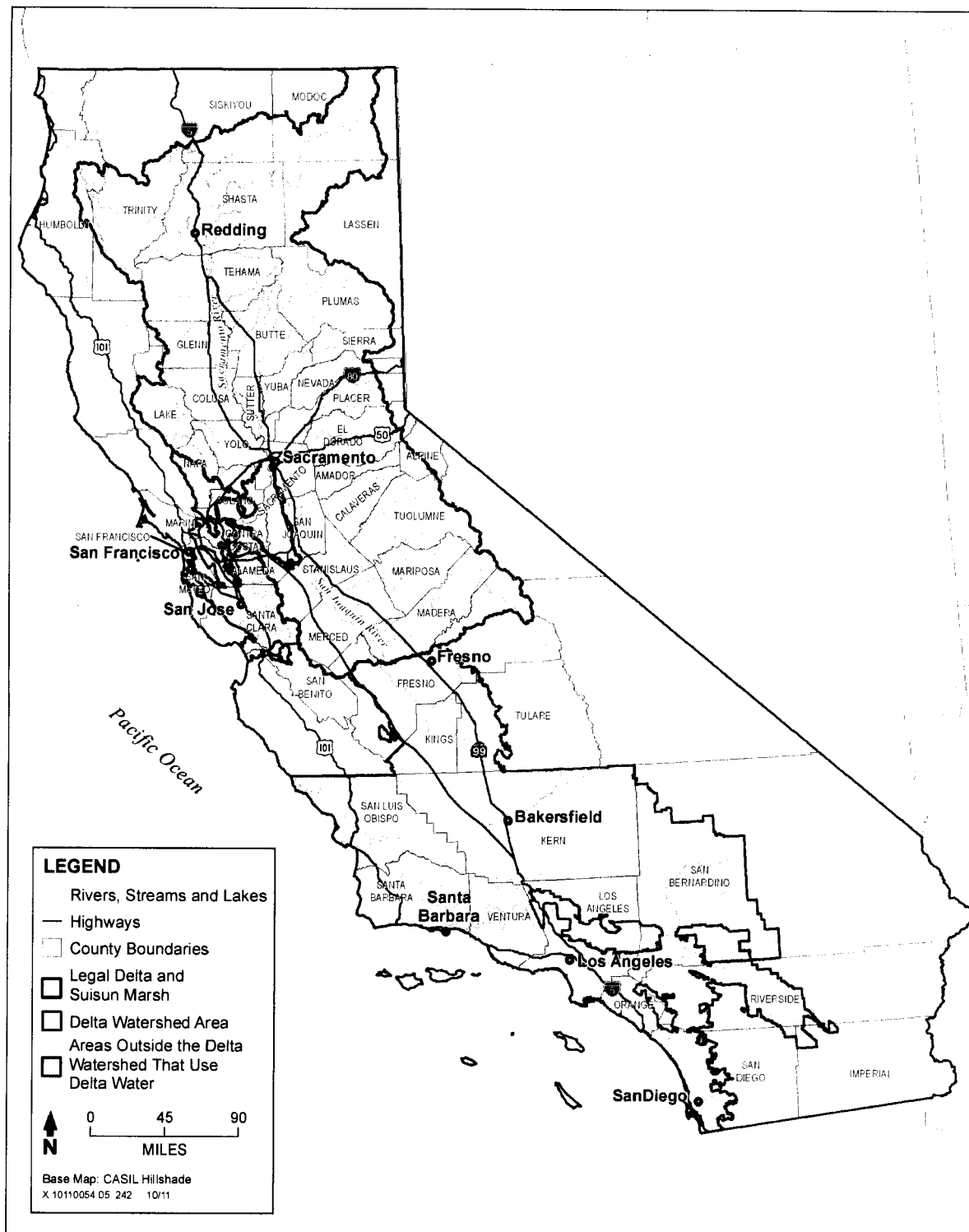
PROVIDING COMMENTS ON THE RECIRCULATED DRAFT PEIR

Written comments on the Recirculated Draft Delta Plan Program EIR should be provided to the Delta Stewardship Council on or before January 14, 2013. Written comments on the Recirculated Draft Delta Plan Program EIR should be sent to: "Recirculated Draft PEIR Comments," Delta Stewardship Council, 980 Ninth Street, Suite 1500, Sacramento, CA 95814.

Comments on the Recirculated Draft Delta Plan Program EIR also may be submitted electronically through the Delta Stewardship Council's web site at <http://www.deltacouncil.ca.gov>, or via e-mail with the subject line "Recirculated Draft EIR" to recirculateddpeircomments@deltacouncil.ca.gov.

FOR FURTHER INFORMATION CONTACT: Cindy Messer, Acting Deputy Executive Officer, Delta Stewardship Council, 980 9th Street, Suite 1500 , Sacramento, CA 95814 (telephone: 916-445-0144 or 916-445-0258).

ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT: The Council does not propose construction, operation, or maintenance of any facilities as part of the Delta Plan. Rather, the Council seeks to influence and encourage other agencies to take certain actions. The degree to which that influence or encouragement results in physical changes to the environment is uncertain, and depends upon what specific actions those other agencies propose. The Recirculated DPEIR takes a conservative approach, however, in concluding that activities/projects other agencies could implement that the Delta Plan could influence may have significant environmental impacts to resources in the following areas: water resources, biological resources, flood management, land use and planning, agriculture and forestry resources, visual resources, air quality, cultural resources, geology and soils, paleontological resources, mineral resources, hazards and hazardous materials, noise, recreation, transportation, utilities, climate change and greenhouse gas emissions.



NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT PROGRAM
ENVIRONMENTAL IMPACT REPORT FOR THE DELTA PLAN
SCH #2010122028

Title 23. Water

Division 6. Delta Stewardship Council

Notice of Proposed Rulemaking

The Delta Stewardship Council (hereafter Council) proposes to adopt the proposed regulation described below after considering comments, objections, and recommendations regarding the proposed action.

Opportunity for Public Comment

- Public Hearings. The Council will hold one public hearing. This hearing will be held in accordance with the requirements set forth in Government Code section 11346.8.

Date: January 24, 2013

Time: The public hearing will convene at 9:30 a.m. and remain open as long as attendees are presenting testimony.

Location: Ramada Inn & Suites

1250 Halyard Drive, West Sacramento, CA 95691

- Written Comment Period. The opportunity to submit written comment begins November 30, 2012, and closes January 14, 2013. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Submit written comments to:

Cindy Messer

Delta Stewardship Council

980 Ninth Street, Suite 1500

Sacramento, CA 95814

(916) 445-0258

cindy.messer@deltacouncil.ca.gov

Authority and Reference

Water Code section 85210(i) authorizes the Council to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific sections 10608, 10610.2, 10610.4, 10801, 10802, 85020, 85021, 85022, 85023, 85032, 85052, 85054, 85057.5, 85058, 85059, 85225, 85300, 85302, 85303, 85305, 85306, 85308, 85001(c), and 85004(b) of the Water Code. The proposed regulations make references to: sections 1702, 8201, 9600 et seq., 10608.12, 10610 et seq., 10853, 12300 et seq., 12570 et seq., 12930, 12980 et seq., 12994.5, 85001(c), 85004(b), 85020(a), 85020(d), 85020(h), 85032(j), 85087, 85210(i), 85304, Division 6, Parts 2.55, 2.6, and 2.8 of the Water Code; sections 12220, 21065, 21080(b), 29101 of the Public Resources Code; California Code of Regulations, Title 23, Division 1; 33 C.F.R. Section 320.4(i)(1), 16 U.S.C. Sec. 1451 et seq., 33 U.S.C. Sec. 1251 et seq., 42 U.S.C. 4001 et seq., P.L. 84-99, P.L. 90-448, and Section 226 of P.L. 97-293.

Informative Digest

Policy Statement Overview Explaining the Broad Objectives of the Regulations

In 2009 the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act), Water Code sections 85001 through 85308, established a new governance approach for the Sacramento-San Joaquin Delta (Delta) that is focused on achieving the coequal goals. As stated in the California Water Code, "Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place" (Water Code section 85054).

Under the authority stated in the Delta Reform Act, the Council proposed to adopt and implement the Final Draft Delta Plan, November 2012 (Delta Plan), which includes a suite of regulatory policies, to ensure achievement of the coequal goals and the objectives inherent in the coequal goals, including long-term management of the Delta's water and environmental resources and the water resources of the state; protecting and enhancing the unique cultural, recreational, and agricultural values of the Delta as an evolving place; restoring the Delta ecosystem; promoting statewide water conservation, water use efficiency, and sustainable water use; improving water quality to protect human health and the environment; improving the water conveyance system and expanding statewide water storage; reducing risks to people, property, and State of California (State) interests in the Delta; and establishing a governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

Throughout the three-year process of developing the Delta Plan and the Draft Program Environmental Impact Report (PEIR), the Council sought extensive public, stakeholder, and government agency input. Using input from the broad base of expertise and resources, the Council developed a long-term management plan for the Delta that used the best available science and was built upon the principles of adaptive management. The Delta Plan contains a foundational set of policies and recommendations to guide Plan implementation. Consistent with the Delta Reform Act, the regulatory policies set a comprehensive, legally enforceable direction for how the State manages important water and environmental resources in the Delta, and ensure coherent and integrated implementation of that direction through a certification process.

Policy Statement Overview Explaining the Specific Benefits Anticipated from the Proposed Action

Implementation of Delta Plan policies would provide the best means to achieve the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The comprehensive set of policies would ensure that the coequal goals will be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place while reducing risks to people, property, and State interests in the Delta.

Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking

The Delta Plan draws upon existing State and federal laws and policies and ongoing programs to chart a course to further the coequal goals. The regulatory policies are all targeted toward the goal of aligning significant activities in the Delta with State policy priorities. Since no single entity in California has the sole responsibility or authority for managing water supply and the Delta ecosystem, the Council asserts its leadership role through the appellate authority vested by the Delta Reform Act to enforce the regulatory policies contained in the Delta Plan.

Consistent with sections 85302 to 85308 of the Water Code, the proposed regulatory policy actions contained in the Delta Plan constitute measures that promote all the characteristics of a healthy Delta ecosystem; a more reliable water supply; actions to implement the sub-goals and strategies for restoring a healthy ecosystem; statewide water conservation, water use efficiency, and sustainable use of water; options for new and improved infrastructure; and effective emergency preparedness, appropriate land uses, and strategic levee investments to reduce risks to people, property, and State interests in the Delta.

Consistency with Existing State Laws and Regulations

The Council developed the Delta Plan consistent with the following sections of Water Code: Section 85302 through 85306 specifying requisite content of the Delta Plan. Furthermore, the Council developed the Delta Plan consistent with existing laws and regulations.

- Water Code section 85031(a). The proposed regulations, under the authority provided in the Delta Reform Act, do not affect water rights protections under existing laws. Water Code

section 85031(d). The proposed regulations, under the authority provided in the Delta Reform Act, do not affect existing authorities of the State Water Resources Control Board or the courts to regulate the diversion and use of water.

- Water Code section 85032. The proposed regulations, under the authority provided in the Delta Reform Act, do not affect the Natural Community Conservation Planning Act; the California Endangered Species Act; the Fish and Game Code; the Porter-Cologne Water Quality Control Act; Water Code section 12930 related to Water Resources Development Bonds; the California Environmental Quality Act; Water Code section 1702 related to change of point of diversion, place of use, or purpose of use, the application of the public trust doctrine, any water right, or the liability of the State for flood protection in the Delta or its watershed.

In addition to the consistency of the regulatory policies with the above listed laws, the policies are also consistent with existing laws and regulations that relate to specific policies, as discussed below:

- Terms such as *Agricultural water management plan*, *agricultural water supplier*, *coequal goals*, *Delta*, *Delta Plan*, *urban area*, *urbanizing area*, *urban water management plan*, *urban water supplier*, *urban retail water supplier*, and *urban wholesale water supplier* are all defined consistent with the Water Code.
- Covered action is defined pursuant to Water Code section 85057.5. The definition of a “project” is as defined in Public Resources Code section 21065. Exemptions to the covered action definition are consistent with Water Code §85057.5(b) and Public Resources Code §21080(b) and §21002.1(c).
- Requiring mitigation measures is consistent with CEQA contained in the Public Resources Code §21002.1(b).
- Requiring reduced reliance on the Delta is consistent with the Delta Reform Act contained in Water Code §85021, the Urban Water Management Planning Act contained in Water Code §10610-10610.4, and the Agricultural Water Management Planning Act contained in Water Code §10820-10821. It is also consistent with Water Code §85023 mandating the use of the constitutional principle of reasonable use and the public trust doctrine as the foundation of State water management policy. The reasonable use doctrine is described in the California Constitution, Article 10, Sec. 2.
- The water contracting transparency requirement is consistent with existing policies of the Department of Water Resources (DWR) contained in DWR Guidelines 03-09 and/or 03-10 (each dated July 3, 2003), as well as section 226 of P.L. 97-293 or section 3504(a)(2)(B) of P.L. 102-575.
- The development, implementation, and enforcement of new and updated flow objectives are consistent with the authorities and responsibilities of the State Water Resources Control Board (SWRCB) and regional water quality control boards pursuant to Water Code §13000-13002 and §13240-13242. The Federal Clean Water Act (33 U.S.C., section 1251 et seq.) regulates the discharge of pollutants into the waters of the United States and regulates quality standards for surface waters. Federal Regulations, 40 CFR 131.37, established water quality criteria applicable to waters specified in the Water Quality Control Plan for Salinity for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Although the attainment of salinity standards and fish migration criteria would be influenced by flows and Delta operation, the SWRCB may not have to submit the updated flow objectives to U.S. Environmental Protection Agency (EPA) for approval as long as the regulatory standards are met. Nevertheless, it is expected that the SWRCB will provide the updated flow objectives to U.S. EPA for its consideration in accordance with Water Code §13144.
- The policies on Delta habitat restoration are consistent with the California Environmental Quality Act described in the Public Resources Code §21000-21006; the Suisun Marsh Protection Plan described

in the Public Resources Code §29000-29014; the Delta Protection Act of 1992; Water Code §8611, which requires the Central Valley Flood Protection Board to develop a mitigation plan prior to flood control construction; and Water Code §12842, which requires flood control and watershed protection projects to include features to preserve the state's fish and wildlife resources and to provide for recreation.

- The policies to reduce risks in the Delta are consistent with the State's flood management interests in §8325 and §8532 of the Water Code, and §29702(d) and §29704 of the Public Resources Code. The policies will further the intent of the Central Valley Flood Protection Act of 2008 mandating a 200-year level of flood protection in urban and urbanizing areas, contained in Government Code §65865.5.
- Prohibiting encroachments and protecting floodplain functions and values will further the intent contained in sections 8410, 8608, and 8609 of the Water Code. Protecting floodways and floodplains also furthers the authorities of the State Lands Commission, as stated in Public Resources Code §6001-6314, to enforce public trust protection onto swamp and overflowed lands in the Delta. These regulations complement federal regulatory authority and responsibilities in the Delta, described in C.F.R. Title 44, Chapter 1, Parts 60.3(d)(3), and Code of Federal Regulations, Title 44, Chapter 1, §9.11 (4).
- Policies to protect private property rights are consistent with Public Resources Code §29714.
- The policy does not increase the State's flood liability, consistent with Water Code §85032(j).

Substantial Differences from Existing, Comparable Federal Regulations or Statutes

To avoid substantial difference with existing comparable federal regulation or statute, the Delta Plan was developed in accordance with the Delta Reform Act requirement of consistency with the federal Clean Water Act, section 8 of the federal Reclamation Act of 1902, and the federal Coastal Zone Management Act of 1972, or an equivalent compliance mechanism. (Water Code §85300(d)(1))

In addition, the federal Energy and Water Development Appropriations Act of 2012 (Title II of the Consolidated Appropriations Act of 2012 (P.L. 112-074)) requires that federal policy for addressing California's water supply and environmental issues related to the Bay-Delta to be consistent with State law, including the coequal goals.

The proposed regulations are consistent with and complement existing federal regulations and statutes.

Whether the Proposed Regulation Is Inconsistent or Incompatible with Existing State Regulations

None of the proposed regulations are inconsistent or incompatible with existing state regulations. The Council has developed these regulations in alignment with existing state law and regulations. The section above titled "Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking" provides a detailed explanation of how individual policies proposed in the regulation are consistent with existing laws and regulations.

Documents Incorporated by Reference

None. Definitions, policies, and other portions of the Delta Plan are included within the text of the proposed regulation or attached as appendices.

Mandated by Federal Law or Regulations

The proposed regulations are not mandated by federal law or regulations, although they complement their intents and further their implementation in the Delta.

Other Statutory Requirements

None.

Local Mandate

Government Code section 17556 provides that no mandate exists where "(d) The local agency or school district has the authority to levy assessments, rates, fees, or other charges sufficient to pay for the mandated program or increased level of service." The Cost Analysis for Proposed Delta Plan Regulations provides general information on the authority and mechanisms by which local agencies in the Delta can recover any costs potentially resulting from the proposed regulation. Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4, Government Code, other nondiscretionary costs or savings imposed on local agencies, or costs or savings in federal funding to the state are not expected.

Fiscal Impact

The fiscal effects of Delta Plan policies and administrative requirements to state and local agencies occur in two forms. First, administrative requirements require State and local agencies undertaking a covered action to prepare and file a Certification of Consistency. This includes description of the covered action, CEQA documentation, summary of other government approvals, and the certification of consistency with each of the Delta Plan policies.

The agency may also incur the costs of consulting with the Council prior to submitting a Certification of Consistency, or the costs relating to an appeal of the certification, such as submitting the covered action record, attending and providing testimony at the appeal hearing, and, if the Council upholds the appeal, modifying and re-filing the Certificate of Consistency.

Second, implementation of Delta Plan policies may result in costs to State and local agencies resulting from modifications to an agency's existing plans for covered actions to make them consistent; development of covered actions that are different than what the agency would have done in absence of the Delta Plan, changes in water supply reliability, ecosystem restoration, or flood risk that affect an agency whether or not it has proposals for covered actions; and administrative costs to monitor Council activities, attend meetings, and review documents and findings.

It is anticipated that costs would be recovered by an agency of a covered action through assessments, rates, user fees, or other mechanisms the agencies use to fund activities. While in some cases State or local agencies would be able to absorb the additional costs within their existing budgets and resources, other circumstances may require the aforementioned funding mechanisms.

The total cost State and local agencies may incur to prepare and file a Certification of Consistency and implement Delta Plan policies could range from \$11.9 to \$16.8 million annually. A document titled "Cost Analysis for Proposed Delta Plan Regulations" provides a detailed analysis of the cost to State and local agencies of Delta Plan regulations, and is available for review.

Housing Costs

No significant direct impacts on housing costs are likely to occur from implementation of Delta Plan policies. The benefits and costs of Delta Plan policies can have complex and counteracting effects on housing prices. For housing directly affected by covered actions, Delta Plan policies may increase housing costs for two reasons: consistency certification costs will likely be passed on, at least in part, to buyers; and the benefits of improved flood protection and ecosystem amenities could increase property value, thereby increasing housing costs. Importantly, the Delta Plan policies are expected to provide substantial benefits to housing by increasing value due to improved flood protection, water supply reliability, and environmental amenities. A document titled "Cost Analysis for Proposed Delta Plan

Regulations” provides a detailed analysis on the effects of the Delta Plan regulations on housing costs, and is available for review.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States

Although the total indirect cost of Delta Plan policies to private business or individuals is uncertain, the proposed action is not anticipated to have significant statewide adverse economic impact directly affecting business, including the ability to compete with businesses in other states.

Statement of the Results of the Economic Impact Assessment

Although the total indirect cost of Delta Plan policies to private business or individuals is uncertain, the proposed action is not anticipated to have significantly impact on:

1. The creation or elimination of jobs within the State of California
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

The proposed action would provide significant long-term benefits to the state by meeting the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The comprehensive set of policies would ensure that the coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place, improving the welfare and state’s environment.

Cost Impacts on Representative Person or Business

Delta Plan policies and administrative requirements apply to State and local agencies. Private businesses and individuals are not directly affected by costs of Delta Plan policies or administrative requirements. However, private businesses and individuals could be affected indirectly in two ways. First, costs could be passed directly to private businesses and individuals by an agency proposing a covered action. Second, cost could be recovered by an agency of a covered action through taxes, user fees, assessments, or other mechanisms the agencies use to fund activities. The total indirect cost of Delta Plan policies to private business or individuals is uncertain.

Because private businesses and individuals are not directly affected by costs of Delta Plan policies or administrative requirements, the Council is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This statement is accurate also for small business.

Business Reporting Requirements

The proposed regulations require State and local agencies undertaking a covered action to prepare and file a Certification of Consistency. However, the administrative requirements of the proposed regulations do not apply to business or private individuals. Therefore, the report requirement does not apply to business.

Small Business

The proposed regulatory policies do not affect small businesses. The direct cost of the proposed regulatory policies falls on State and local public agencies, not on businesses. Businesses in general are affected by: 1) costs passed on by a local agency through assessments, rates, fees, or other charges; and 2) benefits foregone if a covered action must be modified to comply with Delta Plan policies. There is no evidence that small businesses would be disproportionately affected or overly burdened by the proposed regulations.

Several policies are specifically designed to avoid impacts on small businesses in the Delta. For example, limitations on construction or development in the Delta (§5012) specifically exempt “commercial recreational visitor-serving uses or facilities for processing of local crops or that provide essential services to local farms.” Also, §5013 directs covered actions to avoid conflicts with existing land uses including farming.

Alternatives Statement

The Council must determine that no reasonable alternative considered or that has otherwise been identified and brought to its attention 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.

The Council has prepared an initial statement of reasons that contains an analysis of alternatives considered and rejected due to reasons as described. Interested persons may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Persons

Inquiries concerning the proposed administrative action may be directed to:

Cindy Messer
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814
(916) 445-0258
cindy.messer@deltacouncil.ca.gov

Dan Ray
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814
(916) 445-5511
dan.ray@deltacouncil.ca.gov

Availability Statements

The following materials are available for public review throughout the public comment period:

- Text of Proposed Regulation
- Notice of Proposed Rulemaking
- Initial Statement of Reasons
- Materials Relied Upon
- Form 400
- Form 399
- Final Statement of Reasons (upon completion)
- Final Text of Regulation (upon completion)

These materials may be viewed in two ways:

- Visiting the Council’s website (<http://deltacouncil.ca.gov>)
- Arranging an in-person review. Please contact Cindy Messer (contact information provided above).

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Cindy Messer at the address indicated above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

Final Statement of Reasons

The Final Statement of Reasons will be posted on <http://deltacouncil.ca.gov>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

Internet Access

All materials published or distributed by the Council are available at its internet website at <http://deltacouncil.ca.gov>



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Wildlife Branch
1812 9th Street
Sacramento, CA 95811
<http://www.dfg.ca.gov>

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



November 30, 2012

Yuba County Board of Supervisors
915 8TH Street Suite 109
Marysville, CA 95901

Dear Supervisors:

This is to inform you of the Department of Fish and Game's intent to recommend to the Fish and Game Commission the following 2013-14 deer hunt(s):

- G-19 Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt
- J-8 Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt
- J-16 Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt
- J-17 Blue Canyon Apprentice Either-Sex Deer Hunt

The 2012 tag quota for the subject hunt(s) were as follows: G-19 = 25; J-8 = 15; J-16 = 75; J-17 = 25. The recommendation for the attached proposal(s) will be formally received by the Commission at its December 12, 2012 meeting. Please note that the recommendation(s) do not identify a specific tag quota but rather a range of tags at this time. A final recommendation (within this range of tags) based on herd performance and harvest results will be provided to the Fish and Game Commission for adoption at its April, 2013 meeting.

Pursuant to sections 458 and 459 of the Fish and Game Code, you are hereby notified of the Department's recommendation affecting your county. In order to object or modify the proposal, the Board of Supervisors must accept public testimony or other information at a public hearing prior to February 1 to assist in the decision making process. Any objections or recommendations for change must be by resolution and received in writing by the Department no later than January 31. Any objections or recommendations for change received after this date will not be considered. If the Board does not wish to exercise this veto authority, it is not necessary to hold a public hearing in consideration of this matter. If no response is received by this date, the Department will consider the proposal approved and proceed with the regulatory process to implement the hunt.

Attached is the proposed regulatory language for above described hunt(s). If you have any questions regarding this recommendation, please contact Craig Stowers at (916) 445-3553 or at the letterhead address above. Comments and recommendations related to the proposal(s) may be provided to the Fish and Game Commission at 1416 Ninth Street, Sacramento, California 95814.

We look forward to your cooperation in managing our deer resources.

Sincerely,

Craig Stowers
Eric Loft, Chief *for*
Wildlife Branch

Conserving California's Wildlife Since 1870

Attachment(s)

**cc: Fish and Game Commission
Sacramento, California**

**Tina Bartlett, Regional Manager
Department of Fish and Game
Rancho Cordova, California**

§360. Deer.

Except as otherwise provided in this Title 14, deer may be taken only as follows:

(c) Additional Hunts

(11) G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt).

(A) Area: Those portions of Yuba and Sutter counties within the exterior boundaries of: (1) the Feather River Wildlife Area, and (2) the Sutter Bypass Wildlife Area (as defined in Section 550, Title 14, CCR).

(B) Season: The season for additional hunt G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt) shall open on the fourth Saturday in September and extend through December 31.

(C) Bag and Possession Limit: One either-sex deer (see subsection 351(c)) per tag.

(D) Number of Tags: ~~25~~10-50.

(E) Special Conditions: Only archery equipment and crossbows (as specified in Section 354) and shotguns and ammunition (as specified in Section 353) may be used.

§360. Deer.

Except as otherwise provided in this Title 14, deer may be taken only as follows:

(c) Additional Hunts

(30) J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt).

(A) Area: That portion of Yuba County within the exterior boundaries of the Daugherty Hill Wildlife Area (as defined in Section 550, Title 14, CCR).

(B) Season: The season for additional hunt J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt) shall open on the first Saturday in December and extend through December 31.

(C) Bag and Possession Limit: One either-sex deer (see subsection 351(c)) per tag.

(D) Number of Tags: ~~45~~10-20.

(E) Special Conditions:

1. Only junior license holders shall apply (see subsection 708.2).
2. Tagholders shall be accompanied by an adult chaperon 18 years of age or older while hunting.
3. Tagholders shall attend an orientation meeting the day before the opening day of the season.

§360. Deer.

Except as otherwise provided in this Title 14, deer may be taken only as follows:

(c) Additional Hunts

(38) J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt).

(A) Area: Excluding Butte, Colusa and Glenn Counties, in those portions of Nevada, Placer, Plumas, Sierra, Sutter and Yuba Counties within the area described as zone D-3 (see subsection 360(a)(4)(A)1).

(B) Season: The season for additional hunt J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt) shall be concurrent with the zone D-3 general season as defined in subsection 360(a)(4)(B).

(C) Bag and Possession Limit: One either-sex deer (see subsection 351(c)) per tag.

(D) Number of Tags: 10-75.

(E) Special Conditions:

1. Only junior license holders shall apply (see subsection 708.2).

2. Tagholders shall be accompanied by an adult chaperon 18 years of age or older while hunting.

§360. Deer.

Except as otherwise provided in this Title 14, deer may be taken only as follows:

(c) Additional Hunts

(39) J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt).

(A) Area: Excluding Colusa County, in those portions of Nevada, Placer, Sacramento, Sutter, Yolo and Yuba Counties within the area described as zone D-4 (see subsection 360(a)(4)(A)2).

(B) Season: The season for additional hunt J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt) shall be concurrent with the zone D-4 general season as defined in subsection 360(a)(4)(B).

(C) Bag and Possession Limit: One either-sex deer (see subsection 351(c)) per tag.

(D) Number of Tags: 5-25.

(E) Special Conditions:

1. Only junior license holders shall apply (see subsection 708.2).
2. Tagholders shall be accompanied by an adult chaperon 18 years of age or older while hunting.