

BOARD OF SUPERVISORS

AGENDA

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



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

NOVEMBER 5, 2013

1:00 P.M. YUBA COUNTY WATER AGENCY

3:30 P.M. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY CANCELLED

5:30 P.M. YUBA COUNTY BOARD OF SUPERVISORS SPECIAL MEETING - No other business shall be conducted at this meeting. The public shall have an opportunity to address the Board of Supervisors only with respect to items set forth in this agenda. Each individual or group will be limited to no more than five 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.

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

B. **CLOSED SESSION**

1. Personnel pursuant to Government Code §54957 - Public Employee Appointment/Health Officer

C. **ADJOURN**

6:00 P.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. Thank you.

I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Stocker

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

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

A. Administrative Services

1. Authorize budget transfer in the amount of \$41,050.13 from Information Technology Trust to Professional Services to pay for upgrading building automation and controls system. (Public Facilities Committee recommends approval) (438-13)

B. Clerk of the Board of Supervisors

1. Approve Conflict of Interest Code for Yuba County Office of Education. (439-13)

2. Approve minutes of the meeting of October 15, 2013. (440-13)

C. Community Development and Services

1. Adopt resolution authorizing submission of Yuba County's Transportation Claim to Sacramento Area Council of Governments in the total amount of \$1,457,329. (441-13)

2. Adopt resolution authorizing the use of Sycamore Ranch Park by the Tsi Akim Maidu Tribe annually without park fees pursuant to finding the event serves a public purpose and authorizing the Public Works Director to coordinate annual event. (442-13)

3. Award contract to apparent low bidder Viking Construction Company, Inc for Bridge Replacement and Realignment of Timbuctoo Road over Deep Ravine No. 1 project and authorize the Chair to execute same upon review and approval of counsel. (443-13)

D. County Counsel

1. Receive Annual Report for Fiscal Year 2012-2013 from Yuba County Digital Law Library. (444-13)

IV. **SPECIAL PRESENTATION**

- A. Present proclamation proclaiming Cancer Prevention Week November 11 - 17, 2013. (Five minute estimate) (445-13)
- B. Present proclamation honoring Randy Wayne Mitchell. (No background information) (Five minute estimate) (446-13)

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. County Administrator

1. Receive introduction of Paul LaValley as Chief Information Officer and authorize the Chair to execute employment agreement. (Ten minute estimate) (447-13)

VII. **CORRESPONDENCE** – (448-13)

- A. Letter from MSS Merit System Services enclosing County of Yuba Personnel Management Program Review Report of Findings which is on file in the Board office.
- B. Notice from State of California Department of Fish and Game Commission regarding regulatory action relating to Enhancement on Private Lands Management.

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. **ADJOURN**

11/07/2013 4:30 P.M. Marysville City/County Liaison Committee - CANCELLED
City of Marysville
Covillaud Room
526 C Street
Marysville, Ca 95901

11/08/2013 11:00 A.M. Olivehurst Public Utility District/County Liaison Committee - CANCELLED
OPUD Board Room
1970 9th Avenue
Olivehurst, California 95961

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

PUBLIC INFORMATION

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

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

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

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

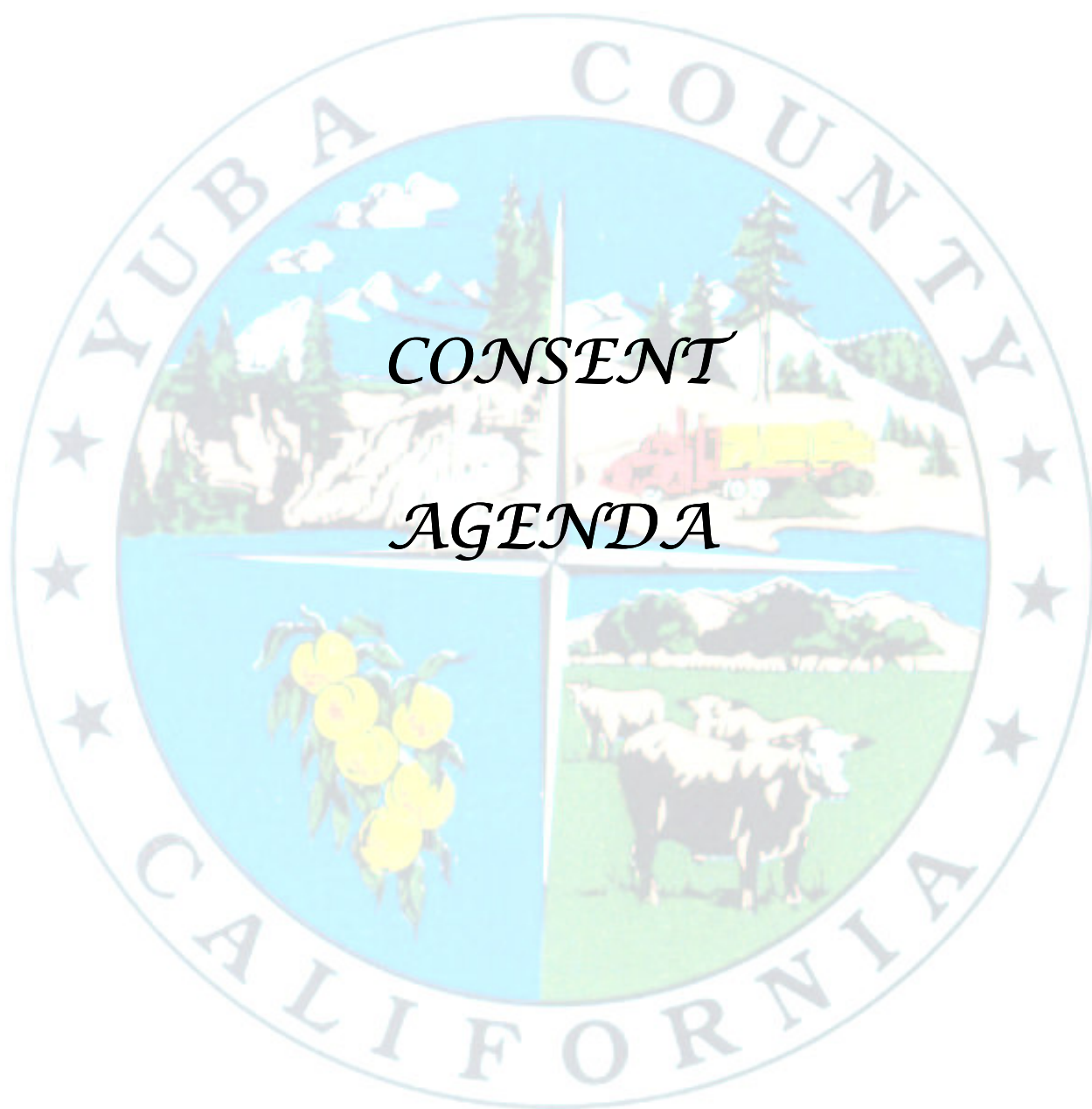
INFORMATIONAL CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

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

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

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CONSENT
AGENDA

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Administrative Services Memorandum

To: Board of Supervisors
CC: Robert Bendorf, County Administrator
From: Doug McCoy, Director, Administrative Services *DM*
Date: November 5, 2013
Re: Request for transfer of funds for building controls system

Recommendation

Approve a transfer of funds from the 219 IT Replacement Trust to 0900 Professional Services to pay for the upgrade to our building automation and controls system.

Background

For over 15 years, Yuba County has operated a 'Building Automation System' (BAS) to operate the heating and cooling in select County buildings. It was very 'forward thinking' technology when it was originally installed. In recent years we have expanded this BAS network to cover managing nearly all County buildings. This system allows us to monitor and adjust temperatures, air flow, alarms, etc. through a remote connection. Thus saving a great deal of staff time running around to individual buildings to adjust for temperature or to see what's wrong if we have a system 'issue.'

Discussion

As with most technology, it has reached the end of its designated lifespan. We have recently been informed by our provider the software will no longer be supported beginning next year. While we have updated most of the individual local connections over time, the core of the system has reached a point where it will no longer be supported. Because this is a critical application to keeping our buildings operational with our small staff, we request the Board approve the transfer of funds from the IT Reserve Trust Fund to replace the system before it is out of date.

Committee Action

The Public Facilities has recommended this be brought to the full Board for consideration.

Financial Impact

The total cost to replace the building controls core software and the remaining antiquated connections will be \$62,880. Health & Human Services can fund their portion of the work (\$21,829.87). Therefore we are asking for \$ 41,050.13 to come from the 219 IT Replacement Trust.

WHITE - AUDITOR
YELLOW - COUNTY ADMINISTRATOR
PINK - DEPARTMENT
DATE 10-11-13

RECEIVED

OCT 11 2013

COUNTY OF YUBA

COUNTY OF YUBA

AUDITOR-CONTROLLER

REQUEST FOR TRANSFER OR

TRANSFER #

REVISION OF APPROPRIATION, ESTIMATED REVENUE OR FUNDS

DEPARTMENT Administrative Services/Buildings and Grounds

REQUEST APPROVAL OF THE FOLLOWING TRANSFER FISCAL YEAR ENDING JUNE 30, 20 13

BUDGET OR ESTIMATED REVENUE

☒ ESTIMATED REVENUE INCREASE

☐ ESTIMATED REVENUE DECREASE

☐ APPROPRIATION DECREASED

☒ APPROPRIATION INCREASED

ACCOUNT NO.	NAME	AMOUNT
101-0000-372-9901		\$41,050

ACCOUNT NO.	NAME	AMOUNT
101-0900-417-2300		\$41,050
B&G Prof Services		

FUND TRANSFERS

OPERATING TRANSFERS OUT

ACCOUNT NO.	NAME	AMOUNT
219-0000-372-9903		\$41,050

OPERATING TRANSFERS IN

ACCOUNT NO.	NAME	AMOUNT
101-0000-372-9901		\$41,050

GENERAL LEDGER (AUDITOR - CONTROLLER USE ONLY)

		AMOUNT				AMOUNT	
FUND	ACCOUNT	DEBIT	CREDIT	FUND	ACCOUNT	DEBIT	CREDIT

REASON FOR TRANSFER:

General fund portion of total cost to replace the building controls core software and remaining connections.

APPROVED:

☒ AUDITOR-CONTROLLER  10/11/13 Signature  DEPARTMENT HEAD OR AUTHORIZED OFFICIAL

☒ COUNTY ADMINISTRATOR  10/11/13 Signature Director Administrative Svcs. TITLE

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

AUDITOR - CONTROLLER

Auditor/Controller, Dean E. Sellers

Approved:

BOARD OF SUPERVISORS

Clerk of the Board

Date

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The County of Yuba

Clerk of the Board of Supervisors



November 5, 2013

TO: Board of Supervisors
FROM: Donna Stottlemeyer, Clerk of the Board of Supervisors
SUBJECT: Conflict of Interest Code approval for Yuba County Office of Education

Recommendation

Approve Conflict of Interest Code for Yuba County Office of Education.

Background and Discussion

Government Code section 87300 et seq. requires each local agency to keep a conflict of interest code which must be reviewed during each even numbered year and updated to reflect changes that occur within the organization. This office has received the revised code from Yuba County Office of Education. An agency's code is not effective until after approval of the code reviewing body. The Board of Supervisors is the reviewing body for local agencies with boundaries in Yuba County.

The attached code has been reviewed by Counsel for legal sufficiency and is submitted for your approval.

Committee Action

Brought directly to Board for approval as this is a routine and recurring matter every two years mandated by the State.

Fiscal Impact

No additional impact to General Fund.

Attachment

BYLAWS OF THE BOARD

Conflict of Interest

Incompatible Activities

A County Board of Education member shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as a member of the County Board. (Government Code 1126)

Conflict of Interest Code

The County Board's conflict of interest code shall be comprised of the terms of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission.

Upon direction by the county board of supervisors, the County Board shall review its conflict of interest code in even-numbered years. If no change in the code is required, the County Board shall submit to the county board of supervisors, by October 1, a written statement to that effect. If a change in the code is necessitated by changed circumstances, the County Board shall submit an amended code to the county board of supervisors. (Government Code 87306.5)

When a change in the County Board's conflict of interest code is necessitated by changed circumstances, amendments or revisions, the changed code shall be submitted to the county board of supervisors within 90 days after the changed circumstances necessitating the amendment to the code. (Government Code 87306)

Statements of economic interests submitted by County Board members pursuant to the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

Financial Interest

County Board members shall not be financially interested in any contract made by the County Board or in any contract they make in their capacity as County Board members. (Government Code 1090)

A County Board member shall not be considered to be financially interested in a contract if his/her interest is any of the following: (Government Code 1091.5)

1. The ownership of less than 3 percent of the shares of a corporation for profit contracting with the County Board, if the total income to him/her from the corporation's dividends, including the value of stock dividends, does not exceed 5 percent of his/her total annual income, and any other payments made to him/her by the corporation do not exceed 5 percent of his/her total annual income.
2. That of an officer being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty.
3. That of a recipient of public services generally provided by the County Board, on the same terms and conditions as if he/she were not a member of the County Board.
4. That of a landlord or tenant of a party contracting with the County Board if the contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state.

However, the County Board member shall be deemed to have a remote interest within the meaning of, and subject to, the provisions of Government Code 1091 if the subject matter of the contract between the County Board and the contracting party is the particular property in which the County Board member has an interest as landlord or tenant.

5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the County Board at the time of the first consideration of the contract, and provided further that such interest is noted in the County Board's official records.
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the County Board or to which the County Board has a legal obligation to give particular consideration, and provided further that such interest is noted in the County Board's official records.

7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the County Board member.
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if the County Board member has not received and will not receive remuneration, consideration, or a commission as a result of the contract and if he/she has an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm
9. That of an officer or employee of or a person having less than a 10 percent ownership interest in a bank, bank holding company, or savings and loan association with which a party to the contract with the County Board has a relationship of borrower or depositor, debtor, or creditor.

In addition, a County Board member shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A County Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract, the fact of the remote interest is disclosed to the County Board and noted in the County Board's official records, and the contract was authorized, approved or ratified in good faith by a vote of the County Board's membership sufficient for the purpose without counting the vote of the County Board member with the remote interest. Remote interests are specified in Government Code 1091(b) and they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A County Board member may participate in a County Board decision to enter into a contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101.

Gifts

County Board members may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the County Board for its members. (Government Code 89506)

Honoraria

County Board members shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the County Board for donation into the general fund without being claimed as a deduction from income for tax purposes

APPENDIX DISCLOSURE CATEGORIES

Every County Board member shall report his/her:

CATEGORY 1

1. Interests in real property located entirely or partly within county boundaries, or within two miles of county boundaries or of any land owned or used by the County Office. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
2. Investments or business positions in or income from sources which:
 - (a) Are engaged in the acquisition or disposal of real property within the County
 - (b) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the County Board and/or County Office
 - (c) Manufacture or sell supplies, books, machinery or equipment of the type used by the County Board and/or County Office

CATEGORY 2

Designated persons in this category must report investments or business positions in or income from sources which:

- (a) are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- (b) manufacture or sell supplies, books, machinery or equipment of the type by the department that the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

NOTICE: Investments include any financial interest in or security issued by a business entity including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership interest or other ownership interest.

Investments do not include: (1) a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency, or (2) assets with a fair market value of less than one thousand dollars.

Every County Board member shall file a full statement of economic interests pursuant to Government Code 87200.

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of designated employee

82028 Definition of gifts

82030 Definition of income

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 290 (1986)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

Revised: September 11, 2013

Attachment A
Designated Positions

The Government Code requires the conflict of interest code to identify positions which involve making or participating in decisions which may affect financial interests. For each position so designated, the code also must specify what category or categories of financial interests are to be reported.

1. Persons occupying the following positions are designated employees and must disclose financial interests in Category 1 defined in Attachment B.

Governing Board Members
Superintendent of Schools
Assistant Superintendent
District Business Administrator

2. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 2 of Attachment B.

Directors
Principals
Program Coordinators
Program Administrators

REFERRAL

TO: County Counsel

CC:

FROM: Clerk of the Board of Supervisors

SUBJECT: Revised Conflict of Interest Code – Yuba Co Office of Education (Copy Attached)

☐

INFORMATION: NO ACTION OR RESPONSE NECESSARY.

☐

STUDY/REPORT/RECOMMENDATION: THIS MATTER WILL BE PRESENTED TO THE BOARD OF SUPERVISORS AS AN ITEM OF PUBLIC INTEREST ON

☐

PLEASE SUBMIT ONE COPY OF WRITTEN RESPONSE TO THE CLERK OF THE BOARD OF SUPERVISORS BY _____ NO ADDITIONAL COPIES REQUIRED.

☐

CLAIM AGAINST THE COUNTY: (OR REQUEST FOR LEAVE TO FILE LATE CLAIM)
FOR REVIEW AND RECOMMENDATION TO THE BOARD OF SUPERVISORS (TO BE AGENDIZED BY RISK MANAGEMENT).

☐

APPEAL: PLEASE PREPARE ALL NECESSARY DOCUMENTS TO SET PUBLIC HEARING, AS WELL AS STAFF REPORT, AND FORWARD TO THE CLERK OF THE BOARD OF SUPERVISORS.

☐

APPLICATION FOR CHANGED ASSESSMENT: PLEASE REVIEW AND ADVISE AS TO TIMELY FILING AND LEGAL SUFFICIENCY.

☐

AGENDA ITEM:



OTHER: PLEASE ADVISE AS TO LEGAL SUFFICIENCY.

DATE: October 3, 2013 SIGNED: *Donna Patterson*

REPLY

022 & GC 1090 Code approved

DATE: *10/11/13* SIGNED: *John Vach*



Scotia Holmes Sanchez, Ed.D.
Superintendent

RECEIVED

OCT 1 2013

Clerk/Board of Supervisors

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

September 26, 2013

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

Dear Ms. Stottlemeyer,

On September 11, 2013, the Yuba County Board of Education took action to approve a revision to Board Bylaw 9270, Conflict of Interest. Pursuant to Government Code 87306, Amendments or revisions shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent.

Enclosed you will find a copy of Board Bylaw 9270 which reflects a revision date of September 11, 2013. This revision should be submitted to the Board of Supervisors for one of the following:

- (a) Approve the proposed code as submitted.
- (b) Revise the proposed code and approve it as revised.
- (c) Return the proposed code to this agency for revision and resubmission within 60 days. The code reviewing body shall either approve the revised code or revise it and approve it. When a proposed conflict of interest code or amendment is approved by the code reviewing body, it shall be deemed adopted and shall be promulgated by the agency.

Thank you for your attention in this matter. Should you have any questions, please direct them to my Assistant, Maggie Nicoletti, at maggie.nicoletti@yubacoe.k12.ca.us or 749-4854.

Respectfully,

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

Enclosure

BYLAWS OF THE BOARD

Conflict of Interest

Incompatible Activities

A County Board of Education member shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as a member of the County Board. (Government Code 1126)

Conflict of Interest Code

The County Board's conflict of interest code shall be comprised of the terms of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission. Upon direction by the county board of supervisors, the County Board shall review its conflict of interest code in even-numbered years. If no change in the code is required, the County Board shall submit to the county board of supervisors, by October 1, a written statement to that effect. If a change in the code is necessitated by changed circumstances, the County Board shall submit an amended code to the county board of supervisors. (Government Code 87306.5)

When a change in the County Board's conflict of interest code is necessitated by changed circumstances, amendments or revisions, the changed code shall be submitted to the county board of supervisors within 90 days after the changed circumstances necessitating the amendment to the code. (Government Code 87306)

Statements of economic interests submitted by County Board members pursuant to the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

Financial Interest

County Board members shall not be financially interested in any contract made by the County Board or in any contract they make in their capacity as County Board members. (Government Code 1090)

A County Board member shall not be considered to be financially interested in a contract if his/her interest is any of the following: (Government Code 1091.5)

1. The ownership of less than 3 percent of the shares of a corporation for profit contracting with the County Board, if the total income to him/her from the corporation's dividends, including the value of stock dividends, does not exceed 5 percent of his/her total annual income, and any other payments made to him/her by the corporation do not exceed 5 percent of his/her total annual income.
2. That of an officer being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty.
3. That of a recipient of public services generally provided by the County Board, on the same terms and conditions as if he/she were not a member of the County Board.
4. That of a landlord or tenant of a party contracting with the County Board if the contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state.

However, the County Board member shall be deemed to have a remote interest within the meaning of, and subject to, the provisions of Government Code 1091 if the subject matter of the contract between the County Board and the contracting party is the particular property in which the County Board member has an interest as landlord or tenant.

5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the County Board at the time of the first consideration of the contract, and provided further that such interest is noted in the County Board's official records.
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the County Board or to which the County Board has a legal obligation to give particular consideration, and provided further that such interest is noted in the County Board's official records.

7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the County Board member.
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if the County Board member has not received and will not receive remuneration, consideration, or a commission as a result of the contract and if he/she has an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm
9. That of an officer or employee of or a person having less than a 10 percent ownership interest in a bank, bank holding company, or savings and loan association with which a party to the contract with the County Board has a relationship of borrower or depositor, debtor, or creditor.

In addition, a County Board member shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A County Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract, the fact of the remote interest is disclosed to the County Board and noted in the County Board's official records, and the contract was authorized, approved or ratified in good faith by a vote of the County Board's membership sufficient for the purpose without counting the vote of the County Board member with the remote interest. Remote interests are specified in Government Code 1091(b) and they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A County Board member may participate in a County Board decision to enter into a contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101.

Gifts

County Board members may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the County Board for its members. (Government Code 89506)

Honoraria

County Board members shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the County Board for donation into the general fund without being claimed as a deduction from income for tax purposes

**APPENDIX
DISCLOSURE CATEGORIES**

Every County Board member shall report his/her:

CATEGORY 1

1. Interests in real property located entirely or partly within county boundaries, or within two miles of county boundaries or of any land owned or used by the County Office. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
2. Investments or business positions in or income from sources which:
 - (a) Are engaged in the acquisition or disposal of real property within the County
 - (b) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the County Board and/or County Office
 - (c) Manufacture or sell supplies, books, machinery or equipment of the type used by the County Board and/or County Office

CATEGORY 2

Designated persons in this category must report investments or business positions in or income from sources which:

- (a) are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- (b) manufacture or sell supplies, books, machinery or equipment of the type by the department that the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

NOTICE: Investments include any financial interest in or security issued by a business entity including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership interest or other ownership interest.

Investments do not include: (1) a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency, or (2) assets with a fair market value of less than one thousand dollars.

Every County Board member shall file a full statement of economic interests pursuant to Government Code 87200.

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of designated employee

82028 Definition of gifts

82030 Definition of income

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 290 (1986)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

Revised: September 11, 2013

Attachment A
Designated Positions

The Government Code requires the conflict of interest code to identify positions which involve making or participating in decisions which may affect financial interests. For each position so designated, the code also must specify what category or categories of financial interests are to be reported.

1. Persons occupying the following positions are designated employees and must disclose financial interests in Category 1 defined in Attachment B.

Governing Board Members
Superintendent of Schools
Assistant Superintendent
District Business Administrator

2. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 2 of Attachment B.

Directors
Principals
Program Coordinators
Program Administrators

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The County of Yuba

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



OCTOBER 15, 2013 - 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 Vasquez presided.

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

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

A. Clerk of the Board of Supervisors

1. Approve minutes of the meeting of October 1, 2013. (419-13) Approved as written.
2. Reappoint Elden Fowler to the Area 4 Agency on Aging Advisory Council with a term ending June 30, 2016. (420-13) Approved.
3. Reappoint Kathy Woods as the child care provider representative, Donna Greist as the community representative, and Vinny Johl as the discretionary representative on the Child Care Planning Council of Yuba and Sutter Counties for terms to end September 30, 2016. (427-13) Approved.

B. Treasurer-Tax Collector

1. Approve to sell at public auction properties that are tax defaulted subject to the power of sale via internet, and disburse any excess proceeds to all eligible parties of interest who submitted claims. (421-13) Approved

IV. SPECIAL PRESENTATION

- A. Receive certificate of recognition from City of Marysville to Public Works Department regarding vegetation removal at Beckworth River Front Park. (No background material) (Ten minute estimate) (422-13) Mr. Bill Simmons, on behalf of City Councilman Pedigo, commended Public Works Department for their time and

efforts in removing aquatic vegetation and presented the certificate. Superintendent Mike Bailey commended staff that donated their time on this project and appreciated the recognition.

V. PUBLIC COMMUNICATIONS:

Mr. John Hollis, Marysville, regarding home delivered meals and loss of funding through Area 4 Agency on Aging.

VI. COUNTY DEPARTMENTS

A. Community Development and Services

1. Authorize budget transfer in the amount of \$47,936 from General Fund Contingency to Account No. 102-9100-431-23-01(Special Projects) for emergency illicit discharge response on Ravine Court. (Land Use and Public Works Committee recommends approval) (Five minute estimate) (423-13) Public Works Director Mike Lee recapped the discharge, services needed to respond, and responded to Board inquiries.

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

B. County Administrator

1. Confirm Yuba County as lead agency and recipient of Economic Development Administrations (EDA) Grant for wastewater conveyance system; adopt resolution authorizing County Administrator to execute grant for the amount of \$1,790,232 and supporting documents on behalf of the County; approve a grant match not to exceed \$447,558 provided by Yuba County and reimbursed by OPUD; and direct Auditor-Controller to establish project account funds necessary to administer grant and complete project. (Fifteen minute estimate) (424-13) County Administrator Robert Bendorf recapped grant and responded to Board inquiries.

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

Adopted Resolution No. 2013-108, which is on file in Yuba County Resolution Book No. 44, entitled: "RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE GRANT DOCUMENTS FOR RECEIPT OF A GRANT FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION FOR WASTEWATER INFRASTRUCTURE IMPROVEMENTS."

C. Health and Human Services

1. Authorize budget transfer in the amount of \$21,948 from Fixed Assets to Office Expense; and increase appropriation in the amount of \$18,080.71 to Capital Assets- IT Hardware for surveillance camera server. (Ten minute estimate) (425-13) Health and Human Services Director Suzanne Nobles recapped the budget revision and additional funds for surveillance camera and responded to inquiries.

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

VII. CORRESPONDENCE - (426-13)

- A. Resolution from Reclamation District 784 appointing David Read as trustee of District. Received.
- B. Letter from California Department of Community Services and Development regarding review of audit statements from Gallina LLP. Received.
- C. Annual report from State Board of Equalization for 2011-2012. Received.

VIII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Griego:

- FRAQMD Meeting October 14, 2013
- Memorial Adjournment - Mr. Palmer Tipton

Supervisor Nicoletti:

- Indigenous People's Day October 12, 2013 at Sycamore Ran
- Moving of transformer to Colgate Power House
- Memorial Adjournment - Mr. Edward Au Sam

Supervisor Stocker:

- Memorial Adjournment - Mrs. Darlene French and Mrs. Shirley Mae Marcher
- Biggert -Waters Flood Insurance Reform Act of 2012
- Truancy rates in Yuba County
- California Highway Patrol Impaired Driving Task Force

Supervisor Abe:

- FERC relicensing issues
- Landscaping at River Oaks
- Wheatland High School Alumni Program
- FRAQMD meeting October 14, 2013

Supervisor Vasquez:

- First Five Regional meeting October 9, 2013 in Jackson
- Area 4 Agency on Aging meeting October 11, 2013
- Calling Back the Salmon Ceremony on October 12, 2013 at Sycamore Ranch

Administrative Services Director Doug McCoy: Peach Tree Healthcare proposal for rental space for Administrative Staff in the Government Center

County Administrator Robert Bendorf: Town Hall meeting on flood management tentatively scheduled for November 7, 2013

Chairman Vasquez reestablished the Sheriff Facility Ad Hoc Committee appointing Supervisors Nicoletti and Griego.

County Counsel Angil Morris-Jones: State and Counties prevailed in Sprint complaint regarding equipment assessment

- IX. CLOSED SESSION: The Board retired into closed session at 10:18 a.m. and returned at 10:29 a.m. with all present as indicated above.
- A. Pending litigation pursuant to Government Code §54956.9(d)(2) - Brett vs. County of Yuba et al Information provided.
- X. ADJOURN: 10:30 a.m. in memory of Mrs. Darlene French, Mrs. Shirley Mae Marcher, Mr. Edward Au Sam, and Mr. Palmer Tipton.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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



BUILDING
 749-5440 • Fax 749-5616

CODE ENFORCEMENT
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To: Board of Supervisors

From: Michael G. Lee, Public Works Director

Subject: Adopt Resolution authorizing submission of Transportation Claim to SACOG.

Date: November 5, 2013

Recommendation

Adopt the attached resolution which authorizes the submission of Yuba County's Transportation Claim to the Sacramento Area Council of Governments (SACOG).

Background/Discussion

Attached is the Annual Transportation Claim for funds from the Transportation and Development Act of 1971 as amended by SB 1335 approved June 25, 1982. The amount for the fiscal year 2013/2014 is \$1,457,329. This total includes:

Streets and Roads Claim	882,522.00
Yuba-Sutter Transit Authority	531,087.00
SACOG Planning	43,720.00

This request has been made in accordance with information provided by Yuba-Sutter Transit Authority that the above-mentioned funding is needed for fiscal year 2013/2014 to meet their transit needs.

Committee

Committee has been bypassed as no committee action is required.

Fiscal Impact

No fiscal impact to the General Fund. Revenue has been budgeted in the Road Fund.

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

**RESOLUTION AUTHORIZING SUBMISSION)
OF TRANSPORTATION CLAIM FOR FUNDS)
FROM THE TRANSPORTATION)
DEVELOPMENT ACT OF 1971 AS AMENDED)**

RESOLUTION NO. _____

WHEREAS, the County of Yuba intends to submit a Transportation Claim to the Sacramento Area Council of Governments (SACOG) for funds available from the Transportation Development Act of 1971, as amended, and

WHEREAS, the Sacramento Area Council of Governments has advised Yuba County of an apportionment for fiscal year 2013/2014 of \$1,457,329; this total amount includes the sum required for Yuba-Sutter Transit Authority transit needs in the amount of \$531,087, and

WHEREAS, the funds required to meet the requirements of fiscal year 2013/2014 of the Yuba-Sutter Transit Authority can be met from the sum of \$531,087, the sum of \$882,522 can be utilized for street and road purposes, and the remaining sum of \$43,720 will be available for SACOG Planning Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Yuba hereby finds and declares that there are no areas within it's jurisdiction with unmet transit needs which can reasonably be met either through expansion of existing transportation systems or by establishing new systems;

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby authorizes submission of an Annual Transportation Claim to the Sacramento Area Council of Governments for \$1,457,329; such funds to be used for purposes indicated in claim with \$531,087 apportioned

to Yuba-Sutter Transit Authority, \$882,522 for street and road purposes, and \$43,720 to SACOG for the Planning Program.

PASSED AND ADOPTED this _____ day of _____
2013, by the Board of Supervisors of the County of Yuba, by the following vote:

AYES:

NOES:

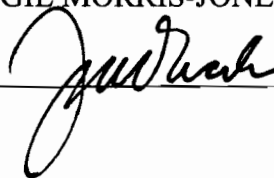
ABSENT:

ABSTAIN:

CHAIRMAN

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

APPROVED AS TO FORM: COUNTY COUNSEL
ANGIL MORRIS-JONES



TDA-1
TRANSPORTATION DEVELOPMENT ACT CLAIM

TO: Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814

FROM:

Claimant	County of Yuba, Department of Public Works		
Address	915 8 th Street, Suite 125		
City	Marysville CA	Zip Code	95991
Contact Person	Michael Lee		
Telephone	(530) 749-5420		
E-Mail	mlee@co.yuba.ca.us		
Facsimile	(530) 749-5424		

The above claimant hereby requests, in accordance with authority granted under the Transportation Development Act and applicable rules and regulations adopted by the Sacramento Area Council of Governments (SACOG), that its request for funding be approved as follows:

LTF:

\$926,242	FY	2013/2014
-----------	----	-----------

FY

FY

FY

FY

STA:

FY

FY

FY

FY

FY

Submitted by:  , Michael G. Lee

Title: **Public Works Director**

Date: **September 27, 2013**

DDA-2

Fiscal Year: 2013/2014

TDA-3**STATUS OF PREVIOUSLY APPROVED PROJECTS**

Instructions — Describe the status of all prior fiscal year TDA claim projects and any projects from previous years that are still active, as follows:

- Include both operating and capital budgets
- Approved amounts should be specified in TDA claims approved by SACOG
- Expenditures should be to date
- Project status should be either "Complete" or "Active"


Fiscal Year	Project Title	Amount Approved		Expenditures		Project Status
2012/2013	Article 8 – Section 99400 (a) for Streets & Roads, Routine Maintenance	409,359		409,359		Complete
2012/2013	SACOG Planning	27,933		27,933		Complete
TOTAL		\$ 437,292	\$	\$ 437,292	\$	

TDA-4
STATEMENT OF CONFORMANCE

Form TDA-4 must be completed and signed by the Administrative Office of the submitting claimant.

The Yuba County Board of Supervisors
hereby certifies that the Transportation Development Act claim for fiscal years 2013/2014
in the amount of \$ 926,242.00 (LTF) and \$ 0.00 (STA)
for a total of \$ 926,242.00 conforms with the requirements of the
Transportation Development Act and applicable rules and regulations (see Attachment A for listing of
conformance requirements).

Certified by Chief Financial Officer



Title Auditor / Controller

Date 10/9/13


TDA-5
TDA CLAIM CERTIFICATION FORM

I, C. Richard Eberle, Chief Financial Officer for the County of Yuba

do hereby attest, as required under the California Code of Regulations, Title 21, Division 3, Chapter 2, Section 6632, to the reasonableness and accuracy of the following:

- (a) The attached budget or proposed budget for FY 2013/2014
- (b) The attached certification by the Department of the California Highway Patrol verifying that N/A is in compliance with Section 1808.1 of the Vehicle Code, as required in Public Utilities Code Section 99251.
- (c) The estimated amount of FY 2013/2014 maximum eligibility for moneys from the Local Transportation Fund and State Assistance Fund, as defined in Section 6634 is \$ 926,242.00

Signature of Chief Financial Officer



Agency Name County of Yuba

Date 10/9/13

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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



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749-5440 • Fax7

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749-5455 • Fax 749-5424


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To: Yuba County Board of Supervisors

From: Kevin Mallen, CDSA Director 

Date: November 5, 2013

Subject: Annual Use of Sycamore Ranch by the Tsi Akim Maidu Tribe for
The Indigenous Peoples Day Event

Recommendation:

Adopt the attached resolution authorizing the Tsi Akim Maidu Tribe to conduct annually the Indigenous Peoples Day Event at Sycamore Ranch Park free of charge and authorize the Public Works Director to coordinate the specifics associated with each event.

Background:

For the past three years the Board has granted the Tsi Akim Maidu Tribe permission to utilize Sycamore Ranch Park to conduct the Indigenous Peoples Day Event. The Event occurs Columbus Day weekend and includes use of the Park Friday, Saturday, and Sunday night.

Discussion:

When the Board granted the Tribe's request for this year's event at the October 1, 2013 meeting, the Board also requested that this resolution be brought back to the Board that would facilitate the Board's intention of allowing the Tribe to continue using the Park for the Event on into the future, and without County fees for reservations or use.

Committee Action:

This request originated from the full Board at its October 1, 2013 meeting.

Fiscal Impact:

There is a direct loss of operational revenue for the Park associated with the fee waiver, however it is anticipated that the Event increases tourism for the County and thereby increases overall revenue for the County.

442-13

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

**A RESOLUTION AUTHORIZING THE USE OF
SYCAMORE RANCH PARK BY THE TSI AKIM MAIDU
TRIBE TO CONDUCT THE ANNUAL INDIGENOUS
PEOPLES DAY EVENT WITH OUT PARKS FEES
PURSUANT TO THE BOARD'S FINDING THAT THE
EVENT SERVES A PUBLIC PURPOSE AND
AUTHORIZING THE PUBLIC WORKS DIRECTOR TO
COORDINATE WITH THE TRIBE ON THE SPECIFICS
ASSOCIATED WITH SUCH ANNUAL EVENT .**

A RESOLUTION AUTHORIZING THE USE OF _____) RESOLUTION NO. _____

WHEREAS, for the past three years the Tsi Akim Maidu Tribe has requested permission from the County to utilize Sycamore Ranch Park to conduct the annual Indigenous Peoples Day event held each Columbus Day Weekend, and

WHEREAS, each year the Board has granted the Tribe's request for the event and has not charged the County's fees associated with reserving the park due to the event promoting the general welfare of the community by improving cultural and historical awareness, providing an educational enriching experience of Native American life for public free of charge and by reason of the tourism generated from the event, and

WHEREAS, the Board would like to encourage the continuation of the event by the Tribe and therefore would like the Tribe to have a standing reservation to Sycamore Ranch Park for Columbus Day Weekend, including Friday, Saturday, and Sunday nights, to utilize the park without payment for the reservation or use fees for the event, pursuant to the Board finding that such affair serves a public purpose, and

WHEREAS, due to the unique nature of the event utilizing such a large portion of the park area and potential for large crowds, there is a need for coordination between the Tribe and County as to the specific uses, operations, and locations associated with the event.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes the annual use of Sycamore Ranch Park by the Tri Akim Maidu Tribe to conduct the Indigenous Peoples Day event each Columbus Day Weekend, including Friday, Saturday, and Sunday nights, and authorizes the Public Works Director to coordinate the specific issues associated with each event, subject to approval of County Counsel and County Risk Management.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes that Indigenous Peoples Day Event be at no charge of park reservation or use fees pursuant to the Board hereby finding that such event serves a public purpose in that:

1. It provides an avenue for cultural enrichment, an exchange of ideas and an educational experience of Native American Life and History;

2. It generates and promotes tourism to Yuba County thereby promoting the local economy;

3. It is provided by the Tri Akim Maidu Tribe to the public at large free of charge.

PASSED AND ADOPTED this _____ day of _____
2013, by the Board of Supervisors of the County of Yuba, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: _____

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

By: _____



The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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



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November 5, 2013

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS

SUBJ: Award Contract to Apparent Low Bidder for Bridge Replacement and Realignment of Timbuctoo Road over Deep Ravine No.1 Project and Authorize the Chair to Execute Same

RECOMMENDATION:

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

BACKGROUND:

This project entails replacing the bridge and bridge approaches along Timbuctoo Road crossing Deep Ravine No.1.

On Tuesday October 22, 2013 bids were opened for the subject project. The three lowest bids received are shown on the attached sheet.

DISCUSSION:

The work in general consists of constructing a 176-foot long two span reinforced concrete box girder type bridge having a width of 22 feet, removal of an existing bridge, retaining wall, and realigning/reconstructing the approach roadway. Approach metal beam guard railing will be installed at all four corners of the new structure and the bridge will remain closed during the project construction. The Engineer's Estimate for the construction items was \$1,179,000. The project is expected to be completed by November 2014.

COMMITTEE ACTION:

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

FISCAL IMPACT:

The entire construction phase of this project, including construction engineering, will be funded 100% through the HBP program using federal funds.

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone – (530) 749-5436 • Fax – (530) 749-5434
915 8th Street, Suite 125
Marysville, California 95901
www.co.yuba.ca.us



BUILDING
749-5440 • Fax 749-5616

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749-5455 • Fax 749-5464

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SUBJ: Award Contract to Apparent Low Bidder for Bridge Replacement and Realignment of Timbuctoo Road over Deep Ravine No. 1. Project

THREE LOW BIDS FOR THE PROJECT

<u>Contractor</u>	<u>Bid Amount</u>
Viking Construction Company, Inc.	\$1,276,662.50
AJ Vasconi General Engineering	\$1,378,265.90
R.A. Nemetz Construction Co., Inc.	\$1,495,449.50

The apparent low bidder for the project is Viking Construction Company, Inc.


YUBA COUNTY
Digital
LAW LIBRARY

444-13

RECEIVED

OCT 8 2013

Clerk/Board of Supervisors

TO: Yuba County Board of Supervisors
FROM: Carl Lindmark, President, Yuba County Digital Law Library 
SUBJECT: Yuba County Digital Law Library Annual Report FY 2012-2013
DATE: October 22, 2013

Recommendation:

Receive Yuba County Digital Law Library's Annual Report for fiscal year 2012-2013.

Background:

California Business and Professions Code Section 6349 requires the Law Library Board of Trustees, on or before the 15th day of October of each year, to present to the Board of Supervisors of the county in which the law library is maintained a report for the preceding fiscal year ending on the 30th day of June.

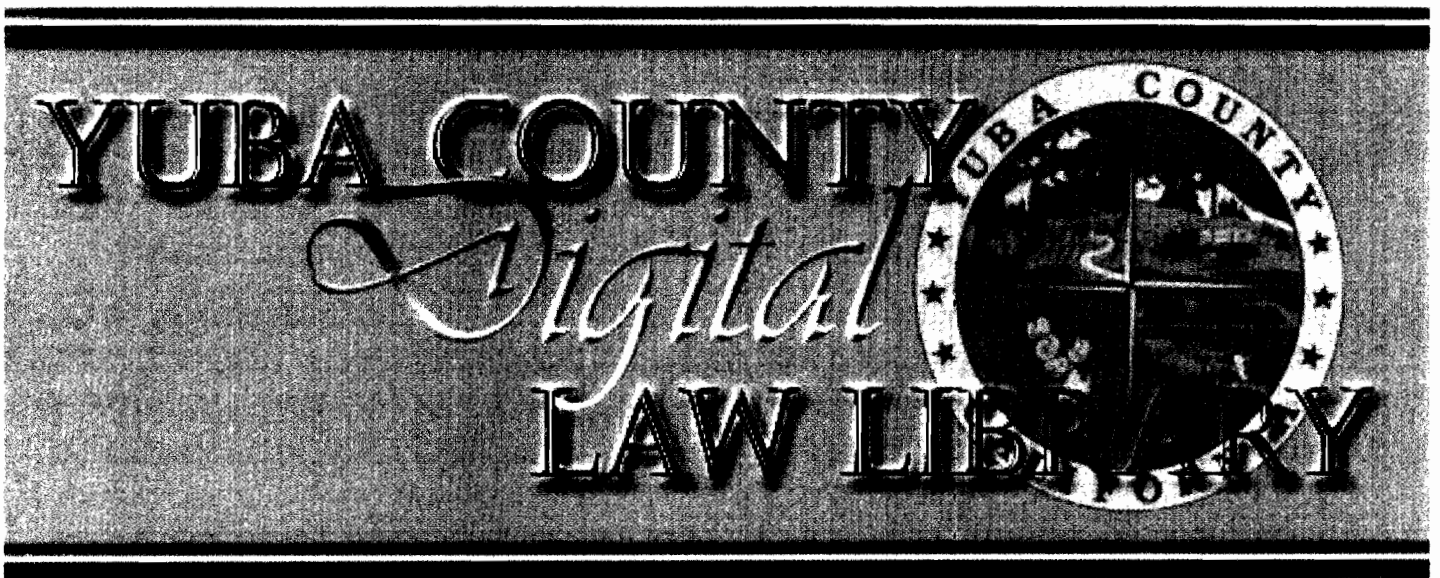
The report shall give the condition of the account, complete with financial information of receipts and expenditures, along with any other information that might be of interest.

Discussion:

The Yuba County Digital Law Library respectfully presents to the Yuba County Board of Supervisors the Law Library 2012-2013 Annual Report. This report details the events and decisions that helped to carry out the Law Library's objective to make online legal research available to the residents of the County. The report also contains the financial information for fiscal year 2012-2013.

Fiscal Impact:

None.



ANNUAL REPORT

FISCAL YEAR

2012 - 2013

INTRODUCTION

The Yuba County Digital Law Library is established under the authority of Chapter 5, Division 3, of the California Business & Professions Code, Sections 6300, et seq.

The following annual report for the fiscal year ending June 30, 2013, is prepared pursuant to the provisions of Sections 6349 and 6350 of the California Business & Professions Code.

BOARD OF LAW LIBRARY TRUSTEES

Carl Lindmark, Esq., President

Mark Woods, Esq., Vice President

The Honorable Debra Givens

Brenda Smith, Esq.

Roxanna Gomez, Esq.

John Whidden, Esq.

LAW LIBRARY SECRETARY

Erika Stedman, Legal Services Coordinator

YUBA COUNTY DIGITAL LAW LIBRARY

Summary of Fiscal Year 2012 - 2013

GOALS OF THE BOARD OF TRUSTEES

“THE OBJECTIVE OF THE YUBA COUNTY LAW LIBRARY IS TO MAKE AVAILABLE TO ALL RESIDENTS OF THE COUNTY AN INNOVATIVE ONLINE LEGAL RESEARCH DATABASE TO ASSIST IN THE PERFORMANCE OF LEGAL RESEARCH AND PRACTICE.”

- Yuba County Digital Law Library Objective

Adopted October 2009

The Yuba County Digital Law Library (hereinafter “Law Library”) recognizes that the needs of the community and the methods of conducting legal research are forever changing. The Law Library’s objective is to provide a beacon for current service and future planning.

This report highlights the events and decisions that helped the Board of Trustees carry out its objective and lay the foundation for exciting changes ahead.

LEGAL RESEARCH PROVIDERS

CEB

In January 2013, the Law Library approved renewing a one-year contract with OnLAW database, from California’s Continuing Education of the Bar (CEB). OnLAW provides access to more than 140 of CEB’s

California practice guides. OnLAW's "libraries" organize the CEB guides by practice area, namely: business law; criminal law; estate planning; family law; litigation; and real property law.

The guides are complete and up-to-date online versions of CEB's print practice guides. They serve as an excellent resource for the community to conduct legal research.

WESTLAW

Westlaw provided the additional information in regards to the price change of adding a fourth location and on February 16, 2011, the Board of Trustees accepted the Westlaw offer for legal research services provided to four computers and entered into a three year contract with Westlaw.

Westlaw provides the following content: California Core material (California Statutes Annotated; California Cases; California Court Rules-State, Federal and Local; California Attorney General Opinions; California Administrative Code; California Journals and Law Reviews and Key Cite); California Federal Material (All District Court Cases; All Supreme Court Cases; 9th Circuit Cases and USCA); California Jurisprudence; Rutter California Practice Guide; Witkin; and Miller & Starr.

ESSENTIAL FORMS

In February 2011, Martin Dean Essential Forms provided their software free of charge to be installed on all Law Library computers. Essential Forms provides every form issued by the Judicial Council, along with additional Non-Judicial Forms. Essential Forms also provides local forms. The forms are updated every January and July.

NOLO PRESS

The e-books installed on all Law Library computers are: How to Probate an Estate in California; California Workers' Comp; Nolo's Guide to California Law; California Tenants' Rights; The California Landlord's Law Book (Rights & Responsibilities); The California Landlord's Law Book (Evictions); How to Change Your Name in California; Fight Your Ticket and Win in California; Everybody's Guide to Small Claims Court in California; Living Wills and Powers of Attorney for California; The Guardianship Book for California; Prenups for Partners; California Mechanics' Lien Kit for Homeowners; and Win Your Lawsuit (Sue in California Superior Court without a Lawyer).

COMPUTERS AND EQUIPMENT

The Yuba County Digital Law Library has the following equipment located at the following sites:

GOVERNMENT CENTER-

- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag # 3MHWNK1 located in Lorena Procsal's cubicle.
- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag # 2MHWNK1 in place for Public access in the lobby.
- Hewlett Packard, LaserJet P2055dn printer, Serial number# CNB9P80968 in place for Public use in the lobby.

COURTHOUSE-

- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag #1MHWNK1 in Attorney's Room on the 2nd floor.

- Hewlett Packard, LaserJet P2055dn printer, Serial number# CNB9919435 in Attorney Room on the 2nd floor.

YUBA COUNTY LIBRARY-

- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag #4MHWNK1 between two Public use computers (G & H).

PONDEROSA COMMUNITY CENTER-

- Dell Optiplex 960 Core Duo @3.16GHz, 4GB RAM, Service Tag # 3MHWNK1 in place for Public use at the community center.
- HP Jetdirect EW2500 802.11g Printer Server, Serial number/Security ID:CNOB4C80E6
- HP LaserJet P2055dn Printer, Serial Number/Security ID: CNBJ631094

There are a total of four computers with monitors and accessories and three printers. Locks have been purchased for computers.

YUBA COUNTY DIGITAL LAW LIBRARY LOCATIONS

At the start of the 2011 fiscal year, three Law Library locations were already established. Computers were operational at the Yuba County Public Library, the Courthouse Attorney Room, and the Yuba County Government Center. In January 2012, the Ponderosa Community Center was established and operational.

BOARD OF TRUSTEES AND LAW LIBRARY STAFF CHANGES

At the start of the fiscal year, the Board of Trustees consisted of the following members: Honorable Debra Givens, Brenda Smith, Mark Woods, Roxanna Gomez, John Whidden, and Carl Lindmark. The Law Library Secretary was Erika Stedman.

May 2013 was the last month Roxanna Gomez served on the Law Library Board of Trustees.

FINANCES

Finances for the 2012-2013 fiscal year were submitted and reported monthly in the financial reports of the Secretary of the Board of Law Library Trustees.

Attached is the financial statement summary and detailed report for fiscal year 2012-2013.

FUTURE GOALS

The Board of Trustees looks forward to the future of the Yuba County Digital Law Library. The need for legal resources to be available to all citizens of Yuba County is imperative. With multiple locations in Marysville and one in Brownsville, the Board would like to focus on placement of computer terminals in Wheatland and Plumas Lake.

Additionally, in the upcoming fiscal year the Board of Trustees would like to create more advertising so that Yuba County residents are aware that these resources are available to them. Along with advertising to raise awareness of the resources available, the Board of Trustees would

like to create a website detailing all the Yuba County Digital Law Library has to offer.

Finally, the Board of Trustees look forward to offering more training similar to the CEB OnLAW training that was offered in January 2011. This would include trainings from both Westlaw and CEB OnLAW and these trainings would be offered at different areas around Yuba County.

CONCLUSION

A County Law Library is an individual's "first step" in accessing justice. The Yuba County Digital Law Library strives to serve the community by providing an easy way for the public to find assistance to guide them through their legal issues. The Law Library also strives to serve attorneys by providing access to tools to best represent their clients. The accomplishments during Fiscal Year 2012-2013 succeeded in fulfilling the objective of the Yuba County Digital Law Library. The Board of Trustees looks forward to continuing this progress in the upcoming fiscal year.

YUBA COUNTY DIGITAL LAW LIBRARY
FINANCIAL STATEMENT FOR FISCAL YEAR 2012-2013

SUMMARY:

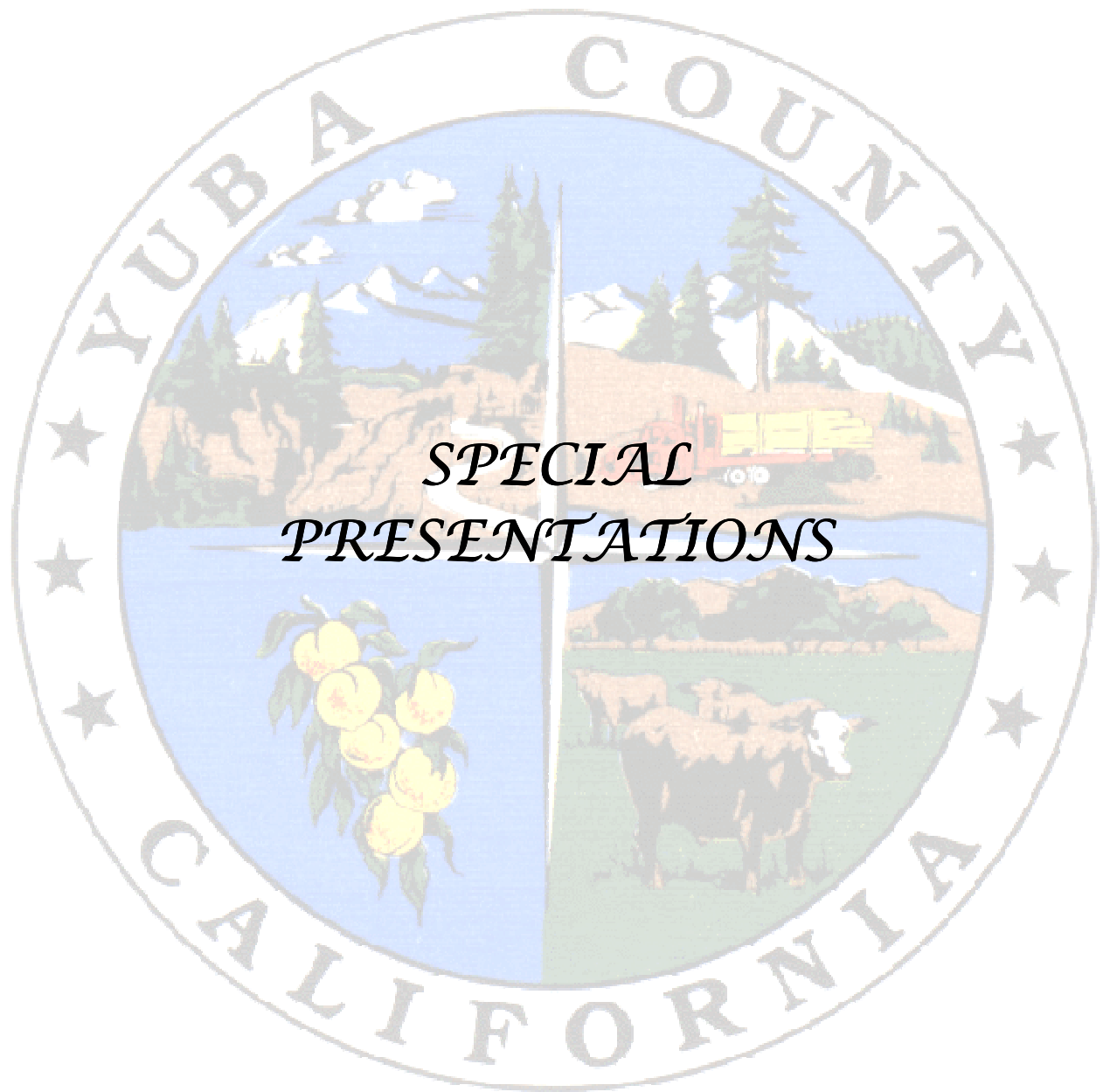
BALANCE JULY 1, 2012	\$	134,652.05
Receipts	\$	24,022.63
SUBTOTAL	\$	158,674.68
Total Disbursements/Deductions	\$	12,312.54
BALANCE JUNE 30, 2013	\$	146,362.14

YUBA COUNTY DIGITAL LAW LIBRARY
FINANCIAL STATEMENT DETAIL - RECEIPTS

Court Filing Fees		\$ 22,275.81
Other		\$ 1,746.82
Interest	1,713.15	
Disbursement Delinquent Shasta Co.	33.67	
TOTAL RECEIPTS		\$ 24,022.63

YUBA COUNTY DIGITAL LAW LIBRARY
FINANCIAL STATEMENT DETAIL - DISBURSEMENTS

Library Resources		\$ 8,213.31
CEB OnLaw Subscription (1 year)	\$ 978.67	
Westlaw (Services Provided to 4 Computers)	7,234.64	
Personnel		\$ 3,000.00
Payroll	\$ 3,000.00	
Equipment and IT Services		\$ 840.00
IT Billing	\$ 390.00	
IP Address	450.00	
Other		\$ 259.23
Cost of Collections	\$11.81	
Comcast	53.92	
Membership Dues	150.00	
Use of County Car	43.50	
TOTAL EXPENDITURES		\$ 12,312.54



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THE COUNTY OF YUBA

BOARD OF SUPERVISORS



— P R O C L A M A T I O N —
PROCLAIMING

**CANCER PREVENTION WEEK
NOVEMBER 11 -17, 2013**

WHEREAS, our community is known as caring and with a strong ethic of volunteerism; and

WHEREAS, residents have supported American Cancer Society events, which help fund research, education, advocacy and patients services for cancer survivors in our community.

WHEREAS, the American Cancer Society's Cancer Prevention Study - 3 is recruiting 500,000 adults across the United States to help better understand the genetic, environmental and lifestyle factors that cause or prevent cancer; and

WHEREAS, in 2013, more than 1.6 million people in the United States will be diagnosed with cancer, more than 680 of those living right here in the Yuba Sutter area; and

WHEREAS, Rideout Cancer Center and Sutter Surgical Hospital have been selected as enrollment sites for this historic study that will follow participants for 20 years by asking them to spend about 45 minutes every other year updating the research team on their health and habits; and

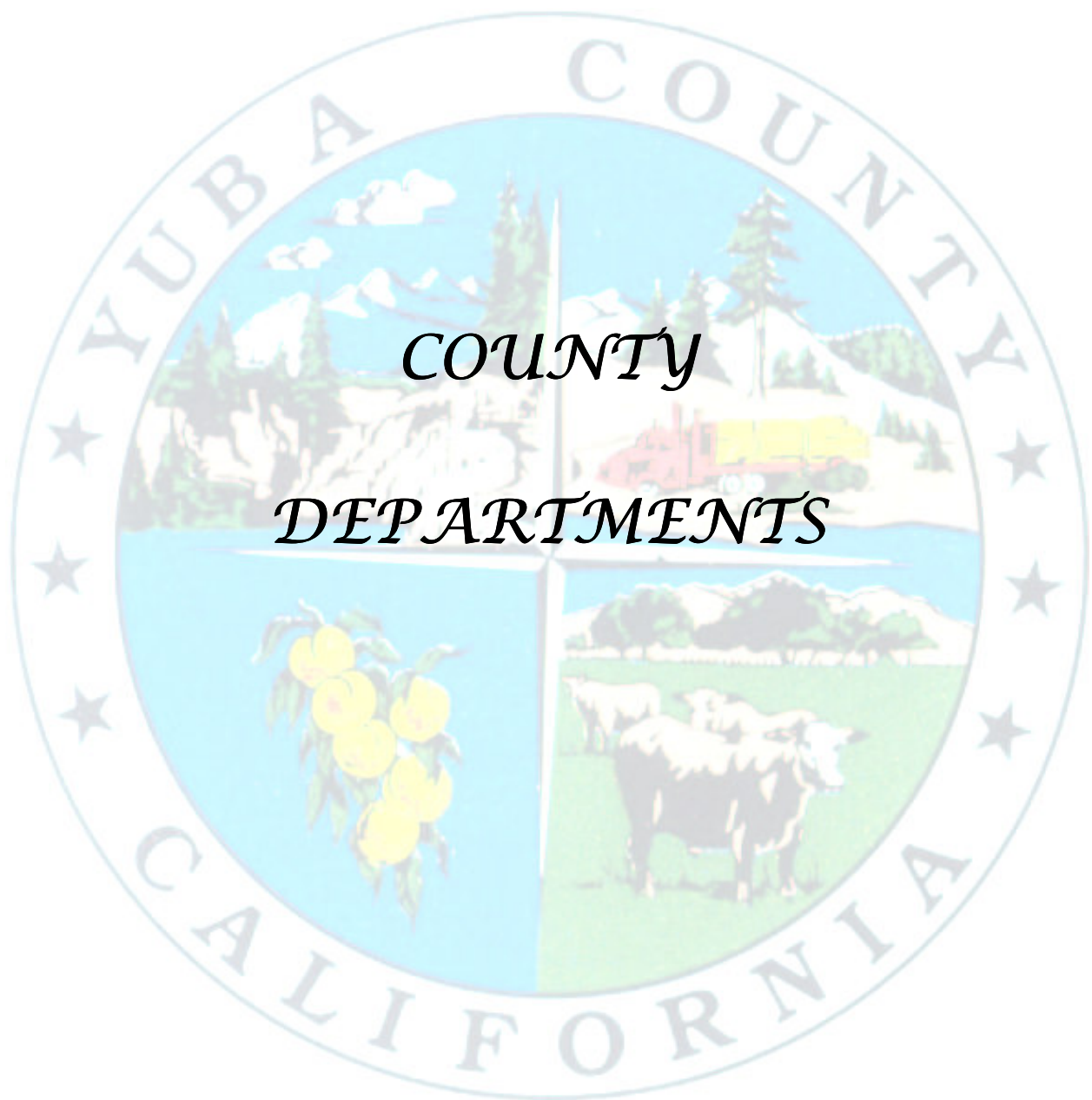
NOW, THEREFORE, the Yuba County Board of Supervisors hereby proclaim the week of November 11 – 17, 2013 to be "Cancer Prevention Week" and encourage citizens to participate in the Cancer Prevention Study - 3.




CHAIRMAN


CLERK OF THE BOARD OF SUPERVISORS

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COUNTY
DEPARTMENTS

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The County of Yuba

Office of the County Administrator

Robert Bendorf, County Administrator

TO: Yuba County Board of Supervisors
FROM: Robert Bendorf, County Administrator *RB*
RE: Appointment of Chief Information Officer
DATE: November 5, 2013

RECOMMENDATIONS

It is recommended that the Board of Supervisors receive an introduction of Paul LaValley as Yuba County's Chief Information Officer effective November 1, 2013 and authorize the Chairman to execute the employment agreement.

BACKGROUND

The Chief Information Officer position is a new position for Yuba County and it is intended to be a department head that oversees the day to day management of a central service department. Previous leadership of Information Technology was served by a manager and recently, by the Assistant Director of Administrative Services. There are many critical services provided to all departments and the public by Information Technology. The position is critical in planning for the County's future and leading the information technology team. A recruitment was conducted for this position recently and interviews were completed. Mr. LaValley was selected as the candidate for the position.

DISCUSSION

Mr. LaValley is a technology professional with leadership and management experience in the Information Technology profession. His broad private sector experience will be critical in providing solution based approaches to our departments. Mr. LaValley possesses a Bachelor's Degree in Computer Science from the University of Michigan and Masters in Business from the University of California Berkeley.

FISCAL IMPACT

Compensation for the Chief Information Officer is budgeted for FY 13-14.

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EMPLOYMENT AGREEMENT BY AND BETWEEN
COUNTY OF YUBA AND PAUL LAVALLEY

RECITALS

This Agreement is entered into by and between the County of Yuba (County) and Paul LaValley (Employee) and is dated this 1st day of November, 2013.

A. County desires to employ Employee as its Chief Information Officer and Employee desires to serve as the Chief Information Officer of the County beginning November 1, 2013.

B. The County Administrator (CAO), as appointing authority, and Employee desire to agree in writing to the terms and conditions of Employee's employment as Yuba County's Chief Information Officer.

AGREEMENT

1. PARTIES AND INCORPORATION BY REFERENCE

The parties to this Agreement are County and Employee. The foregoing recitals are incorporated herein by this reference.

2. DUTIES

(a) County agrees to employ Employee and Employee agrees to serve as Chief Information Officer of Yuba County to perform the functions and duties as specified in the Yuba County Ordinance Code, Resolutions, and all other applicable laws, rules and regulations now in effect or hereafter adopted, and to perform other

legally permissible and proper duties and functions as the Board may from time to time assign.

(b) Employee shall perform his duties to the best of his ability in accordance with the highest professional and ethical standards of the profession and shall comply with all general rules and regulations established by County.

(c) Employee shall not engage in any activity which is, or may become, a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under California Law. Employee must complete disclosure forms as required by law and in connection with the performance of any services under this Agreement. Disclosure forms required by law shall be filed in accordance with laws and regulations relating to disclosure forms during the term of this Agreement and thereafter as may be required by law or regulation.

3. TERM

(a) The term of this Agreement shall be from the date first set forth above in Recital A until terminated by either party in accordance with provisions hereinafter set forth or unless terminated by the event of death, incapacity or permanent disability of Employee.

(b) Employee agrees to remain in the exclusive employment of County during the term of this Agreement and further agrees that he will not take any position, paid or otherwise, which may in any degree conflict or appear to conflict with the duties inherent in the position of Chief Information Officer of County.

4. TERMINATION AND RESIGNATION

(a) Employee may resign at any time and agrees to give the County no less than ninety (90) days' advance written notice of the effective date of his resignation.

(b) County may terminate Employee at any time upon written notice. The parties hereto recognize and affirm:

1. Employee is an "at-will" Employee whose employment may be terminated by the County Administrator without cause;
2. There is no express or implied promise made to Employee for any form of continued employment as Chief Information Officer; and,
3. This Agreement is the sole and exclusive basis for an employment relationship between Employee and County.

(c) A decision to terminate Employee may be made by the County Administrator consistent with this Agreement and with applicable laws, rules and ordinances governing such dismissal.

(d) Employee shall have the option to resign his office instead of being terminated if an action by the County Administrator to terminate has been initiated. Employee shall be given a time certain by which such resignation in writing shall be delivered to the County Administrator.

(e) In the event the County Administrator terminates Employee for cause, Employee shall have the right to a name clearing hearing involving notice of the charges and an opportunity to respond.

5. SEVERANCE PAY

(a) If the County Administrator terminates Employee while he is still willing and able to perform the duties of Chief Information Officer, County and Employee agree that he will immediately be placed on paid Administrative Leave for a period of time not to exceed four (4) months. If, within that four month period, Employee secures employment with another PERS employer, Employee agrees to tender his resignation with County of even date with his start date at his new employment, which resignation will discontinue payments under the paid Administrative Leave section. Employee specifically acknowledges and agrees that said payment(s) will release County, its agents, servants, employees and elected officials from any further obligation, whether known or unknown, at the time of any such resignation or termination.

(b) If Employee is terminated for cause, including but not limited to acts of moral turpitude, conflict of interest, or incompatibility of office, County shall have no obligation to continue the employment of Employee or to pay the severance set forth above.

6. SALARY

Commencing with the date of appointment set forth above, Employee shall be compensated according to the Yuba County Classification System - Basic Salary Schedule which identifies the base gross monthly rate of the Chief Information Officer. Additionally, Employee shall be entitled to an increase equal to any cost of living increase given to management employees.

7. SUPPLEMENTAL BENEFITS

County shall also provide Employee the same benefits as provided to County management employees, commensurate with his appointment as Department Head, and as they may be amended from time to time. All actions taken by County relating to benefits for management employees shall be actions granting the same benefits to Employee.

8. MONTHLY VEHICLE ALLOWANCE

County agrees to pay Employee, during the term of this Agreement and in addition to other salary and benefits herein provided, the sum of three hundred dollars (\$300.00) per month as a vehicle allowance to be used to purchase, lease, or own, operate and maintain a vehicle. Employee shall be responsible for paying for and maintaining liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle.

9. PERFORMANCE EVALUATION

The County Administrator shall evaluate Employee's performance at least annually. In addition, in connection with and at the time of such evaluation the County Administrator and Employee will set goals and objectives for the ensuing year.

10. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The County Administrator shall fix any other terms and conditions of employment as it may determine from time to time, provided that such terms and conditions are not inconsistent with provisions of this Agreement or applicable law.

11. NOTICES

Any notices required by this Agreement shall be in writing and either given in person to the recipient or by first class mail, postage prepaid, and addressed as follows:

TO COUNTY: County Administrator
915 Eighth Street, Suite 115
Marysville, CA 95901

TO EMPLOYEE: Paul LaValley
915 8th Street, Suite 119
Marysville, CA 95901

12. ENTIRE AGREEMENT

This Agreement is the final expression of and constitutes the complete Agreement between the parties with respect to the matters set forth herein and supercedes all prior oral or written understandings except as may be set forth herein. This Agreement cannot be modified except by written mutual agreement executed by the parties hereto.

13. ASSIGNMENT

This Agreement is not assignable by either County or Employee. Any Agreement to the contrary by either party shall be void.

14. SEVERABILITY

In the event that any portion of this Agreement is finally held or determined to be illegal or void by a Court having jurisdiction, the remainder of the Agreement shall remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

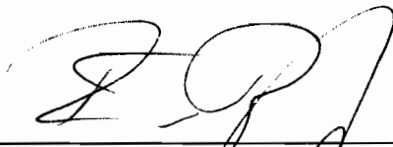
IN WITNESS WHEREOF, County and Employee have caused this Agreement to be signed and executed as set forth below.

EMPLOYEE

COUNTY OF YUBA



Paul LaValley, Employee

by: 

Robert Bendorf, County Administrator

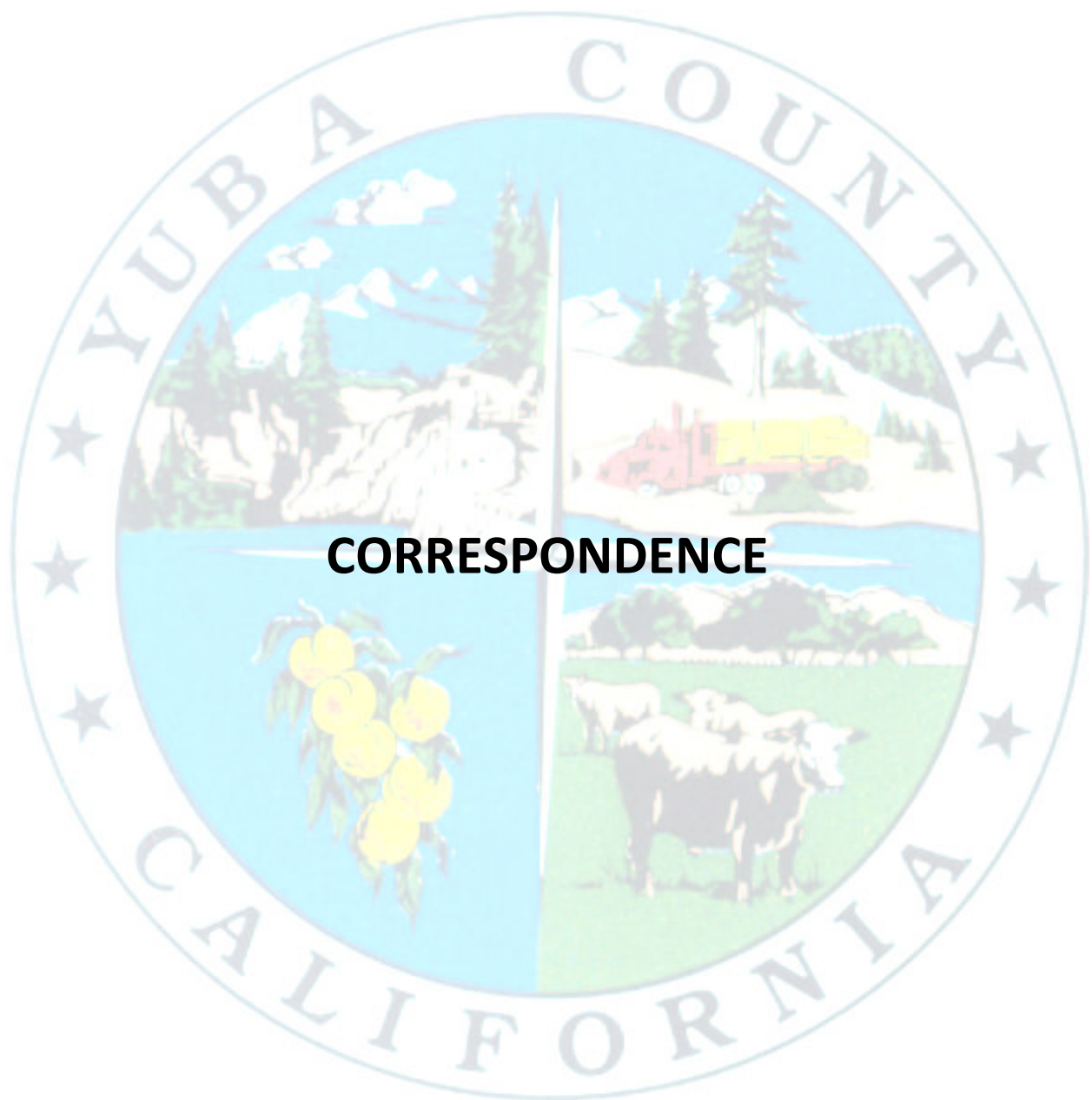
APPROVED AS TO FORM
ANGIL MORRIS-JONES, COUNTY COUNSEL

by , Deputy

Andy Vasquez,
Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By:_____





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A

October 10, 2013

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

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

RECEIVED

OCT 16 2013

Dear Mr. Vasquez:

Clerk/Board of Supervisors

Merit System Services (MSS) has completed an onsite compliance review of the County of Yuba's personnel system. The compliance review was conducted under the authority of Government Code Section 19802 and related provisions of the California Administrative Code titled Local Agency Personnel Standards (LAPS). The County of Yuba, like other approved local agencies, must comply with these standards to receive State and Federal funding for its Social Services and Child Support Services programs.

The County of Yuba operates a sound personnel system and is full compliance with the LAPS standards, Chapter 1.

We appreciate the cooperation extended to the review team and the County's responsiveness in addressing questions. Please call me at 916-471-3402 if you have any questions.

Sincerely,

Lisa Conner
Senior Consultant

Enclosure

BOS CORRESPONDENCE A

241 Lathrop Way
Sacramento, CA 95815
916.263.3614
916.648.1211 fax
www.mss.ca.gov

Commissioners
Michael Sutton, President
 Monterey

Richard Rogers, Vice President
 Santa Barbara

Jim Kellogg, Member
 Discovery Bay

Jack Baylis, Member
 Los Angeles

Jacque Hostler-Carmesin, Member
 McKinleyville

STATE OF CALIFORNIA
 Edmund G. Brown Jr., Governor

Fish and Game Commission



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

RECEIVED

OCT 25 2013

October 25, 2013

Clerk/Board of Supervisors

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 601 and subsection 702(a)(1), Title 14, California Code of Regulations, relating to Enhancement on Private Lands Management, which will be published in the California Regulatory Notice Register on October 25, 2013.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Victoria Barr, Department of Fish and Wildlife, phone (916) 445-5034, has been designated to respond to questions you may have on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom
 Associate Government 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, 713, 3402, 3404, and 3406 of the Fish and Game Code and to implement, interpret or make specific sections 3400, 3401, 3402, 3403, 3404, 3406, 3407, 3408, 3409, 4331, 4332 and 4341 of said Code, proposes to amend Section 601 and subsection 702(a)(1), Title 14, California Code of Regulations, relating to Enhancement on Private Lands Management.

Informative Digest/Policy Statement Overview

Current regulations in Section 601, Title 14, California Code of Regulations (CCR) describe the procedures required for the operation of the Private Lands Wildlife Habitat Enhancement and Management Area (PLM) Program. Current regulations specify tag reporting and payment requirements, initial year hunting restrictions, due dates, and annual reporting procedures.

Current regulations require licensees to sign an application annually. This is redundant paperwork for the landowner, Department and the Commission. Each Initial/5-Year Application and subsequent approval by the Commission licenses the PLM for 5 years. Modifying the language in subsection 601(b)(6) will reduce the workload on Department and Commission staff by removing the requirement for the annual application. Current regulations in subsection 702(a)(1) specify application forms for PLMs. These forms are consolidated and revised to reflect the propose amendments to Section 601.

The proposed regulatory changes will establish new tag reporting requirements, due dates, and replace tag applications with PLM vouchers. In addition, the proposed changes would allow elk and antelope hunting during the first year of enrollment in the PLM Program. Modifying tag reporting requirements will allow the PLM tag holder flexibility in validating and reporting the PLM tag. Replacing PLM tag applications with vouchers allows the use of the Automated License Data System (ALDS). Adding language to allow wardens to make unannounced property visits will deter poaching or trespass by unauthorized hunters and ensure compliance with existing laws and regulations. The proposed change to allow elk and antelope hunting the initial year of enrollment is intended to create consistency for all big game hunting.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

Benefits of the Regulations

The proposed changes to Section 601 will improve implementation of the PLM Program, increase flexibility for hunters to validate PLM tags and report their harvest, reduce workload for both Department staff and landowners, and improve compatibility with the Department's Automated License Data System. Overall, the PLM Program benefits the environment by providing incentives for landowners to improve wildlife habitat on approximately 1million acres of private lands.

Non-monetary benefits to the public

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 or the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The proposed regulations in this rulemaking action are neither inconsistent nor incompatible with existing State regulations. A key word search in the California Code of Regulations resulted in no other State agency having the authority to promulgate Private Land Management Regulations. There are no comparable federal 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 Embassy Suites La Quinta Hotel & Spa, 50-777 Santa Rosa Plaza, La Quinta, California, on Wednesday, November 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 at the Hilton San Diego Mission Valley, 901 Camino del Rio South, San Diego, California, on Wednesday, December 11, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov.

All comments must be received no later than December 11, 2013 at the hearing in San Diego, CA.

If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Victoria Barr, Department of Fish and Wildlife, phone (916) 445-5034, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, 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 because the proposed regulatory change will not apply to businesses directly or indirectly. The amendments are administrative improvements to licensing procedures that will not reduce the number of visits to areas surrounding private lands participating in the PLM program. Licensee and hunter spending on gas, food, sporting equipment and other area businesses are not anticipated to change.

- (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:

Because the proposed regulatory change makes only technical, administrative changes to the current regulations, it is not anticipated to impact visits or spending in the areas surrounding private lands. Since the number of visitors and the volume of spending are not anticipated to change, direct or indirect impacts on job creation or elimination; business creation, elimination or expansion are not expected.

Significant direct benefits to the health and welfare of California residents are not anticipated, although improved wildlife habitat and sustainable wildlife populations contribute to the general health and welfare of the public.

Benefits to worker safety from the proposed regulation are not anticipated because the proposed regulation will not affect worker conditions.

The Private Lands Management Program (PLM) overall provides substantial environmental benefits by creating landowner incentives to improve habitat for wildlife on approximately 1 million acres of private lands in California.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency 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:

The proposed regulations are expected to improve administrative procedures by eliminating unnecessary annual applications and approvals for PLMs. It is expected that these changes will improve program efficiency and allow existing staff to spend more time reviewing reports and inspecting habitat improvements on existing PLMs. Therefore, no fiscal impact (cost or savings) to State Agencies and Federal Funding to the State.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: October 25, 2013

Sonke Mastrup
Executive Director