

# BOARD OF SUPERVISORS

## AGENDA

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



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

**JANUARY 15, 2013**

- 9:00 A.M. FINANCE AND ADMINISTRATION COMMITTEE** (Supervisors Stocker and Vasquez/Alternate Supervisor Nicoletti)
- A. Consider authorizing Assessor to post value notices on the county website as an alternative to providing same by United States mail - Assessor (Ten minute estimate) (001-13)
- 9:15 A.M. YUBA COUNTY IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY SPECIAL MEETING**
- A. Roll Call: Directors Vasquez, Nicoletti, Griego, Abe, Stocker
- B. Election of Officers: Chair and Vice-Chair
- C. Approve minutes of the meetings of May 17 and June 28, 2011.
- D. Closed Session: Personnel pursuant to Government Code §54957(a) - Labor Negotiations - SEIU/Public Authority
- E. Adjourn
- 9:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. Thank you.**
- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Vasquez
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker
- III. **CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.**
- A. Board of Supervisors
1. Approve Board of Supervisors meeting schedule for 2013 and cancelling certain meetings. (002-13)
  2. Appoint Robert Gaschke to Yuba County Fish and Game Advisory Commission as the North Yuba Water Agency representative for a term to expire December 31, 2016. (003-13)
- B. Child Care Planning Council of Yuba and Sutter Counties
1. Approve Certification Statement regarding Composition of Local Planning Council and authorize the Chair to execute same. (004-13)
- C. Clerk of the Board of Supervisors
1. Approve meeting minutes of December 11 and 18, 2012 and January 7, 2013. (005-13)
  2. Appoint Theresa Hamilton, Rosemary Daoust, and David McConnell to the Yuba County Economic Development Advisory Committee to serve at the pleasure of the Board. (006-13)
  3. Appoint Vera Correa to the Community Services Commission as the District Three Representative for a term to end December 31, 2016. (007-13)
  4. Reappoint Erica O Jeffrey to the Sutter-Yuba Mosquito and Vector Control District for a term to end December 31, 2016. (008-13)

D. Community Development and Services

1. Approve floodplain development variance for agricultural storage building at 8947 State Route 70. (009-13)
2. Approve minor amendments to agreements with AECOM and EPS regarding Magnolia Ranch Project and authorize the Chair to execute same. (010-13)
3. Approve contract agreement with Mark Thomas & Co. for design of New York House Board over Dry Creek Bridge Replacement project and authorize the Chair to execute same. (011-13)
4. Approve amendment to agreement with Drake Haglan & Associates, Inc. for Timbuctoo Road over Deep Ravine No. 1 Bridge replacement project and authorize the Chair to execute same. (012-13)
5. Accept Smartsville (Chuck Yeager) Road over Vineyard Creek Bridge replacement project as complete and authorize the Public Works Director to sign and record the Notice of Completion. (013-13)

E. County Administrator

1. Approve Regional Waste Management Authority grant application for CalRecycle Fiscal Year 2013/2014 Local Government Waste Tire Cleanup and Amnesty Grant, and authorize the County Administrative Officer to execute submittal letter. (014-13)

F. Library

1. Adopt resolution authorizing application for the Walmart Community Grant for funding literacy program and authorize the Community Development Director to execute documents and authorize acceptance and transfer of funds. (015-13)

IV. **SPECIAL PRESENTATION**

- A. Recognize the Office of Clerk-Recorder/Registrar of Voters Department for outstanding customer service. (No background material) (Five minute estimate) (016-13)
- B. Present proclamation to Bill Harris. (No background material) (Five minute estimate) (017-13)
- C. Receive economic development presentation (new business). (Fifteen minute estimate) (No background material) (018-13)

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

VI. **COUNTY DEPARTMENTS**

A. Community Development and Services

1. Receive Draft Olivehurst Revitalization Plan and provide direction as appropriate. (Fifteen minute estimate) (019-13)

VII. **CORRESPONDENCE** - (020-13)

- A. Letter from GoRail regarding freight rail infrastructure.
- B. Minutes from California Wildlife Conservation Board for meeting of August 30, 2012.
- C. Memo from California State Board of Equalization regarding calendar for valuation of public utilities and railroads.
- D. Notices from California Fish and Game Commission relating to mammal hunting regulations and ocean salmon sport fishing.
- E. Notice from Smartsville Cemetery District indicating no amendment is required to the conflict of interest code.

- 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. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - DDAA/DSA/MSA/PPOA/YCEA/Unrepresented and County of Yuba
- B. Personnel pursuant to Government Code §54957(a) - Reappointment County Counsel
- X. **ADJOURN**

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

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

### **PUBLIC INFORMATION**

**PUBLIC COMMUNICATIONS:** Members of the public shall be allowed to address the Board of Supervisors on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Board, provided that no action shall be taken unless otherwise authorized by law. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes.

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

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

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

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

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

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

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

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

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Finance and Administration Committee





# THE COUNTY OF YUBA

## OFFICE OF THE COUNTY ASSESSOR

Bruce Stottlemeyer  
Assessor

Kimberly Heisch  
Assistant Assessor

**TO:** Finance and Administration Committee

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

**SUBJECT:** Consider authorizing the assessor to provide value notices on the assessor's website as an alternative to providing same by United States mail.

**DATE:** January 15, 2013

### *Recommendation*

Consider authorizing the assessor to post value notices on the assessor's website as an alternative to providing same by United States mail, pursuant to California Revenue and Taxation Code §621.

### *Background*

Annually, on or before August 1, the assessor is charged with the duty of providing value notices through the United States mail to each taxpayer, whose property's assessed value has increased since the prior year, of the assessed value of that property as it will appear on the completed assessment roll. Providing these value notices is a statutory mandate pursuant to California Revenue and Taxation Code §619.

### *Discussion*

Each year since 2010/2011, the assessor expends in excess of \$5,000 in hard costs for postage and printing services to comply with the notice requirements noted above. Additionally, \$3,500 of staff time is committed to folding, addressing, and stuffing envelopes for the mailing.

Senate Bill 1493, which was adopted in 2010, and became effective in 2011, provides that assessors may, with the approval of the board of supervisors, post the information required by Section 619, to the county's website as an alternative to providing value notices through the United States mail.

The County Assessor's Office, has provided the above referenced notices on the county's website since 2011, on a trial basis in addition to providing the hardcopy value notice through the United States mail. We have found that the website notice has been working properly with no known inaccuracies.

If approved, the Assessor's Office will continue to provide the hardcopy notice upon request by a taxpayer should they ask for one. We recognize that not all county taxpayers have ready access to the internet. In this regard, for the near term, we will issue press releases informing the public that the assessor will be posting the assessed values of all properties assessed in Yuba County on the county website. Additionally, the press release will provide information as to how to receive a hardcopy notice.

*Fiscal Impact:*

If approved, this item will result in a decrease in the assessor's postage and printing costs of approximately \$5,000 annually beginning in 2013-14.

# *Yuba County In-Home Supportive Services Public Authority*



## MINUTES

MAY 17, 2011

A meeting of the Board of Directors of the Yuba County In-Home Supportive Services (IHSS) Public Authority was held on the above date, commencing at 9:20 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe and Hal Stocker. Also present were Yuba County Administrator Robert Bendorf and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Abe presided.

I ROLL CALL - Directors Vasquez, Nicoletti, Griego, Abe, and Stocker – All Present

II CONSENT AGENDA

MOTION: Move to approve Consent Agenda

MOVED: Hal Stocker

SECOND: Andy Vasquez

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

NOES: None ABSTAIN: None

1. Approve minutes of the Special Meeting of April 5, 2011. Approved.
2. Approve agreement with Robert J. Muszar for consultant services and authorize the Chairman to execute same. Approved.

III ADJOURN: 9:22 A.M. by Chairman Abe.

\_\_\_\_\_  
Chairman

ATTEST: DONNA STOTTEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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

# *Yuba County In-Home Supportive Services Public Authority*



## MINUTES

JUNE 28, 2011

A meeting of the Board of Directors of the Yuba County In-Home Supportive Services (IHSS) Public Authority was held on the above date, commencing at 9:22 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Andy Vasquez, Mary Jane Griego, Roger Abe and Hal Stocker. Director Nicoletti was absent. Also present were Yuba County Administrator Robert Bendorf and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Abe presided.

- I      ROLL CALL - Directors Vasquez, Griego, Abe, and Stocker. Director Nicoletti was absent.
- II     Approve Memorandum of Understanding between Service Employees International Union (SEIU) United Healthcare Workers West (SEIU-UHW) and the County In-Home Supportive Services Public Authority through June 30, 2014, and authorize the Chairman to execute same. Health and Human Services Director Suzanne Nobles recapped request.
- MOTION: Move to approve    MOVED: Mary Jane Griego    SECOND: Andy Vasquez  
AYES: Mary Jane Griego, Andy Vasquez, Roger Abe, Hal Stocker  
NOES: None    ABSENT: John Nicoletti    ABSTAIN: None
- III    ADJOURN: 9:25 A.M. by Chairman Abe.

\_\_\_\_\_  
Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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



*CONSENT*  
*AGENDA*

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# The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS

002-13



915 8<sup>th</sup> Street, Ste. 109  
Marysville, California 95901  
(530) 749-7510  
(530) 749-7353 FAX

January 15, 2013

**TO:** Board of Supervisors

**FROM:** Chairman Vasquez

**SUBJECT:** Meeting Schedule for 2013 and Cancellation of Certain Board Meetings

*Recommendation:*

Approve Board of Supervisors meeting schedule for 2013 and cancelling certain meetings.

*Background and Discussion:*

The proposed meeting calendar for 2013 allows for 34 regular Board meetings. A total of nine meetings are proposed to be cancelled. Certain meetings are recommended cancelled for department heads to prepare budgets and presentations for Fiscal Year 2013/14. The meeting of August 20<sup>th</sup> is proposed cancelled so that the Board may hold a workshop on the budget.

Last year the Board held 33 regular meetings, one special meeting, and two workshops.

*Committee Action:*

This matter is brought directly to the Board for consideration.

*Fiscal Impact:*

None.

Attachment

**SUPERVISORS**

Andy Vasquez - District 1 • John Nicoletti - District 2 • Mary Jane Griego - District 3 • Roger Abe - District 4 • Hal Stocker - District 5

# PROPOSED 2013 Meeting Schedule

## January

*Jan. 01 Holiday No Meeting*  
*\*Jan. 7 Noon Special Meeting*  
*Jan. 8 9:30 a.m. Special Election*  
 Jan. 15 9:30 a.m.  
 Jan. 22 9:30 a.m.  
 Jan. 22 2:00 p.m. Budget Workshop  
*Jan. 29 No Meeting-5th Tuesday*

## April

Apr. 02 6:00 p.m.  
*Apr. 09 Cancel*  
 Apr. 16 9:30 a.m.  
 Apr. 23 9:30 a.m.  
*Apr. 30 No Meeting-5th Tuesday*

## July

*Jul. 02 Cancel*  
 Jul. 09 9:30 a.m.  
 Jul. 16 9:30 a.m.  
 Jul. 23 9:30 a.m.  
*July 30 No Meeting-5th Tuesday*

## October

Oct. 01 6:00 p.m.  
 Oct. 08 9:30 a.m.  
 Oct. 15 9:30 a.m.  
 Oct. 22 9:30 a.m.  
*Oct. 29 No Meeting-5th Tuesday*

## February

Feb. 05 6:00 p.m.  
 Feb. 12 9:30 a.m.  
 Feb 12 3:00 p.m. Jt. Session w/Sutter  
*Feb. 19 Cancel*  
 Feb. 26 9:30 a.m.

## May

May 07 6:00 p.m.  
 May 14 9:30 a.m.  
 May 21 9:30 a.m.  
*May 28 Cancel*

## August

*Aug. 07 Cancel - National Nite Out*  
 Aug. 13 9:30 a.m. & 1:00 p.m./Bgt  
 Aug. 20 8:30 a.m. Budget Wrkshps  
*Aug. 20 9:30 a.m. Cancel*  
 Aug. 27 9:30 a.m.

## November

Nov. 05 6:00 p.m.  
 Nov. 12 9:30 a.m.  
*Nov. 19 Cancel - CSAC Annual Conf.*  
*Nov 26 No Meeting - Thanksgiving*

## March

*Mar. 05 Cancel*  
 Mar. 12 9:30 a.m.  
 Mar. 19 9:30 a.m.  
 Mar. 26 9:30 a.m.

## June

Jun. 04 6:00 p.m.  
*Jun. 11 Cancel*  
 Jun. 18 9:30 a.m./Proposed Bgt  
 Jun. 25 9:30 a.m.

## September

*Sept. 03 Cancel*  
 Sept. 10 9:30 a.m.  
 Sept. 17 9:30 am/Final Bgt 1:30  
 Sept. 24 9:30 a.m.

## December

*Dec. 03 Cancel ACWA Conf*  
 Dec. 10 9:30 a.m.  
 Dec. 17 9:30 a.m.  
*Dec. 24 No Meeting - Holiday*  
*Dec. 31 No Meeting - 5th Tuesday*

*Pursuant to Ordinance Code 2.25.010 "any regular meeting...that falls upon a holdiai or Election day is cancelled.*

*There shall be no regular meeting in any work week having 2 County holidays. Section 2.25.020 provides no regular meeting shall be held on the 5th Tuesday in any calendar month.*

*2013 Holidays - Jan 1 & 21; Feb 18; May 27 July 4; Sept 2; Nov 11, 28, & 29; Dec 24 & 25*

# *The County of Yuba*

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**Office of Clerk of the Board of Supervisors**

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**To:** Board of Supervisors

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

**Subject:** **Fish and Game Advisory Commission – North Yuba County Water Agency Representative**

**Date:** January 15, 2013

## **Recommendation**

Appoint Robert Gaschke to the Yuba County Fish and Game Advisory Commission as the North Yuba County Water Agency Representative for a term to end December 31, 2016.

## **Background and Discussion**

This is an unscheduled vacancy due to the resignation of Frank Cecil which was posted on November 9, 2012. This position represents the North Yuba County Water Agency representative, Mr. Bib Belza. An application was received from Robert Gaschke and is attached for your review. Mr. Belza recommends appointment.

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

## **Fiscal Impact**

None

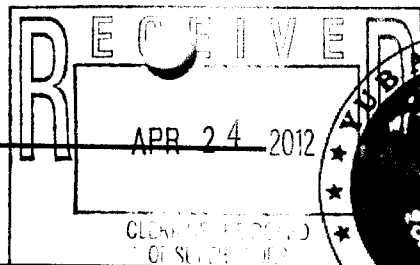
## **Committee Action**

Brought directly to the Board for consideration.

attachments

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# The County of Yuba



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

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

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

### BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: Fish And Game Advisory Commission

APPLICANT NAME: Robert P. Gaschke

MAILING ADDRESS: [REDACTED]

PHYSICAL ADDRESS: [REDACTED]

TELEPHONE:

HOME: [REDACTED]

WORK: [REDACTED]

EMAIL ADDRESS: [REDACTED]

OCCUPATION/PROFESSION:  
SUPERVISOR/ DISTRICT  
NUMBER:

Ag Product Specialist for Holt of Cal. fornia

REASONS YOU WISH TO

SERVE ON THIS BODY:

See Back page

QUALIFICATIONS:

11 years on Sutter County Fish And Game Advisory Commission

LIST PAST AND CURRENT

PUBLIC POSITIONS HELD:

Sutter County Fish and Game Advisory Commission From  
2001 to Present

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

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

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

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

SIGNATURE

DATE

#### THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☒ OTHER: 6-12-12 Appointed Montie Lunkley /rf

I moved to Yuba County just under two years ago. I have been a active member of Sutter County Fish & Game Advisory Commission for the past 11 years. ~~to~~ I would like to be a Active member of Yuba County Fish And Game Advisory Commission Over the years <sup>with</sup> ~~at~~ Sutter County I have Been very Active in the youth Hunts was chair And have worked on budget ~~for~~ If any questions Feel Free to Call 530-682-6192



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

004-13

# Memorandum

**Date:** January 15, 2013

**To:** Yuba County Board of Supervisors

**From:** Tonya K. Byers, Coordinator  
Child Care Planning Council of Yuba & Sutter Counties

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

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

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

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

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

**FISCAL IMPACT:** None

Attachments

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

**Return to:**

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

**Due Date:**

**Annually on January 20**

Please complete all information requested below:

County Name:  Yuba County		County Coordinator Name and Telephone Number:  Tonya K. Byers ~ (530) 749-4041
<b>Membership Categories</b>		
<b>20% Consumers (Defined as a parent or person who receives, or who has received within the past 36 months, child care services.)</b>		
Name of Representative	Address/Telephone Number	Appointment Date and Duration
Jennifer Wickliff	1128 E. Street Marysville, CA 95901 530-749-2556	October 1, 2012 – September 30, 2015
Vacant		October 1, 2010 – September 30, 2013
<b>20% Child Care providers (Defined as a person who provides child care services or represents persons who provide child care services.)</b>		
Name of Representative	Address/Telephone Number	Appointment Date and Duration
Kathy Davidson	1128 Yuba Street Marysville, CA 95901 530-749-2556	October 1, 2012 – September 30, 2015
Kathy Woods	1128 E. Street Marysville, CA 95901 530-749-6162	October 1, 2010 – September 30, 2013
<b>20% Public Agency Representative (Defined as a person who represents a city, county, or local education agency.)</b>		
Name of Representative	Address/Telephone Number	Appointment Date and Duration
Sally Sokoloski	935 14 <sup>th</sup> Street Marysville, CA 95901 530-749-4871	October 1, 2012 – September 30, 2015
Vacant		October 1, 2012 – September 30, 2015

Membership Categories		
<b>20% Community Representative (Defined as a person who represents an agency or business that provides private funding for child care services, or who advocates for child care services through participation in civic or community-based organizations but is not a child care provider or CDE funded agency representative.)</b>		
Name of Representative	Address/Telephone Number	Appointment Date and Duration
Vacant		October 1, 2010 – September 30, 2013
Donna Greist	[REDACTED] 3	October 1, 2010 – September 30, 2013
<b>20% Discretionary Appointees (Appointed from any of the above categories or outside of these categories at the discretion of the appointing agencies.)</b>		
Name of Representative	Address/Telephone Number	Appointment Date and Duration
Lena Westman	[REDACTED]	October 1, 2010 – September 30, 2013
Denice Burbach	[REDACTED] 666-111-0020	October 1, 2010 – September 30, 2013

<b>Authorized Signatures</b>		
<p>We hereby verify as the authorized representatives of the county board of supervisors (CBS), the county superintendent of schools (CSS), and the Local Child Care and Development Planning Council (LPC) chairperson that as of <u>December 19, 2012</u> <sup>(Date)</sup> the above identified individuals meet the council representation categories as mandated in AB 1542 (Chapter 270, Statutes 1997; California <i>Education Code</i> Section 8499.3). Further, the CBS, CSS, and LPC chairperson verify that a good faith effort has been made by the appointing agencies to ensure that the ethnic, racial, and geographic composition of the LPC is reflective of the population of the county.</p>		
<b>Authorized Representative - County Board of Supervisors</b>	<b>Telephone Number</b>	<b>Date</b>
	530-749-7510	
<b>Authorized Representative - County Superintendent of Schools</b>	<b>Telephone Number</b>	<b>Date</b>
<i>Sharon Holmes Sanchez</i>	530-749-4845	12/19/12
<b>Local Child Care Planning Council Chairperson</b>	<b>Telephone Number</b>	<b>Date</b>
<i>Dan O'Neil</i>	530-674-1885, ext. 109	12-20-12

# *The County of Yuba*

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



### DECEMBER 11, 2012 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:42 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Stocker presided.

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

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

#### A. Clerk of the Board of Supervisors

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

#### 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)  
 Adopted Resolution No. 2012-102, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION AUTHORIZING YUBA COUNTY COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR OR HIS DESIGNEE TO COMPLETE THE PURCHASE OF SINGLE FAMILY RESIDENCE APN 021-093-010 AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND EXECUTE ALL DOCUMENTS NEEDED FOR COMPLETION OF PURCHASE, REHABILITATION AND RESALE."

#### C. Treasurer-Tax Collector

1. Adopt resolution delegating investment authority to the Yuba County Treasurer for the year 2013. (444-12)  
 Adopted Resolution No. 2012-103, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION DELEGATING INVESTMENT AUTHORITY TO THE YUBA COUNTY TREASURER FOR THE YEAR 2013."

IV. PUBLIC COMMUNICATIONS:

Ms. Freda Calvert, condition of Hammonton Road

County Administrator Robert Bendorf advised a meeting with Bureau of Land Management would be scheduled.

Planning Director Wendy Hartman advised of a Conservations Plan workshop with Sutter County, February 12, 2013 at 3:00 p.m.

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) Assistant Director Tara Ripka-Flores recapped agreement and responded to Board inquiries. County Administrator Robert Bendorf advised a budget impact of \$34,000 would be included with the midyear review.

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

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) County Administrator Robert Bendorf recapped agreement with Yuba County Water Agency, advised the limited term position would run concurrent with the grant, and responded to Board inquiries.

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

Adopted Resolution No. 2012-104, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION ALLOCATION SCHEDULE"; and Resolution No. 2012-105, entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM-BASIC SALARY SCHEDULE," as it relates to the Office of Emergency Services.

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) Director Martha Wilson recapped request and responded to Board inquiries.

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

Adopted Resolution No. 2012-106, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM-BASIC SALARY SCHEDULE," as it relates to Administrative Services.

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

- 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) Supervisor Abe questioned the implications regarding the pending litigation on this matter.

MOTION: Move to add Closed Session pending litigation as the matter arose subsequent to the agenda being posted. MOVED: Roger Abe SECOND: Mary Jane Griego

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

NOES: None ABSENT: None ABSTAIN: None

The Board retired into closed session at 10:05 a.m. to discuss the following.

Pending litigation pursuant to Government Code §54956.9(a) - Yuba County Growers Association et al vs. County of Yuba

The Board returned from closed session at 10:52 a.m. There was no announcement.

Community Development and Services Director Kevin Mallen recapped amended ordinance and responded to Board inquiries.

Chairman Stocker opened the public hearing. The following individuals spoke:

- Mr. Jeffrey Lake, Attorney
- Mr. Jonathan Feingold, Camptonville

MOTION: Move to close public hearing MOVED: Roger Abe SECOND: Andy Vasquez

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

NOES: None ABSENT: None ABSTAIN: None

MOTION: Move to waive reading and introduce ordinance MOVED: Andy Vasquez SECOND: Mary Jane Griego

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

NOES: Roger Abe ABSENT: None ABSTAIN: None

- 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) Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation and responded to Board inquiries.

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

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

- 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) Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation and responded to Board inquiries.

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

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

- 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) Community Development and Services Director Kevin Mallen recapped ordinance regarding exceptions to building permits and responded to Board inquiries. County Administrator Robert Bendorf reported any associated fees were available on the website.

MOTION: Move to close public hearing, waive reading and introduce ordinance  
MOVED: John Nicoletti SECOND: Andy Vasquez  
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker  
NOES: None ABSENT: None ABSTAIN: None

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) Accepted.
- B. Notice from Delta Stewardship Council regarding draft program environmental impact report for the Delta Plan Accepted.
- C. Notice from California Department of Fish and Game regarding 2013-2014 deer hunts. Accepted.

VIII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Abe:

- o Sierra Sacramento Valley EMS meeting held November 16, 2012
- o Yuba Sutter EMS meeting held November 21, 2012
- o CSAC Annual conference held November 27-30, 2012
- o RCRC meeting held December 5, 2012 State Responsibility Area (SRA) fees process for protest or appeal
- o Appeal Democrat articles from December 9, 2012 regarding rural issues
- o Memorial Adjournments:
  - Ms. Jenny Lynn Archer
  - Ms. Elda Detwiler
  - Mr. Wendell Grey

- Dr. David Wayne Shatswell
- Ms. Kathryn McKiernan
- Mr. Rudy Sven
- Mr. Charlie Tarrant

Treasurer Tax Collector Dan Mierzwa responded to Supervisor Abe's inquiry regarding process for protest or appeal of the State Responsibility Area fees

Supervisor Griego:

- ACWA conference held December 4 - 5, 2012
- Sworn in as the 2013 Chair for Sacramento Area Council of Governments

Supervisor Vasquez:

- CSAC Annual conference held November 27-30, 2012
- Yuba County Childrens Council meeting held December 5, 2012
- Retirement ceremony for Joe Hilliard held December 5, 2012
- Economic Development breakfast meeting held November 13, 2012
- Sierra Nevada Conservancy Board meeting held November 13, 2012
- Hmong dedication for Vang Pao held December 8, 2012

Supervisor Nicoletti:

- Memorial Adjournment - Albert Gee

Supervisor Stocker:

- State Responsibility Area fees
- ACWA conference held December 4 - 5, 2012 in San Diego
- Memorial Adjournments:
  - Mr. Roger Johnson
  - Mr. Richard Mortensen
  - Mr. Charles Russ
  - Mr. Richard King

Assessor Bruce Stottlemeyer responded to inquiries regarding State Responsibility Area fees

County Counsel Angil Morris-Jones introduced Deputy County Counsel John Vacek

County Administrator Robert Bendorf reported on the following

- Pension changes for new employees
- Legislative platform
- Regional Waste Management Feasibility Study
- Solid Waste Disposal
- Mid Year Budget

Community Development and Services Director Kevin Mallen advised of a slide on Marysville Road from the recent storm

IX. CLOSED SESSION: The Board retired into closed session at 12:11 p.m. to discuss the following:

A. Potential litigation pursuant to Government Code §54956.9(b) - Two Cases

- 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

The Board returned from closed session at 1:42 p.m. with all members present as indicated above.

County Counsel Angil Morris-Jones advised by unanimous vote staff was giving direction and authority to act on all items.

- X. ADJOURN: 1:43 p.m. by Chairman Stocker in memory of Ms. Jenny Lynn Archer, Ms. Elda Detwiler, Ms. Kathryn McKiernan, Mr. Wendell Grey, Dr David Wayne Shatswell, Mr. Rudy Sven, Mr. Charlie Tarrant, Mr. Albert Gee, Mr. Roger Johnson, Mr. Richard Mortensen, Mr. Charles Russ, and Mr. Richard King.

\_\_\_\_\_  
Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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

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



# *The County of Yuba*

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



### DECEMBER 18, 2012 - MINUTES

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

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

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

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

NOES: None ABSENT: None ABSTAIN: None

#### A. Board of Supervisors

1. Appoint Robert Gaschke as North YCWA representative to the Fish and Game Advisory Commission for a term ending December 31, 2016. (453-12) Pulled from consideration.
2. Reappoint Larry Flynn the District 3 representative to the Fish and Game Advisory Commission for a term ending December 31, 2016. (454-12) Approved.
3. Reappoint Daisy Shelton the District 3 representative to the Yuba County Commission on Aging for a term ending December 31, 2016. (455-12) Approved.
4. Reappoint Pat Camarena the District 4 representative to the Yuba County Library Advisory Commission for a term to end December 31, 2016. (456-12) Approved.
5. Reappoint Roy Crabtree the District 4 representative to the Community Services Commission for a term ending December 31, 2016. (457-12) Approved.
6. Appoint Mike Boom the District 4 representative to the Fish and Game Advisory Commission for a term ending December 31, 2016. (458-12) Approved.
7. Reappoint John Hollis to the Area 4 Agency on Aging as the At-Large representative for a term ending December 31, 2015. (459-12) Approved.

8. Appoint Supervisor Abe delegate and Supervisor Vasquez alternate to Regional Council of Rural Counties and CHF Board of Directors for calendar year 2013. (460-12) Approved.

B. Clerk of the Board of Supervisors

1. Adopt list of ongoing Boards, Commissions, and Committees appointed by the Board of Supervisors as of December 1, 2012. (461-12) Approved.

C. Health and Human Services

1. Approve acceptance of the Tuberculosis Special Funds award for the period of October 15, 2012 through December 31, 2012, and authorize the Chair to execute documents as required and to accept funds. (462-12) Approved.
2. Approve Children's Medical Services (CMS) plan and fiscal guidelines for FY 2012-13, and authorize the Chair to execute CMS Certification Statements. (463-12) Approved.

D. Library

1. Approve business hours for calendar year 2013 and adopt list of closure days of observed holidays. (464-12) Approved.

IV. CLOSED SESSION: The Board retired into closed session at 9:36 a.m.

- A. Pending litigation pursuant to Government Code §54956.9(a) - Yuba County Growers Association et al vs. County of Yuba

The Board returned from closed session at 10:41 a.m. with all present as indicated above. There was no report.

V. SPECIAL PRESENTATION

- A. Receive presentation of the Yuba County Children's Council 2011-12 Children's Report Card. (Ten minute estimate) (465-120 Sutter Yuba Mental Health Director Dr. Brad Luz, Council Members Cathy LeBlanc and Jim Arnold briefly recapped the purpose, spirit, and use of the report.

Board members commended the Council's efforts.

Supervisor Abe left the chambers at 10:42 a.m. and returned at 10:49 a.m.

- B. Receive presentation on the 2013 Community Service Block Grant fund allocation. (Five minute estimate) (466-12) Housing and Community Services Manager Debra Phillips recapped the process for applying, awarding, allocation of grant funds and responded to Board inquiries.

VI. PUBLIC COMMUNICATIONS:

Ms. Frieda Calvert regarding the condition, repair, and closure of Hammonton Road.

VII. COUNTY DEPARTMENTS

A. Clerk of the Board of Supervisors

1. Appoint one individual as the at-large representative to the Fish and Game Advisory Commission for a term ending May 17, 2015. (Five minute estimate) (467-12)

MOTION: Move to appoint Bill Van Ooyen

MOVED: Andy Vasquez SECOND: Roger Abe

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

NOES: None ABSENT: None ABSTAIN: None

B. Treasurer-Tax Collector

1. Adopt resolution authorizing the issuance of 2012-2013 tax and revenue anticipation notes for the Yuba Community College District in an amount not to exceed \$12 million. (Five minute estimate) (470-12)  
Treasurer Dan Meirzwa recapped the issuance of notes to accommodate cash flow needs and responded to Board inquiries.

Supervisor Griego left the chambers at 11:20 a.m.

MOTION: Move to adopt

MOVED: Mary Jane Griego SECOND: Andy Vasquez

AYES: Andy Vasquez, Roger Abe, Hal Stocker

NOES: None ABSENT: Supervisor Griego ABSTAIN: John Nicoletti

Adopted Resolution No. 2012-107, which is on file in Yuba County Resolution Book no. 43 entitled: "RESOLUTION OF THE YUBA COUNTY BOARD OF SUPERVISORS AUTHORIZING THE ISSUANCE OF 2012-2013 TAX AND REVENUE ANTICIPATION NOTES FOR THE YUBA COMMUNITY COLLEGE DISTRICT."

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

- A. Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and reenacting as amended Chapter 7.40 of the Yuba County Ordinance Code relating to marijuana cultivation. (Second Reading) (Continued from December 11, 2012) (Twenty minute estimate) (448-12) Community Development and Services Director Kevin Mallen recapped the proposed changes and responded to Board inquiries.

Supervisor Griego rejoined the meeting at 11:22 a.m.

Code Enforcement Manager Jeremy Strang recapped the process for notice and abatement of a public nuisance and responded to Board inquiries.

Chairman Stocker opened the public hearing. The following individuals spoke:

- Ms. Karen Liggett, Marysville
- Mr. Charles Lee Boutt, Olivehurst
- Mr. Jeffrey Lake, Sacramento
- Mr. Jonathan Finegold, Camptonville
- Ms. Kathie Thelen
- Ms. Cathy LeBlanc, foothills

MOTION: Move to close public hearing

MOVED: John Nicoletti

SECOND: Mary Jane Griego

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

NOES: None ABSENT: None ABSTAIN: None

MOTION: Move to waive reading and adopt ordinance

MOVED: John Nicoletti

SECOND: Mary Jane Griego

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

NOES: Roger Abe ABSENT: None ABSTAIN: None

Adopted Ordinance No. 1522, which is on file in Yuba County Ordinance Book No. 23 entitled: "AN ORDINANCE REPEALING AND REENACTING CHAPTER 7.40 MARIJUANA CULTIVATION."

- B. Ordinance - Hold public hearing, waive reading, and adopt 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. (Second Reading) (Continued from December 11, 2012) (Twenty minute estimate) (451-12) Community Services and Development Director Kevin Mallen recapped the proposed ordinance regarding exceptions to building permits.

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

MOTION: Move to close public hearing, waive reading and adopt ordinance

MOVED: John Nicoletti

SECOND: Mary Jane Griego

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

NOES: None ABSENT: None ABSTAIN: None

Adopted Ordinance No. 1523, which is on file in Yuba County Ordinance Book No. 23 entitled: "AN 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."

#### IX. ITEM OF PUBLIC INTEREST

- A. Consider application for off-sale beer and wine alcohol beverage license from Pami Lally at Plumas Stop 'N' Shop Plumas Lake Boulevard (APN 016-632-002 and 003) and making a finding of public convenience or necessity to allow license. (Ten minute estimate) (468-12) Associate Planner Kevin Perkins recapped the request for license, location and type of facility, and responded to Board inquiries.

MOTION: Move to make finding of public convenience and necessity and approve application

MOVED: John Nicoletti

SECOND: Roger Abe

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

NOES: None ABSENT: None ABSTAIN: None

#### X. CORRESPONDENCE - (469-12)

- A. Letter from California Sudden Infant Death Syndrome Advisory Council commending Sheriff Durfor for community service. Received.

- B. Notices from Cal EMA advising of disaster designation for primary county of Nevada and various contiguous counties including Yuba relating to drought intensity levels. Received.
- C. Notice from the US Department of Transportation Federal Aviation Administration of an Environmental Assessment for the Northern California Metroplex area consisting of Sacramento, Oakland, San Francisco, and San Jose Airports. Received.
- D. Letter from Registrar of Voters regarding election processes and procedures associated with the January 8, 2013 Senate District 4 Special General Election. Received.
- E. Letter from California Natural Resources Agency regarding draft environmental document to modify existing falconry regulations. Received.
- F. Notice of proposed regulatory action from California Fish and Game Commission relating to the practice of falconry. Received.

XI. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Abe:

- Yuba Sutter Mental Health dinner December 14, 2012
- Linda Fire Department dinner December 15, 2012

Supervisor Griego: Memorial Adjournments - Mrs. Betty Manley and Mr. Ralph Schiavone

Supervisor Vasquez:

- Yuba County Alliance for Development meeting December 12, 2012
- Yuba Community College culinary final
- VFW Flag Retirement Ceremony December 14, 2012
- Senior Center lunch and Linda Fire Department dinner December 15, 2012

Supervisor Nicoletti:

- Elks Lodge complimentary turkey lunch December 27, 2012
- VFW Flag Retirement Ceremony December 14, 2012
- Small Business Association workshop
- City of Marysville assessment plan
- Senior Center Christmas Social and Linda Fire Christmas Social December 15, 2012
- Property tax administration fee

Supervisor Stocker

- Loma Rica Community Hall Christmas celebration
- Memorial Adjournment - Mrs. Alice Rodenberg

XII. CLOSED SESSION: The Board retired into closed session at 12:39 p.m. to discuss the following:

- A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 022-010-012 (Steele) Negotiating Parties: Michael Lee Negotiation: Price/Terms of Payment
- B. Personnel pursuant to Government Code §54957(a) - Labor Negotiations - DDAA/DSA/MSA/PPOA/YCEA/Unrepresented and County of Yuba

The Board returned from closed session at 1:06 p.m. with all present as indicated above. There was no reportable action.

- XIII. ADJOURN: By Chairman Stocker at 1:06 p.m. in memory of Ms. Alice Rodenberg, Mrs. Betty Manley, and Mr. Ralph Schiavone.

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Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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

# *The County of Yuba*

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

JANUARY 7, 2013 - MINUTES



The Honorable Board of Supervisors of the County of Yuba met on the above date in special session, commencing at 12:00 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Stocker presided.

I. PLEDGE OF ALLEGIANCE - Led by Clerk of the Board of Supervisors Donna Stottlemeyer

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

III. 2012 CHAIRMAN OF THE BOARD STATEMENT - Chairman Hal Stocker

Chairman Stocker recapped the role and duties of the chairman, commented on the economic depression, and commended the efforts of department heads and staff.

Supervisor Vasquez presented a plaque to Chairman Stocker recognizing his service as Chairman for 2012.

IV. ADJOURN SINE DIE

V. OATH OF OFFICE: Clerk of the Board of Supervisors administered the oath to the following:

District Two Supervisor John Nicoletti  
District Three Supervisor Mary Jane Griego  
District Four Supervisor Roger Abe

VI. ELECTION OF 2013 OFFICERS

A. Chairman of the Board of Supervisors

Supervisor Nicoletti nominated Supervisor Vasquez for 2013 Chairman.

MOTION: Move to appoint Supervisor Vasquez 2013 Chairman of the Board

MOVED: John Nicoletti

SECOND: Roger Abe

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

NOES: None ABSENT: None ABSTAIN: None

B. Vice Chairman of the Board of Supervisors

Supervisor Griego nominated Supervisor Nicoletti for 2013 Vice Chairman.

MOTION: Move to appoint Supervisor Nicoletti 2013 Vice Chairman of the Board  
MOVED: Mary Jane Griego                      SECOND: Andy Vasquez  
AYES: Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe, Hal Stocker  
NOES: None ABSENT: None ABSTAIN: None

VII. ADJOURN: 12:15 p.m. by Chairman Vasquez.

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Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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



# The County of Yuba

## Office of Clerk of the Board of Supervisors



**To:** Board of Supervisors

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

**Subject:** Yuba County Economic Development Advisory Committee

**Date:** January 15, 2013

### Recommendation

Appoint Theresa Hamilton, Rosemary Daoust, and David McConnell to the Yuba County Economic Development Advisory Committee to serve at the pleasure of the Board.

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information and is updated monthly. This committee may have up to 16 representatives from throughout the County and currently has 12 members. Applications are attached for your review and consideration which have been received from Ms. Hamilton, Ms. Doust, and Mr. McConnell.

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

### Fiscal Impact

None.

### Committee Action

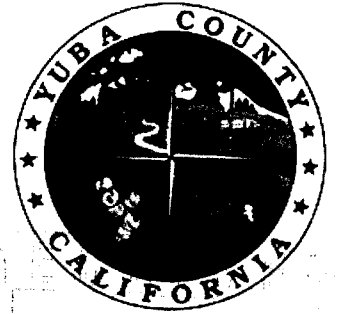
Brought directly to the Board for consideration.

/rf

attachment

# The County of Yuba

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



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO

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

DEC 21 2012

Economic Development Advisory Committee

PLEASE FILL IN NAME OF BOARD/COMMISSION/COMMITTEE ON WHICH YOU WOULD LIKE TO SERVE

APPLICANT NAME:

Theresa Hamilton

MAILING ADDRESS:

989 Plumas Street

PHYSICAL ADDRESS:

Yuba City, CA

TELEPHONE:

HOME: 530-701-7031 WORK: 530-751-4242

OCCUPATION/PROFESSION:  
SUPERVISOR/DISTRICT  
NUMBER:

Chief Executive Officer

REASONS YOU WISH TO

SERVE ON THIS BODY:

Serve to advance the economic viability of Yuba County

QUALIFICATIONS:

CEO for largest employer in county, provide of health services & trauma center

LIST PAST AND CURRENT

none

PUBLIC POSITIONS HELD:

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

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

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

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

Theresa Hamilton  
SIGNATURE

12/17/12  
DATE

## THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

# The County of Yuba

DEC 13 2012



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

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO

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

Yuba County Economic Development Advisory Committee

PLEASE FILL IN NAME OF BOARD/COMMISSION/COMMITTEE ON WHICH YOU WOULD LIKE TO SERVE

APPLICANT NAME: Rosemary Daoust

MAILING ADDRESS:

PHYSICAL ADDRESS:

TELEPHONE:

OCCUPATION/PROFESSION: Vice President and Branch Manager for Rabobank  
SUPERVISOR/DISTRICT  
NUMBER:

REASONS YOU WISH TO devote more time and attention to matters

SERVE ON THIS BODY: regarding the County of Yuba

QUALIFICATIONS: See attached

LIST PAST AND CURRENT N/A

PUBLIC POSITIONS HELD:

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

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

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

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

SIGNATURE

DATE

## THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_



## ROSEMARY DAOUST

Rosemary is Vice President and Branch Manager of Rabobank, N.A. in Marysville, California with thirty-four years of retail banking experience. She is a graduate of Marysville High School and also attended Yuba Community College and College of the Redwoods. Her husband of forty-three years is Edward, and they have two grown children, a son Chris and daughter, Selena.

Mrs. Daoust served as a member of the Sutter North Medical Foundation Board of Trustees from 2005 to November 2009, a Community Based, Not-For-Profit health organization previously serving as Chair for the Planning and Finance Committee. She is presently a member since 2002 of the Sutter Medical Foundation-North Division Philanthropic Committee, past member of the Sutter Medical Foundation Community Advisory Committee and current member of the recently organized Sutter Medical Foundation Home Health/Hospice Professional Advisory Committee. She is an active member of the Beale Military Liaison Committee and an Honorary Commander with the 234<sup>th</sup> Intelligence Group at Beale Air Force Base. She is currently President of the Yuba County Alliance for Development (YuCAD). She is a longtime member of the Yuba County Senior Adult Action Team and a member of the Planning for Seniors Advisory Board. On January 29, 2009 she was installed as the Treasurer of the newly formed Marysville Joint Unified School District Education Foundation. She has been a past participant with the City of Marysville Economic Task Force.

Driven by a devotion to seniors in her community, Rosemary is very passionate about volunteering and helping protect the aging citizens in Yuba and Sutter County while working with numerous charitable and volunteer organizations with emphasis on youth and education.

# The County of Yuba

DEC 14 2012



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

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO

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

*Yuba County Economic Development Committee*  
*Advisory*

PLEASE FILL IN NAME OF BOARD/COMMISSION/COMMITTEE ON WHICH YOU WOULD LIKE TO SERVE

APPLICANT NAME: David McConnell / D. McConnell e packandpost  
MAILING ADDRESS: [REDACTED] centers.com

PHYSICAL ADDRESS: Same

TELEPHONE: HOME: [REDACTED] WORK: [REDACTED]

OCCUPATION/PROFESSION: Owner Pack & Post Centers / Shipping, Printing & Fulfillment  
SUPERVISOR/ DISTRICT NUMBER: 1

REASONS YOU WISH TO SERVE ON THIS BODY: I own a business in this area and am interested in its future.

QUALIFICATIONS: Business owner for about 29 years.

LIST PAST AND CURRENT PUBLIC POSITIONS HELD: None

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO  
IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

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

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

[Signature]  
SIGNATURE

12/14/2012  
DATE

## THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

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# The County of Yuba

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## Office of Clerk of the Board of Supervisors

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**To:** Board of Supervisors  
**From:** Donna Stottlemeyer, Clerk of the Board *Donna Stottlemeyer*  
**Subject:** Community Services Commission – District Three Representative  
**Date:** January 15, 2013

### Recommendation

Appoint Vera Correa to the Community Services Commission as the District Three Representative for a term to end December 31, 2016.

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information. This is a scheduled vacancy. Application has been received by Vera Correa which is attached for review and consideration. Supervisor Griego has recommended appointment.

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

### Fiscal Impact

None

### Committee Action

None required.

/rf

attachment

# The County of Yuba

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



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

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

DEC 28 2012

BOARD/COMMISSION/COMMITTEE  
ON WHICH YOU WOULD LIKE TO SERVE: Community Services Commission

APPLICANT NAME:

VERA CORREA

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

[REDACTED]

PHYSICAL ADDRESS  
(Street, City, Zip):

Olivehurst, CA. 95961

TELEPHONE:

HOME:

[REDACTED]

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:  
SUPERVISOR/ DISTRICT  
NUMBER:

cosmetologist

3

REASONS YOU WISH TO  
SERVE ON THIS BODY:

To help SERVE and promote Olivehurst  
and surrounding AREA.

QUALIFICATIONS: Past Pres. and board member for Hispanic org., Co-founder and co-chair of South  
Project coordinators for various Yuba County events, Advisory council for Enterprise Rancheria

LIST PAST AND CURRENT

PUBLIC POSITIONS HELD:

Participated in Yuba County OSCAR study

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

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

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

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

Vera Correa

SIGNATURE

DATE

12-27-12

#### THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_



# *The County of Yuba*

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## **Office of Clerk of the Board of Supervisors**

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**To:** Board of Supervisors

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

**Subject:** **Sutter-Yuba Mosquito & Vector Control District - Representative**

**Date:** January 15, 2013

### **Recommendation**

Reappoint Erica O. Jeffrey to the Sutter-Yuba Mosquito and Vector Control District for a term ending December 31, 2016.

### **Background and Discussion**

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information. This is a scheduled vacancy due to the expiration of Ms. Jeffrey's terms. Ms. Jeffrey's has been serving on the board since 2005 and has expressed an interest in being reappointed. Sutter-Yuba Mosquito and Vector Control District has submitted a recommendation for reappointment which is attached.

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

### **Fiscal Impact**

None

### **Committee Action**

None required.

### **Attachments**

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

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**MANAGER**

*Ronald L. McBride*

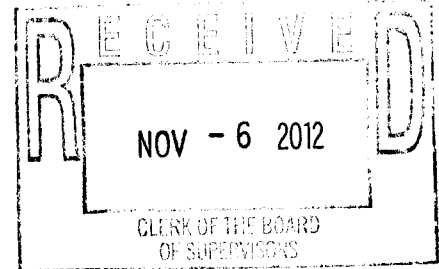
**GENERAL FOREMAN**

*Michael R. Kimball*

**ADMIN. MGR.**

*Cathy F. Burns*

November 5, 2012



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

To: The Honorable Board of Supervisors

The term of office of your representative on the Board of Trustees of the Sutter-Yuba Mosquito & Vector Control District, Mrs. Erica Jeffrey, will expire on December 31, 2012.

Mrs. Jeffrey has been a conscientious and helpful member and the Board would welcome her reappointment for a four-year term.

Sincerely,

*Ronald L. McBride*

Ronald L. McBride  
Manager

# The County of Yuba

## Community Development & Services Agency

### Kevin Mallen, Director

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

915 8<sup>th</sup> Street, Suite 123

Marysville, California 95901

www.co.yuba.ca.us



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

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

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

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

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

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

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

14

January 8, 2013

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: TIM YOUNG, ASSISTANT DIRECTOR OF PUBLIC WORKS *ty*

SUBJECT: APPROVAL OF FLOODPLAIN DEVELOPMENT VARIANCE FOR  
AGRICULTURAL STORAGE BUILDING AT 8947 STATE ROUTE 70

### RECOMMENDATION:

The Floodplain Manager recommends that the Board of Supervisors approve the application of a floodplain development variance for the agricultural storage building planned at 8947 SR 70, APN 006-030-002.

### BACKGROUND:

The owners of 8947 SR 70, located east of SR 70 in District 10 are proposing to construct a wet flood proofed concrete and steel agricultural equipment storage building. The new 1,600sf building will be used to store equipment.

### DISCUSSION:

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

### COMMITTEE ACTION:

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

### FISCAL IMPACT:

There is no fiscal impact to Yuba County.

210.5

## COUNTY OF YUBA

### APPLICATION FOR FLOODPLAIN DEVELOPMENT VARIANCE

OFFICE USE ONLY		
Application No.:	Date Filed: <u>9/12/2012</u>	Receipt No.:

#### Applicant

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

**Property Location and Address:** 8947 Hwy 70, Marysville CA

**Assessor's Parcel No(s):** 006-030-002 **Zoning:** AG

**Proposed Building Type/Use:** PRE-FAB METAL STORAGE 40x40x17

**Proposed Building Size:** 1,600 (sq ft) **Proposed Finish Floor Elevation:** PER ENGINEER ELEVATION PER

**Existing Ground Elevation at Proposed Building Site:** 70 FT (NGVD 1929)

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

**FIRM Map/Panel No:** 0611520330D **Flood Zone:** A **Base Flood Elevation:** NOT DETERMINED

<p>Property Owner</p> <p>NAME: <u>District 10 Dryers LLC</u></p> <p>ADDRESS: <u>[REDACTED]</u></p> <p>CITY: <u>Marysville, CA 95901</u></p> <p>PHONE: <u>[REDACTED]</u></p>	<p>Applicant</p> <p>_____ _____ _____ _____</p>
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\* SIGNATURE OF PROPERTY OWNER: [Signature]

OFFICE USE ONLY	
Floodplain Administrator Recommendation:	DATE: _____
<input type="checkbox"/> APPROVE <input type="checkbox"/> CONDITIONAL APPROVAL <input type="checkbox"/> DENY	
DISPOSITION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED by the Land Use & PW Committee:	
DATE: _____	
DISPOSITION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED by the Board of Supervisors:	
DATE: _____ Floodplain Administrator Signature: _____	
Conditions Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No	
I agree to accept the Variance subject to the provisions of the Floodplain Management Ordinance and the Conditions of Approval of the permit.	
Owner's Signature: <u>[Signature]</u>	Date: <u>9-11-12</u>

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

## GENERAL APPLICATION

## INFORMATION FORM

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

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

I. Project Characteristics:

- A. Describe the proposed project including all existing and proposed uses of the site. ERECT 40x40x17 PRE-FAB METAL STORAGE BUILDING  
TO STORE EQUIPMENT.

- B. Parcel size (square feet or acres): 2 AC.

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

If developed, describe extent (type and use of all structures):  
20,000 SQ. FT. RICE DRYER FACILITY. (FLOODPROOFED)

- D. Existing surrounding land uses:

North WALNUT ORCHARD/PRIVATE RESIDENCE  
South RICE DRYER  
East RICE DRYER  
West HWY 70, ORCHARDS

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

If yes, please explain N/A

- F. Will the project include utility services (electric, gas, water, sewer) to the proposed building? YES

If yes, please explain ELECTRIC ONLY

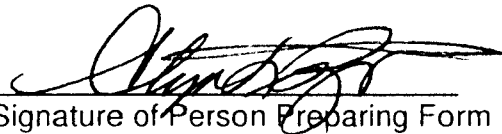
G. Will the project include any stationary mechanical equipment in the proposed building? NO

If yes, please explain N/A

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

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

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

  
Signature of Person Preparing Form

9-26-2012  
Date

742-9131  
Telephone Number

**ELIGIBILITY CRITERIA**  
(Completed by Applicant)

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

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

Applicant's Statement: PARCEL CURRENTLY HAS 20,000 SQ FT  
RICE DRYING FACILITY. NEW AG BUILDING WOULD  
BE USED TO STORE EQUIPMENT.

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

Applicant's Statement: VARIANCE IS FOR NEW CONSTRUCTION  
OF 1,600 SQ FT. OF STORAGE SPACE. LOT SIZE IS 2 AC.

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

Applicant's Statement: NOT FOR REPAIR OR REHABILITATION

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

Applicant's Statement: NOT IN A REGULATORY FLOODWAY

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

Applicant's Statement: THE REQUEST IS THE MINIMUM  
DEVIATION POSSIBLE. STORAGE STRUCTURE WILL BE  
UNINHABITED AND CONSTRUCTED WITH FLOODWAY DOORS.  
CONSTRUCTION ABOVE BASE FLOOD ELEVATION IS NOT  
REASONABLE OR POSSIBLE.

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

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

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

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

Property On Which Requesting Variance:

Address: 8947 Hwy 70, Marysville, CA 95901

Yuba County APN: 006-030-002

PROPERTY OWNER:

Name (printed) District 10 Dyers LLC / Charles Mathews

Name (Signature) Charles Mathews Date 9-7-12

Mailing Address

Street Address: [REDACTED]

City: Marysville State: CA Zip: 95901

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

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

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

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

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

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

This property is in the area being designated Flood Zone A due to the levee to the west not being certified by FEMA. Unless there is a levee failure there is little chance of flood damage. The National Flood Insurance Program allows certain uses in enclosures below the Base Flood Elevation because they can be designed so that they are subject to minimal flood damage. This storage building is to be used exclusively for storing agricultural related equipment.

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

The storage of equipment within the structure eliminate environments that create safety hazards and preserve a minimum standard of community living by battling blight and public nuisance conditions. Agricultural related equipment will be stored to reduce/eliminate weather damage and vandalism.

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

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

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

This property is zoned Ag 40. The type of storage being proposed is consistent with the County's General Plan and zoning.

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

Access to this community is provided by State Highway 70. This structure would not require additional response from emergency vehicles in time of flood.

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

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

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

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



**Yuba County – Public Works Department**  
**915 8<sup>th</sup> Street, Marysville, CA 95901**  
**530/749-5420 (telephone) 530/749-5424 (fax)**

## **SITE PLAN REQUIREMENTS**

The site plan will aid in evaluation of the project by graphically depicting the existing features of the parcel and the proposed development. As a planning level document the site plan may be hand-drawn by the applicant using a straight edge and scale. It must be easily reproducible.

- A. Plans to be drawn to a recognized scale. (i.e. 1"=10'), paper size not to exceed 11" x 17".
- B. Show **north** arrow.
- C. Title block.
- D. Show elevation of existing ground at the proposed building site. (Existing ground elevations may be taken from a USGS quadrangle map; no formal survey is required for a variance application.) Show anticipated finish floor elevations for all proposed buildings.
- E. Show property lines and lot dimensions.
- F. Show all existing and proposed structures and the distances between each including accessory buildings, decks, pools, pool equipment, spas, sheds and detached garages. Clearly distinguish between what is existing and what is proposed as new.
- G. Show existing and proposed front, side and rear setbacks for all floors from the property line to the closest portion of the building.
- H. Show driveways and adjacent streets.
- I. Show existing or proposed path of known utilities: electrical, gas, sewer or septic tank location, storm drains, and water or well location.
- J. Show any water feature (streams, canals, culverts, ditches, lakes, ponds, and any body of water (intermittent or perennial).
- K. Identify portion of parcel in special flood hazard area and denote base flood elevation at proposed building site (this information can generally be obtained by contacting the Yuba County Public Works staff at 530-749-5420).

**COUNTY OF YUBA  
FLOODPLAIN DEVELOPMENT VARIANCE APPLICATION**

OFFICE USE ONLY		
Application No.:	Date Filed: 9/26/12	Receipt No.: PW-16086

**Summary Sheet (to be completed by Public Works Staff)**

**Type of Variance Requested:**

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

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

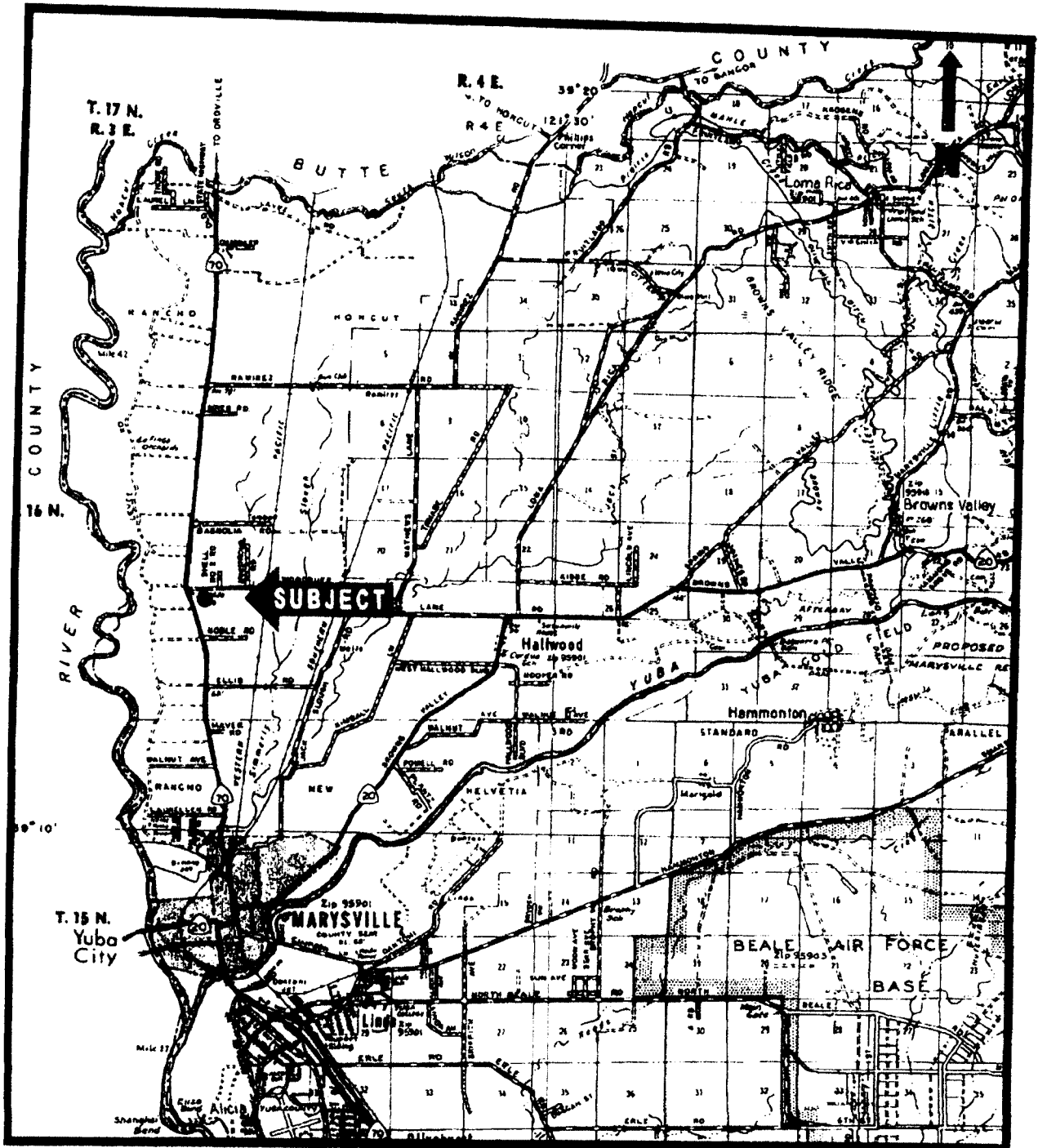
**Staff recommendation:**

- ☐ Approve Variance
- ☒ Approve Variance with conditions
- ☐ Deny Variance

  
\_\_\_\_\_  
Public Works Staff Signature

\_\_\_\_\_  
Date

# AREA LOCATION MAP



the Flood Insurance Study report for this jurisdiction.

nce is available in this community, contact your insurance  
d Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 1000'

0 300 600  
MILES

PANEL 0330D

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**YUBA COUNTY,**  
**CALIFORNIA**  
**AND INCORPORATED AREAS**

**PANEL 330 OF 510**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:  
COMMUNITY  
YUBA COUNTY  
NUMBER 060427  
PANEL SUFFIX  
0330 D

Notice to User: The Map Number shown below should be  
used when placing map orders. The Community Number shown  
above should be used on insurance applications for the subject  
community.



**MAP NUMBER**  
**06115C0330D**  
**EFFECTIVE DATE**  
**FEBRUARY 18, 2011**

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It  
was extracted using F-MIT On-Line. This map does not reflect changes  
or amendments which may have been made subsequent to the date on the  
title block. For the latest product information about National Flood Insurance  
Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

ARMSTRONG ROAD

SHELL ROAD

WOODRUFF LANE

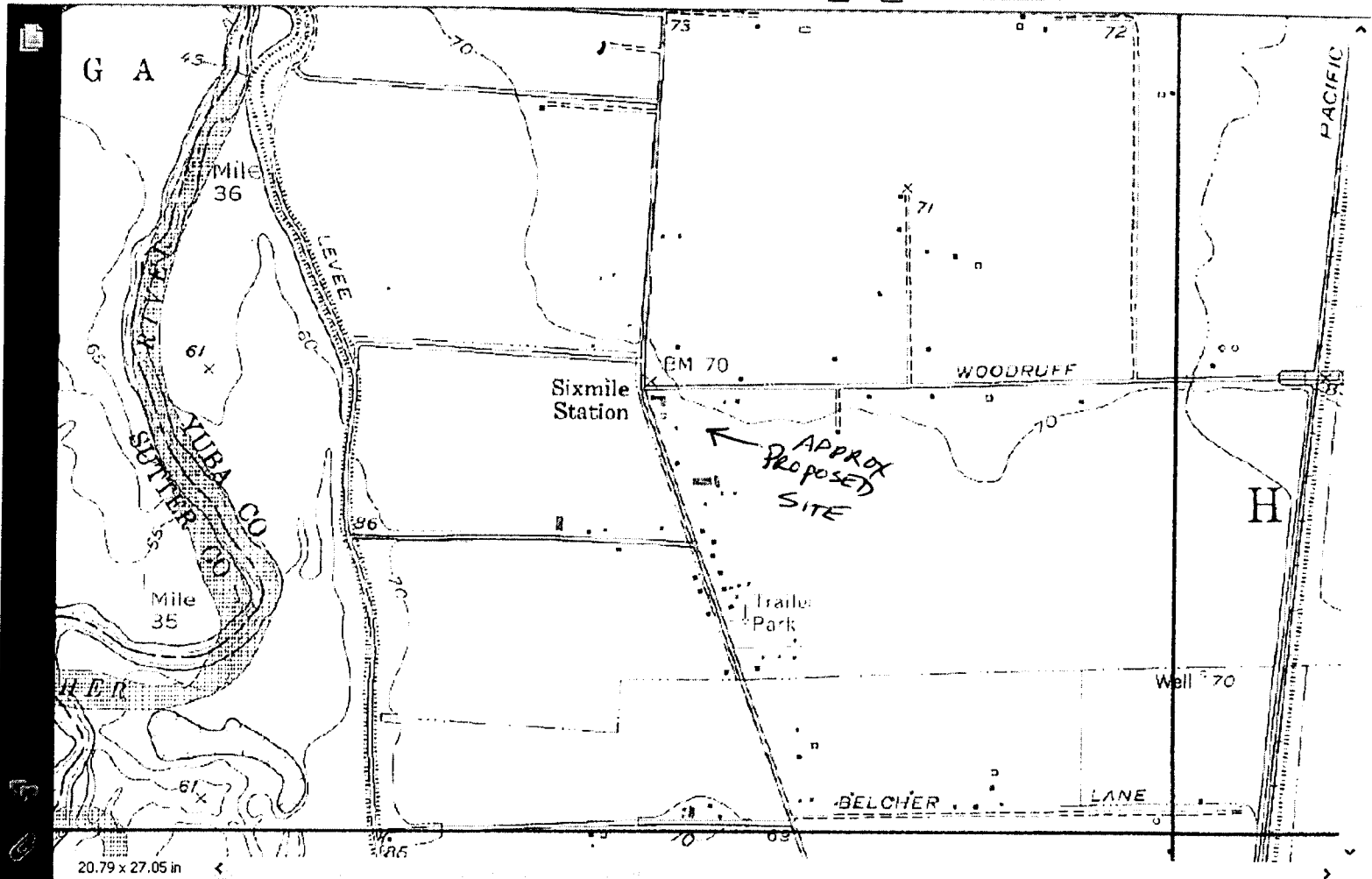
**YUBA COUNTY**  
**UNINCORPORATED AREAS**  
**060427**

*APPROX  
PROPOSED  
SITE*

BETTENCOURT LANE

NOBLE ROAD

*Flood Zone*

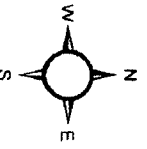
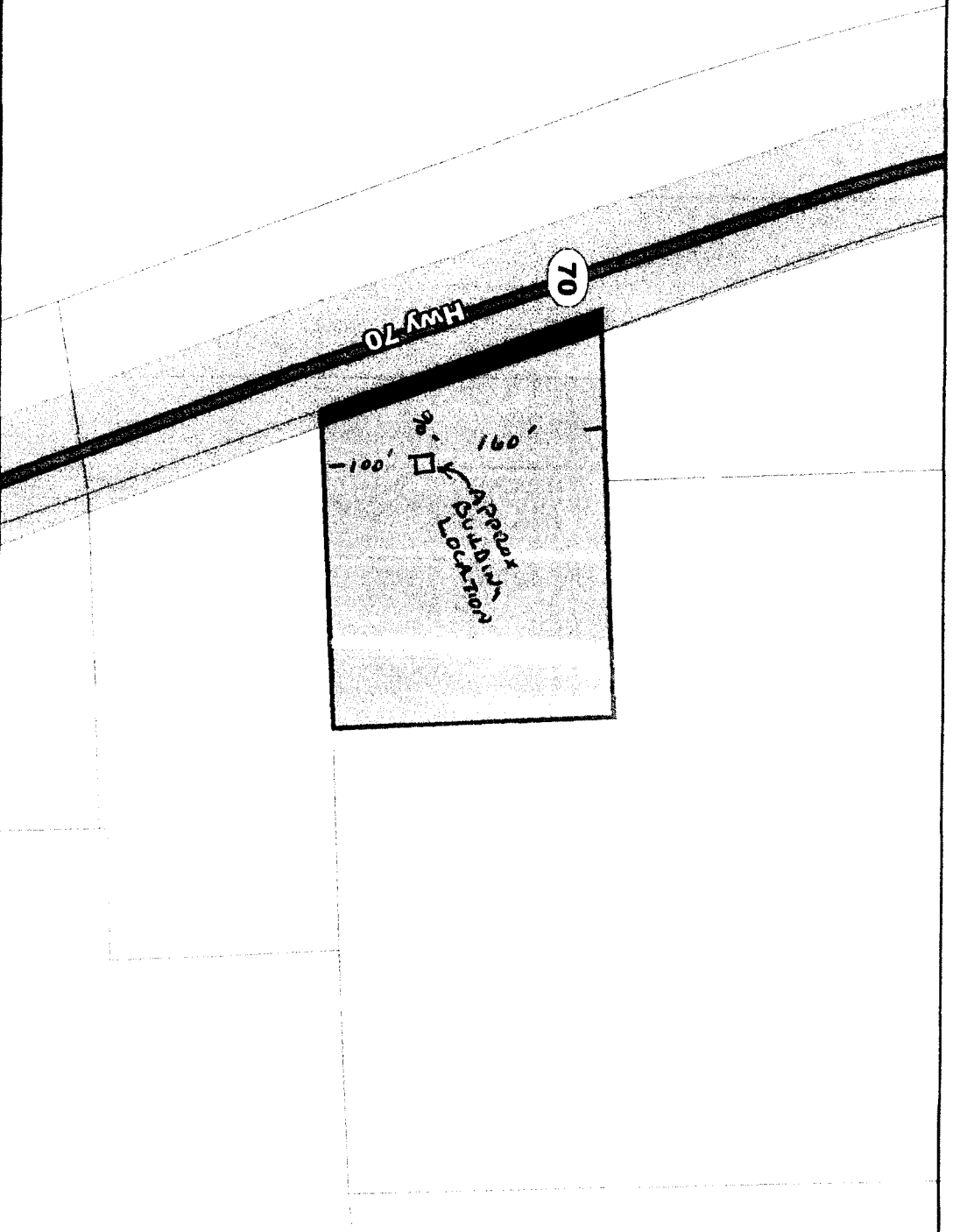


GROUND ELEVATION

APN 006-030-002

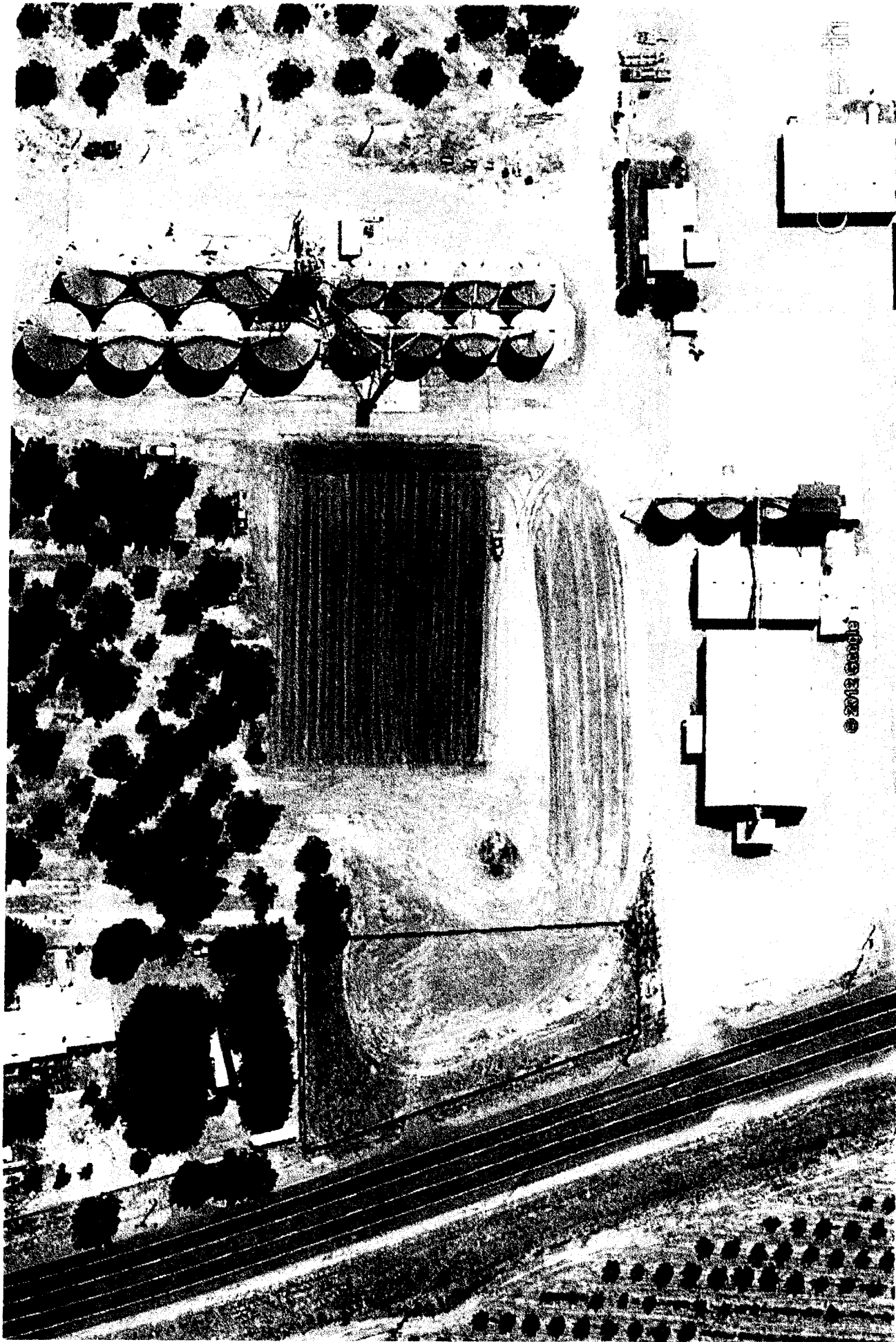


# parcel apn 006-030-002



**This is to be used for demonstration purposes only**

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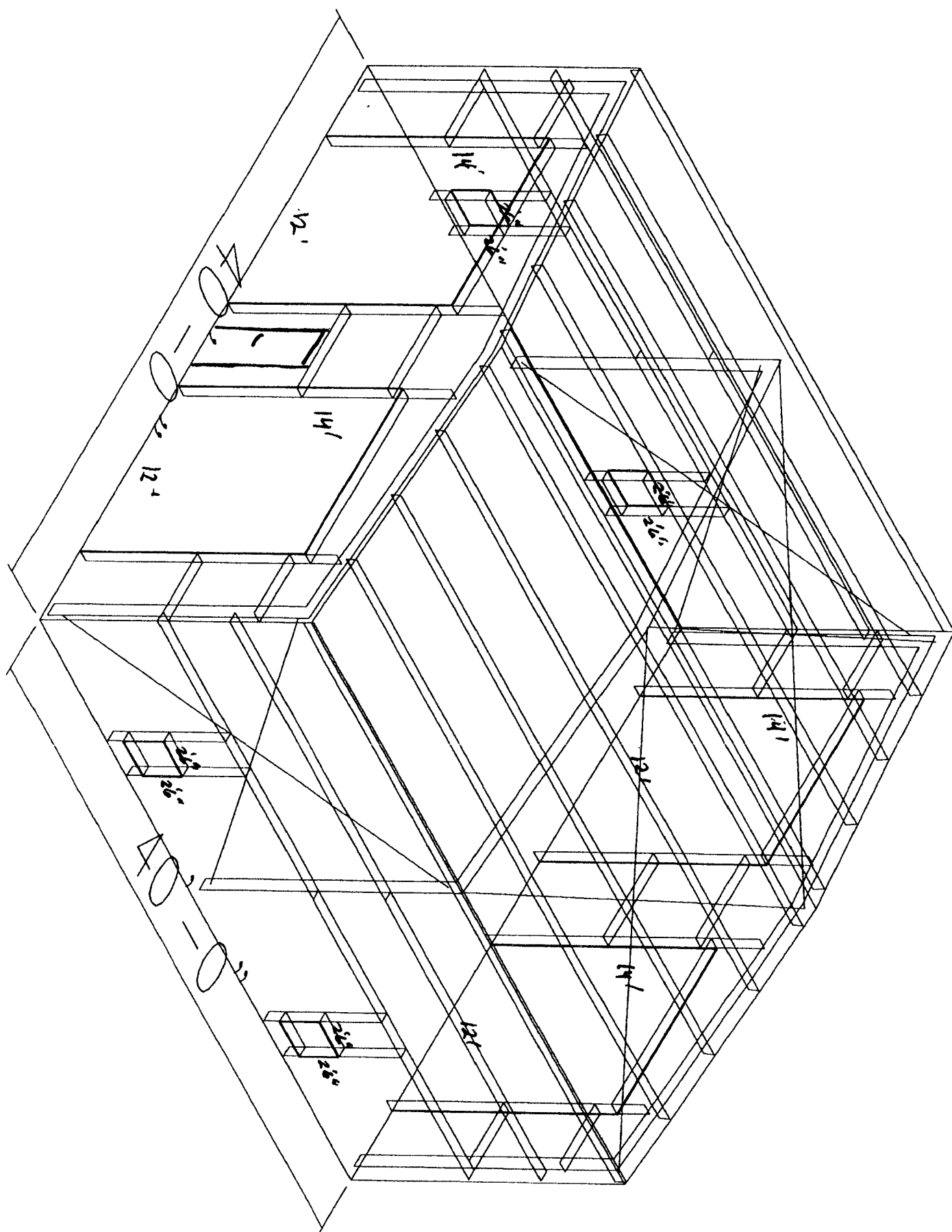
Google earth

feet  
meters

100  
500

Charley Mathews  
218-1009 mathewsc@succeed.net

Floodplain, bldg type,  
water, septic, canteen lot



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# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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

915 8<sup>th</sup> Street, Suite 123

Marysville, California 95901

[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



**BUILDING**  
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**ENVIRONMENTAL HEALTH • CUF**  
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**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

**TO:** BOARD OF SUPERVISORS

**FROM:** Wendy Hartman, Planning Director  
Ed Palmeri, Principal Planner

**SUBJECT:** Approve Amendment 2 to a Professional Services Agreement (PSA) with AECOM Technical Services, Inc. (AECOM), and Amendment 1 to a PSA with Economic & Planning Systems, Inc. (EPS) Regarding the Magnolia Ranch Project and Authorize the Chair to Execute Same

**DATE:** January 15, 2013

### ***Recommendation:***

Approve minor amendments to Professional Services Agreements with AECOM and EPS regarding Magnolia Ranch Project and authorize the Chair to execute same.

### ***Background:***

CEM Investments submitted applications for a General Plan Amendment, Specific Plan Amendment, Change of Zone, Tentative Subdivision Map (Large and/ or Small Lot), and Development Agreement for the Magnolia Ranch Project. The project proposes development of approximately 1,039 acres located south of Ostrom Road, east of Bradshaw Road and west of South Beale Road. The project is located within the Employment Village in the Yuba County 2030 General Plan land use map.

In accordance with the Magnolia Ranch project Reimbursement Agreement, entered into by CEM Investments and County on September 14, 2010, an Agreement for Professional Services with AECOM (AECOM Agreement) to review the specific plan and prepare an environmental impact report (EIR) was approved on September 14, 2010 and a fiscal analysis to be prepared by EPS (EPS Agreement) was approved on October 19, 2010.

### ***Discussion:***

Due to unanticipated delays, the EPS Agreement expired on July 19, 2011 and the AECOM Agreement will expire on June 30, 2013, well before the EIR is completed. The amendment will amend the AECOM Agreement to expire 60 days after "Certification of the Final Environmental Impact Report" and expiration of the EPS Agreement to "Certification of the Final Environmental Impact Report." No other changes are proposed.

***Committee Action:***

The Board heard and approved the AECOM Agreement on September 14, 2010 and the EPS Agreement on October 19, 2010.

***Fiscal Impact:***

By approving the reimbursement agreement on September 14, 2010, the Board ensured that CEM Investments pays costs associated with professional planning services, environmental documents, fiscal analysis, and processing entitlements for the proposed project. No net decrease in County funds will result from approving the minor amendments to the AECOM and EPS Agreement for Professional Services.

***Attachment(s):***

1. Amendment #1 to EPS Professional Services Agreement
2. Amendment #2 to AECOM Professional Services Agreement

**PROFESSIONAL SERVICES AGREEMENT  
AECOM TECHNICAL SERVICES, Inc.**

**AMENDMENT #2**

This is the second amendment to the Agreement, dated September 14, 2010, for consultant services between the County of Yuba (County) and AECOM TECHNICAL SERVICES (Consultant) ("Amendment #2").

Pursuant to Payment Condition D.22, "Modifications" of the basic Agreement, the following changes to the terms and conditions are hereby made:

(1) **Modify "Term"**

The expiration date of this contract with Contractor shall be modified as follows:

"Termination Date: 60 days after certification of the Environmental Impact Report

The term of this Agreement shall become effective on September 14, 2010, and shall continue in force and effect ~~for a period of nineteen (19) months~~ until the above Termination Date, unless sooner terminated in accordance with the terms of this Agreement."


All other terms and conditions remain unchanged.

In witness whereof, the parties hereto have executed this Amendment #2 to the Agreement on \_\_\_\_\_, 2013.


"COUNTY"  
County of Yuba

"CONSULTANT"  
AECOM TECHNICAL SERVICES, Inc.

\_\_\_\_\_  
Chairman of the Board,  
Board of Supervisors

  
Francine Dunn, Principal  
~~Vice-President~~


INSURANCE PROVISIONS APPROVED

  
Martha Wilson,  
Risk Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna Stottlemeyer,  
Clerk of the Board of Supervisors

  
Angil P. Morris-Jones,  
County Counsel

# PROFESSIONAL SERVICES AGREEMENT ECONOMIC AND PLANNING SYSTEMS, Inc.

## AMENDMENT #1

This is the first amendment to the Agreement, dated October 19, 2010, for consultant services between the County of Yuba (County) and ECONOMIC AND PLANNING SYSTEMS, INC. (Consultant) ("Amendment #1").

Pursuant to Payment Condition D.22, "Modifications" of the basic Agreement, the following changes to the terms and conditions are hereby made:

(1) **Modify "Term"**

The expiration date of this contract with Contractor shall be modified as follows:

"Termination Date: Certification of the Environmental Impact Report

The term of this Agreement shall become effective on October 19, 2010, and shall continue in force and effect ~~for a period of six (6) months~~ until the above Termination Date, unless sooner terminated in accordance with the terms of this Agreement."


All other terms and conditions remain unchanged.

In witness whereof, the parties hereto have executed this Amendment #1 to the Agreement on \_\_\_\_\_, 2013.


"COUNTY"  
County of Yuba

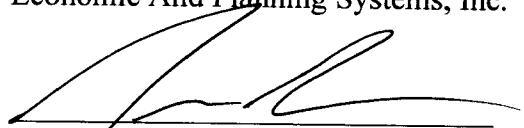
"CONSULTANT"  
ECONOMIC AND PLANNING  
SYSTEMS, INC.

\_\_\_\_\_  
Chairman of the Board,  
Board of Supervisors

  
\_\_\_\_\_  
David W. Zehnder, Managing Principal  
Economic And Planning Systems, Inc.

INSURANCE PROVISIONS APPROVED

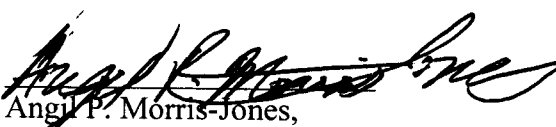
  
\_\_\_\_\_  
Martha Wilson,  
Risk Manager

  
\_\_\_\_\_  
Jamie Gomes, Managing Principal  
Economic And Planning Systems, Inc.

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna Stottlemeyer,  
Clerk of the Board of Supervisors

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



# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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FINANCE AND ADMINISTRATION  
749-5430 • Fax 749-5434

January 15, 2013

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS *Jim Young For:*

SUBJECT: AUTHORIZATION TO AWARD AND EXECUTE AGREEMENT WITH MARK THOMAS & COMPANY TO PROVIDE DESIGN SERVICES FOR THE NEW YORK HOUSE ROAD OVER DRY CREEK BRIDGE REPLACEMENT PROJECT

### RECOMMENDATION:

The Public Works Department recommends that the Board of Supervisors approve, and authorize its' chairman to execute, the agreement with Mark Thomas & Company (MTCO) to provide professional services to design the New York House Road Over Dry Creek Bridge Replacement Project

### BACKGROUND:

The existing bridge along New York House Road is currently categorized as structurally deficient and has a sufficiency rating of 15.5. The County has been working with SACOG and Caltrans to authorize funds for the design and construction of a replacement bridge. Funds for preliminary engineering work were recently authorized and a request for proposals for professional design services was publicly circulated. The County received six proposals from consultants. County staff reviewed and ranked the proposals resulting in a decision to recommend award of the work to Mark Thomas & Company in the amount of \$379,018. Construction of the bridge is tentatively scheduled for 2016.

### DISCUSSION:

The work in general will consist of all civil, environmental, geotechnical and hydraulic design services to design the replacement bridge. The County will be responsible for right of way acquisition, utility coordination, and project management. The purpose of this project is to replace a structurally deficient bridge and includes both bridge and approach roadway work. The project will continue to provide access for residents in the area and a minor realignment along the project area will be explored.

COMMITTEE ACTION:

The Land Use & Public Works Committee was bypassed as this project is included in the FY 12/13 Public Works Budget.

FISCAL IMPACT:

Preparation of plans, specifications, estimate and all required reports will not exceed \$379,018. The design for this project will be funded with Federal Highway Bridge Program (HBP) funds at 88.53% and the Toll Credit Program funding the remaining 11.47%. No local funding match is required.

**AGREEMENT FOR  
PROFESSIONAL ENGINEERING SERVICES**

THIS AGREEMENT for Professional Engineering services for the New York House Road over Dry Creek Bridge Replacement Project, Bridge No. 16C0029 ("Agreement") is made as of the Agreement Date set forth below by and between the County of Yuba, a political subdivision of the State of California ("the COUNTY"), and

Mark Thomas and Company  
"CONSULTANT"

In consideration of the Services to be rendered, the sums to be paid, and each and every covenant and condition contained herein, the parties hereto agree as follows:

**OPERATIVE PROVISIONS**

**1. SERVICES.**

The CONSULTANT shall provide those services described in Attachment "A", Provision A-1. CONSULTANT shall provide said services at the time, place and in the manner specified in Attachment "A", Provisions A-2 through A-3.

**2. TERM.**

Commencement Date: November 19, 2012

Termination Date: November 18, 2015

The term of this Agreement shall become effective on November 19, 2012, and shall continue in force and effect for a period of three (3) years, unless sooner terminated in accordance with the terms of this Agreement.

Notwithstanding the term set forth above, and unless this Agreement is terminated by either party prior to its termination date, the term of the Agreement may be automatically extended up to ninety (90) days. Any Notice of Termination during this automatic extension period shall be effective upon a ten (10) day written notice to the other party. The purpose of this automatic extension is to allow for continuation of services, and to allow County time in which to complete a novation or renewal agreement for CONSULTANT AND COUNTY approval.

CONSULTANT understands and agrees that there is no representation, implication, or understanding that the services provided by CONSULTANT pursuant to this Agreement will be purchased by COUNTY under a new agreement following expiration or termination of this Agreement, and CONSULTANT waives all rights or claims to notice or hearing respecting any failure to continue purchase of all or any such services from CONSULTANT.

**3. PAYMENT.**

COUNTY shall pay CONSULTANT for services rendered pursuant to this Agreement at the time and in the amount set forth in Attachment "B". The payment specified in Attachment "B" shall be the only payment made to CONSULTANT for services rendered pursuant to this Agreement. CONSULTANT shall submit all billings for said services to COUNTY in the manner specified in Attachment "B".

**4. FACILITIES, EQUIPMENT AND OTHER MATERIALS AND OBLIGATIONS OF COUNTY.**

CONSULTANT shall, at its sole cost and expense, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement, unless an exception to this requirement is provided in Attachment "A", Provision A-4.

**5. ADDITIONAL PROVISIONS.**

Those additional provisions unique to this Agreement are set forth in Attachment "C".

**6. GENERAL PROVISIONS.**

The general provisions set forth in Attachment "D" are part of this Agreement. Any inconsistency between said general provisions and any other terms or conditions of this Agreement shall be controlled by the other term or condition insofar as it is inconsistent with the general provisions.

**7. DESIGNATED REPRESENTATIVES.**

Director of Public Works is the representative of the COUNTY and will administer this Agreement for the COUNTY. Robert Himes is the authorized representative for CONSULTANT. Changes in designated representatives shall occur only by advance written notice to the other party.

**8. ATTACHMENTS.**

All attachments referred to herein are attached hereto and by this reference incorporated herein. Attachments include:

Attachment A – Scope of Work  
Attachment B – Payment  
Attachment C – Additional Provisions  
Attachment D – General Provisions  
Attachment E – Insurance Provisions

9. **TERMINATION.** COUNTY and CONSULTANT shall each have the right to terminate this Agreement upon ten (10) days written notice to the other party.


IN WITNESS WHEREOF, the parties hereto have executed this

Agreement on \_\_\_\_\_, 2012.

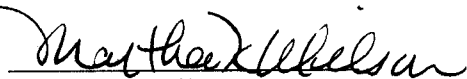
"COUNTY"  
COUNTY OF YUBA

"CONSULTANT"

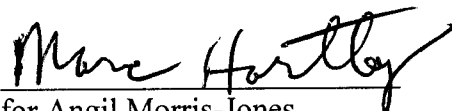
\_\_\_\_\_  
Board of Supervisors, Chair

  
\_\_\_\_\_  
~~Robert Himes, Vice President/Principal in Charge~~  
Mark Thomas & Company  
Michael J. Lohman, President

INSURANCE PROVISIONS APPROVED

  
\_\_\_\_\_  
Martha K. Wilson,  
Risk Manager

APPROVED AS TO FORM:  
COUNTY COUNSEL

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

**COUNTY OF YUBA**  
Mark Thomas & Company – New York House Road over Dry Creek Bridge Replacement  
Project, Bridge No. 16C0029

**ATTACHMENT A**

**SCOPE OF WORK**

**A.1 SCOPE OF SERVICES AND DUTIES.**

The services to be provided by CONSULTANT and the scope of CONSULTANT's duties are included in the attachment labeled Exhibit 1: Scope of Work which is made part of this agreement.

**A.2. TIME SERVICES RENDERED.** The services will be provided on such dates and at such times as specified by the COUNTY. Specific date(s) to be mutually agreed upon by the COUNTY and CONSULTANT.

**A.3. MANNER SERVICES ARE TO BE PERFORMED.** As an independent Contractor, CONSULTANT shall be responsible for providing services and fulfilling obligations hereunder in a professional manner. COUNTY shall not control the manner of performance.

**A.4. FACILITIES FURNISHED BY COUNTY.** CONSULTANT shall, at his/her sole cost and expense, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement.

**COUNTY OF YUBA**

Mark Thomas & Company – New York House Road over Dry Creek Bridge Replacement  
Project, Bridge No. 16C0029

**ATTACHMENT B**

**PAYMENT**

COUNTY shall pay CONSULTANT as follows:

**B.1 BASE CONTRACT FEE.** COUNTY shall pay CONSULTANT a contract fee not to exceed THREE HUNDRED SEVENTY NINE THOUSAND EIGHTEEN dollars (\$379,018.00); CONSULTANT shall submit requests for payment after completion of services or no later than the tenth (10th) day of the month following provision of services. In no event shall total compensation paid to CONSULTANT under this Provision B.1 exceed THREE HUNDRED SEVENTY NINE THOUSAND EIGHTEEN dollars (\$379,018.00) without a formal written amendment to this Agreement approved by the COUNTY.

**B.2 TRAVEL COSTS.** COUNTY shall not pay CONSULTANT for meals, lodging or other travel costs not included in this Agreement unless said costs are approved in advance by the COUNTY representative (Operative Provision 7) and then COUNTY shall pay CONSULTANT per diem rates in effect on the date of invoice upon presentation of invoices.

**B.3 AUTHORIZATION REQUIRED.** Services performed by CONSULTANT and not authorized in this Agreement shall not be paid for by COUNTY. Payment for additional services shall be made to CONSULTANT by COUNTY if, and only if, this Agreement is amended by formal written agreement signed by both parties in advance of performing additional services.

## **COUNTY OF YUBA**

Mark Thomas & Company – New York House Road over Dry Creek Bridge Replacement  
Project, Bridge No. 16C0029

### **ATTACHMENT C**

#### **ADDITIONAL PROVISIONS**

**C.1 FUNDING.** CONSULTANT and COUNTY agree that this Agreement will be null, void and not enforceable if all or part of the funds secured by COUNTY for the purposes of this Agreement are not made available to COUNTY. If this provision is invoked, COUNTY shall be liable for work already completed by CONSULTANT at contracted rates.

**C.2 FORCE MAJEURE.** Neither party shall be liable in damages or have the right to terminate this Agreement for any delay or default in performing hereunder if such delay or default is caused by conditions beyond its control including, but not limited to Acts of God, Government restrictions (including the denial or cancellation of any export or other necessary license), wars, insurrections and/or any other cause beyond the reasonable control of the party whose performance is affected.

**C.3 LAW, POLICY AND PROCEDURES, LICENSES, AND CERTIFICATES.** CONSULTANT agrees to administer this Agreement in accordance with all applicable local, county, state, and federal laws, rules, and regulations applicable to their operations. CONSULTANT shall further comply with all laws including, but not limited to, those relevant to wages and hours or employment, occupational safety, fire safety, health, sanitation standards and directives, guidelines, and manuals related to this Agreement. All issues shall be resolved using reasonable administrative practices and judgment. CONSULTANT shall keep in effect all licenses, permits, notices, and certificates required by law and by this Agreement.

**C.4 RECORDS AND REPORTING.** CONSULTANT agrees to maintain and preserve, and to be subject to examination and audit for a period of three (3) years after termination of agreement to the COUNTY's Auditor and/or to any duly authorized fiscal agent of the COUNTY, any books, documents, papers, and records of CONSULTANT which are relevant to this Agreement for the purpose of making an audit, or an examination, or for taking excerpts and transcriptions. In conjunction with records retention and access, CONSULTANT will provide any reporting information necessary to meet federal reporting requirements.

**C.5 ACCEPTANCE.** All work performed and completed under the Agreement is subject to the acceptance of the COUNTY or its authorized representatives. Payment shall be made after inspection and approval by COUNTY. Failure by the CONSULTANT to take corrective action within 24 hours after personal or telephonic notice by the COUNTY's representative on items affecting essential use of the facility, safety or the preservation of property, and within ten days following written notice on other deficiencies, will result in the COUNTY taking whatever corrective action it deems necessary. All costs resulting from such action by the COUNTY will be claimed against CONSULTANT.



**C.6 CONFIDENTIALITY.** CONSULTANT must maintain compliance with confidentiality regulations. At no time shall CONSULTANT'S employees, agents, or representatives in any manner, either directly or indirectly, use for personal benefit or divulge, disclose, or communicate in any manner, any information that is confidential to the COUNTY. CONSULTANT and its employees, agents, and representatives shall protect such information and treat it as strictly confidential.

**C.7 INTELLECTUAL PROPERTY.** COUNTY shall have and retain all right, title, and interest in Intellectual Property in all plans specifications, studies, drawings, estimates, materials, data, computer programs or software and source code, documents developed or modified under this Agreement.

**C.8 COPYRIGHTS, PATENT AND TRADEMARKS.** CONSULTANT guarantees that any elements of text, graphics, photos, designs, trademarks, or other artwork incorporated into the provided product are owned by the CONSULTANT, provided and owned by the COUNTY or the CONSULTANT has permissions from the rightful owner to use each of these elements. The CONSULTANT will hold harmless, protect, and defend the COUNTY from any claim or suit arising from the use of such elements furnished by the CONSULTANT.

**C.9 DEBARMENT.** COUNTY has verified that the CONSULTANT does not hold any debarment or suspension filings as verified at [www.epls.gov](http://www.epls.gov). If a new debarment action arises during the term of this agreement, COUNTY reserves the right to suspend or terminate this contract without penalty.

**C.10 FEDERAL FUNDING.** This project is a federal funded project and must meet the provisions for contracts awarded with federal funds. These provisions include that all contracts, CONSULTANTs and consultants must adhere to the provisions of the Copeland "Anti-kickback Act" and the Contract Work Hours and Safety Standards Act (CWHSSA). More information regarding these provisions can be found at the following web addresses: [www.dol.gov/compliance/guide/cwhssa.htm](http://www.dol.gov/compliance/guide/cwhssa.htm) and [www.dol.gov/compliance/guide/kickback.htm](http://www.dol.gov/compliance/guide/kickback.htm). Additionally, further provisions must be adhered to as outlined in the Code for Federal Regulations (CFR) 44, Part 13, Sub C, Section 13.36 (i).

**C.11 COST PRINCIPLES.** The CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., shall be used to determine the allowability of cost individual items. The CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., are subject to repayment by CONSULTANT to the LOCAL AGENCY.

**C.12 CONTINGENT FEES.** The CONSULTANT warrants, by execution of this contract that no person or selling agency has been employed, or retained, to solicit or secure this contract upon an agreement or understanding, for a commission, percentage, brokerage, or contingent fee,

excepting bona fide employees, or bona fide established commercial or selling agencies maintained by the CONSULTANT for the purpose of securing business. For breach or violation of this warranty, the LOCAL AGENCY has the right to annul this contract without liability; pay only for the value of the work actually performed, or in its discretion to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

**C.13 EQUIPMENT PURCHASE.** Prior authorization in writing, by the LOCAL AGENCY's Contract Manager shall be required before the CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding \$5,000 for supplies, equipment, or CONSULTANT services. The CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs. For purchase of any item, service or consulting work not covered in the CONSULTANT's Cost Proposal and exceeding \$5,000 prior authorization by the LOCAL AGENCY's Contract Manager; three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified. Any equipment purchased as a result of this contract is subject to the following: "The CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of \$5,000 or more. If the purchased equipment needs replacement and is sold or traded in, the LOCAL AGENCY shall receive a proper refund or credit at the conclusion of the contract, or if the contract is terminated, the CONSULTANT may either keep the equipment and credit the LOCAL AGENCY in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established LOCAL AGENCY procedures; and credit the LOCAL AGENCY in an amount equal to the sales price. If the CONSULTANT elects to keep the equipment, fair market value shall be determined at the CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to by the LOCAL AGENCY and the CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by the LOCAL AGENCY." 49 CFR, Part 18 requires a credit to Federal funds when participating equipment with a fair market value greater than \$5000.00 is credited to the project. All subcontracts in excess \$25,000 shall contain the above provisions.

**C.14 CONFLICT OF INTEREST.** The CONSULTANT shall disclose any financial, business, or other relationship with LOCAL AGENCY that may have an impact upon the outcome of this contract, or any ensuing LOCAL AGENCY construction project. The CONSULTANT shall also list current clients who may have a financial interest in the outcome of this contract, or any ensuing LOCAL AGENCY construction project, which will follow. The CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this agreement. Any subcontract in excess of \$25,000 entered into as a result of this contract, shall contain all of the provisions of this Article. The CONSULTANT hereby certifies that neither CONSULTANT, nor any firm affiliated with the CONSULTANT will bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this contract. An affiliated firm is one, which is subject to the control of the same persons through joint-ownership, or otherwise. Except for subcontractors whose services are limited to providing surveying or materials testing information, no subcontractor who has provided design services in

connection with this contract shall be eligible to bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this contract.

**COUNTY OF YUBA**

Mark Thomas & Company – New York House Road over Dry Creek Bridge Replacement  
Project, Bridge No. 16C0029

**ATTACHMENT D**

**GENERAL PROVISIONS**

**D.1 INDEPENDENT CONTRACTOR STATUS.** At all times during the term of this Agreement, the following apply:

**D.1.1** All acts of CONSULTANT shall be performed as an independent Contractor and not as an agent, officer or employee of COUNTY. It is understood by both CONSULTANT and COUNTY that this Agreement is by and between two independent parties and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture or association.

**D.1.2** CONSULTANT shall have no claim against COUNTY for employee rights or benefits, including, but not limited to, seniority, vacation time, vacation pay, sick leave, personal time off, overtime, medical, dental or hospital benefits, civil service protection, disability retirement benefits, paid holidays or other paid leaves of absence.

**D.1.3** CONSULTANT is solely obligated to pay all applicable taxes, deductions and other obligations, including, but not limited to, federal and state income taxes, withholding and Social Security taxes, unemployment and disability insurance and Workers' Compensation and Medi-Care payments.

**D.1.4** As an independent Contractor, CONSULTANT is not subject to the direction and control of COUNTY except as to the final result contracted for under this Agreement. COUNTY may not require CONSULTANT to change its manner of doing business, but may require it to redirect its efforts to accomplish what it has agreed to do.

**D.1.5** CONSULTANT may provide services to others during the same period service is provided to COUNTY under this Agreement.

**D.1.6** If in the performance of this Agreement any third persons are employed by CONSULTANT, such persons shall be entirely and exclusively under the direction, supervision and control of CONSULTANT. All terms of employment

including hours, wages, working conditions, discipline, hiring and discharging or any other term of employment or requirements of law shall be determined by the CONSULTANT.

**D.1.7** As an independent Contractor, CONSULTANT hereby indemnifies and holds COUNTY harmless from any and all claims that may be made against COUNTY based on any contention by any third party that an employer-employee relationship exists by reason of this Agreement.

**D.2 LICENSES, PERMITS, ETC.** CONSULTANT represents and warrants to COUNTY that it has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for CONSULTANT to practice its profession. CONSULTANT represents and warrants to COUNTY that CONSULTANT shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, and approvals which are legally required for CONSULTANT to practice its profession at the time the services are performed. Failure of the CONSULTANT to comply with this provision shall authorize the COUNTY to immediately terminate this agreement notwithstanding any other provision in this agreement to the contrary.

**D.3 TIME.** CONSULTANT shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary for the satisfactory performance of CONSULTANT's obligations pursuant to this Agreement. Neither party shall be considered in default of this Agreement to the extent performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the party.

**D.4 INDEMNITY.** CONSULTANT shall defend, indemnify, and hold harmless COUNTY, its elected and appointed councils, boards, commissions, officers, agents, and employees from any liability for damage or claims for damage for personal injury, including death, as well as for property damage that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of CONSULTANT, which may arise from the intentional or negligent acts or omissions of CONSULTANT in the performance of services rendered under this Agreement by CONSULTANT, or any of CONSULTANT's officers, agents, employees, contractors, or sub-contractors.

**D.5 CONSULTANT NOT AGENT.** Except as COUNTY may specify in writing, CONSULTANT shall have no authority, express or implied, to act on behalf of COUNTY in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement to bind COUNTY to any obligation whatsoever.

**D.6 ASSIGNMENT PROHIBITED.** CONSULTANT may not assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no legal effect.

**D.7 PERSONNEL.** CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that COUNTY, in its sole discretion, at any time during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT to perform services pursuant to this Agreement, CONSULTANT shall remove

any such person immediately upon receiving written notice from COUNTY of its desire for removal of such person or persons.

**D.8 STANDARD OF PERFORMANCE.** CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged. All products of whatsoever nature which CONSULTANT delivers to COUNTY pursuant to this Agreement shall be prepared in a first class and workmanlike manner and shall conform to the standards or quality normally observed by a person practicing in CONSULTANT's profession.

**D.9 POSSESSORY INTEREST.** The parties to this Agreement recognize that certain rights to property may create a "possessory interest", as those words are used in the California Revenue and Taxation Code, §107. For all purposes of compliance by COUNTY with Section 107.6 of the California Revenue and Taxation Code, this recital shall be deemed full compliance by the COUNTY. All questions of initial determination of possessory interest and valuation of such interest, if any, shall be the responsibility of the County Assessor and the contracting parties hereto. A taxable possessory interest may be created by this contract; and if created, the party in whom such an interest is vested will be subject to the payment of property taxes levied on such an interest.

**D.10 TAXES.** CONSULTANT hereby grants to the COUNTY the authority to deduct from any payments to CONSULTANT any COUNTY imposed taxes, fines, penalties and related charges which are delinquent at the time such payments under this Agreement are due to CONSULTANT.

**D.11 TERMINATION.** Upon termination of this Agreement as otherwise provided herein, CONSULTANT shall immediately cease rendering service upon the termination date and the following shall apply:

**D.11.1** CONSULTANT shall deliver copies of all writings prepared by it pursuant to this Agreement. The term "writings" shall be construed to mean and include: handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing and form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.

**D.11.2** COUNTY shall have full ownership and control of all such writings or other communications delivered by CONSULTANT pursuant to this Agreement.

**D.11.3** COUNTY shall pay CONSULTANT the reasonable value of services rendered by CONSULTANT to the date of termination pursuant to this Agreement not to exceed the amount documented by CONSULTANT and approved by COUNTY as work accomplished to date; provided, however, COUNTY shall not in any manner be liable for lost profits which might have been made by CONSULTANT had CONSULTANT completed the services required by this Agreement. In this regard, CONSULTANT shall furnish to COUNTY such financial information as in the judgment of the COUNTY is necessary to determine the reasonable value of the services rendered by CONSULTANT.

In the event of a dispute as to the reasonable value of the services rendered by CONSULTANT, the decision of the COUNTY shall be final. The foregoing is cumulative and does not affect any right or remedy which COUNTY may have in law or equity.

CONSULTANT may terminate its services under this Agreement upon thirty (30) days written notice to the COUNTY, without liability for damages, if CONSULTANT is not compensated according to the provisions of the Agreement or upon any other material breach of the Agreement by COUNTY.

**D.12 NON-DISCRIMINATION.** Throughout the duration of this Agreement, CONSULTANT shall not unlawfully discriminate against any employee of the CONSULTANT or of the COUNTY or applicant for employment or for services or any member of the public because of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sex or sexual orientation. CONSULTANT shall ensure that in the provision of services under this Agreement, its employees and applicants for employment and any member of the public are free from such discrimination. CONSULTANT shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900, et seq.). The applicable regulations of the Fair Employment Housing Commission implementing Government Code Section 12900, set forth in Chapter 5, Division 4 of Title 2 of the California Code of Regulations are incorporated into this Agreement by reference and made a part hereof as if set forth in full. CONSULTANT shall also abide by the Federal Civil Rights Act of 1964 and all amendments thereto, and all administrative rules and regulations issued pursuant to said Act. CONSULTANT shall give written notice of its obligations under this clause to any labor agreement. CONSULTANT shall include the non-discrimination and compliance provision of this paragraph in all subcontracts to perform work under this Agreement.

**D.13 REHABILITATION ACT OF 1973/AMERICANS WITH DISABILITIES ACT OF 1990.** In addition to application of the non-discrimination provision of this Agreement, above, CONSULTANT agrees to comply with all provisions of section 504 et seq. of the Rehabilitation Act of 1973, and with all provisions of the Americans with Disabilities Act of 1990, and all amendments thereto, and all administrative rules and regulations issued pursuant to said Acts, pertaining to the prohibition of discrimination against qualified handicapped and disabled persons, in all programs or activities, as to employees or recipients of services.

**D.14 OWNERSHIP OF INFORMATION.** All professional and technical information developed under this Agreement and all work sheets, reports, and related data shall become the property of COUNTY, and CONSULTANT agrees to deliver reproducible copies of such documents to COUNTY on completion of the services hereunder. The COUNTY agrees to indemnify and hold CONSULTANT harmless from any claim arising out of reuse of the information for other than this project.

**D.15 WAIVER.** A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is in writing and signed by the party so waiving.

**D.16 COMPLETENESS OF INSTRUMENT.** This Agreement, together with its specific references and attachments, constitutes all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the parties hereto. Unless set forth herein, neither party shall be liable for any representations made express or implied.

**D.17 SUPERSEDES PRIOR AGREEMENTS.** It is the intention of the parties hereto that this Agreement shall supersede any prior agreements, discussions, commitments, representations, or agreements, written or oral, between the parties hereto.

**D.18 CAPTIONS.** The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

**D.19 DEFINITIONS.** Unless otherwise provided in this Agreement, or unless the context otherwise requires, the following definitions and rules of construction shall apply herein.

**D.19.1 NUMBER AND GENDER.** In this Agreement, the neuter gender includes the feminine and masculine, and the singular includes the plural, the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

**D.19.2 MANDATORY AND PERMISSIVE.** "Shall" and "will" and "agrees" are mandatory. "May" is permissive.

**D.20 TERM INCLUDES EXTENSIONS.** All references to the term of this Agreement or the Agreement Term shall include any extensions of such term.

**D.21 SUCCESSORS AND ASSIGNS.** All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

**D.22 MODIFICATION.** No modification or waiver of any provision of this Agreement or its



attachments shall be effective unless such waiver or modification shall be in writing, signed by all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which given.

**D.23 COUNTERPARTS.** This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

**D.24 OTHER DOCUMENTS.** The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

**D.25 PARTIAL INVALIDITY.** If any term, covenant, condition or provision of this Agreement is held by a Court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**D.26 JURISDICTION.** It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a Court of competent jurisdiction in the County of Yuba, State of California.

**D.27 CONTROLLING LAW.** The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

**D.28 TIME IS OF THE ESSENCE.** Time is of the essence of this Agreement and each covenant and term a condition herein.

**D.29 AUTHORITY.** All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Further, by entering into this Agreement, neither party hereto shall have breached the terms or conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.

**D.30 CONFLICT OF INTEREST.** Neither a COUNTY employee whose position in COUNTY enables such employee to influence the award of this Agreement or any competing Agreement, nor a spouse or economic dependent of such employee, shall be employed in any capacity by CONSULTANT herein, or have any other direct or indirect financial interest in this Agreement.

CONSULTANT may be subject to the disclosure requirements of the COUNTY conflict of interest code if in a position to make decisions or influence decisions that could have an effect on the CONSULTANT's financial interest. The County Administrator shall determine in writing if CONSULTANT has been hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the Yuba County Conflict of Interest Code.

**D.31 NOTICES.** All notices and demands of any kind which either party may require or desire to serve on the other in connection with this Agreement must be served in writing either by personal service or by registered or certified mail, return receipt requested, and shall be deposited in the United States Mail, with postage thereon fully prepaid, and addressed to the party so to be served as follows:

If to "COUNTY":

Department of Public Works  
County of Yuba  
Attn: Director of Public Works  
915 8<sup>th</sup> Street  
Suite 125  
Marysville, CA 95901

With a copy to:

County Counsel  
County of Yuba  
915 8<sup>th</sup> Street  
Suite 111  
Marysville, CA 95901

If to "CONSULTANT":

Mark Thomas and Company  
Attn: Mr. Robert Himes  
7300 Folsom Blvd., Suite 203  
Sacramento, CA 95826

## COUNTY OF YUBA

Mark Thomas & Company – New York House Road over Dry Creek Bridge Replacement  
Project, Bridge No. 16C0029

### ATTACHMENT E

#### INSURANCE PROVISIONS

**E.1 MINIMUM SCOPE OF INSURANCE.** CONSULTANT shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONSULTANT, his agents, representatives, employees or subcontractors. If CONSULTANT fails to maintain the Insurance provided herein, COUNTY may secure such insurance and deduct the cost thereof from any funds owing to CONSULTANT.

**E.1.1 Coverage shall be at least as broad as:**

- a. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01).
- b. Insurance Services Office Form Number CA 00 01 covering Automobile Liability, code 1 (any auto).
- c. Worker's Compensation insurance as required by the State of California and Employer's Liability Insurance.

**E.1.2 Minimum Limits of Insurance.** CONSULTANT shall maintain limits no less than:

- |  |   |  |
|--|---|--|
| 1. General Liability: (including operations, products and completed operations.) | <b>\$1,000,000</b>                      | Per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. |
| 2. Automobile Liability:   | <b>\$1,000,000</b>                      | Per accident for bodily injury and property damage.  |
| 3. Workers' Compensation:  | As required by the State of California. |  |
| 4. Employer's Liability:   | <b>\$1,000,000</b>                      | Each accident, <b>\$1,000,000</b> policy limit bodily injury by disease, <b>\$1,000,000</b> each employee bodily injury by disease.  |

5. Errors & Omissions Liability:                      **\$1,000,000**                      Per occurrence.

**E.1.3 Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions must be declared to and approved by the COUNTY. At the option of the COUNTY, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the COUNTY, its officers, officials, employees and volunteers; or the CONSULTANT shall provide a financial guarantee satisfactory to the COUNTY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

**E.1.4 Other Insurance Provisions.** The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

(a) The COUNTY, its officers, officials, employees, and volunteers are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the CONSULTANT; and with respect to liability arising out of work or operations performed by or on behalf of the CONSULTANT including materials, parts or equipment furnished in connection with such work or operations. General Liability coverage shall be provided in the form of an Additional Insured endorsement (CG 20 10 11 85 or equivalent) to the CONSULTANT's insurance policy, or as a separate owner's policy.

(b) For any claims related to this project, the CONSULTANT's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the COUNTY, its officers, officials, employees, or volunteers shall be excess of the CONSULTANT's insurance and shall not contribute with it.

(c) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) day's prior written notice has been provided to the COUNTY.

**E.2 Waiver of Subrogation.** CONSULTANT hereby agrees to waive subrogation which any insurer of CONSULTANT may acquire from CONSULTANT by virtue of the payment of any loss. CONSULTANT agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the COUNTY for all work performed by the CONSULTANT, its employees, agents and subcontractors.

**E.3 Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best's rating if no less than A: VII unless otherwise acceptable to the COUNTY.

**E.4. Verification of Coverage.** CONSULTANT shall furnish the COUNTY with original certificates and endorsements effecting coverage required by this clause. The endorsements should be forms provided by the COUNTY or on other than the COUNTY's forms, provided those endorsements or policies conform to the requirements. All certificates and endorsements are to be received and approved by the COUNTY before work commences. However, failure to do so shall not operate as a waiver of these insurance requirements. The COUNTY reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

**E.6 Sub-contractors.** CONSULTANT shall require and verify that all sub-contractors maintain insurance meeting all the requirements stated herein.



## ■ Exhibit 1: Scope of Work

The MTCO Team will provide professional services for project management, surveying, hydraulic analysis, geotechnical investigation, environmental documentation and permitting, roadway and bridge design, and construction support, as identified in the task items below.

### **TASK 1 PROJECT MANAGEMENT and COORDINATION**

#### **1.1 Project Meetings**

MTCO will hold a project kickoff meeting with representatives from the County, the design team, and other interested parties. The kickoff meeting will be held shortly following the Notice to Proceed and will include a site visit and field walk. At the meeting project information will be shared with the project development team (PDT) and critical issues will be identified. Following the kick-off meeting, PDT meetings will be held on a bi-monthly basis or as needed to resolve critical project issues. MTCO will prepare agendas for each meeting and distribute them to the PDT prior to the meeting. MTCO will facilitate meetings as applicable and prepare meeting minutes and action items. A total of 12 meetings are proposed with this scope of work.

#### **1.2 Project Management**

MTCO will perform ongoing general project management activities and coordination with the County and subconsultants, including maintaining project files, holding focused design coordination meetings, and preparing memorandums, letters, e-mails, and phone calls as necessary to manage the project. Management activities shall also include development and maintenance of a critical path method (CPM) design schedule and progress reports to be distributed monthly. The schedule and billings will be submitted in the form and in sufficient detail to track the project status and contract expenditures as outlined by the County at the beginning of the project.

#### **1.3 QA/QC**

DHA will perform an independent QA/QC review prior to the 65% Plan submittal, 95% PS&E Submittal and Final PS&E submittal being transmitted to the County. The plans will be reviewed for compatibility between portions of work and design disciplines, including a Road Plan Review as described in the Caltrans Memo to Designers 2-25.

### **TASK 2 SURVEY AND BASE MAPPING**

#### **2.1 Control Survey**

MTCO will set on-site control points and temporary benchmarks as necessary for topographic survey tasks. Total fast-static GPS and digital levels will be used to accurately locate the on-site control. The coordinate system will be CCS83 (2007) Zone 2. The elevations will be NAVD88. All coordinates and elevations will be based on static GPS ties to NGS CORS stations. MTCO will include control points in the electronic base map, including coordinates and elevations used for each point.

#### **2.2 Topographic Survey and Base Mapping**

The topographic survey will be the primary source of topographic data for the project. The areas of topographic survey will include:

- A strip of roadway approximately 450 feet in length, centered on the bridge. The strip will be approximately 60 feet wide (to include the roadway prism), surveyed to 20 feet beyond each edge of pavement.
- Up to six creek cross-sections extended 10 feet beyond the top of bank. These sections will be at the bridge crossing, 50 feet up and downstream, 100 feet up and downstream, and every 100 feet up



and downstream to 200 feet from the bridge. Exact section locations will be provided by MHM.

- Grade breaks, tops, and toes in the dirt area; surface visible utilities in the topo areas; fences; trees on the site with over 4-inch diameter at breast height (DBH); and hardscape features, such as edge of pavement, crown of road, abutments, soffit, and bridge deck.

It is assumed that the County will provide title information including, but not limited to, all maps, corner records and current deeds, for New York House Road, Dobbins-Oregon House Canal, and each of five parcels in the project area (APNs 056-180-22, -23, -44, and -45).

Based upon information provided by the County, MTCO will conduct a right of way and property survey to delineate the right of way lines of New York House Road and the property lines of four parcels connecting to the right of way. It appears that Parcel Maps Numbered 1.16 and 4.22 along with Record of Survey 97-07 will be primary sources for survey monuments.

MTCO will compile an electronic base map based on the information gathered. This will include a digital terrain model, right of way, and property lines. MTCO will run break lines as appropriate, including elevation spot shots and other relevant features from topographic survey.

### TASK 2 DELIVERABLES

- 1 electronic base map with survey control, property lines and topographic information

## TASK 3 HYDROLOGY/HYDRAULIC STUDIES

### 3.1 Hydrologic Analysis

A hydrologic analysis will be performed to identify the standard design flood (most probable 50-year flood) and base flood (most probable 100-year flood) to meet the recommended requirements of Caltrans and FHWA. These floods will be determined, as required by Caltrans and FHWA, using at least two independent methodologies including translation, application of regional equations, and consideration of previously prepared hydrologic analysis if available and appropriate. If possible, we will identify the flood of record. MHM will prepare a flood frequency curve for the subject stream or river at the project site.

### 3.2 Existing Condition Hydraulic Analysis

MHM will create an existing condition backwater model for the project site to identify and document existing flood hydraulic conditions. If possible, this model will be calibrated to known high water. The US Army Corps of Engineers' HEC-RAS backwater model will be used for this analysis. Existing condition water surface profiles for the most probable 50- and 100-year floods, flood of record, and the flow of the overtopping flood will be identified, as appropriate.

### 3.3 Proposed Hydraulic Analysis

Backwater models at the project site will be set up representing up to two candidate replacement structures. Water surface elevations of the floods of concern will be determined in order to design the replacement bridges and identify the impacts (if any) of the candidate structures on the water surface elevations. This information, along with other hydraulic information which may be of concern in the design of the replacement bridge, will be presented in a memorandum (this memorandum, when supplemented with project considerations from other disciplines, can be used to complete a Location Hydraulic Study).

After selection of a preferred replacement bridge configuration, a final backwater model representing the preferred bridge and including additional project details will be prepared. This model will identify the water surface profiles of the design flood, base flood and other floods of significance to design of the preferred



bridge. It will also identify the appropriate minimum soffit elevation to meet current recommended Caltrans and FHWA design standards and, if appropriate, identify hydraulic design exceptions necessary for approval of the preferred bridge. Finally, the effects of the preferred bridge on risk of flood damage to structures in the floodplain will be identified. The hydraulic report will present figures showing flood profiles and stage-discharge curves as appropriate.

### 3.4 Scour and Erosion Analysis

The potential local scour will be estimated using methods presented in FHWA HEC-18. The analysis will determine the potential for channel instability considering historic changes in channel geometry and land use using the Type 1 qualitative analysis described in FHWA HEC-20.

### 3.5 Reports

Comprehensive draft and final Design Hydraulic Study Report (DHS) reports for the preferred project will be prepared. The report will be prepared in a semi-tabular format with sections including: Executive Summary, Introduction, Description of Basin, Description of Stream and Site, Hydrologic Analysis, Hydraulic Analysis, Scour and Erosion, Other Considerations, and Conclusions and Recommendations. The DHS report will address the appropriate concerns presented in the Caltrans Local Programs Manual as well as those of other agencies and identified during the initial meeting. The report will be written to clearly identify the requirements of each agency and identify how the proposed project meets each agency's requirements. Photos and figures will be included where appropriate.

#### TASK 3 DELIVERABLES

- Draft Location Hydraulic Study and Draft Design Hydraulic Study Report (4 copies)
- Final Location Hydraulic Study and Final Design Hydraulic Study Report (6 copies)

- Final HEC-RAS Computer Model (1 electronic [CD] copy)
- Final LHS and DHS Report (1 electronic [PDF on CD] copy)

## TASK 4 GEOTECHNICAL INVESTIGATION

### 4.1 Preliminary Geotechnical Report

Taber will prepare a preliminary geotechnical report for bridge type selection. This report will include review of readily available geotechnical information and published geologic mapping. A site review of geologic conditions will be conducted for suitability of bridge alignments and conditions. This site review will be supplemented by seismic refraction to provide an estimate of depth to rock, rock rippability, and provide a generalized shear wave velocity profile of the site. The report will include a preliminary ARS curve consistent with current Caltrans seismic design criteria, and preliminary evaluation of potential foundation conditions and types. The report will also discuss possible construction conditions as they are apparent from our preliminary review. Preliminary corrosivity conditions will be assessed using USDA soil survey map data.

### 4.2 Permits and Underground Service Alert

In order to drill in the channel, Taber will apply for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game. Taber will obtain an environmental health permit from Yuba County. Prior to commencement of field exploration, Underground Service Alert (USA) will be notified for location of underground utilities. Any rights of entry to private property are expected to be provided by the County (if required). Taber will coordinate obtaining required encroachment permits (assumed no fee).

### 4.3 Subsurface Exploration

Subsurface investigation to adequately define earth materials and foundation conditions is expected to require





two sampled and logged test borings to 40-60± feet depth near the planned abutments, and one boring to 20-30± feet depth within the channel near the potential pier location(s). Rock was observed in the channel and in road cuts near the existing abutments of the bridge and if rock is encountered, the borings will be advanced with diamond coring equipment to foundation-significant depths.

Two supplemental shallow borings (5-10± feet) will be drilled at the bridge approaches. Bulk samples will be collected for R-value testing in evaluation of subgrade soils for pavement section design.

Taber will recover soil samples from the sampled/logged test borings at 5±ft (typical) intervals using Standard Penetration equipment. Materials encountered will be field-classified and borings logged (including groundwater conditions) by an engineer/geologist. When encountered, rock will be recovered using diamond bit coring equipment. Taber expects the site to be accessible to typical "highway" equipment (truck-mounted rig). Traffic control will be required for all holes. Borings on the western side of the existing bridge will likely require full traffic control including a lane closure and flaggers. Traffic control by means of warning signs and cones is expected to be adequate for borings on the eastern side of the existing bridge. Taber will provide required flaggers, signs and cones for typical Caltrans shoulder and lane closures and this has been included in our cost proposal.

### 4.4 Laboratory Testing

Laboratory testing to supplement field evaluation of earth material parameters is expected to include moisture-density and unconfined compressive strength determinations as well as engineering classification and soil corrosivity screening tests (pH/minimum Resistivity/sulfate/chloride content) on selected samples. Point Load Index tests may be performed on portions of selected rock cores (if encountered) in evaluation of unconfined compressive strength of rock materials. Recovered rock cores will be logged and saved for reference. Up to two R-value tests will be performed on samples from the roadway borings to evaluate subgrade soils.

### 4.5 Foundation Report

The report of foundation investigation will summarize the results of study, make specific recommendations for type, elevation, and allowable loading of bridge foundation elements and discuss groundwater and other subsurface conditions encountered as they may affect foundation design, construction, and/or service. Evaluation of site seismic response will be in accordance with current Caltrans practice using the Caltrans ARS Online Tool, based on data obtained for bridge foundations. The reports will address lateral soil pressures for use in structure design, discuss considerations of alternate foundation types, and assess bank stability at the bridge sites.

### 4.6 Review of Project Plans and Specifications

Review of design with respect to geotechnical considerations as well as consultation regarding questions of earth materials conditions which may arise during design. Taber will review plan submittals at either 65%, 95%, or final submittals to the County. A limited number of hours have been provided in our cost proposal for these services.

#### TASK 4 DELIVERABLES

- Preliminary Geotechnical Report (4 copies)
- Draft Foundation Report (4 copies)

- Final Foundation Report (4 copies)

## TASK 5 PRELIMINARY ENGINEERING

### 5.1 Structure Type Selection Report

MTCO will prepare and submit a Type Selection Report to the County for their review. The Type Selection



Report will contain a General Plan, General Plan Estimate, and Foundation Plan for three (3) structure replacement alternatives. The report will also include a memorandum addressing geotechnical, hydraulic, utility, environmental, and cost issues.

### 5.2 Preliminary Roadway Plans

MTCO will prepare preliminary roadway plans and cost estimates for the proposed roadway alignments, for review and comment by the County. The preliminary roadway plans will show, amongst other things, the proposed roadway layout and profile, typical roadway sections, bridge width and length, approach roadway limits, and preliminary right of way impacts, if any. These plans will serve as geometric approval drawings.

## TASK 6 ENVIRONMENTAL STUDIES/PERMITTING

### 6.1 Field Review, PES Form and APE Map

NSR will prepare the Preliminary Environmental Study (PES) form and assist MTCO with preparation of the draft Area of Potential Effect (APE) map. The next step of the environmental process will be participation in a field review meeting with the County, MTCO, and Caltrans representatives. NSR will complete the draft PES form and assist in finalizing the draft APE map, which will be distributed to the County and Caltrans for review prior to the field review. The field review will focus on finalizing the PES form, verifying the APE map, identifying issues of concern and required technical studies, and confirming the appropriate level of NEPA documentation.

### 6.2 Technical Studies

To support the CEQA and NEPA documentation, NSR and their subconsultants will prepare technical studies following Caltrans guidelines and requirements and any County-specific requirements.

#### 6.2.1 Natural Environmental Study

Preparation of the NES will involve conducting background research, reviewing biological databases, and conducting field surveys (including a formal botanical survey). The results of the background research, database reviews, and field surveys will be used to evaluate impacts on sensitive biological resources. The results will be presented in the NES report. The NES report will be prepared in accordance with the *Caltrans Guidance for Consultants: Procedures for Completing the Natural Environment Study and Related Biological Reports* and the *Standard Environmental Reference*. NSR will coordinate with the design team to develop mitigation measures to minimize the potential for significant impacts to sensitive biological resources.

#### 6.2.2 Delineation of Waters of the U.S.

Area West Environmental will conduct a formal delineation of waters of the United States. The delineation will involve a review of aerial photography, topographic maps, and available geographic information systems (GIS) data; field surveys; and preparation of a report that satisfies U.S. Army Corps of Engineers (USACE) requirements. The report will be used to determine potential impacts on waters of the United States and prepare the required permitting applications.

#### 6.2.3 Archaeological Survey Report and Historic Property Survey Report

Construction of the new bridge and removal of the existing bridge will require compliance with Section 106 of the National Historic Preservation Act (NHPA). The APE for cultural resources will include the New York House Road over Dry Creek Bridge and all construction staging areas. NSR will conduct the required cultural resource investigations to Caltrans standards set forth in the *Standard Environmental Reference, Volume 2, Cultural Resources Procedures* and the procedures set forth in the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106*



of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid Highway Program in California (Section 106 PA). An archaeological ground survey will be conducted and documented in an ASR and summarized in a HPSR. Preparation of the ASR and HPSR reports will also include documentation of tribal outreach in coordination with the NAHC.

### **6.2.4 Historical Resources Evaluation Report - OPTIONAL**

As an optional task item, JRP will coordinate with Caltrans to define the required level of detail to document the status of the bridge as an historic architectural resource, assist with establishing the APE for historic architectural resources, send outreach letters to parties interested in historic architectural resources, visually inspect and document the existing bridge, and assist with preparation of the HPSR for historic architectural resources. If required by Caltrans, JRP will prepare a HRER to document the survey and evaluation of the existing bridge. The HRER includes general and property-specific research to place the bridge into appropriate historic context.

### **6.2.5 Phase I Initial Site Assessment**

L&A will conduct a hazardous materials/hazardous waste assessment in the form of a Phase I ISA. The Phase I ISA will evaluate areas within the proposed road alignment and areas of improvements, contractor staging areas, and adjacent properties with respect to the potential impact of hazardous materials and petroleum products on the project locations. The Phase I ISA will be prepared in accordance with ASTM E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, and will include (at a minimum): 1) review of environmental records from environmental databases and state and local agency records; 2) review of historic use of the project site and encroaching parcels, including records, maps, and aerial photographs; 3) reconnaissance of the project site to observe uses, topography, hydrology, geology, and presence of hazardous substances and petroleum products; 4) interviews with owners, occupants, and local government officials; 5) lead-based paint surveys; and 6) compilation of information into a report including narrative, maps, historical information, proximity to significant contaminated sites, and other findings and conclusions.

## **6.3 Facilitate CEQA/NEPA Documentation**

NSR anticipates that an Initial Study/Mitigated Negative Declaration (IS/MND) will be the appropriate CEQA document; and a Categorical Exclusion (CE) supported by technical studies will be the appropriate NEPA document. NSR understands that the County will prepare and process all CEQA documentation. NSR will assist the County in the CEQA process by providing electronic and hard copies of the technical reports, providing impact assessment information used to support the environmental permitting applications, and providing other information as applicable.

## **6.4 Environmental Permitting**

Construction of the new bridge is anticipated to result in temporary and permanent impacts on waters of the United States. All discharges of fill materials to waters of the United States require authorization under Section 404 of the Clean Water Act. NSR anticipates that the proposed project will qualify for Section 404 authorization under Nationwide Permit 14 (Linear Transportation Projects) from the USACE, and that an Individual Permit will not be required. It is anticipated that any required mitigation would consist of restoration of temporarily disturbed areas, purchase of wetland mitigation credits, or payment of in-lieu fees; and that a detailed on-site mitigation program will not be required. Projects requiring Section 404 authorization from the USACE must also obtain water quality certification from the Regional Water Quality Control Board (per Section 401 of the Clean Water Act). Additionally, any work affecting the bed or bank of Deep Ravine requires CDFG notification. Based on the notification, the CDFG may require a Streambed Alteration Agreement before work begins.



## 4. Work Plan and Project Schedule

Upon completion of the required technical studies and development of adequate project detail, NSR will prepare permit application packages suitable for submittal to the regulatory agencies. The County will be responsible for payment of any application fees. The Pre-Construction Notification (PCN) for authorization under Nationwide Permit 14 can be submitted after completion of the delineation report and cultural resources evaluation. However, any required consultation under the NHPA or Endangered Species Act must be completed before the USACE can issue authorization to proceed. The application packages for water quality certification and CDFG notification can be submitted when a public draft CEQA document has been circulated by the County. However, both the RWQCB and the CDFG cannot issue final authorizations until the CEQA process is completed and a Notice of Determination is available.

### TASK 6 DELIVERABLES

- Draft and Final PES Form (2 copies)
- Draft and Final APE Map (2 copies)
- Draft and Final Technical Studies as listed in 6.2 (2 copies)
- Permit Applications

## TASK 7 FINAL DESIGN AND ENGINEERING SERVICES

MTCO will prepare final PS&E for the New York House Road Bridge Replacement and the roadway approaches. The plans will be reviewed by the County at the 65%, 95%, and final design stages, and MTCO will address comments provided by the County.

### 7.1 65% Roadway Plans

MTCO will prepare draft engineering plans for the roadway approaches based upon the approved preliminary roadway plans. The plans will include typical sections, layouts, profiles, construction details, drainage plans, traffic control plans, and signing and striping plans. It is anticipated that the following plan sheets will be prepared:

ROADWAY PLANS	# OF SHEETS
Title Sheet	1
Typical Sections	1
Project Control Diagram	1
Layout/Profile/Drainage (1" = 50')	2
Construction Details	4
Construction Area Signs	1
Stage Construction/Traffic Handling (1" = 50')	3
Signing/Striping	1
Slope Protection Plans	1
<b>Total Estimated Roadway Plan Sheets</b>	<b>15</b>

### 7.2 Structure Design (65% Unchecked Plans)

MTCO will prepare structural calculations and bridge plans for the selected bridge alternative. At the 65% submittal, MTCO will submit a complete, unchecked set of bridge plans to the County. The structure design will be performed in accordance with *AASHTO LRFD Bridge Design Specifications, 4th Edition* with Caltrans Amendments dated November 2011, and *Caltrans Seismic Design Criteria, Version 1.6*. The latest updated versions of the Caltrans Bridge Design Manuals will be used. It is anticipated that the following plan sheets (assuming a three-span, cast-in-place, post-tensioned concrete slab) will be prepared:



STRUCTURE PLANS	# OF SHEETS
General Plan	1
Deck Contours	1
Foundation Plan	1
Abutment Layout	2
Abutment Details	2
Pier Layout	1
Typical Section	1
Longitudinal Section	1
Barrier Railing	1
Log of Test Borings	3
<b>Total Estimated Structure Plan Sheets</b>	<b>14</b>

### 7.3 95% Roadway Plans

The 95% submittal will represent a complete, biddable plan package where major design features will have been reviewed. However, because of the review comments received for the 65% submittal, there may be some plan details that will be submitted for the first time. From this point, all minor "clean-up" revisions will occur.

### 7.4 Structure Independent Check (95% Plans)

Upon completion of the 65% submittal, DHA will perform an independent design check of the bridge plans in conformance with Caltrans bridge design procedures. Calculations and computer runs will be performed to check the bridge layout and structural integrity. A plan set will be marked up in two colors, yellow indicating approved items and red indicating items to be discussed. The checker and designer will then work together to resolve discrepancies and any needed plan changes will be incorporated into the design and drafted. The plan set will be marked up following DHA QC plan.

### 7.5 Constructability Review

Having professionals with relevant experience involved in constructability reviews and value analyses during the planning and design phases is invaluable to clients and designers in ensuring that their proposed designs are constructible, biddable, and cost-effective. DHA will conduct a constructability review and value analysis for this project to ensure the proposed design is constructible, biddable and cost-effective. The constructability review will occur concurrently with 95% design.

### 7.6 Final Plans

The final plans submittal represents a completed Bid Set, ready for bidding. Major design features will have been reviewed at least twice at this stage.

### 7.7 Special Provisions

MTCO will develop project special provisions using *Caltrans Standard Special Provisions* (latest version). The special provisions will be prepared in MS Word. Special provisions will be submitted at the 95% and Final submittals. The County's boilerplate contract language will be incorporated into the specifications.

### 7.8 Estimate

MTCO will prepare preliminary construction cost estimates and submit them with each plan submittal. The estimates will be comprised of unit prices placed on detailed quantity and check quantity calculations. Unit prices will be developed using current bid results from similar projects, Caltrans database information, and Caltrans' latest *Construction Cost Manual*. All estimates will be done in Caltrans BEES format using MS Excel.



### 7.9 Storm Water Pollution Prevention Plan

MTCO will prepare the SWPPP for the project, including uploading Permit Registration Documents (PRDs) to the state-wide database of construction projects (referred to as the Storm Water Multi-Application Report Tracking System or SMARTS database). The PRDs include the Notice of Intent (NOI), a risk assessment, post-construction calculations, a site map, a SWPPP, a signed certificate, and the first annual permit fee (to be paid by the County).

#### TASK 7 DELIVERABLES

- |   |  |
|---|--|
| ■ Plans (65%, 95%, and Final) – (5 copies – 11"x17")                        | ■ Special Provisions (95% and Final) – (1 electronic copy) |
| ■ Plans (65%, 95%, and Final) – (1 electronic copy)                         | ■ Estimate (65%, 95%, and Final) – (5 copies)              |
| ■ Special Provisions (delivered with 95% and Final submittals) – (3 copies) | ■ Estimate (65%, 95%, and Final) – (1 electronic copy)     |
|   | ■ SWPPP – (2 copies)                                       |

### TASK 8 UTILITY COORDINATION

The County will be handling all utility coordination during design and construction. MTCO will assist the County where needed to evaluate utility impacts within the project area and develop necessary exhibits for the County to coordinate with the affected utility companies.

### TASK 9 BID ASSISTANCE AND CONSTRUCTION SUPPORT SERVICES

MTCO and subconsultants will provide assistance to the County as required during bidding and construction of the project. This may include answering questions from prospective bidders, assisting the County in the preparation of addenda to the PS&E during the advertisement period, providing consultation and interpretation of the construction documents, responding to Requests for Information (RFIs), reviewing shop drawings, attending construction meetings, etc. MTCO will also attend the pre-construction meeting and complete the as-built drawings after receiving red-line mark-ups at the completion of construction. An allowance has been provided for Construction Assistance, and will be charged on a time and materials basis.

### ASSUMPTIONS

This scope of work has been prepared based on the following assumptions:

- The project will be advertised, awarded, and administered by the County, and the County will coordinate reproduction of the bid package.
- The County will be responsible for preparing and processing the IS/MND for CEQA Documentation.
- Caltrans Environmental will be responsible for preparing the final NEPA determination.
- Legal descriptions, plats, corner records, and records of survey necessary for the project will be completed by the County.
- All necessary access to the site, road, and creek to complete the survey work will be provided by the County.
- No traffic control subconsultant will be required on local streets to complete the survey work.
- Dry Creek is less than three-feet deep at all cross section locations. Depths over four-feet during the survey work will require additional equipment and field time, which would be billed on a time and materials basis.

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901

[www.co.yuba.ca.us](http://www.co.yuba.ca.us)

January 15, 2013



012-13

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TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS *I am your son!*

SUBJ: Amend Professional Services Agreement – Timbuctoo Road over Deep Ravine No. 1 Bridge Replacement Project (Bridge #16C0010)

### RECOMMENDATION:

The Public Works Department recommends that the Board of Supervisors approve Amendment No. 1 for the Professional Services Agreement for Civil Engineering Design for the Timbuctoo Road over Deep Ravine No. 1 Bridge Replacement Project and to authorize the chairman to execute the amendment.

### BACKGROUND:

The Timbuctoo Road over Deep Ravine No.1 bridge is located approximately 1 mile northwest of the intersection of Highway 20 and Timbuctoo Road in the southeast portion of the County. In 2003, the existing bridge along Timbuctoo Road was closed due to a bridge failure at the west abutment. The County has been working with SACOG and Caltrans to authorize funds for the design and construction of a replacement bridge. The work done under the existing agreement includes civil engineering design, environmental, surveying, geotechnical engineering and hydraulics/hydrology analysis. The original agreement was executed by the Board Chair on December 14, 2010.

### DISCUSSION:

During the design process the following list of tasks needed to be addressed and were outside the original scope of the work. The following tasks have resulted in additional work to complete the bridge design and to establish survey control at completion of the project:

1. The Consultant performed additional topographical survey work at the project extents and adjoining driveways to ensure proper design conforms at all locations. Additional survey work was also required to determine existing right of way based on information from the County road register dated from 1886.
2. The Consultant is preparing a Record of Survey to provide adequate ROW Acquisition documentation for the project. This work was not included in the original scope of work.
3. Additional work is needed to perform the bridge independent check based on the final bridge configuration and type. The original costs for this task were based on a single span bridge but the final design incorporates an additional bent resulting in a two span

structure. The design check for the double span structure requires a more complicated and time consuming analysis than was originally anticipated.

4. The Consultant provided additional drafting and design effort to incorporate the additional survey work, driveway modeling, and right of way incorporation into the project.

For the additional scope of work the Consultant has requested a budget augmentation of \$22,275 increasing the contract amount to a total of \$296,160.

COMMITTEE ACTION:

The Land Use and Public Works Committee was bypassed as this project is a budgeted item.

FISCAL IMPACT:

This bridge project is part of the federally funded Highway Bridge Program (HBP). The HBP will fund 88.53% (\$19,720) of the cost increase and Yuba County will fund the local match of 11.47% (\$2,555) from the Road Fund.



**PROFESSIONAL SERVICES AGREEMENT  
YUBA COUNTY PROESSIONAL CIVIL ENGINEERING SERVICES**

**AMENDMENT # 1**

This is the FIRST amendment to the agreement, dated December 14, 2010, for Professional Civil Engineering services between the County of Yuba (COUNTY) and Drake Haglan & Associates, Inc. (CONSULTANT).

Pursuant to Operative Provision D.22, "Modifications," of the basic agreement, the following changes are hereby made:

- (1) Attachment A, SCOPE OF SERVICES AND DUTIES, Section A.1 is changed to read:

The services to be provided by CONSULTANT and the scope of CONSULTANT's duties are included on the attached Scope of Services labeled as Exhibit 1 and Exhibit 2 – Budget Augmentation Request.

- (2) Attachment B, Payment, Section B.1 is changed to read:

COUNTY shall pay CONSULTANT a contract fee not to exceed TWO HUNDRED NINETY SIX THOUSAND ONE HUNDRED SIXTY DOLLARS (\$296,160); CONSULTANT shall submit requests for payment after completion of services or no later than the tenth (10th) day of the month following provision of services. In no event shall total compensation paid to CONSULTANT under this Provision B.1 exceed TWO HUNDRED NINETY SIX THOUSAND ONE HUNDRED SIXTY DOLLARS (\$296,160) without a formal written amendment to this Agreement approved by the COUNTY.

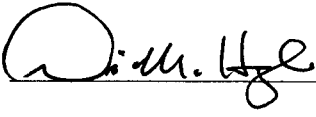
Exhibit 2 contains the Budget Augmentation Request and is included with this amendment as an attachment. All other terms and conditions remain unchanged.

In witness thereof, the parties hereto have executed this Amendment # 1 to the Agreement on \_\_\_\_\_, 20\_\_\_\_.

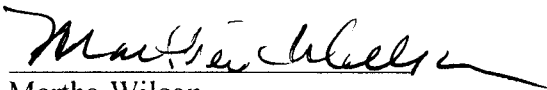
"COUNTY"  
County of Yuba

"CONSULTANT"  
Drake Haglan & Associates

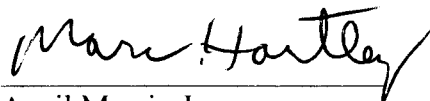
\_\_\_\_\_  
Board of Supervisors

  
\_\_\_\_\_  
President

INSURANCE PROVISIONS APPROVED

  
\_\_\_\_\_  
Martha Wilson,  
Risk Manager

APPROVED AS TO FORM

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

## EXHIBIT 2 – BUDGET AUGMENTATION REQUEST

**Subject:       Timbuctoo Road Bridge over Deep Ravine No.1;  
                  Budget Augmentation Request**

This request has been prepared to provide information regarding additional civil engineering design and survey work that will be completed by Drake Haglan & Associates, Inc. ("Consultant"). The items below will cover all additional costs to produce a final and complete set of Plans, Specifications, Estimate and right-of-way documentation for the project.

The Consultant is kindly asking the County for a budget augmentation of \$22,275 (from original contract amount of \$273,885 to a suggested total amount of \$296,160) for the engineering and survey services for the subject project. DHA has been providing the County civil engineering services for the project since December 2010. The County has requested that the Consultant perform a variety of tasks outside of the original scope of work. The following is a list of the additional tasks:

1. The Consultant performed additional topographical survey work at the project extents and adjoining driveways to ensure proper design conforms at all locations. Additional survey work was also needed to determine existing right of way based on information from the County road register dated from 1886.
2. The Consultant is preparing and providing the ROW Acquisition documentation for the project. The County was going to provide the right of way documentation at the beginning of the project but due to the workloads of County staff, we are unable to provide these services at this time
3. Additional work is needed to perform the bridge independent check based on the final bridge configuration and type. The original costs for this task were based on a single span bridge but the final design incorporates an additional bent structure resulting in a two span bridge. The design check requires a more complicated analysis to be performed than originally anticipated
4. The Consultant provided additional drafting and design effort to incorporate the additional survey work, driveway modeling, and right of way incorporation

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# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
 915 8<sup>th</sup> Street, Suite 123  
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JANUARY 15, 2013

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS *Yim for rec.*

SUBJECT: Accept Smartville (Chuck Yeager) Road over Vineyard Creek Bridge Replacement Project as Complete and Authorize the Public Works Director to Sign and Record the Notice of Completion

### RECOMMENDATION:

The Public Works Department recommends that the Board of Supervisors accept the project as complete and authorize the Public Works Director to sign and record the Notice of Completion.

### BACKGROUND:

AJ Vasconi Inc. was awarded the contract for the Smartville (Chuck Yeager) Road over Vineyard Creek Bridge Replacement Project on February 28, 2012. The project consisted of replacing the bridge and bridge approaches on Smartville (Chuck Yeager) Road crossing Vineyard Creek. The work in general included removing the old bridge and replacing it with a wider, concrete flat slab structure, reconstructing the roadway approaches and constructing drainage improvements. The construction cost for this structure was \$968,954.12.

### DISCUSSION:

The Contractor has completed the work. Once the Board accepts the project as complete the Public Works Department will file a Notice of Completion with the Yuba County Recorder.

### COMMITTEE ACTION:

The Land Use & Public Works Committee was bypassed as this project was included in the Public Works Budget, and the request is routine in nature.

### FISCAL IMPACT:

The project was funded 88.53% through the HBP program with the remaining 11.47% funded by the Road Fund.

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# The County of Yuba

014-13

## OFFICE OF THE COUNTY ADMINISTRATOR

GOVERNMENT CENTER - 915 8<sup>TH</sup> 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

TO: Board of Supervisors  
FROM: Robert Bendorf, County Administrator *RB/te*  
SUBJECT: Authorize Regional Waste Management Authority Grant Application for a  
CalRecycle Fiscal Year (FY) 2013/2014 Local Government Waste Tire  
Amnesty Grant (TA1 Cycle)  
DATE: January 15, 2013

### **Recommended Action:**

Approve authorization of a Regional Waste Management Authority (RWMA) grant application on the County's behalf for the FY 2013/2014 Local Government Waste Tire Amnesty Grant Program (TA1) Cycle, by authorizing the County Administrator to execute the submittal letter.

**Background and Discussion:** The RWMA is preparing a grant application for submittal to the California Department of Resources, Recycling and Recovery (CalRecycle) for the 2013/14 cycle of the Local Government Waste Tire Amnesty Grant Program for implementation in FY 2013/14 and FY 2014/15. The grant application is being submitted as a regional program under the authority of the RWMA Joint Powers Agreement.

The tire amnesty portion of the program will be designed to motivate residents to clean-up nuisance tires and small tire piles through the provision of free coupons for direct haul to local transfer stations, plus six waste tire bins for community clean-up events in each of the fiscal years. Tires will not be accepted from tire businesses or commercial generators. Residents with a coupon will be permitted to drop-off up to 19 tires. The public education component of the program will focus on proper tire disposal; proper tire care to extend tire life; and, on the health, safety and environmental issues associated with waste tires. The grant request will be for \$68,210 in program funding.

The application which was authorized by the RWMA Board of Directors on December 20<sup>th</sup>, 2012, requires authorization for the RWMA to act on behalf of each of the member jurisdictions. The Department of Resources, Recycling and Recovery requires authorization, in the form of a letter executed by the County Administrator.

**Committee Recommendation:** No committee recommendation was sought due to the routine nature of the action.

**Fiscal Impact:** There are no known costs to the County for these grant funds.

**DRAFT**

January 18, 2013

Keith Martin, Administrator  
Regional Waste Management Authority  
2100 B Street  
Marysville, CA 95901

**Re: Authorization Letter for the Regional Waste Management Authority for  
CalRecycle FY 2013/14 Local Government Waste Tire Amnesty Grant  
(TA1) Cycle**

Dear Mr. Martin:

I am the County Administrator for the County of Yuba. I am authorized to contractually bind the County of Yuba. Pursuant to this authority, the County of Yuba authorized the Regional Waste Management Authority to submit a regional application, including the County of Yuba as a grant participant and the Regional Waste Management Authority as the lead agency, an application for the FY 2013/2014 Local Government Waste Tire Amnesty Grant Program (TA1) Cycle.

Sincerely,

Robert Bendorf,  
County Administrator



# The County of Yuba


015-13

## Yuba County Library

Phone: (530) 749-7380  
Fax: (530) 741-3098  
303 Second Street  
Marysville, California 95901



Email: [library@co.yuba.ca.us](mailto:library@co.yuba.ca.us)  
Website: <http://library.yuba.org>

To: Yuba County Board of Supervisors  
From: Kevin Mallen, CDSA Director   
Date: January 15, 2013  
Subject: Walmart Community Grant Application

### **Recommendation:**

Approve attached resolution authorizing grant application, and administration upon award, to the Walmart Community Grant for the purpose of increasing the children's collection at the Yuba County Library.

### **Background:**

Ongoing improvements since 2011 have resulted in the Children's area being renovated from replacing the carpet, reorganizing the layout and shelving, weeding through the current collection, and introducing a more interactive environment.

### **Discussion:**

The Children's collection is being weeded so that newer up to date materials can be added. The Walmart Community grant can help purchase new materials such as books (fiction and non-fiction), DVD's and CD's specifically designed to educate and support children aged 0-12 years old within Yuba County, with typical grant awards of \$500.

### **Committee Action:**

These improvements were previously discussed with the Board to continue improvements at the Library and therefore are being presented directly to the Board.

### **Fiscal Impact:**

There is no local grant match requirement, therefore no general fund impact.

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

**RESOLUTION AUTHORIZING THE YUBA  
COUNTY LIBRARY TO APPLY FOR  
THE WALMART COMMUNITY GRANT FOR  
FUNDING TO PROMOTE LITERACY FOR  
CHILDREN AGED 0-12 YEARS AND,  
AUTHORIZING THE CDSA DIRECTOR TO  
EXECUTE DOCUMENTS AS REQUIRED BY THE  
GRANT, AND AUTHORIZE ACCEPTANCE AND  
TRANSFER OF FUNDS**

Resolution No.

**WHEREAS**, Yuba County Library wants to increase and update the collection of books, DVD's and CD's for children aged 0-12 years.

**WHEREAS**, WALMART Community Grant has made funds available for these types of purpose.

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

1. That the CDSA Director is hereby authorized to apply for funds from WALMART Community Grants for the purpose of increasing and updating the collection of books, DVD's and CD's for children aged 0-12 years.
2. That the CDSA Director is hereby authorized to accept and transfer funds from WALMART Community Grants and to execute, upon review and approval of County Counsel, documents as required by the application, acceptance and allocation of funds for grant award.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of  
the County of Yuba, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2013,  
by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

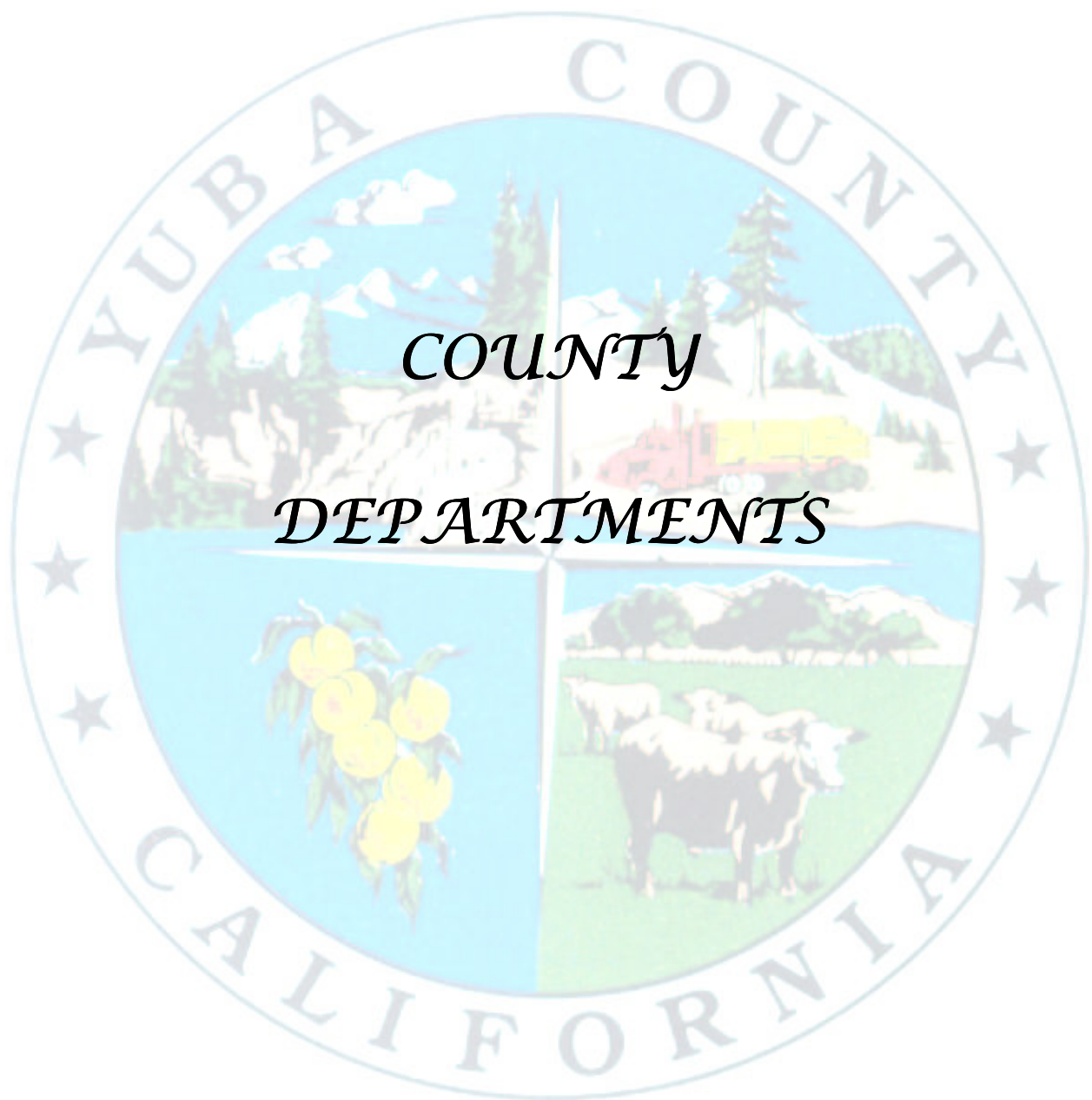
By: \_\_\_\_\_  
Andy Vasquez, Chair  
Yuba County Board of Supervisors

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM  
ANGIL MORRIS-JONES  
COUNTY COUNSEL

*By Jan Vuelh* 12/13/12



*COUNTY*  
*DEPARTMENTS*

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# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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**TO:** BOARD OF SUPERVISORS

**FROM:** Wendy W. Hartman, Planning Director *W. Hartman*

**Date:** January 15, 2013

**Project:** Draft Olivehurst Sustainable Community & Revitalization Plan (OSCER)

**Recommendation:** Receive presentation on the Olivehurst Sustainable Community & Revitalization Plan and provide comments for incorporation into the Final Plan as appropriate

**SUMMARY**

The Olivehurst Sustainable Community & Revitalization Plan (OSCER) is a visioning document, which means it is not a regulatory document. Instead, it is intended to provide guidance on land use, transportation, infrastructure, community design and other issues for the future development of the County's Development Code Update. Further vetting and feasibility determinations may be necessary when incorporating ideas and concepts into the County's Development Code update.

This workshop before the Planning Commission on the Draft Olivehurst Sustainable Community & Revitalization Plan is to solicit comments and suggestions for consideration by the Board of Supervisors. Members of the public are also encouraged to provide any suggestions as well. Comments from the Planning Commission and the public will be forwarded to the Board of Supervisors (Board) for its consideration.

### **BACKGROUND**

The Yuba County Community Development & Services Agency (Planning Department) applied for and was awarded an Environmental Justice grant from Caltrans for the Olivehurst Sustainable Community & Revitalization Plan (OSCER). The contract with Caltrans was approved by the Board in March 2010. The OSCER Plan is intended to be the next step in revitalization efforts for the community of Olivehurst. Using the information gathered through earlier planning efforts, this project was designed to look at changes to land use and connectivity, design standards to increase safety and mobility for residents of the area, and to spur economic revitalization in the community of Olivehurst. Information from this project will be instrumental in the completion of the updated Zoning and Development codes following the recent adoption of the 2030 General Plan.

## **DISCUSSION**

The Draft Plan was based on input provided by the public at a variety of workshops that were held in 2011 as well as study sessions with the OSCER Advisory Committee, composed of a wide range of persons who live or work in the Olivehurst community. The Draft OSCER Plan format was prepared in consultation with community stakeholders and the OSCER Advisory Committee.

The Plan Goals focus on:

1. Encouraging development and redevelopment which reflects Olivehurst needs and character;
2. Provide multi-modal means of transportation including pedestrian/bicycle;
3. Identify opportunity sites for investment;
4. Provide design guidelines and regulatory recommendations that support economic and social vitality of the community; and
5. Identify potential funding sources to implement the plan and assist revitalization efforts.

The Draft OSCER Plan is divided into eight (8) chapters:

1. Introduction
2. Existing Conditions
3. Circulation
4. Proposed Zoning and Development Standards
5. Conceptual Opportunity Site Design
6. Design Guidelines
7. Façade Improvement Program
8. Funding and Implementation

While each chapter provides valuable information to help the County achieve the goals of the project, the following topics describe some of the highlights of the Draft OSCER Plan:

### **Circulation:**

Improving circulation efficiency, safety, and comfort for Olivehurst residents and visitors is a major goal of the OSCER Plan. This goal consists of several key components, including improvements to existing roadways and the creation of a bicycle/pedestrian circulation network. This section of the Plan was developed in conjunction with the Yuba County Public Works Department which has actively been applying for and receiving funding for improvements along key roadways within the Community of Olivehurst. This section also addresses streetscape improvements such as parking, lighting, landscaping, and street furniture (benches, bike racks, and trash receptacles).

### **Zoning and Development Standards:**

This chapter looked at the existing zoning and the actual development patterns within the project area which extends from Second Avenue to McGowan Parkway and from Arboga Road to Highways 65/70. There are many areas where the zoning doesn't reflect the type of development that currently exists or what the community would like to see in a particular area. The Plan identifies six zone districts that better reflect the desires of the community and existing and potential development patterns. The proposed zones include:

- Downtown Core District is the heart of the community that is intended to foster economic investment and development patterns consistent with a traditional downtown.



- Community Commercial District takes advantage of its proximity and visibility to Highway 70 and includes uses and development patterns of contemporary shopping centers.
- High Density Residential District is intended for attached or detached residential developments that range between 12 and 30 units per acre. The majority of the properties in this district are currently designated as "R-3" High Density Residential.
- Medium Density Residential District is primarily located north of 14<sup>th</sup> Avenue and surrounds the Downtown Core and High Density Residential Districts. This district would provide the opportunity for vacant and underutilized lots to be developed at a range of 6 to 20 units per acre. While higher density developments would require aggregation of multiple parcels it is possible for individual parcels to be developed at lower densities or as cottage style housing as is demonstrated by Opportunity Sites 3 and 4.
- Low Density Residential District is located in the southern portion of the project area and is primarily developed with single family homes on smaller lots.
- Neighborhood Services is a floating designation that has been applied to existing commercial and non-residential uses that are located on corner lots within the Plan area. This designation would allow for new neighborhood services such as small eateries, personal services, and offices to be developed throughout the Plan area as long as certain development criteria were met.

These six districts will allow for a full range of housing types as well as non-residential uses including but not limited to: retail, restaurants, grocery, banks, offices, personal services, medical services and public facilities. This Chapter also provides conceptual development standards that will be further analyzed through the Zoning and Development Code update.

#### Opportunity Sites:

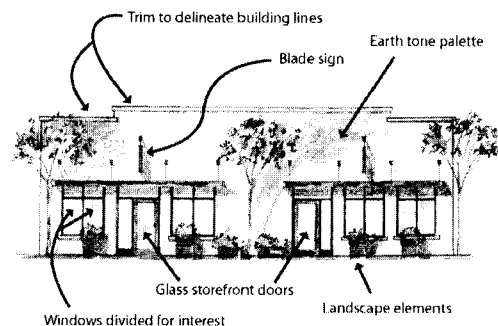
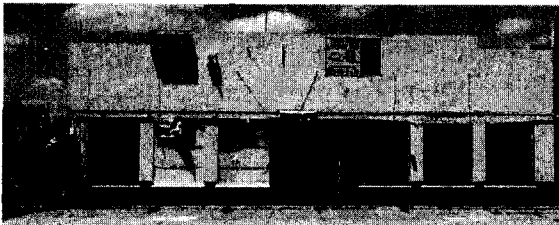
Opportunity sites are those areas where significant new development is most likely to be successful and to be of greatest benefit to the community. The four sites that are identified in the plan were from a list of potential sites that community participants identified during a kick-off meeting held August 2011. In October of 2011 a walking tour of the four chosen sites was held and was followed by an interactive workshop (charrette) where community members helped design three of the four opportunity sites. The ideas provided by the community were further refined by the Project Team. The Opportunity Sites are as follows:

- Opportunity Site 1 is a proposed Community Commercial – Mixed Use Center composed of 45 parcels totaling 13.9 acres located at the northeastern corner of the project area (parcels around Rite Aid). The conceptual plan includes a variety of retail, restaurant, office, residential and public uses (plazas and town square). This is the area the community identified as being an ideal location for a full service grocery store.
- Opportunity Site 2 is a proposed Downtown Core Mixed Use Center located at the northwest corner of the intersection of Olivehurst Avenue and Seventh Avenue. The site contains two buildings that are in a state of disrepair and several vacant parcels. While Site 1 is a more contemporary shopping center with the ability for medium to big box retailers, site 2 is envisioned as a more neo-traditional downtown design with small retailers and office buildings built close to the street frontage with opportunities for apartments on upper floors and/or the back portion of the parcels.

- Opportunity Sites 3 and 4 are examples of typical vacant or underutilized parcels located within the residential portion of the Community of Olivehurst. The lots are both over an acre in size but are narrow and deep making it difficult for them to be subdivided and developed in a traditional lot and block pattern. The size and shape of the lots lend well to cottage and or cluster types of detached residential units that could serve as entry level houses for young families as well as the community's aging population that may be looking to downsize.

#### Design Guidelines and Façade Improvement Program

Chapters 6 and 7 analyzed the existing development framework and desires of the community to establish design guidelines and development standards that should be considered for both new developments as well as alterations to existing developments within Olivehurst. The Façade Improvement Program Chapter showcases four (4) existing buildings and demonstrates ways that the existing building facades could be improved. Below is just one example:



#### Implementation:

While visioning plans may outline a number of lofty goals that can help improve a community, nothing can be accomplished without considering the various options for actual implementation of that vision. This chapter proposes both actions the County can take to pursue some of the concepts, as well as potential funding opportunities available to help communities such as

#### COMMITTEE ACTION

The OSCER Advisory Committee met on December 12, 2012 to discuss the Draft Plan. In addition a public workshop was held with the Planning Commission on December 19, 2012. Below is a summary of comments received:

- Provide list of addresses or assessor parcel numbers that may have the zoning designation changed as recommended by the Plan (will correspond with the Map on Page 40).  
*The biggest changes proposed will address some of the existing neighborhood commercial uses that are currently designated as residential and making sure the focus on Olivehurst Avenue between Fifth and Eighth Avenues reflects more of a traditional downtown environment. Minor corrections to the map to reflect property boundaries and/or Airport Land Use Plan will also be made. The Plan itself will not change the zoning. Formal changes to zoning designation will occur as part of the Development Code update.*
- It takes too long for change/revitalization to occur. The Advisory Committee suggested reducing the amount of time it takes for a non-conforming use to be considered abandoned and explore an amortization program.  
*This item is something that should be addressed or explored further as part of the Development Code update.*
- One of the Committee members prepared a walkability analysis of the "downtown area" to the surrounding neighborhoods. Recommended this information be incorporated into the Plan.

*This information is consistent with the goals of the grant and can be incorporated into one of the existing chapters or as an appendix.*

- Concerns regarding the use of Swales versus piped drainage.  
*Staff discussed that the swales proposed in the Plan were engineered swales with specific types of landscaping which is different than the drainage ditches that are currently present. A cost benefit analysis of swales versus piping along with a recommended plant list for swales can be incorporated into the Plan for further consideration as part of the Development Code update.*
- Concerns regarding the maintenance costs of proposed improvements and the responsible entity (swales, piping, landscaping, and additional lighting).  
*The responsible entity varies depending on the type and location of improvement. For example bioswales used in the parking lot of Opportunity Site 1 (Shopping Center) would be the responsibility of the property owner whereas reengineered swales along the sides of County Roads would be maintained by the County. Solar lighting is proposed where additional street lighting or pedestrian signals are needed in order to reduce costs.*
- Circulation Element recommendations that would require additional right of way (ROW) acquisition. Primary area of concern was western portion of Seventh Avenue where several houses are located in close proximity to the street and ROW is only about 40 feet in width.  
*Public Works representative acknowledged that the Road Sections shown in the Plan were based on Current Standards and a preferred design under ideal circumstances. Additional analyses and engineering would be required prior to any roadway improvement project. The additional analyses may result in an alternative roadway standard being used such as Proposal A and B shown on pages 24-25 of the Plan.*
- Flexibility of Plan to address current conditions and market changes.  
*The Plan is a visioning document and not a regulatory document. Ideas suggested in the Plan will be further vetted and potentially adopted as part of the Development Code Update or as part of future Road/Public Improvement Projects.*
- Pedestrian improvements greatly needed. The overcrossing proposal was deemed to be very necessary and creative.
- Façade improvement funding. With Redevelopment Agencies being dissolved concern that there will not be a mechanism to assist private business owners with improvements and that without incentives many owners will not be willing or able to improve properties.  
*County Staff will continue to explore mechanisms to help fund both public and private reinvestment in the Plan area.*

The Planning Department is preparing some minor edits to the text of the OSCER Plan to address the comments received. Proposed changes will be presented to the Board of Supervisors for consideration.

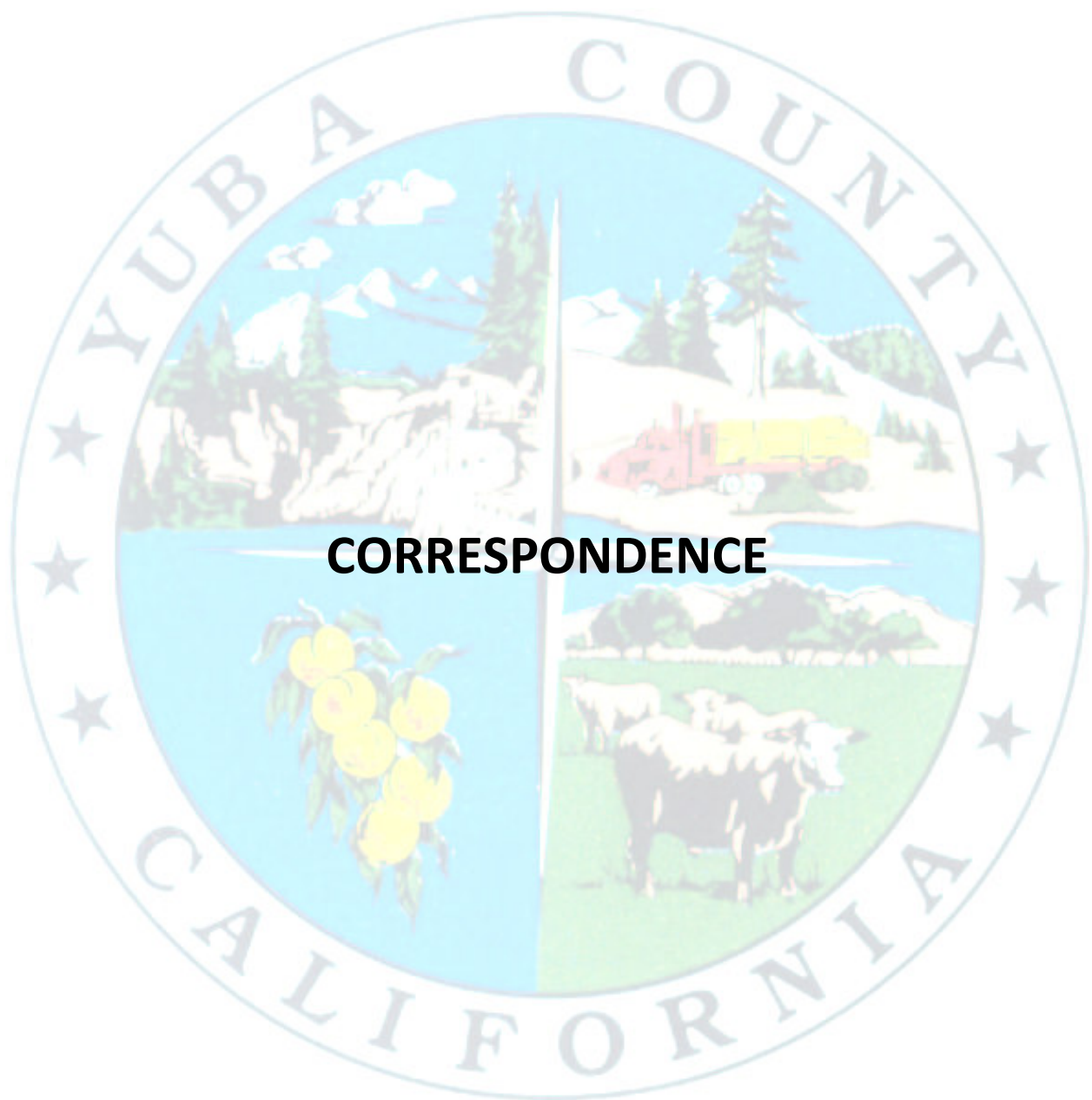
### **FISCAL IMPACT**

Workshops and hearings before the Planning Commission and Board of Supervisors were included as part of the scope of work in the contract between Yuba County and Caltrans. No additional general fund dollars beyond that which was approved in the grant contract are required.

### **ATTACHMENT(S)**

1. Draft OSCER Plan Submitted under separate cover

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DEC 28 2012

**GoRail unites rail stakeholders with community leaders and the public in support of rail solutions to tomorrow's transportation challenges.** GoRail believes that every additional ton of freight moving by rail instead of over our congested highways means more jobs and a stronger economy, less pollution and cleaner skies, and greater fuel efficiency and clearer roads ahead.

GoRail was founded on the principle that "all politics is local" and that direct input from constituents is the best way communicate with Members of Congress. Some of the most astute Washington observers have long noted that most issues on the government's to-do list come not from the top or from DC lobbyists, but from the "broad middle" outside the Beltway. GoRail provides a forum for concerned Americans to make it clear to Members of Congress that the rail policy decisions they make on Capitol Hill have real impacts back home in their communities: on local jobs and economic development, air quality and roadway congestion, and overall quality of life.

Freight volumes have been forecast to grow approximately 92 percent by 2035 and many highways are already stretched beyond capacity. The nation faces a complex freight mobility challenge and it is essential that non-highway options are available to keep goods moving.

Freight rail is an excellent alternative. Shipping more freight by rail saves taxpayers money, promotes cleaner air and greater fuel efficiency, improves safety, and lessens worsening highway congestion.

GoRail's mission is based principally on recommendations from the American Association of State Highway and Transportation Officials (AASHTO), which represents state departments of transportation. AASHTO calls for increased investment in freight rail infrastructure to help relieve pressure on the nation's roadways. AASHTO found that relatively small public investments in new rail capacity would yield tremendous public benefits. This would add to the already large investments that railroads themselves make in our nation's freight rail infrastructure.

GoRail actively builds public support for our mission among influential community and business leaders. Since 2004, over 4,000 local, county and state government officials, and business, academic, and community leaders in 30 states have joined with us in engaging policy makers in Washington on the importance of freight rail to our economy and our quality of life. [www.GORAIL.org](http://www.GORAIL.org)

**Roberta Mendonca, State Director, [rmendonca@gorail.org](mailto:rmendonca@gorail.org), c. 916.204.9864**  
o. 571.480.5467; f. 571.480.5468; 3344 Aruba Street, West Sacramento, CA 95691



# Freight Rail

## CREATING JOBS MOVING THE ECONOMY

### Investing in the rail network boosts the nation's economy

Supporting a healthy freight rail network is a key to job growth and continued economic recovery. Freight rail contributes nearly \$265 billion in economic activity annually. This translates into jobs all across the country and in every sector of the economy.

- Every rail job supports another 4.5 jobs somewhere else in the economy. Railroad business activities and buying power support 1.2 million jobs across the broader economy.
- Railroads spent a record \$10.7 billion on capital expenditures in 2010 - more than most states.
- Every dollar of rail infrastructure investment that adds new rail system capacity generates more than \$3 in total economic output.
- Every \$1 billion of new rail investment creates 20,000 jobs.

### Freight rail is the engine to keep our economy strong

Affordable and efficient transportation is critical to our economy. Freight rail provides a vital link for millions of American jobs - connecting farmers, miners, and manufacturers to markets across the country and around the world.

- In 2008, freight railroads moved roughly 235 million tons of US goods and materials worth more than \$190 billion to ports and borders.
- Railroads account for approximately one third of all US exports.
- From the food on our tables to the cars we drive to the shoes on our feet, railroads move 43 percent of the nation's intercity freight - more than any other transportation mode.

### FAST FACTS: RAILROADS SAVE AMERICA MONEY

- Average US rail rates (per ton-mile) are among the lowest in the world, according to World Bank data and other sources. US rates are half those in China and Japan, 50-75 percent below those in European countries.
- Average rail rates adjusted for inflation were 51 percent lower in 2010 than they were in 1981. The average rail shipper can move twice as much freight today for the same price it paid 30 years ago.
- If all freight traffic were shifted to trucks, transportation costs would jump by almost \$70 billion a year, according to AASHTO.
- From 1990 to 2005, rail rates for shipping coal fell 13 percent while electric rates jumped 35 percent. Rail rates for shipping grain rose just 23 percent while seed and fertilizer increased nearly 80 percent. Without freight rail, the cost of food and electricity would be even higher.





## Conserving fuel, mitigating pollution

Freight rail is the cleanest, most efficient, and most environmentally sound way to move freight.

- One freight train can move a ton of freight nearly 500 miles on a single gallon of fuel.
- Railroads are, on average, four times more fuel efficient than trucks. Moving freight by rail instead of truck lowers greenhouse gas emissions by 75 percent.
- Freight rail accounts for less than one percent of greenhouse gas emissions in the US, according to the EPA - even though freight trains move over 40 percent of intercity freight.
- New hybrid and "genset" locomotives, which have several independent engines that turn on and off depending on need are making freight rail even more fuel efficient.
- New locomotive emission standards issued by EPA in 2008 will cut emissions of various pollutants by up to 90 percent.

SINCE 1961, FREIGHT RAILROADS HAVE DOUBLED THE AMOUNT OF FREIGHT THEY MOVE WHILE USING VIRTUALLY THE SAME AMOUNT OF FUEL.

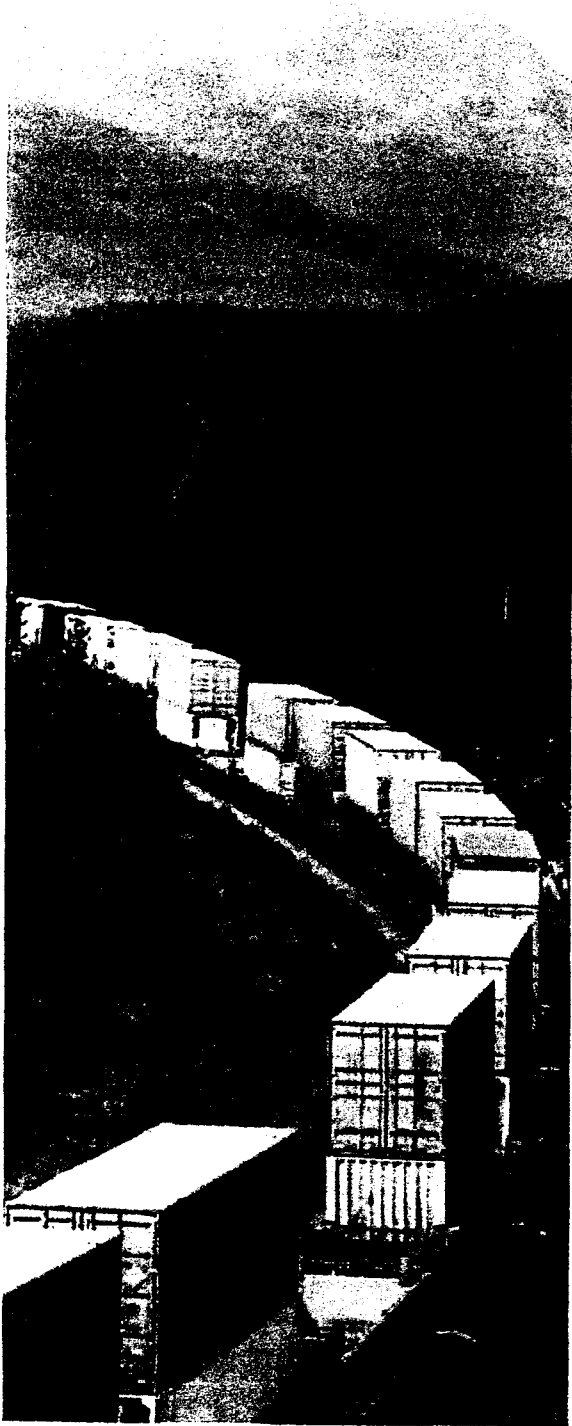
## Freight rail reduces congestion

Highway congestion costs the US economy over \$100 billion each year in wasted fuel and time. Without freight rail, our highways would be even more congested.

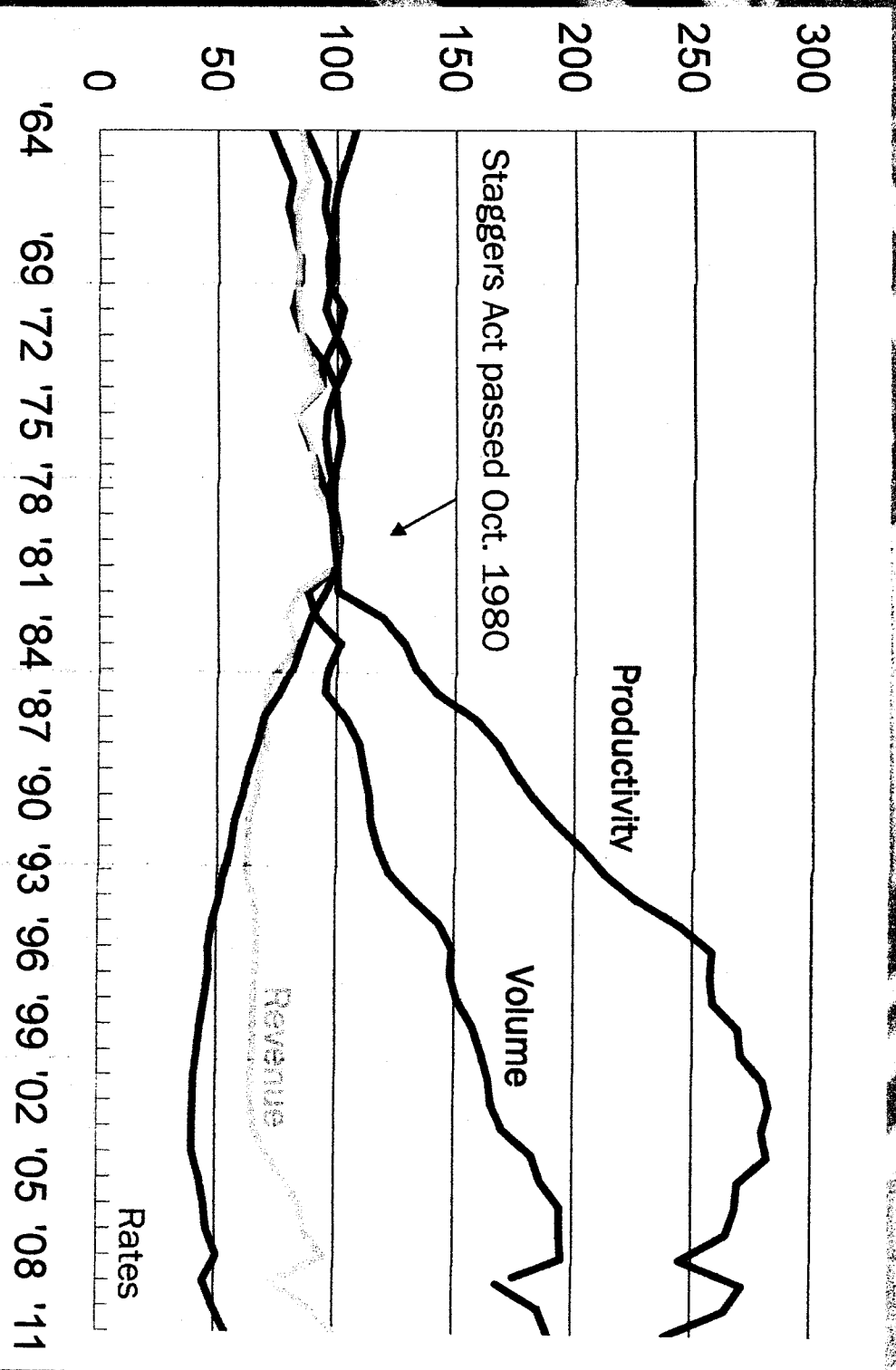
- One intermodal train can haul 280 truck trailers, taking them off the nation's roads. That's the equivalent of taking 1,100 automobiles off our highways.
- It would take 500 trucks to move as much bulk freight - like coal or grain - as one train.

### FAST FACTS: RAILROADS PROVIDE GOOD-PAYING AMERICAN JOBS

- Railroad employment was up 5.2 percent in 2010, bringing the total workforce to more than 175,000.
- 67,000 railroad employees (30 percent of the rail workforce) will become eligible for retirement over the next five years.
- The average full-time railroad worker in 2010 earned wages and benefits of \$107,800. The average US employee saw average annual compensation of \$66,000 - 61 percent of the average railroader.
- Railroads have long been known to provide workplaces conducive to those who served our country and are routinely listed as top "military-friendly employers."



# Reasonable Regulation as Notice





## **Reasonable Regulation has Worked**

Prior to 1980, the government virtually controlled freight railroads and the nation's rail infrastructure was crumbling. The paralyzing effect of over-regulation meant railroads could not afford basic maintenance.

- ✓ Tracks were literally collapsing under stationary trains.
- ✓ More than 20 percent of the country's railroad miles were operated by railroads in bankruptcy.
- ✓ Rail rates were rising faster than inflation and the rail market share shriveled as more and more shippers turned to trucks – putting more trucks on the road.

In 1980, Congress passed the Staggers Rail Act; creating smart, balanced regulations that hold railroads accountable while freeing them to succeed. Shippers are protected against anti-competitive railroad conduct, while railroads can largely decide for themselves how to manage their operations.

Some rail shippers continue to call for new legislation that would in effect force railroads to lower their rates to certain large shippers and dramatically expand the role of government in running railroads. They seek to repeal parts of the Staggers Act that have made it possible for railroading to sustain itself. American railroads are extensively regulated by the Surface Transportation Board (STB), an independent federal economic regulatory agency. Claims of railroad "monopolies" also ignore basic economics. Just because a shipper is served by a single railroad, it does not mean that railroad has unconstrained market power. In the long run, more than one railroad can serve the same shipper only when there is sufficient demand to sustain two railroads. That's why most shippers have always been served by just one railroad. Imposing government control of railroads would mean that the government would determine what services railroads could offer, the shipping rates for specific movements, and could force railroads to allow others to operate over their tracks at whatever rate is set by the government.

***Since the Staggers Act Passed...Rail is more Affordable... more Productive...and Growing.***



*Kathryn Zepaltas is director of logistics at Kendall-Jackson Wine Estates, overseeing everything from warehousing, inventory management, and customer service to transportation and distribution. Previously, she was Director of Operations at Regal Winde Company, a Kendall-Jackson subsidiary. She is an active member of the Warehousing Education and Research Council.*

### **Freight trains prove attractive as California winemakers seek to go green**

The city of American Canyon was incorporated in 1992 in an area named Napa Junction because of the rail lines that met at the north end of town. Today, wine from Northern California's best-known wine producing areas flows in to be shipped out by freight rail.

The connection between freight trains and wine is driving economic development. The area's production of about 30 million cases of wine per year creates jobs in bottling, packaging, distribution facilities, warehouses, and boutique winemaking. A growing focus on transporting wine efficiently and environmentally has led to greater use of freight rail.

City Manager Rich Ramirez said that while other cities have been hit for years with catastrophic police and fire services cuts, American Canyon has been spared. "So many people do not understand the fact that if Napa wine is made, shipped or stored, businesses in American Canyon play a big role," he said. "The boom in wine storage warehouses has been in part fueled by freight rail's ability to ship case goods to major markets nationwide."

A prime example is Biagi Brothers, a Nationwide Transportation, Distribution and Warehousing Company that shipped 100 carloads of wine per year about ten years ago. Today, they are shipping more than 5,000 carloads each year on the California Northern Railroad's all new environmentally efficient, American-made equipment.

**Today, they are shipping more than 5,000 carloads today on new environmentally friendly, American-made equipment.**

The Jackson Family Wines/Biagi Bros. Distribution Center was recently built in American Canyon and will move wine by truck and rail, thanks to a newly built private rail spur that allows freight to be loaded onto rail cars through 14 doors on the southern side of the 650,000 square-foot building. This distribution center is the size of 11 football fields.

According to Kathryn Zepaltas, director of logistics for Jackson Family Wines, the American Canyon site was chosen because of the city's proximity to wine country, Highway I-80 and its access to freight rail. There are approximately 50 people employed at the distribution center. "Each boxcar equals three to five truckloads of wine and one locomotive moves a number of cars, so this promotes carbon footprint reduction," Zepaltas added.

**The presence of freight rail has helped this American city become a wine-industry transportation hub.**



*Co-sponsor of the 2010 Northern California Mega Region Summit "Moving America's Economic Recovery Forward," the Oakland Metropolitan Chamber of Commerce promotes commerce and industry, economic growth and enhances quality of life. Joseph Haraburda has served the Chamber as President & CEO since 1996.*

### **New rail yards & logistics facilities will bring jobs and improve air quality for Oakland**

The City of Oakland and the Port of Oakland, together with private business partners, plan to create a vital international trade and industry center that will create jobs, increase global competitiveness, and provide a range of benefits locally, regionally, and nationally. The strategic redevelopment of the former Oakland Army Base includes marine terminal improvements, a new intermodal rail terminal, trade and logistics facilities, and numerous other transportation infrastructure improvements.

The Port of Oakland's Outer Harbor Intermodal Terminals (OHIT) project, part of the larger Base redevelopment plan, is a \$325 million-dollar redevelopment of 160 acres on the former Oakland Army Base. It will create two new rail yards, accommodate 12,000 foot trains, minimize locomotive switching, and utilize state-of-the-art cranes.

"There will be more than 12,000 total jobs attributed to OHIT and almost 4,000 direct jobs" according to Joseph Haraburda, president and CEO of the Oakland Metropolitan Chamber of Commerce. "The direct local economic impact will be nearly than \$1.6 billion dollars of business revenue and more than \$79 million in state and local taxes."

The Chamber coordinated the Oakland Partnership – a public/private collaboration for the economic development of Oakland and its region – which emphasized the importance of the transportation and logistics industry as economic drivers. The Oakland Partnership and other northern California transportation coalitions all consider OHIT a top priority. Oakland is the fourth busiest container port in the United States – handling 99 percent of the waterborne goods moving through northern California.

**There will be more than 12,000 total jobs attributed to OHIT and almost 4,000 direct jobs.**

When completed, OHIT will offer green jobs and as well as relieve congestion on roads, freeways, and rail lines adjacent to the Port. Every freight train loaded at the port eliminates 750 truck trips. The Port intermodal yards could eliminate 10,000 truck trips for every 3,500 intermodal containers unloaded and 3,000 intermodal containers loaded at the wharf. Projections are that the rail diversion due to OHIT will remove approximately 1.5 million annual truck trips and over 120 million VMT from regional street and highway networks.

"Our area's outdated infrastructure needs projects like OHIT," said Haraburda. He added that, in order to be competitive domestically and internationally, bold projects that improve the movement of goods are needed.

**In Oakland, OHIT and freight rail means new jobs and reduced truck traffic.**

**Thursday, Jun. 28, 2012**

# **Back on Tracks**

**By Michael Grunwald**

Congress is gridlocked over infrastructure. On one side, Democrats want to invest in America. On the other side, Republicans want to tighten government's belt. But there's one more side to this story. U.S. freight railroads will get \$23 billion worth of upgrades this year, and taxpayers won't pick up the tab. That's because the railroads build, maintain and improve their own infrastructure and even pay property taxes on their tracks. Also, freight trains are about three times as fuel-efficient as long-haul trucks, which means they help cut smog and reduce the U.S.'s carbon emissions and oil dependence. And forget those accident-prone trains your kids watch on Thomas the Tank Engine & Friends. In reality, shifting freight from roads to rails sharply reduces crashes and congestion.

We don't think much about freight trains except when they make us wait at intersections or blow their horns while chugging through our towns. The industry evokes images of ruthless Gilded Age monopolies and hapless 1970s bankruptcies. But railroads are one of my favorite special interests--not because they're less greedy or aggressive than other Washington lobbies but because what's good for them really does tend to be good for us.

It's not just that they are self-sufficient and fuel-efficient, employ 175,000 workers and have poured \$500 billion into their trains, tracks and terminals since 1980. They are also quite literally the engines of our economy. America's passenger rail is a global joke, but our freight rail is the envy of the world, carrying over 40% of our intercity cargo. Trains carry much less of Europe's freight, which is why trucks clog Europe's highways. And America's rail-shipping rates are the world's lowest, reducing the cost of doing business in the U.S.; they've fallen 45% in real dollars since the industry was deregulated three decades ago.

The right should love railroads because they're proof that deregulation can work and the

private sector can upgrade infrastructure. The left should love railroads because they fight global warming and provide union jobs. We all should love railroads because they bring us our stuff and keep prices down.

I love railroads because they've got all the right enemies. The welfare queens of Big Ag, who whine about government interference while relying on government handouts, want Congress to lower the prices railroads charge to ship their subsidized grain and ethanol. The similarly retrograde King Coal, which resists regulations that could stop it from poisoning our air and water, also clamors to reregulate freight rates. It's amusing to see supposed fans of the free market--including a Koch brother who sued the railroads--seek government price controls on productive businesses (which would, of course, lead the railroads to reduce service and pull back on capital investments) in order to prop up their own uncompetitive businesses. Railroad competitors are almost as annoying as railroad customers: the trucking and barging industries perpetually lobby for government to widen highways and dredge rivers--pressuring it to get taxpayers to foot the bill for what the railroads cover for themselves.

Railroads are flourishing, attracting investors like Warren Buffett, and Association of American Railroads CEO Ed Hamberger says their main request of government is to be left alone to continue their renaissance. That said, President Obama provided unprecedented support for freight rail through his 2009 stimulus bill. (Yes, I always come back to the stimulus.) It didn't include a freight-rail program, but the biggest grants in its Tiger competition--designed to promote transportation projects with the biggest economic and environmental bang for the buck--all went to freight-rail initiatives that will unclog the arteries of U.S. commerce.

These days, Congress won't spend the bucks on infrastructure, regardless of the bang. But quietly railroads keep spending their own bucks. In an era of austerity, progress chugs along slowly and rarely blows its horn.

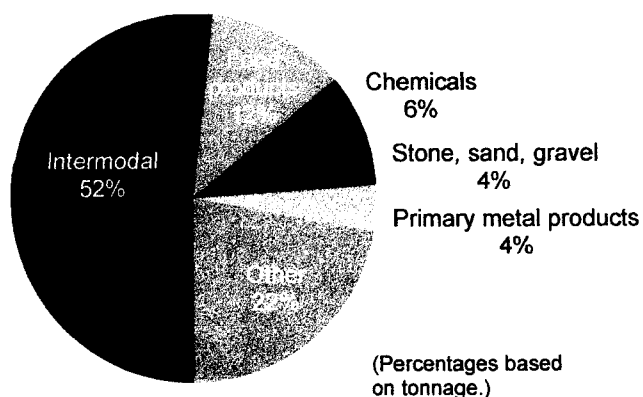
## Rail Fast Facts For 2010

<b>Operations</b>	Number of freight railroads	25
	Freight railroad mileage	5,307
<b>Employment and Earnings</b>	Number of freight rail employees	8,672
	Average wages & benefits per freight rail employee	\$105,540
<b>Railroad Retirement</b>	Number of railroad retirement beneficiaries	27,275
	Railroad retirement benefits paid	\$506 million
<b>Economic Impact</b>	Nationwide, each freight rail job supports 4.5 jobs elsewhere in the economy. Each \$1 billion in new rail investment supports more than 17,000 jobs.	
<b>Fuel Efficiency</b>	In 2011, America's railroads moved a ton of freight an average of 469 miles on one gallon of fuel. That's like going from Los Angeles to Tucson, AZ. On average, railroads are four times more fuel efficient than trucks. Moving freight by rail instead of truck reduces greenhouse gas emissions by 75 percent.	
<b>Cutting Highway Gridlock</b>	One train can carry as much freight as several hundred trucks. It would have taken approximately 8.2 million additional trucks to handle the 148.0 million tons of freight that originated in, terminated in, or moved through California by rail in 2010.	

## Rail Traffic Originated in 2010

Total Tons: 56.3 million

Total Carloads: 3,093,200



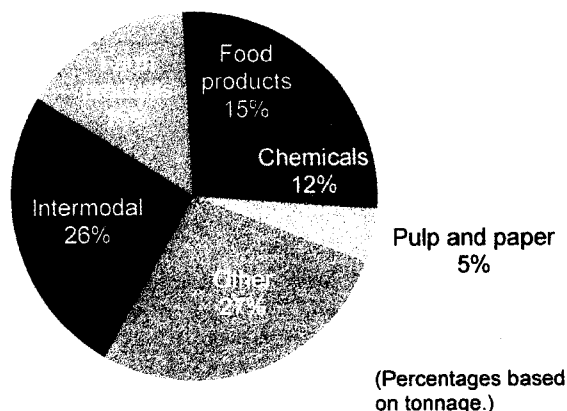
Commodity	Tons	Carloads
Intermodal	29,103,000	2,311,300
Food products	6,958,000	198,400
Chemicals	3,192,000	53,700
Stone, sand, gravel	2,330,000	36,900
Primary metal products	2,254,000	24,400
Other	12,433,000	468,300

*Much of the intermodal traffic that originates in California consists of containerized imports coming into the ports of Los Angeles and Long Beach that move inland by rail. California was 8th nationally in 2010 in total rail tons originated.*

## Rail Traffic Terminated in 2010

Total Tons: 95.1 million

Total Carloads: 3,249,000



Commodity	Tons	Carloads
Intermodal	24,405,000	1,400,700
Farm products	14,480,000	285,800
Food products	14,004,000	267,800
Chemicals	11,654,000	177,300
Pulp and paper	4,497,000	119,900
Other	26,102,000	997,400

*Much of the intermodal traffic terminated in California is containerized exports heading to Asia and elsewhere. California also leads the country in terminated rail tons of food products, paper, lumber and wood products, and ethanol.*





# Freight Railroads in California

	Miles Operated In California in 2010
<b>Class I Railroads</b>	
BNSF Railway Company	2,125
Union Pacific Railroad Co.	3,288
	<hr/> 5,413
<b>Regional Railroads</b>	
(none)	
<b>Local Railroads</b>	
Arizona & California Railroad Co.	133
Carrizo Gorge Railway, Inc.	80
Central Oregon & Pacific Railroad	60

California 2010 Totals	Number of Freight Railroads	Miles Operated	
		Excluding Trackage Rights	Including Trackage Rights
Class I	2	3,923	5,413
Regional	0	0	0
Local	15	1,062	1,076
Switching & Terminal	8	322	355
<b>Total</b>	<b>25</b>	<b>5,307</b>	<b>6,844</b>

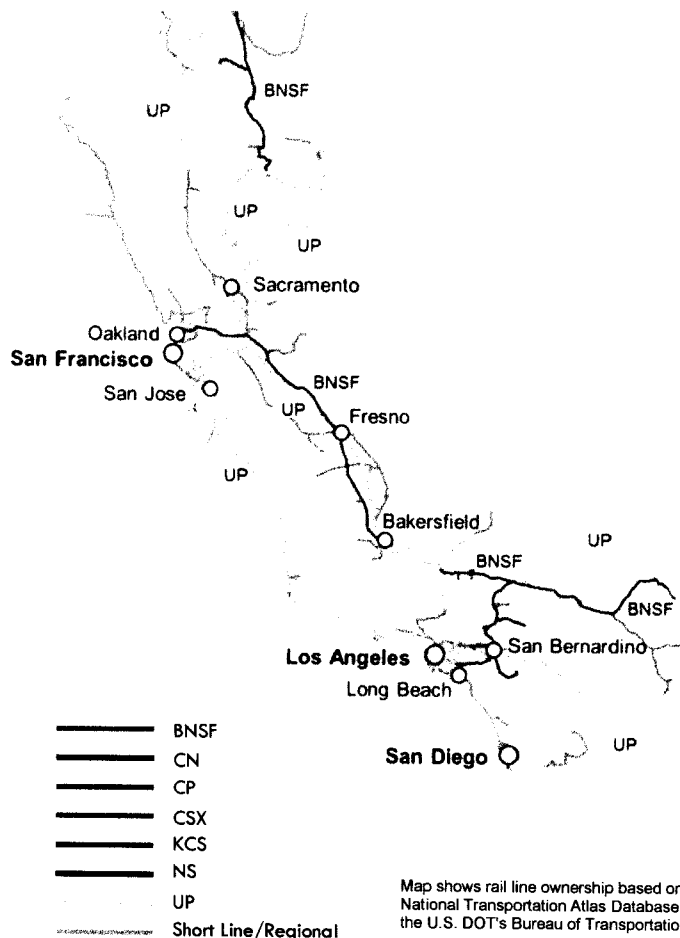
## Miles Operated In California in 2010

### Local Railroads, cont.

Lake Railway, LLC	103
McCloud Railway Co.	20
Pacific Sun Railroad, LLC	62
Sacramento Valley Railroad	7
San Diego & Imperial Valley Railroad	41
San Joaquin Valley Railroad Co.	351
Santa Maria Valley Railroad	14
Sierra Northern Railway	126
Stockton Terminal & Eastern Railroad	30
Trona Railway Co.	31
Ventura County Railroad Company	13
West Isle Line, Inc.	5
	<hr/> 1,076

### Switching & Terminal Railroads

California Northern Railroad	247
Modesto & Empire Traction Co.	37
Napa Valley Railroad Co.	21
Oakland Terminal Railway	6
Pacific Harbor Line, Inc.	21
Quincy Railroad	3
Richmond Pacific Railroad Corp.	10
Santa Cruz, Big Trees & Pacific Railway	10
	<hr/> 355



**Class I Railroad:** A railroad with 2010 operating revenues of at least \$398.7 million. **Regional Railroad:** A non-Class I line-haul railroad that has annual revenues of at least \$40 million, or that operates at least 350 miles of road and revenues of at least \$20 million. **Local Railroad:** A railroad which is neither a Class I nor a Regional Railroad, and which is engaged primarily in line-haul service. **Switching & Terminal Railroad:** A non-Class I railroad engaged primarily in switching and/or terminal services for other railroads. Railroads operating are as of December 31, 2010. Some mileages may be estimated.

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DEPARTMENT OF FISH AND GAME

**WILDLIFE CONSERVATION BOARD**

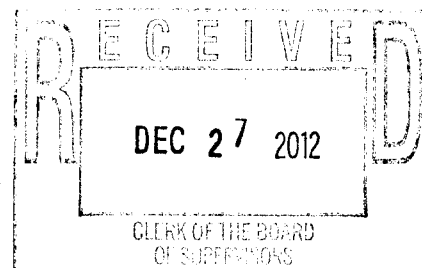
1807 13<sup>TH</sup> STREET, SUITE 103  
SACRAMENTO, CALIFORNIA 95811  
(916) 445-8448  
FAX (916) 323-0280  
[www.wcb.ca.gov](http://www.wcb.ca.gov)

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CLERK OF THE BOARD**

State of California  
Natural Resources Agency  
Department of Fish and Game  
**WILDLIFE CONSERVATION BOARD**

Minutes

August 30, 2012



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\*\* Withdrawn from consideration

- \*7. Lower Yuba River – Excelsior – Phase II \$549,600.00  
(Black Swan Ranch)  
Yuba County

This proposal was to consider the acquisition in fee of 108± acres of land by the Department of Fish and Game (DFG) for the protection of riparian, riverine, forest meadow, and blue oak woodland areas that serve as critical winter range for the Mooretown deer herd, provide habitat for threatened and endangered species, and to expand public access and fishing opportunities to the Lower Yuba River watershed and surrounding foothill areas.

#### LOCATION AND SURROUNDING USES

The subject property (Property) is located at the western edge of the Nevada County, just north of State Highway 20, west of Mooney Flat Road. The site is situated northeast of the small rural community of Smartsville and is bordered by Penn Valley, Grass Valley, and Nevada City to the east, and Marysville and Yuba City to the west. The northern edge of the Property lies adjacent to the eastern component of DFG's Lower Yuba River, Excelsior property (DFG Excelsior), a 527-acre acquisition approved by the Wildlife Conservation Board (WCB) in November of 2010, which the Yuba River flows through. The proposed acquisition, when combined with the DFG Excelsior property, will create superior access into DFG properties, thereby enhancing and benefiting public recreational opportunities and access to the Yuba River for angling, hiking, and other recreational and scenic activities.

The proposed acquisition is located within the DFG Lower Yuba River Conceptual Area Protection Plan (CAPP) and is situated in a region of foothills located between DFG lands and other protected areas located to the south and north along the same stretch of foothills. The acquisition will help provide habitat between the DFG Daugherty Wildlife Area and the University of California Foothill Research Station, located to the north and the DFG Spenceville Wildlife Area located to the south. The Property is also within the boundaries of the Placer Legacy Program area, a regional conservation planning effort to protect foothill open space areas and habitat, involving Placer County, the California Department of Parks and Recreation, the Sierra Nevada Conservancy, the Placer Land Trust, and the Trust for Public Land.

#### PROJECT DESCRIPTION

The irregularly shaped Property is unimproved and is located within a general agriculture zone with a 40-acre minimum requirement. The terrain is primarily covered with grassland pastures and oak woodlands on level to sloping terrain. There are a number of small pond areas including a large scenic pond feature. The Property is inhabited by a number of diverse non-game species and a number of threatened and endangered species including the western pond turtle,

valley elderberry longhorn beetle, western burrowing owl, and peregrine falcon. Other resident wildlife species include the black bear, wild turkey, gray squirrel, California quail, bald and golden eagles, and a variety of associated riparian and wetland species.

The Property is comprised of two parcels. The northernmost parcel is proposed for acquisition as part of this project. The other parcel, located on the southern end of the Property, is proposed for acquisition by the Bear Yuba Land Trust in a separate transaction. The acquisition of both parcels will merge the DFG Excelsior property with the Black Swan property and provide improved access into the Property from adjacent Mooney Flat Road, and further enhance public recreational opportunities and access to the Yuba River for angling, hiking, and other recreational and scenic activities. Acquisition of the property will also preclude potential development of lands within the Yuba River watershed, helping to protect and maintain water quality and detrimental run-off in this important fishery, as well as help reduce rapid downstream flows within the Yuba River floodplain.

#### WCB PROGRAM

The proposed acquisition is being considered under the WCB's Land Acquisition Program. The Land Acquisition Program is administered pursuant to the Board's original enabling legislation, "The Wildlife Conservation Law of 1947" (Fish and Game Section 1300, et seq.) authorizing the WCB to acquire real property or rights in real property on behalf of the DFG, grant funds to other governmental entities or nonprofit organizations to acquire real property or rights in real property and accept federal grant funds to facilitate acquisitions or subgrant these federal funds to assist with acquisitions of properties. Under the program, the WCB acquires lands and interests in land that can successfully sustain or be restored to support wildlife and, when practicable, provide for suitable wildlife-oriented recreation opportunities. These activities are carried out in conjunction with the DFG, which evaluates the biological values of property through development of a Land Acquisition Evaluation/Conceptual Area Protection Plan (LAE/CAPP). The LAE/CAPP is then submitted to DFG's Regional Operations Committee (ROC) for review and, if approved, later transmitted to the WCB with a recommendation to fund.

#### MANAGEMENT OBJECTIVES AND NEEDS

The Property will be maintained and managed by DFG as an expansion to the DFG's Excelsior property and as part of the North Central Region's lands program overseen by law enforcement staff and wildlife and fisheries unit biologists. Biologists will also conduct annual site monitoring visits documenting any management, restoration, and fire prevention needs.

### TERMS

The Property has been appraised as having a fair market value of \$700,000.00. The appraisal has been reviewed by WCB staff and reviewed and approved by the Department of General Services (DGS). The Property owner has agreed to sell the Property for less than its appraised fair market value at \$526,600.00. The terms and conditions of the proposed WCB acquisition will require WCB staff to review and approve all title documents, preliminary title reports, documents for purchase and sale, escrow instructions and instruments of conveyance prior to disbursement of funds directly into the escrow account established for the acquisition. Once approved by the WCB, the transaction must also be reviewed and approved by the DGS.

### PROJECT FUNDING

The proposed funding breakdown for the project is as follows:

<b>Wildlife Conservation Board</b>	<b><u>\$526,600.00</u></b>
<b>TOTAL</b>	<b><u>\$526,600.00</u></b>
 Other Project-Related Costs:	 \$ 23,000.00
<b>Total WCB Allocation</b>	<b><u>\$549,600.00</u></b>

It is estimated that an additional \$23,000.00 will be needed to cover project-related administrative costs.

### FUNDING SOURCE

The proposed funding source for this project is the Fish and Game Code Section 2786(a)(Proposition 1E), that provides funding for protection of deer, mountain lion, and oak habitats and for the protection of habitat within a floodplain or flood corridor and is consistent with the objectives of this project.

### ENVIRONMENTAL COMPLIANCE AND STATE RECOMMENDATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) requirements and is proposed as exempt under CEQA Guidelines Section 15313, Class 13, as an acquisition of land for fish and wildlife conservation purposes, and under Section 15325, Class 25, as a transfer of an ownership interest in land to preserve open space and existing natural conditions, including plant or animal habitats. Subject to approval by the Wildlife Conservation Board, a Notice of Exemption will be filed with the State Clearinghouse.

### STAFF RECOMMENDATION

Staff recommended that the Wildlife Conservation Board approve this project as proposed; allocate \$549,600.00.00 from the Habitat Conservation Fund (Proposition 117), Fish and Game Code Section 2786(a)(Proposition 1E), for the

acquisition and project-related expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

**As one of the consent items heard at the beginning of the meeting, it was moved by Mr. Kellogg that the Wildlife Conservation Board approve this project as proposed; allocate \$549,600.00.00 from the Habitat Conservation Fund (Proposition 117), Fish and Game Code Section 2786(a)(Proposition 1E), for the acquisition and project-related expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.**

**Motion carried.**



16. Daugherty Hill Wildlife Area, Expansion 13  
Yuba County

\$2,740,000.00

This proposal was to consider the acquisition of fee title to 679± acres as an addition to the Department of Fish and Game's (DFG) Daugherty Hill Wildlife Area (Wildlife Area). A cooperative project with the Trust for Public Land (TPL), the acquisition will protect oak woodlands and deer winter range habitat. Ms. Teri Muzik of the Wildlife Conservation Board briefly described the project and its location.

LOCATION AND SURROUNDING USES

The subject property (Property) is located in the Sierra Foothills, in northeastern Yuba County, specifically on the west side of Los Verjeles Road approximately ¼ mile north of Loma Rica Road near the community of Loma Rica. The Property is adjacent to the Wildlife Area and northeast of the University of California Foothill Research and Extension Center.

The northwestern Sierra Foothill region has been identified by the DFG and other conservation groups as one of the most impacted habitat areas in the State as a result of increased urban and residential development, causing fragmentation of larger habitat areas into smaller acreage sites. Over the last 40 years the northern Central Valley areas have undergone rapid residential and urban development. Some of this growth pressure has extended up into the adjoining foothills areas, from those seeking a more rural lifestyle and escape from the highly developed valley floor areas. As a result, what were once large tracts of undeveloped land and ranches have been subdivided into smaller holdings and ranchette-type developments. This fragmentation has especially impacted wildlife migration corridors that run between the valley floor up into the higher elevations of the Sierra Mountains.

The Property provides excellent and essential deer winter range which has been rapidly subdivided and developed over the last decade. The Property is located along the migratory corridor for the Mooretown deer herd, comprising a portion of the species' lower elevation wintering grounds and providing important foraging habitat for the deer herd. DFG has recognized the need to protect this area through development of DFG Daugherty Hill Conceptual Area Protection Plan (CAPP). The Property is listed in the CAPP as a priority acquisition because of the Property's habitat values and location within the migration corridor for the wintering Mooretown deer herd.

PROJECT DESCRIPTION

The Property consists of rolling to steep ground with elevation ranges from approximately 500 – 800 foot above sea level. Blue oak woodlands dominate the site, which also contains annual grasslands, interior live oak, grapy-pine woodlands and Central Valley oak riparian habitat. There are fresh emergent wetlands, wet meadows, seasonable wetlands and seasonal swales throughout

the Property. This habitat supports a wide variety of wildlife including foothill yellow-legged frogs, wild turkey, quail, mountain lion, bobcat, the valley elderberry longhorn beetle and the northwestern pond turtle. Suitable nesting and foraging habitat for raptors is also found on the Property.

The Property also has approximately three miles of frontage on South Honcut Creek, a major foothill tributary of the Yuba River. Portions of Honcut Creek have been impaired by adjoining agricultural uses impacting the creek's natural floodplain and riparian vegetation. Protection of the creek will allow riparian features to improve along with expanded floodplain areas, improving water quality and reducing downstream flooding on the lower portions of the Yuba River.

#### WCB PROGRAM

The proposed acquisition is being considered under the Wildlife Conservation Board's (WCB/Board) Land Acquisition Program (Program). The Program is administered pursuant to the Board's original enabling legislation, "The Wildlife Conservation Law of 1947" (Fish and Game Section 1300, *et seq.*) that authorizes WCB to acquire areas that can successfully sustain wildlife and provide for suitable recreation opportunities. Under this Program acquisition activities are carried out in conjunction with the DFG, which evaluates the biological values of property through development of a Land Acquisition Evaluation (LAE)/Conceptual Area Protection Plan (CAPP). The LAE/CAPP is then submitted to DFG's Regional Operations Committee (ROC) for review and, if approved, later transmitted to the WCB with a recommendation to fund.

#### MANAGEMENT OBJECTIVES AND NEEDS

The DFG will be the owner in fee simple and will add this Property to its adjacent Wildlife Area. DFG regional staff anticipates that nominal management costs would be associated with some perimeter fencing and signage for the Property. Given the Property's location adjacent to lands currently managed by the DFG as part of the Wildlife Area, additional management funds for staffing will not be required. Public access to the Wildlife Area is currently provided for low-impact recreational activities, including hunting, fishing, hiking, bird watching and photography. In addition, bicycling and equestrian use are allowed during summer months.

#### TERMS

The Property has been appraised as having a fair market value of \$2,720,000.00. The appraisal has been reviewed by WCB staff and reviewed and approved by the Department of General Services (DGS). The Property owner has agreed to sell the property for the appraised fair market value of \$2,720,000.00. TPL has secured a purchase and sale agreement for this Property from the current owner. Subject to approval by the Board, TPL, the landowner and DFG will enter into a Property Acquisition Agreement for the approved, appraised

value under which the landowner will agree to deed the Property directly to the State. The terms and conditions of the proposed acquisition provide that staff of the WCB must review and approve all title documents, preliminary title reports, documents for purchase and sale, escrow instructions and instruments of conveyance prior to disbursement of funds directly into the escrow account established for the acquisition. Once approved by the Board, the transaction will also be subject to review and approval by DGS.

#### PROJECT FUNDING

The proposed funding breakdown for the project is as follows:

<b>Wildlife Conservation Board</b>	<b>\$2,720,000.00</b>
<b>TOTAL Purchase Price</b>	<b>\$2,720,000.00</b>
 Other Project-Related Costs	 \$20,000.00
<b>TOTAL WCB ALLOCATION</b>	<b>\$2,740,000.00</b>

It is estimated that an additional \$20,000.00 will be needed to cover project-related expenses, including DGS review costs, escrow fees and closing costs, bringing the total proposed allocation for this project to \$2,740,000.00.

#### FUNDING SOURCE

The purposes of this project are consistent with the authorized uses of the proposed funding source, the Habitat Conservation Fund (Proposition 117), Fish and Game Code Section 2786(a) (Proposition 1E) that allows for the acquisition of habitat, including native oak woodlands, necessary to protect deer and mountain lions and for the preservation or enhancement of wildlife values to protect or enhance a flood protection corridor or bypass.

#### ENVIRONMENTAL COMPLIANCE AND STATE RECOMMENDATION

The proposed acquisition has been reviewed for compliance with the California Environmental Quality Act (CEQA) requirements and is proposed as exempt under CEQA Guidelines Section 15313, Class 13, as an acquisition of lands for wildlife conservation purposes, and Section 15325, Class 25, as a transfer of an ownership interest in land to preserve open space. Subject to authorization by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

#### STAFF RECOMMENDATION

Staff recommended that the Wildlife Conservation Board approve this project as proposed; allocate \$2,740,000.00 from the Habitat Conservation Fund, (Proposition 117), Fish and Game Code Section 2786(a) (Proposition 1E) for the acquisition and to cover internal project-related expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Ms. Muzik introduced Ms. Tina Bartlett, Acting Regional Manager from the Department of Fish and Game, Region 2; and Mr. Eric Vink, Central Valley Program Manager from the Trust for Public Land, who were in the audience and available to answer questions.

Mr. Martin Hobbs, an adjacent landowner, expressed some concerns about this item. Mr. Hobbs asked about the access plans for the proposed property. Ms. Tina Bartlett from the Department of Fish and Game (DFG) responded that the access to this property will be by walking only to minimize the impacts to wildlife. Ms. Bartlett added that this property has a lot of value for anglers, and the DFG encourages the access to the creek that is on the property. Mr. Hobbs stated that where he lives used to be a popular swimming hole in, and when he first moved there they had to excavate quite a bit of trash. Mr. Hobbs went on to explain that as he took over the property, his family still allowed people to go down there to swim, but it became so trashed that they decided to close the access off. Now with the property being opened on the other side of the river, he is afraid that the same problem would arise again.

Chairman Bonham responded that he appreciates Mr. Hobbs coming to the Board meeting to express his concerns, and added that the DFG cares very much about relationship with adjacent landowners. Chairman Bonham pointed out that this project is an extension of about 680 acres of already existing wildlife habitat, and he is sure that the DFG will continue to actively reach out to the adjacent landowners and seek ways to incorporate such concerns into DFG future management plans. Mr. Hobbs asked if something comes up, would the DFG work with him to solve that problem. Chairman Bonham responded that the Department, at the local level, will remain open to work with Mr. Hobbs to find a solution. Mr. Hobbs asked if there are any plans for developing trails that would lead directly to the creek. Ms. Bartlett responded that passive use is planned for the area, so no developed trails will be established at this time. Ms. Bartlett assured

Mr. Hobbs that the DFG will definitely work with him to address his concerns and consider them when developing the management plan for the site.

Chairman Bonham asked if there were any additional question or comments about this item. There were none.

**It was moved by Ms. Finn that the Wildlife Conservation Board approve this project as proposed; allocate \$2,740,000.00 from the Habitat Conservation Fund, (Proposition 117), Fish and Game Code Section 2786(a) (Proposition 1E) for the acquisition and to cover internal project-related expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.**

**Motion carried.**

17. Yuba Highlands Conservation Easement – Phase II \$1,104,000.00  
Yuba County

Mr. Donnelly reported that several letters of support were received for this project from the following people: Mr. Gregory S. Capra, P.E., LEED AP, Deputy Base Civil Engineer, Department of the Air Force; Supervisor Andy Vasquez, Yuba County Government Center, District 1; Ms. Marty Coleman-Hunt, Executive Director, Bear Yuba Land Trust; Mr. Jeff Darlington, Executive Director, Placer Land Trust; Mr. Glenn Nader, Livestock and Natural Resources Advisor, Butte/Yuba/Sutter Counties, University of CA, Agricultural and Natural Resources; and Mr. Gary B. Gallelli, Sr., Yuba Foothills Associates, LLC.

This proposal was to consider the acquisition of a conservation easement over 1,620± acres of land by the Department of Fish Game (DFG) for a cooperative project with the U.S. Department of Defense (DOD) and the Trust for Public Land (TPL) for protection of oak woodland and grassland habitats and habitat linkages and open space buffers between DFG's Spenceville Wildlife Area (SWA) and Beale Air Force Base (BAFB). Ms. Liz Yokoyama of the Wildlife Conservation Board briefly described the project and its location.

#### LOCATION AND SURROUNDING USES

The Property is located approximately four miles southwest of Smartsville, in the southwest quadrant of Chuck Yeager Road and Hammonton-Smartsville Road in Yuba County. Grass Valley and Penn Valley are located several miles east, and Marysville and Yuba City lie directly west of the site. The Property is currently used for livestock grazing and is situated between the SWA on the east and north; and the Beale Air Force Base on the south and west. The site is also located within DFG's Lower Yuba Watershed Conceptual Area Protection Plan (CAPP) area and is identified as a priority site for protection. The CAPP and surroundings are comprised of a series of foothills, grassland and oak savanna areas rising up from the east side of the Sacramento Valley.

The surrounding neighborhood is rural in nature and is comprised of rolling hills and grasslands used primarily for agricultural grazing. Major urban development projects are planned nearby along the Highway 65 corridor in Yuba County, including the 4,000 acre Hop Farm, a planned community consisting of over 14,000 residential units to accommodate 44,000 people.

#### PROJECT DESCRIPTION

At its February 24, 2011, meeting the Board approved the acquisition of the Phase I Yuba Highland conservation easement. The 833± project was comprised of two separate parcels of land, funded entirely by DOD. The current project is located between the two separate Phase I parcels and will link these parcels creating one contiguous 2,453± acre conservation easement, stretching

between BAFB located to the west and the Spenceville Wildlife Area (Spenceville WLA) located to the east. The project helps expand and create a wildlife linkage between the Spenceville WLA and the open space expanses of BAFB and at the same time creates an undeveloped open space buffer for BAFB operations.

This Property consists of rolling hills and grasslands with a small dispersion of interior live oak trees, riparian areas, and seasonal wetlands. The Property is currently used for seasonal cattle grazing, which will continue under the terms of the easement. The Property provides high quality habitat for wintering migratory deer herds and year-round habitat for resident deer. The Property also provides important foraging habitat for resident raptors, prairie falcons, and the red-tailed hawk.

#### WCB PROGRAM

The proposed acquisition is being considered under the WCB's Land Acquisition Program. The Land Acquisition Program is administered pursuant to the Board's original enabling legislation, "The Wildlife Conservation Law of 1947" (Fish and Game Code section 1300, *et seq.*) authorizing the WCB to acquire real property or rights in real property on behalf of the DFG, grant funds to other governmental entities or nonprofit organizations to acquire real property or rights in real property, and accept federal grant funds to facilitate acquisitions or subgrant these federal funds to assist with acquisitions of properties. Under the program the WCB acquires funds to facilitate the acquisition of lands and interests in land that can successfully sustain or be restored to support wildlife and, when practicable, provide for suitable wildlife-oriented recreation opportunities. These activities are carried out in conjunction with the DFG, which evaluates the biological values of property through development of a Land Acquisition Evaluation /Conceptual Area Protection Plan (LAE/CAPP). The LAE/CAPP is then submitted to DFG's Regional Operations Committee (ROC) for review and, if approved, later transmitted to the WCB with a recommendation to fund.

#### MANAGEMENT OBJECTIVES AND NEEDS

According to the terms of the conservation easement, DFG will take the primary role in monitoring and enforcing the terms of the conservation easement; however, the DOD shall at all times retain equal rights to monitor and enforce the terms of the easement. DFG has determined that existing staff resources will be sufficient to monitor the conservation easement, which will be adjunct with activities on the Spenceville Wildlife Area. Since the conservation easement is on private land, general public access will not be allowed. Livestock grazing practices will be permitted to continue in perpetuity conserving the Property's natural resource values, which includes the protection of native oaks. The conservation easement will also provide a national defense buffer for Beale Air Force Base.

### TERMS

The conservation easement has been appraised as having a fair market value of \$3,240,000.00. The appraisal has been reviewed by WCB staff and reviewed and approved by the Department of General Services (DGS). The Property owner has agreed to sell the conservation easement for less than the appraised value at \$2,500,000.00.

The conservation easement deed includes a provision for the assignment of TPL's interest in the conservation easement to the DOD. The assignment of TPL's interest to DOD would occur during the escrow process. Consequently, ownership interest in the conservation easement would be jointly held by both DFG and DOD, similar to the ownership and management structure currently used for Phase I of this project.

### PROJECT FUNDING

The proposed funding breakdown for the project is as follows:

<b>Wildlife Conservation Board</b>	<b>\$1,079,000.00</b>
DOD	\$1,420,000.00
Trust for Public Land	1,000.00
<b>TOTAL</b>	<b>\$2,500,000.00</b>
Other Project Related Costs	\$25,000.00
<b>Total WCB Allocation</b>	<b>\$1,104,000.00</b>

It is estimated that an additional \$25,000.00 will be needed to cover project-related administrative costs, including DGS appraisal and transaction review.

### FUNDING SOURCE

The proposed funding source is the Habitat Conservation Fund (Proposition 117), Fish and Game Code section 2786(a) that allows for the acquisition and protection of deer, oak woodland and mountain lion habitats and is consistent with the objectives of this project.

### ENVIRONMENTAL COMPLIANCE AND STATE RECOMMENDATION

The acquisition has been reviewed for compliance with the California Environmental Quality Act (CEQA) requirements and is proposed as exempt under CEQA Guidelines Section 15313, Class 13, as an acquisition of land for wildlife conservation purposes, and Section 15325, Class 25, as a transfer of an ownership interest in land to preserve open space and existing natural conditions, including plant or animal habitats. Subject to authorization by the WCB, a Notice of Exemption will be filed with the State Clearinghouse.

**STAFF RECOMMENDATION**

Staff recommended that the Wildlife Conservation Board approve this project as proposed; allocate \$1,104,000.00 from the from the Habitat Conservation Fund (Proposition 117), Fish and Game Code section 2786(a) to cover internal project-related expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.

Ms. Yokoyama introduced Ms. Tina Bartlett, Acting Regional Manager from the Department of Fish and Game, Region 2; and Mr. Dave Sutton, Northern California Director from the Trust for Public Lands, who were in the audience and available to answer questions.

Mr. Dave Sutton introduced himself before the Board and spoke in support of this agenda item. Mr. Sutton said that the previous project (Daugherty Hill Wildlife Area, Expansion 13, Yuba County), as well as this project, is a part of a 10-year partnership between WCB, DFG, Department of Defense, Placer, Yuba and Nevada counties, the Bear Yuba Land Trust, Northern Foothills Partnership, and Placer Land Trust in sustained investment to conserve one of the most critical foothill, blue oak corridors that run from Placer County north through Nevada, Yuba all the way up to the Butte County, in Sierra Nevada. Mr. Sutton went on to explain that the vision is to connect the Spensville Wildlife Area all the way north to Doherty Hills. Mr. Sutton expressed his appreciation to the Board for considering this project.

Chairman Bonham asked if there were any questions or comments about this agenda item. There were none.

**It was moved by Mr. Kellogg that the Wildlife Conservation Board approve this project as proposed; allocate \$1,104,000.00 from the from the Habitat Conservation Fund (Proposition 117), Fish and Game Code section 2786(a) to cover internal project-related expenses; authorize staff to enter into appropriate agreements necessary to accomplish this project; and authorize staff and the Department of Fish and Game to proceed substantially as planned.**

**Motion carried.**



## STATE BOARD OF EQUALIZATION

450 N STREET, SACRAMENTO, CALIFORNIA  
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0080  
916-322-9569 • FAX 916-324-3984  
[www.boe.ca.gov](http://www.boe.ca.gov)

DEC 31 2012



C

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First District, San Francisco

SEN. GEORGE RUNNER (RET.)  
Second District, Lancaster

MICHELLE STEEL  
Third District, Orange County

JEROME E. HORTON  
Fourth District, Los Angeles

JOHN CHIANG  
State Controller

CYNTHIA BRIDGES  
Executive Director

No. 2012/056

December 21, 2012

TO: STATE ASSESSEES, COUNTY SUPERVISORS  
AND COUNTY ASSESSORS

The State Board of Equalization has established the following 2013 Calendar for the Valuation of Public Utilities and Railroads:

2013

- |             |   |
|-------------|---|
| January 1   | Lien date for all state-assessed property.  |
| January 2   | State-Assessed Properties Division staff mails property statements to state assesses and informs them that when completed, copies of the staff's capitalization rate study and a summary of the staff's working papers on value indicators will be available upon request, and that the staff will be available to discuss this data. |
| February 26 | Board will hear state assesses' presentations on capitalization rates and other factors and procedures affecting the FY 2013-14 values of state-assessed properties. In lieu of oral presentations, assesses may submit written presentations to the Chief of Board Proceedings by February 26.                                       |
| March 1     | Last day for state assesses to timely file property statements with the Board. Failure to file timely will result in penalties unless an extension is granted. Extensions are granted only in cases where reasonable cause is established.  |
| April 9     | Last day for state assesses to file request with the Chief of Board Proceedings for the April 24 agenda to make presentations to the Board on the valuation of state-assessed properties.   |
| April 24    | Board will hear state assesses' presentations on the valuation of state-assessed properties. In lieu of oral presentations, assesses may submit written presentations to the Chief of Board Proceedings by April 24.  |
| May         | Staff is available to discuss value indicators and supporting data with state assesses.   |
| May 15      | Staff will provide to the Board the value indicators recommended for unitary values of state-assessed property.   |
| May 22-24   | Board sets unitary values of state-assessed property.   |

- On or before June 1
1. Staff mails notices of unitary value and copies of Appraisal Data Reports to state assessees.
  2. State assessees have until July 20 to file a petition for reassessment of unitary value. Chief Counsel may grant one 15-day extension of time to file a petition for reassessment of unitary value provided the request for an extension is filed with the Chief of Board Proceedings no later than the July 20 due date. *Since July 20, 2013 falls on a Saturday, this filing period is extended by law to Monday, July 22, 2013, the next regular business day.*
- On or before June 15
1. Staff mails notices of allocated assessed values and proposed assessed values of nonunitary property to state assessees.
  2. State assessees have until July 20 to file a petition for correction of an allocated assessed value. Chief Counsel may grant one 15-day extension of time to file a petition for correction provided the request for an extension is filed with the Chief of Board Proceedings no later than the July 20 due date. *Since July 20, 2013 falls on a Saturday, this filing period is extended by law to Monday, July 22, 2013, the next regular business day.*
- On or before July 15
- Staff transmits estimates of total assessed value to county auditors.
- On or before July 31
1. Board adopts and staff transmits to counties Board Roll of State-Assessed Property.
  2. Staff mails notices of assessed values of nonunitary property to state assessees.
  3. State assessees have until September 20 to file a petition for reassessment of nonunitary value. Chief Counsel may grant one 15-day extension of time to file a petition for reassessment of nonunitary value provided the request for an extension is filed with the Chief of Board Proceedings no later than the September 20 due date.
- September through December
- Board will hear petitions for reassessment of unitary and nonunitary values, petitions for penalty abatement, and petitions for correction of allocated assessed values.
- December 31
- Final date for Board decisions on 2013 petitions for reassessment of unitary and nonunitary values, petitions for penalty abatement, and petitions for correction of allocated assessed values.

Sincerely,



Cynthia Bridges  
Executive Director

**Commissioners**  
**Jim Kellogg**, President  
 Discovery Bay  
**Michael Sutton**, Vice President  
 Monterey  
**Daniel W. Richards**, Member  
 Upland  
**Richard Rogers**, Member  
 Santa Barbara  
**Jack Baylis**, Member  
 Los Angeles

STATE OF CALIFORNIA  
 Edmund G. Brown Jr., Governor

## Fish and Game Commission



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

December 28, 2012

### TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (d) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which will be published in the California Regulatory Notice Register on December 28, 2012.

This is the second of two notices relating to ocean salmon sport fishing and pertains only to the ocean salmon sport fishing regulations for May through November 2013. A separate notice pertaining to the April 2013 ocean salmon sport fishing regulations will also be published in the California Regulatory Notice Register on December 28, 2012.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

**Mr. Paul Hamdorf, Acting Marine Region Manager, Department of Fish and Game, phone (562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

*Sherrie Fonbuena*

Sherrie Fonbuena  
 Associate Governmental Program Analyst

Attachment

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend subsection (d) of Section 27.80, Title 14, California Code of Regulations, relating to Ocean Salmon Recreational Fishing – **May to November Season**.

### **Informative Digest/Policy Statement Overview**

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the Federal fishery management zone (3 to 200 miles offshore) off Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the Federal regulations to achieve optimum yield in California under the Federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these Federal fishery management goals.

### **Present Regulations**

Current regulations [subsections 27.80 (c) and (d)] authorized ocean salmon recreational fishing for the 2012 season. For all waters north of Horse Mountain, including Humboldt Bay, ocean salmon recreational fishing was open from May 1 through September 9, 2012. Between Horse Mountain and Pigeon Point, ocean salmon recreational fishing was allowed from April 7 to November 11, 2012. All areas south of Pigeon Point had an ocean salmon recreational fishing season from April 7 to October 7, 2012. For all areas in 2012, the bag limit was 2 fish per day (all species except coho). All open areas north of Point Arena had a minimum size limit of 20 inches total length. All areas south of Point Arena had a minimum size limit of 24 inches total length through July 5, 2012 and 20 inches total length thereafter.

### **PFMC Regulatory Outlook**

On March 11, 2013, the PFMC will propose a suite of ocean salmon fishery regulatory options after reviewing the most up-to-date salmon abundance information for target stocks and salmon species of special concern, including Sacramento River Winter Chinook which is listed as endangered under both Federal and State Endangered Species Acts (ESAs). These options will go out for public review and the final PFMC recommendations for Federal waters will be made on April 11, 2013. The Federal regulations will go into effect on or after May 1, 2013 and may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;

5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

### **Commission Regulatory Outlook**

Although there are no PFMC regulatory options to consider until March, the 2013 ocean salmon sport fishing regulations could range from no fishing in all areas off California to limited salmon fishing for varied areas and dates to be determined between May 1, 2013 and November 10, 2013. The final PFMC recommendations made on April 11, 2013 will serve as the basis for the State's ocean salmon sport fishery regulations for May 2013 through the end of the year.

### **Concurrent Regulatory Action**

Two separate Commission actions are necessary to conform the State regulations to Federal rules that will apply in 2013.

The proposed regulations will establish ocean salmon sport fishing regulations (e.g., open/closed days, minimum size limits, bag limits) that would be effective for May 2013 through the end of the year [subsection (d) of Section 27.80].

The Commission will be considering ocean salmon sport fishing regulations (e.g., open/closed days, minimum size limits, bag limits) that would be effective for April 6-30, 2013 [subsection (c) of Section 27.80] in a separate rulemaking package, tentatively scheduled for adoption on March 6, 2013.

### **Proposed Regulations**

For public notice purposes and to facilitate Commission discussion, the Department is proposing three regulatory options to encompass all possible actions that would, or would not, allow for salmon fishing on or after May 1 in various areas of California for Commission consideration:

Option 1 – Varied season dates and regulations in all areas. The ranges proposed below encapsulate all possibilities for Federal ocean salmon regulations that are expected to be in effect on or after May 1, 2013. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in Federal ocean waters.

- (1) For all waters of the ocean north of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 1 through September 30, 2013.
- (2) For the area between Horse Mountain and Point Arena: The season, if any, may occur within the range of May 1 to November 10, 2013.
- (3) For the area between Point Arena and Pigeon Point: The season, if any, may occur within the range of May 1 to November 10, 2013.
- (4) For the area between Pigeon Point and Point Sur: The season, if any, may occur within the range of May 1 to October 6, 2013.

- (5) For the areas south of Point Sur: The season, if any, may occur within the range of May 1 to October 6, 2013.

For all areas, the proposed bag limit will be from one to three fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with bag limit, minimum size, and days of the week open will be determined in April by the Commission considering Federal regulations and may be different for each sub-area.

Option 2 - No fishing in all areas. This is the same as the no change alternative as all ocean salmon recreational fishing seasons are currently closed pursuant to Section 27.80 regulations. If adopted, the regulatory text of Option 2 would specifically establish 2013 closed areas.

Option 3 - A possible combination of Options 1 and 2 may be developed after more information is available from the NMFS and PFMC. This may include different opening and closing dates, bag limits, size limits, days of the week open and periodic closures of some but not all areas.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has authority to adopt sport fishing regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mount Shasta Hatchery Museum, 3 North Old Stage Road, Mount Shasta, California, on Wednesday, March 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS FURTHER GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, California, on Wednesday, April 17, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 7, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 p.m. on April 15, 2013. All comments must be received no later than April 17, 2013, at the hearing in Santa Rosa, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Mr. Paul Hamdorf, Acting Manager of the Marine Region, Department of Fish and Game, phone**

**(562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment::

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed regulations range from no salmon fishing in 2013 to a normal ocean salmon season; therefore, the potential impacts range from 0 to 1,400 jobs depending on which option is ultimately adopted by the Commission. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for an ocean salmon sport fishery encourages consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's ocean salmon resources.

Additional benefits of the proposed regulations are concurrence with Federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate any non-monetary benefits to worker safety.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 18, 2012

Sonke Mastrup  
Executive Director



**COMMISSIONERS**  
**Daniel W. Richards**, President  
Upland  
**Michael Sutton**, Vice President  
Monterey  
**Jim Kellogg**, Member  
Discovery Bay  
**Richard Rogers**, Member  
Santa Barbara  
**Jack Baylis**, Member  
Los Angeles

**EDMUND G. BROWN, JR.**



Governor

**Sonke Mastrup**  
EXECUTIVE DIRECTOR  
1416 Ninth Street  
Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
(916) 653-5040 Fax  
fgc@fgc.ca.gov

STATE OF CALIFORNIA

## **Fish and Game Commission**

January 4, 2014

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Sections 354, 360, 361, 362, 363, 364 and 708, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations for the 2013-2014 season, which are published in the California Regulatory Notice Register on January 4, 2013.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov).

**Mr. Brad Burkholder, Department of Fish and Wildlife, phone (916) 445-1829, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

Jon D. Snellstrom  
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission  
Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 215, 219, 220, 331, 332, 460, 1050, 1572, 3452, 3453, 4302, 4334, 4902 and 10502; reference sections 200, 201, 202, 203, 203.1, 207, 210, 215, 219, 220, 331, 332, 458, 459, 460, 713, 1050, 1570, 1571, 1572, 1575, 2005, 3452, 3453, 3950, 3951, 4302, 4334, 4902, 10500 and 10502, Fish and Game Code; proposes to Amend Sections 354, 360, 361, 362, 363, 364 and 708, Title 14, California Code of Regulations (CCR), relating to Mammal Hunting Regulations for the 2013-2014 season.

**INFORMATIVE DIGESTS**

**Section 354**

There have been recent changes in technology regarding equipment used for archery hunting. There is currently an arrow developed and being used by hunters that has a nock that emits light. This allows the arrow to be seen better as it travels through the air and the ability to see the arrow path after it leaves the bow is improved. This can assist the hunter in determining whether they accurately hit the intended target. If the arrow hits an animal and it does not pass through the animal in a low light situation, the hunter may be able to see the lighted nock attached to the animal and track the light to assist in finding a dead or wounded animal and recovering the animal.

Fish and Game Code (FGC) section 2005 regulates the use of lights and gives the Fish and Game Commission authority to regulate the use of lights while taking game. Wording in FGC 2005 makes it illegal to use lights while taking big game and other game under certain areas and situations. FGC section 2005 allows the use of a lantern as long as the lantern does not cast a directional light. The intent of FGC section 2005 is to not allow someone to cast a large directional beam of light while taking game.

It is illegal to waste game, and this technology will assist hunters in retrieving animals and therefore decrease loss and waste. The regulation needs to be revised to add to the archery regulations that a lighted nock that does not send out a directional beam of light is a legal arrow.

**Subsection 360(a)**

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

<b>Deer: § 360(a) A, B, C, and D Zone Hunts Tag Allocations</b>		
<b>Zone</b>	<b>Current</b>	<b>Proposed</b>
A	65,000	30,000-65,000
B	35,000	35,000-65,000
C	8,150	5,000-15,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000

<b>Deer: § 360(a) A, B, C, and D Zone Hunts Tag Allocations</b>		
<b>Zone</b>	<b>Current</b>	<b>Proposed</b>
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-5,000
D-14	3,000	2,000-3,500
D-15	1,500	500-2,000
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-2,000

#### **Subsection 360(b)**

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

<b>Deer: § 360(b) X-Zone Hunts Tag Allocations</b>		
<b>Zone</b>	<b>Current</b>	<b>Proposed</b>
X-1	1,150	1,000-6,000
X-2	175	50-500
X-3a	310	100-1,200
X-3b	935	200-3,000
X-4	385	100-1,200
X-5a	65	25-200
X-5b	140	50-500
X-6a	325	100-1,200
X-6b	315	100-1,200
X-7a	230	50-500
X-7b	140	25-200
X-8	240	100-750
X-9a	650	100-1,200
X-9b	325	100-600
X-9c	325	100-600
X-10	400	100-600
X-12	860	100-1,200

#### **Subsection 360(c)**

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Due to this, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 6 and continue for three (3) consecutive days and reopen on October 13 and continue for two (2) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 5 and October 12 (for 2 and 3 consecutive days), respectively, in order to accommodate for Base operations.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

<b>Deer: § 360(c) Additional Hunts Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
G-3 (Goodale Buck Hunt)	35	5-50
G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military *
G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	10 Military* & 10 Public	10 Military * and 10 Public
G-9 (Camp Roberts Antlerless Deer Hunt)	0	0
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military *	400 Military *
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military *, DOD and as Authorized by the Installation Commander **	500 Military *, DOD and as Authorized by the Installation Commander **
G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
G-13 (San Diego Antlerless Deer Hunt)	300	50-300
G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
G-21 (Ventana Wilderness Buck Hunt)	25	25-100
G-37 (Anderson Flat Buck Hunt)	25	25-50
G-38 (X-10 Late Season Buck Hunt)	300	50-300
G-39 (Round Valley Late Season Buck Hunt)	5	5-150
M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50
M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5-50
M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	10	5-100
M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	10 Military* & 75 Public	10 Military * and 75 Public
J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100

<b>Deer: § 360(c) Additional Hunts Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

\* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

\*\* DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.

### Section 361

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

<b>Archery Deer Hunting: § 361 Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
A-1 (C Zones Archery Only Hunt)	1,945	150-3,000
A-3 (Zone X-1 Archery Hunt)	125	50-1,000
A-4 (Zone X-2 Archery Hunt)	15	5-100
A-5 (Zone X-3a Archery Hunt)	40	10-300
A-6 (Zone X-3b Archery Hunt)	90	25-400
A-7 (Zone X-4 Archery Hunt)	140	25-400
A-8 (Zone X-5a Archery Hunt)	10	15-100
A-9 (Zone X-5b Archery Hunt)	5	5-100
A-11 (Zone X-6a Archery Hunt)	55	10-200
A-12 (Zone X-6b Archery Hunt)	110	10-200
A-13 (Zone X-7a Archery Hunt)	50	10-200
A-14 (Zone X-7b Archery Hunt)	25	5-100
A-15 (Zone X-8 Archery Hunt)	50	5-100
A-16 (Zone X-9a Archery Hunt)	140	50-500
A-17 (Zone X-9b Archery Hunt)	300	50-500
A-18 (Zone X-9c Archery Hunt)	350	50-500
A-19 (Zone X-10 Archery Hunt)	120	25-200
A-20 (Zone X-12 Archery Hunt)	190	50-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
A-26 (Bass Hill Archery Buck Hunt)	30	10-100
A-27 (Devil's Garden Archery Buck Hunt)	5	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500

<b>Archery Deer Hunting: § 361 Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	25 Military* & 25 Public	25 Military* & 25 Public

\* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

### Section 362

The existing regulation provides for limited hunting of 27 Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on Department's annual estimate of the population in the management unit. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's 2012 estimate of the bighorn sheep population in each zone. Tags are proposed to ensure the take of no more than 15 percent of the mature rams estimated in each zone. Final tag quota determinations will be completed by February of 2013 pending completion of analyses.

The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

<b>HUNT ZONE</b>	<b>NUMBER OF TAGS</b>
Zone 1 - Marble Mountains	1-4
Zone 2 - Kelso Peak/Old Dad Mountains	1-4
Zone 3 - Clark/Kingston Mountain Ranges	1-2
Zone 4 - Orocopia Mountains	1-2
Zone 5 - San Geronio Wilderness	1-3
Zone 6 - Sheep Hole Mountains	1-2
Zone 7 - White Mountains	1-5
Zone 8 - South Bristol Mountains	1-3
Zone 9 - Cady Mountains	1-4
Open Zone Fund-Raising Tag	0-1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	0-1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	0-1
<b>TOTAL</b>	<b>9-32</b>

### Section 363

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2013. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed 2013 tag allocation ranges for the hunt zones are as set forth below.

2013 Pronghorn Antelope Tag Allocation Ranges						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1 – Mount Dome	0-10	0-3	0-60	0-20	0	0
Zone 2 – Clear Lake	0-10	0-3	0-80	0-25	0	0
Zone 3 – Likely Tables	0-20	0-7	0-150	0-50	0-130	0-50
Zone 4 – Lassen	0-20	0-7	0-150	0-50	0-150	0-50
Zone 5 – Big Valley	0-15	0-5	0-150	0-50	0	0
Zone 6 – Surprise Valley	0-10	0	0-25	0-7	0	0
Likely Tables Apprentice Hunt	N/A		0-5 Either-Sex		0	
Lassen Apprentice Hunt	N/A		0-15 Either-Sex		0	
Big Valley Apprentice Hunt	N/A		0-15 Either-Sex		0	
Surprise Valley Apprentice Hunt	N/A		0-4 Either-Sex		0	
Fund-Raising Hunt	N/A		0-10 Buck			

#### Section 364

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

2013 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
<b>Apprentice Hunts</b>				
Marble Mountains			0-4	
Northeastern CA			0-4	
Cache Creek	0-2			
La Panza Period 1	0-2	0-2		
Bishop Period 2	0-10	0-30		
Grizzly Island Period 1		0-2		0-2
Grizzly Island Period 2				0-2
Fort Hunter Liggett P1		0-4		
Fort Hunter Liggett P2		0-4		
Fort Hunter Liggett P3	0-2			
<b>Archery Only Hunts</b>				
Northeastern California Archery Only			0-20	
Owens Valley Multiple Zone Archery Only	0-10	0-10		
Lone Pine Archery Only Period 1	0-10	0-30		
Tinemaha Archery Only Period 1	0-10	0-30		
Whitney Archery Only Period 1	0-10	0-30		
Fort Hunter Liggett Archery Only		0-10	0-6	
<b>Muzzleloader Only Hunts</b>				
Bishop Muzzleloader Only Period 1	0-10	0-30		
Independence Muzzleloader Only Period 1	0-10	0-10		

2013 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
Fort Hunter Liggett Muzzleloader Only	0-6			
<b>Muzzleloader/Archery Only Hunts</b>				
Marble Mountains Muzzleloader/Archery Only			0-10	
<b>General Roosevelt Elk Hunts</b>				
Siskiyou	0-30	0-30		
Big Lagoon	0-10	0-10		
Northwestern California			0-30	
Klamath	0-20	0-20		
Del Norte	0-15	0-20		
Marble Mountains	0-70	0-30		
<b>General Rocky Mountain Elk Hunts</b>				
Northeastern California	0-30	0-10		
<b>General Roosevelt/Tule Elk Hunts</b>				
Mendocino	0-4	0-4		
<b>General Tule Elk Hunts</b>				
Cache Creek	0-4	0-4		
La Panza Period 1	0-12	0-10		
La Panza Period 2	0-12	0-12		
Bishop Period 3	0-10	0-30		
Bishop Period 4	0-10	0-30		
Bishop Period 5	0-10	0-30		
Independence Period 2	0-10	0-30		
Independence Period 3	0-10	0-30		
Independence Period 4	0-10	0-30		
Independence Period 5	0-10	0-30		
Lone Pine Period 2	0-10	0-30		
Lone Pine Period 3	0-10	0-30		
Lone Pine Period 4	0-10	0-30		
Lone Pine Period 5	0-10	0-30		
Tinemaha Period 2	0-10	0-30		
Tinemaha Period 3	0-10	0-30		
Tinemaha Period 4	0-10	0-30		
Tinemaha Period 5	0-10	0-30		
West Tinemaha Period 1	0-10	0-30		
West Tinemaha Period 2	0-10	0-30		
West Tinemaha Period 3	0-10	0-30		
West Tinemaha Period 4	0-10	0-30		
West Tinemaha Period 5	0-10	0-30		
Tinemaha Mountain Period 1	0-8			
Tinemaha Mountain Period 2	0-8			
Tinemaha Mountain Period 3	0-8			
Tinemaha Mountain Period 4	0-8			
Tinemaha Mountain Period 5	0-8			
Whitney Period 2	0-4	0-10		
Whitney Period 3	0-4	0-10		
Whitney Period 4	0-4	0-10		
Whitney Period 5	0-4	0-10		
Grizzly Island Period 1	0-3	0-12		0-6
Grizzly Island Period 2	0-3	0-12		0-6
Grizzly Island Period 3	0-3	0-12		0-6
Grizzly Island Period 4	0-2	0-12		0-6
Grizzly Island Period 5	0-2	0-12		0-6
Fort Hunter Liggett Period 1		0-16		



<b>2013 Proposed Elk Tag Allocation</b>				
<b>Hunt Name and Type</b>	<b>Bull</b>	<b>Antlerless</b>	<b>Either-Sex</b>	<b>Spike</b>
Fort Hunter Liggett Period 2		0-14		
Fort Hunter Liggett Period 3	0-14			
East Park Reservoir	0-4	0-8		
San Luis Reservoir	0-10	0-10	0-10	
Bear Valley	0-4	0-2		
Lake Pillsbury	0-4	0-4		
Santa Clara	0-4			
Alameda	0-4			
<b>Fund Raising Tags</b>				
Multi-zone	1			
Grizzly Island	1			
Owens Valley	1			
<b>Military Only Elk Tags</b>				
Fort Hunter Liggett Military Early Season	0-2	0-2		
Fort Hunter Liggett Military Period 1		0-16		
Fort Hunter Liggett Military Period 2		0-14		
Fort Hunter Liggett Military Period 3	0-14			
Fort Hunter Liggett Military Apprentice Period 1		0-4		
Fort Hunter Liggett Military Apprentice Period 2		0-4		
Fort Hunter Liggett Military Apprentice Period 3	0-2			
Fort Hunter Liggett Military Archery Only		0-10	0-6	
Fort Hunter Liggett Military Muzzleloader Only	0-6			

### Section 708

The purpose of this proposed change is to clarify that fund-raising tags are defined in Section 362 of Title 14, California Code of Regulations, and not in Section 708.9 of Title 14; and to propose the Commission, based on public input and Commission interest, consider increasing the maximum number of non-residents general license tags from one to a maximum of ten percent (10%) of the bighorn sheep tags available.

Existing Section 708.9, Title 14, California Code of Regulations is inconsistent with fundraising tags defined in Section 362 for bighorn sheep. Section 708.9 needs to be updated to accurately reflect and refer to the correct fund-raising tags available for bighorn sheep.

Existing Section 708.9, Title 14, California Code of Regulations limits the number of bighorn sheep general license tags to non-resident hunters to one. The number of general license tags has increased over the years and now averages 24 tags (when the regulation was established there were less than 5 general tags issued annually). Non-resident general license tags have remained capped at one (1) so to remain consistent in the distribution of tags, there is a need to develop flexibility and allow more non-resident general license tags as the number of tags change over time.

The benefits of the proposed changes are to maintain or increase big game populations and to ensure their continued existence.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate big game hunting regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at a hearing to be held in the Mt. Shasta Hatchery Museum,

#3 North Old Stage Road, Mt. Shasta, California, on Wednesday, March 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, CA 95405, California, on Wednesday, April 17, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 3, 2013 to be included in the Commissioners' briefing materials, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 noon on April 15, 2013 to be delivered by staff to the meeting; or be presented to Commission staff at the meeting no later than the agenda item is heard on April 17, 2013, in Santa Rosa, CA.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Mr. Brad Burkholder, Wildlife Branch, Department of Fish and Game, telephone (916) 445-1829, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action/Results of the Economic Impact Analysis**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposal is economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits

of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed upland game regulations will have positive impacts to jobs and/or businesses that provide services to hunters in 2012-2013. The best available information is presented in the 2006 National Survey of Fishing, Hunting, and Wildlife associated recreation for California, produced by the U.S. Fish and Wildlife Service (USFWS) and National Census Bureau, which is the most recent survey completed. The report estimates that hunters spent about \$659,366,000 on hunting trip-related and equipment expenditures in California in 2006. Most businesses will benefit from these regulations, and those that may be impacted are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to maintain or increase game hunting populations, and subsequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide additional recreational opportunity to the public.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's big game resources.

(c) **Cost Impacts on Representative Private Person or Business**

The Fish and Game Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

(d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.**

There are no costs or savings with regard to state agencies or federal funding to the State.

(e) **Other Nondiscretionary Costs/Savings to Local Agencies.**

None

(f) **Programs Mandated on Local Agencies or School Districts.**

None.

(g) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.**

None.

(h) **Effect on Housing Costs.**

None.

**Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: January 4, 2013

Sonke Mastrup  
Executive Director

## 2012 Local Agency Biennial Notice

Name of Agency: SMARTSVILLE CEMETERY DISTRICT  
Mailing Address: P.O. BOX 198 SMARTSVILLE, CA. 95977  
Contact Person: LEANNA BEAM [REDACTED]  
E-mail: ~~SMARTSVILLECEMETERYDISTRICT@GMAIL.COM~~ SMARTSVILLECEMETERYDIST@GMAIL.COM Fax No: (530) 713-5947

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

☐ An amendment is required. The following amendments are necessary:

(Mark all that apply.)

- ☐ Include new positions.
- ☐ Revise disclosure categories.
- ☐ Revise the titles of existing positions.
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
- ☐ Other (describe) \_\_\_\_\_

☒ No amendment is required.

☐ The code is currently under review by the code reviewing body.

### Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Leanne Beam  
Signature of Chief Executive Officer

12-12-12  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Board of Supervisors, Yuba County Government Center, 915 8th Street, Suite 109, Marysville CA 95901

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**