

# BOARD OF SUPERVISORS

## AGENDA

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



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

**FEBRUARY 24, 2015**

### **8:30 A.M. YUBA COUNTY WATER AGENCY**

**9:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. All items on the agenda other than Correspondence and Board and Staff Members Reports are considered items for which the Board may take action. The public will be given opportunity to comment on action items on the agenda when the item is heard.**

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Vasquez
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher
- 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. (070-15) Approve amendment to sublease agreement with Peach Tree Healthcare Inc. and authorize Chair to execute.
  - B. Board of Supervisors
    1. (071-15) Adopt resolution merging the Yuba County Children's Council and the Child Abuse Prevention Council into the newly established and named Yuba County Children's Wellness and Child Abuse Prevention Council and designate the council to make recommendations regarding the County Children's Trust Fund and Child Abuse Prevention and Intervention Treatment/Community Based Child Abuse Prevention Fund.
  - C. Clerk of the Board of Supervisors
    1. (072-15) Approve Conflict of Interest Codes for Brophy Water District, Loma Rica/Browns Valley Community Services District, and Plumas Lake Elementary School District.
    2. (073-15) Reappoint David Villanueva as a Resident Representative to the Plumas Lake Specific Plan Design Review Committee term ending February 2, 2016.
    3. (074-15) Approve minutes of the meetings of January 27, February 3, and 10, 2015.
  - D. Community Development and Services
    1. (075-15) Approve contract change order, accept Loma Rica Safety Improvement project as complete, and authorize Public Works Director to sign contract change order and sign and record the Notice of Completion.
    2. (076-15) Approve contract change order, accept Powerline Road Bike/Pedestrian Improvement project (Safe Routes to School Phase III) as complete, and authorize Public Works Director to sign contract change order, and sign and record the Notice of Completion.

E. County Administrator

1. (077-15) Approve letter seeking legislation for \$21.3 million for the Local Groundwater Assistance Grant program or a similar program and authorize Chair to execute.

F. Emergency Services

1. (078-15) Adopt resolution proclaiming the existence of an ongoing local drought emergency in the County of Yuba.

G. Sheriff-Coroner

1. (079-15) Approve Memorandum of Understanding and Letter of Understanding with BGE Yuba to provide supplemental law enforcement services at Sleep Train Amphitheatre and authorize Chair to execute.

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

V. **COUNTY DEPARTMENTS**

A. County Administrator

1. (080-15) Receive Second Quarter fiscal report; receive mid-year budget report; authorize Budget Transfers in the total amount of \$4,373,752 with \$92,269 from General Fund Contingency; authorize fixed assets purchases in the total amount of \$505,297; and authorize personnel change request for Health and Human Services and Community Development and Services Agency. (Thirty minute estimate)

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

- A. (081-15) Letter from Dale Whitmore regarding Yuba County Fish and Game Advisory Commission bylaws.
- B. (082-15) Notice from Sutter-Yuba Mosquito and Vector Control District regarding pesticide application notification.
- C. (083-15) Two letters from the Auditor Controller enclosing independent audit reports for Sutter-Yuba Mosquito and Vector Control District and Loma Rica Browns Valley Community Services District. (On file in the Clerk of the Board Office)
- D. (084-15) Two Notices from California Office of Emergency Services advising of disaster designation due to drought.

VII. **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.

VIII. **CLOSED SESSION**

- A. Pending litigation pursuant to Government Code §54956.9(d)(2) - One Case

IX. **RECESS FROM 11:30 A.M. THROUGH 1:30 P.M.**

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

- A. **1:30 P.M.** (085-15) Public Hearing - Hold hearing and adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and summary abatement costs, and recording of lien regarding 6223 Mapes Way, Linda, (Richard C Lantsberger), in the amount of \$14,187.96. (Fifteen minute estimate)
- B. **1:30 P.M.** (086-15) Public Hearing - Hold hearing and adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and abatement costs, and recording of lien regarding 1679 E Eleventh Ave, Olivehurst, (Estate of Joe and Mary Ann Self, C/O Kathryn Billy), in the amount of \$10,895.65. (Fifteen minute estimate)
- C. **1:30 P.M.** (087-15) Public Hearing - Hold hearing and adopt findings of facts, conclusion of law and orders authorizing the assessment of administrative and abatement costs and penalties, and recording of lien regarding 4698 Ardmore Ave. Units A-D, Olivehurst, (Jon A and Amy K Messick), in the amount of \$18,774.51. (Thirty minute estimate)
- D. **3:00 P.M.** (088-15) Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and reenacting Chapter 7.40 Marijuana Cultivation; and adopt resolution establishing marijuana cultivation registration fees and penalties. (First reading) (Sixty minute estimate)

XI. **ADJOURN**

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.

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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 18, 2014  
**Re:** Amendment to Lease with Peach Tree Clinic

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### Recommendation

Recommend the Board of Supervisors approve the attached amendment to the sublease agreement between the County of Yuba and Peach Tree Healthcare Inc.

### Background

The Finance and Administration division of Peach Tree Health is moving out of the Packard Avenue facility. The County's Health & Human Services Department is assuming the vacated space.

### Discussion

Peach Tree Health has been seeking ways to reduce its rent obligation. One measure they are taking is to relocate their Finance and Administration Division from the Packard facility over to the One Stop in Marysville at the end of this month.

Health & Human Services will be relocating staff from the One Stop to back fill in to this space at the Packard facility.

### Committee Finding

Due to the time sensitive nature of this request, it has been brought directly to your Board.

### Fiscal Impact

There is no net increase in rent. Peach Tree's rent will be reduced \$11,244 per month and that will be assumed by Health & Human Services. Health & Human will also realize savings from the reduced footprint at the One Stop.

**SUB TENANT AGREEMENT  
YUBA COUNTY ADMINISTRATIVE SERVICES**

**AMENDMENT # 1**

This is the first amendment to the sub-tenant agreement, dated December 16, 2014, for the sublease of space between the County of Yuba (COUNTY) and Peach Tree Clinic (Clinic).

Pursuant to Provision 1 "Description of Premises," of the basic agreement, the following changes are hereby made:

- (1) The total square footage to be occupied by Peach Tree Clinic shall be reduced to 13894.6 square feet.
- (2) *Section 1.a.*, the square footage of the 'Main Building' shall be reduced to 12799.6 square feet.

Pursuant to Provision 3 "Rent" the rent for fiscal year 2015 shall be reduced to \$ \$33,845.62

All other terms and conditions remain unchanged.

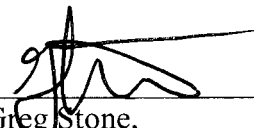
In witness thereof, the parties hereto have executed this Amendment # 1 to the Agreement on

\_\_\_\_\_ 2015.

"COUNTY"  
County of Yuba

"CLINIC"  
Peach Tree Healthcare, Inc.

\_\_\_\_\_  
Mary Jane Griego  
Chair

  
\_\_\_\_\_  
Greg Stone,  
CEO

APPROVED AS TO FORM

ANGIL P. MORRIS-JONES

COUNTY COUNSEL

BY: 



# YUBA COUNTY CHILDREN'S WELLNESS & CHILD ABUSE PREVENTION COUNCIL

071-15

**2015 COUNCIL CHAIR  
COMMUNITY BASED ORG.**  
Cathy LeBlanc  
Camptonville Community  
Partnership, Inc.  
530-288-9355  
cathy.marie17@gmail.com

**EDUCATION & EARLY CARE**  
Scotia Holmes Sanchez  
Yuba County Office of Education  
530-749-6172  
scotia.sanchez@yubacoe.k12.ca.us

**MENTAL HEALTH  
SUBSTANCE ABUSE**  
Tony Hobson  
Sutter-Yuba Mental Health  
530-674-1885 X-114  
THobson@co.sutter.ca.us

**EMPLOYMENT/TRAINING  
YCOE/Regional Career  
Center**  
Cheryl Riley  
530-749-4803  
cheryl.riley@yubacoe.k12.ca.us

**CRIMINAL JUSTICE/LAW  
ENFORCEMENT**  
Jim Arnold  
Yuba County Probation  
530-749-7550  
jarnold@co.yuba.ca.us

**COMMUNITY  
GOVERNANCE**  
Andy Vasquez  
Yuba County BOS  
749-7510  
avasquez@co.yuba.ca.us

**SOCIAL SERVICES**  
Tony Roach  
Yuba County Health and Human  
Services  
530-749-6245  
troach@co.yuba.ca.us

**HEALTH**  
Greg Stone  
Peach Tree Clinic  
530-749-3242  
gstone@pickpeach.org

**FAITH COMMUNITY**  
Rev. Berni Fricke  
530-763-5489  
revbf@aol.com

**COMMUNITY**  
Corey O'Neal  
530-633-3135 ext 2107  
coneal@wheatland.k12.ca.us

**2014 COUNCIL SECRETARY**  
Christina Rhea  
Yuba County Probation  
530-749-7368  
crhea@co.yuba.ca.us

February 24, 2015

Yuba County Board of Supervisors  
215 Fifth Street  
Marysville, CA 95901

SUBJECT: The Consolidation of the Yuba County Children's Council and the Yuba  
County Child Abuse Prevention Council

Dear County Supervisors:

Currently the Yuba County Children's Council (YCCC) and the Yuba County Child Abuse Prevention Council (CAPC) are two separate Councils who share the same membership and goals. In an effort to refresh and refocus the YCCC and CAPC, a series of planning meetings were held that led to the updating of the by-laws as well as the approval of combining the YCCC and the CAPC into one entity.

It was determined that the restructuring would assist in focusing the time and energies of the councils into achieving the mission of "improving the well-being of children in Yuba County." Combining the two councils will also allow for more timely responses and actions being taken on council business.

The YCCC and the CAPC formally approved the consolidation of the two councils on 9/3/14 and 2/4/15. The new council would like to be named the Yuba County Children's Wellness and Child Abuse Prevention Council and formally request that the Board of Supervisors adopt the enclosed Resolution, which is recommended by the two Councils, thereby approving the new name and the merge of the two councils in to one consolidated Board and designating the new council to make recommendations regarding the County Children's Trust Fund (CCTF), including Child Abuse Prevention and Intervention Treatment/Community Based Child Abuse Prevention Fund (CAPIT/CBCAP).

Sincerely,



Cathy LeBlanc  
Yuba County Children's Council Chair  
Executive Director/Rural Health Advocate  
Camptonville Community Partnership, Inc.

CL/lis

Enclosure

RECEIVED

FEB -6 2015

Clerk/Board of Supervisors

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

**RESOLUTION MERGING THE YUBA )  
COUNTY CHILDREN'S COUNCIL )  
AND THE CHILD ABUSE )  
PREVENTION COUNCIL INTO THE )  
THE NEWLY ESTABLISHED AND )  
NAMED YUBA COUNTY CHILDREN'S )  
WELLNESS AND CHILD ABUSE )  
PREVENTION COUNCIL AND )  
DESIGNATE THE COUNCIL TO )  
MAKE RECOMMENDATIONS )  
REGARDING THE CCTF AND )  
CAPIT/CBCAP FUND. )  
\_\_\_\_\_ )**

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

**WHEREAS**, the Yuba County Children's Council was established to be used as the planning body to plan, coordinate, and impact policies, practices and programs affecting children and families and designate representation for the Child Abuse Prevention Council; and

**WHEREAS**, pursuant to California Welfare and Institutions Code 18965 and Resolution 2011-05, the Child Abuse Prevention Council was designated as the council to make recommendations regarding the County Children's Trust Fund (CCTF), including Child Abuse Prevention and Intervention Treatment/Community Based Child Abuse Prevention Fund (CAPIT/CBCAP); and

**WHEREAS**, the roles and duties of the Yuba County Children’s Council and the Child Abuse Prevention Council are dependent on one another, have similar goals and mission and consist of the same membership; and

**WHEREAS**, the Yuba County Children’s Council and the Child Abuse Prevention Council recommend that the two councils merge into one council and be known as the Yuba County Children’s Wellness and Child Abuse Prevention Council; and

**WHEREAS**, implementing this recommendation will focus the time and energies of the council and increase the ability of council to achieve the mission of “improving the well-being of children in Yuba County”; and

**WHEREAS**, the Yuba County Children’s Council and the Child Abuse Prevention Council jointly recommend that the newly established Yuba County Children’s Wellness and Child Abuse Prevention Council be designated as the council to make recommendations regarding the CCTF, CAPIT/CBCAP funds; and

**WHEREAS**, pursuant to California Welfare and Institutions Code Section 18982, the Yuba County Children’s Wellness and Child Abuse Prevention Council will include representation from public child welfare services, County welfare department or child welfare services, probation, licensing, criminal justice, law enforcement, district attorney, courts,

coroner, prevention/treatment service community, medical and mental health services, community-based organizations, public/private schools, community representation including community volunteers, civic organizations, religious communities ; and

**WHEREAS**, the functions of the council includes: (a) providing a forum for interagency cooperation and coordination in the prevention, detection, treatment, and legal processing of child abuse cases, (b) promoting public awareness of the abuse and neglect of children and the resources available for intervention and treatment, (c) to encourage and facilitate training of professionals in the detection, treatment and prevention of child abuse and neglect, (d) recommending improvements in services to families and victims; and (e) encourage and facilitate community support for child abuse and neglect programs.

**NOW, THEREFORE, BE IT RESOLVED AND OREDERED** that the Yuba County Board of Supervisors hereby merges the Yuba County Children's Council and Child Abuse Prevention Council into one council as established herein.

**BE IT FURTHER RESOLVED, that** the Yuba County Board of Supervisors hereby establishes and affirms the Yuba County Children's Wellness and Child Abuse Prevention Council and identifies the Yuba County Children's Wellness and Child Abuse Prevention

Council as the council that makes recommendations regarding the County Children's Trust Fund (CCTF), including Child Abuse Prevention and Intervention Treatment/Community Based Child Abuse Prevention Fund (CAPIT/CBCAP).

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

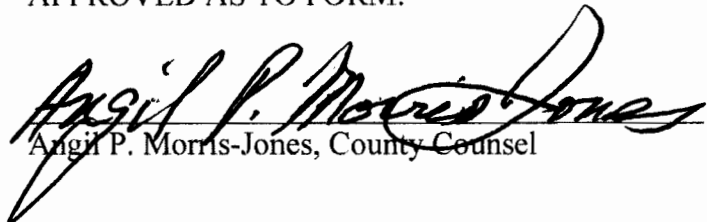
ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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

  
Angil P. Morris-Jones, County Counsel

# *The County of Yuba*


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

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February 24, 2015

**TO:** Board of Supervisors

**FROM:** Donna Stottlemeyer, Clerk of the Board of Supervisors 

**SUBJECT:** Conflict of Interest Code Approval: Brophy Water District, Loma Rica/Browns Valley Community Services District, and Plumas Lake Elementary District

### **Recommendation**

Approve Conflict of Interest Codes for Brophy Water District, Loma Rica/Browns Valley Community Services District, and Plumas Lake Elementary District.

### **Background and Discussion**

Every two years special districts and local agencies within the County are required to review their conflict of interest code pursuant to Government Code §87300 and update if necessary. Subject codes have been received and reviewed by Counsel for legal sufficiency and are submitted for your approval.

An agency code is not valid until approval of the code reviewing body which is the Board of Supervisors for agencies with boundaries solely in Yuba County.

### **Committee Action**

This matter is brought directly to the Board for approval as it is routine recurring every two years as mandated by the State.

### **Fiscal Impact**

There is no fiscal impact.

Attachments

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**Resolution No. 01/13/2015-01**  
**BROPHY WATER DISTRICT**  
**Adopting a New Conflict of Interest Code**

WHEREAS, Brophy Water District (the "District") is a California Water District, located in Yuba County, organized and existing under the California Water District Law (Water Code §§ 34000 et seq.); and,

WHEREAS, the District adopted a Conflict of Interest Code in 1993 and has since operated under that Code; and,

WHEREAS, due to changes to the Conflict of Interest law and regulations, the District desires to adopt a new Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BROPHY WATER DISTRICT, as follows:

SECTION 1. The Conflict of Interest Code dated "2015," attached hereto as Exhibit A, and considered and discussed at this meeting is hereby adopted.

SECTION 2. The Secretary is directed to cause a copy of the 2015 Conflict of Interest Code to be delivered to the Board of Supervisors of the County of Yuba, as the "code reviewing body" under Section 87303 of the Government Code.

SECTION 3. The 2015 Conflict of Interest Code is to become effective upon the date of its approval by the Yuba County Board of Supervisors.

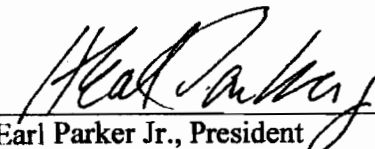
SECTION 4. The President of the District's Board of Directors, as its chief executive officer, is authorized to declare, and does declare, on behalf of the District that the Code, as adopted, specifically enumerates each of the positions within the District which involve the making or participating in the making of decisions which may foreseeably have a material financial effect on any financial interest of the District.

PASSED AND ADOPTED by the Board of Directors of Brophy Water District on January 13, 2015, by the following vote:

AYES: (4) DIRS. PARKER, LASAGA, BAGGETT, INDERBITZEN

NOES:

ABSENT: (1) RIONI

  
Earl Parker Jr., President

I hereby certify that the foregoing is a full, true, and correct copy of a resolution passed and adopted by the Board of Directors of Brophy Water District at a meeting held on January 13, 2015, and that this Resolution has not been revoked and is now in full force and effect.

  
District's Secretary

Date: 1-13-2015

**CONFLICT OF INTEREST CODE FOR  
BROPHY WATER DISTRICT  
(2014)**

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, Section 18730, which contains the terms of a standard conflict of interest code. The regulation can be incorporated by reference and may be amended by the Fair Political Practices Commission, after public notice and hearings, to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, Section 18730, and any amendments thereto duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with the attached Appendices in which officers, employees and consultants are designated and disclosure categories are set forth, constitute the conflict of interest code of the Brophy Water District.

Recognizing that different positions have different levels of power and responsibility, this Conflict of Interest Code establishes categories of disclosure to which positions are assigned based on the scope of their decision making authority. Positions with no significant decision making responsibility are classified as exempt and are not required to file statements under this Code.

The job titles of the officers, employees, and consultants of this governmental entity and the categories to which they are assigned are set forth in **Appendix A** attached hereto and incorporated herein by reference. The specific disclosure and reporting requirements of each category are set forth in **Appendix B** attached hereto and incorporated herein by reference.

Consultants are also subject to the disclosure requirements of this conflict of interest code if they are in a position to make decisions or influence decisions that could have an effect on their financial interest.

Designated employees shall file statements of economic interest with the Secretary of the Brophy Water District before April first of each year. The Secretary shall make the statements available for public inspection and reproduction when appropriate pursuant to Government Code section 81008.

In any event, all Brophy Water District designated employees are disqualified and shall not make, participate in making or in any way attempt to use their official positions to influence the making of any governmental decisions which they know or have reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, upon such designated employee, or a member of his or her immediate family.

A copy of the California Code of Regulations is available for review at the Yuba County Library.

**CONFLICT OF INTEREST CODE FOR THE  
BROPHY WATER DISTRICT  
COUNTY OF YUBA**

- A. The political Reform Act of 1974, Government Code §8100, et. seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations §18730, which contains terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations §18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the BROPHY WATER DISTRICT.
- B. Pursuant to Government Code §81008 and 2 California Code of Regulations §18730 (b) (4), all designated employees shall file Statements of Economic Interest (FPPC Form 700) with the BROPHY WATER DISTRICT. Statements for all designated employees shall be retained by the agency which shall make the statements available for public inspection and reproduction.
- C. Designated employees are set forth in Appendix A, attached hereto and incorporated herein by reference. Disclosure categories are set forth in Appendix B, attached hereto and incorporated herein by this reference.

**APPENDIX A: DESIGNATED POSITIONS**

<u>List of Designated Positions</u>	<u>Assigned Disclosure Categories</u>
Directors	1
Consultants	1

1. For purposes of the Code, a "consultant" is any natural person who provides, under contract, information, advice, recommendation, or counsel to the BROPHY WATER DISTRICT; provided however, that "consultant" shall not include a person who:
- (a) Conducts research and arrives at a conclusion with respect to his/her rendition of information, advice, recommendation or counsel independent of the control and direction of the agency or of any agency official, other than normal contract monitoring; and
  - (b) Possesses no authority with respect to any agency decision beyond the rendition of information, advice, recommendation, or counsel.

Consultants to the District shall be subject to disclosure under Category 1, subject to the following limitation:

The Board of Directors may determine in writing that a particular consultant, although a "Designated Employee," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of Category 1. In such cases, the Board of Directors may designate a different disclosure requirement. Such designation must be made in writing and based upon that description, a statement to the extent of the consultant's disclosure requirements. The Board of Directors' designation must be filed in advance of the disclosure by the consultant, with the BROPHY WATER DISTRICT'S Conflict of Interest Code and also filed with the County and must be delivered to the consultant along with a copy of the Conflict of Interest Code and the manual and forms for disclosure (FPPC Form 700).

## APPENDIX B: DISCLOSURE CATEGORIES

### Disclosure Category 1:

Directors and Consultants must report the following information in the Form 700 Statements of Economic Interests, if the economic interest is within the Brophy Water District boundary or within two (2) miles of the District boundaries:

- a) All investments and business positions in business entities and sources of income.
  - When disclosing investments and sources of income, the person disclosing shall disclose investments in business entities and sources of income that do business within Brophy Water District or within two miles of District boundaries, or have done business in the jurisdiction within the past two (2) years. In addition to the other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. Such businesses may include, but not be limited to, the following examples:
    1. Irrigation equipment and supplies, or pipes, valves, fittings, pumps, meters, etc.
    2. Herbicide or applicator firms
    3. Well drilling equipment and supplies
    4. Construction, land leveling, ditch construction or maintenance
    5. Engineering or surveying firms and services
    6. Insurance companies or brokerages, including title insurance companies
    7. Accounting or auditing firms or services
    8. Banks
    9. Real estate selling, development or appraising

10. Trucking or rice drying

- b) All interests in real property in the jurisdiction, which was acquired by, leased, or otherwise used by the Brophy Water District.
- When disclosing interests in real property, the person disclosing shall disclose the type of real property if it is located in whole or in part within, or not more than two (2) miles outside the boundaries of the jurisdiction, or within two (2) miles of any land owned or used by the Brophy Water District.
- c) His/her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.
- When disclosing a business position, the person disclosing shall disclose positions in business entities that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two (2) years.

Adopted by the BROPHY WATER DISTRICT Board of Directors on January 13, 2015.

Dated: \_\_\_\_\_

1/13/2015

  
\_\_\_\_\_  
President  
Brophy Water District  
Board of Directors

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## LOMA RICA / BROWNS VALLEY COMMUNITY SERVICES DISTRICT

11485 Loma Rica Rd., Marysville CA 95901

Phone: 530-741-0755 = Fax: 530-743-1654

Email: [LRBVCSD@lrbvfire.org](mailto:LRBVCSD@lrbvfire.org) = Website: [www.lrbvfire.org](http://www.lrbvfire.org)



**RECEIVED**

FEB - 3 2015

Clerk/Board of Supervisors

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January 29, 2015

**Donna Stottlemeyer**  
Clerk of the Board of Supervisors  
915 8<sup>th</sup> Street, Suite 109  
Marysville CA 95901

The Board of Directors for the Loma Rica / Browns Valley Community Services District approved the new Conflict of Interest Code at our regular meeting on January 19, 2015.

**Attached:**               Section 0200, Administration Manual, Conflict of Interest Code for the Loma / Browns Valley Community Services District  
County of Yuba

**Appendix amended to show addition of Appendix E, F & G**

**Appendix E: California Code of Regulation 18730**

**Appendix F: Designation Positions**

**Appendix G: Signed Disclosure Categories**

If you have any questions or concerns, please leave a message on the number provided above.

Thank you for your time and assistance.

**Jacqueline Poggi, General Manager**  
11485 Loma Rica Rd.  
Loma Rica CA 95901  
[jpoggi@lrbvfire.org](mailto:jpoggi@lrbvfire.org)

**SECTION 0200**

**CONFLICT OF INTEREST CODE FOR THE  
LOMA RICA / BROWNS VALLEY COMMUNITY SERVICES DISTRICT  
COUNTY OF YUBA**

**SECTION 0201      COMPENSATION**

Board members of the Loma Rica / Browns Valley Community Services District serve as volunteers. As such, there is no compensation of any kind associated with Board service.

**SECTION 0202      CONFLICT OF INTEREST CODE**

- A. The Political Reform Act of 1974, Government Code section §81000, et Seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations §18730, Appendix E, attached hereto and incorporated herein by this reference, which contains terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practice Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations §18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached in which officials and employees are designated and in which disclosure categories are set forth are hereby incorporated by reference and constitute the Conflict of Interest Code of the Loma Rica / Browns Valley Community Services District.
- B. Pursuant to Government Code §81008 and 2 California Code of Regulations §18730 (b) (4), all Designated employees shall file Statements of Economic Interest (FPPC Form 700) with the Loma Rica/Browns Valley Community Services District. Statements for all designated employees shall be retained by the agency which shall make the statements available for public inspection and reproduction.
- C. Designated employees are set forth in Appendix F, attached hereto and incorporated herein by reference. Disclosure categories are set for the Appendix G, attached hereto and incorporated herein by this reference.



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## APPENDIX E: 2 CALIFORNIA CODE OF REGULATIONS 18730

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

### **§ 18730. Provisions of Conflict of Interest Codes.**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq . The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

#### **(1) Section 1. Definitions.**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

#### **(2) Section 2. Designated Employees.**

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq .

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to

which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to

represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.



(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$440.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$440 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall,

while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date

he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of \$100 or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

- 1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
- 2. A loan that would otherwise not be a gift as defined in this title.
- 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
- 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
- 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable

material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$440 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

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1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

2 See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4 Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in



which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5 A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

#### HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).

7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).

16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court

of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

## APPENDIX F: DESIGNATED POSITIONS

<u>List of Designated Positions</u>	<u>Assigned Disclosure Categories</u>
Directors	1
Consultants	1
General Manager	1

1. For purposes of the Code, a “consultant” is any natural person who provides, under contract, information, advice, recommendation, or counsel to the Loma Rica / Browns Valley Community Services District, provided however, that “consultant” shall not include a person who:

- (a) Conducts research and arrives a conclusion with respect to his/her rendition of information, advice, recommendation or counsel independent of the control and direction of the agency or of any agency official, other than normal contract monitoring; and

- (b) Possesses no authority with respect to any agency decision beyond the rendition of information, advice, recommendation, or counsel.

Consultants to the District shall be subjected to disclosure under Category 1, subject to the following limitation:

The Board of Directors may determine in writing that a particular consultant, although a “Designated Employee” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of Category 1. In such cases, the Board of Directors may designate a different disclosure requirement. Such designation must be made in writing and based upon that description, a statement to the extent of the consultant’s disclosure requirements.

The Board of Directors designation must be filed in advance of the disclosure by the consultant, with the Loma Rica / Browns Valley Community Services District’s Conflict of Interest Code and also filed with the code review body and must be delivered to the consultant along with a copy of the Conflict of Interest Code and the manual and forms for disclosure (FPPC Form 730).

## APPENDIX G: DISCLOSURE CATEGORIES

### Disclosure Category 1:

A member, officer, consultant or employee holding a position assigned in Disclosure Category 1 shall report:

- All investments and business positions in business entities and sources of income in the jurisdiction.

When a member officer or employee who holds a designated position is required to disclose investments and sources of income, he/she shall disclose investments in business entities and sources of income that do business in the jurisdiction, or have done business in the jurisdiction within the past two (2) years. In addition to the other activities, a business entity is doing business within the jurisdiction of it owns real property within the jurisdiction.

- All interest in real property in the jurisdiction, which was acquired by, lease, or otherwise used by the Loma Rica / Browns Valley community Services District.

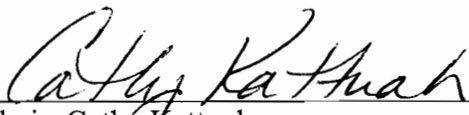
When a member officer or employee who holds a designated position is required to disclose interests in real property, he/she shall disclose the type of real property described below if it is located in whole or in part within, or not more than two (2) miles outside the boundaries of the jurisdiction, or within tow (2) miles of any land owned or used by the Loma Rica / Browns Valley Community Services District.

- His/her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

When a member officer or employee who holds a designated position is required to disclose business position, he/she shall disclose position in business entities that do business in the jurisdiction, within the past two (2) years.

Adopted by the Loma Rica / Browns Valley Community Services District Board of Directors on January 19, 2015

Dates: 1-19-2015



Chair, Cathy Kattuah  
Loma Rica / Browns Valley Community Services District  
Board of Directors

# **Plumas Lake ESD**

## **Board Bylaw**

### **Conflict Of Interest**

BB 9270

#### **Board Bylaws**

The Board of Trustees desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

(cf. 9005 - Governance Standards)

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

#### **Conflict of Interest under the Political Reform Act**

A Board member or designated employee shall not make, participate in making, or in any way



use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic

interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

(cf. 3430 - Investing)

#### Conflict of Interest under Government Code 1090

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; *Klistoff v. Superior Court*, (2007) 157 Cal.App. 4th 469)

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of

employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

#### Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

#### Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

#### Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

#### Gifts

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

The limitation on gifts does 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 current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

#### Honoraria

Board members and designated employees 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 district for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

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

PENAL CODE

85-88 Bribes

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

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

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

92 Ops.Cal.Atty.Gen. 26 (2009)  
92 Ops.Cal.Atty.Gen. 19 (2009)  
89 Ops.Cal.Atty.Gen. 217 (2006)  
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. 255 (1986)  
68 Ops.Cal.Atty.Gen. 171 (1985)  
65 Ops.Cal.Atty.Gen. 606 (1982)  
63 Ops.Cal.Atty.Gen. 868 (1980)

**Management Resources:**

**CSBA PUBLICATIONS**

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

**FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS**

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

**INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS**

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

**WEB SITES**

CSBA: <http://www.csba.org>

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

Institute of Local Government: <http://www.ca-ilg.org>

**Bylaw PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**

**adopted: August 16, 2012 Plumas Lake, California**

# Plumas Lake ESD

## Exhibit

### Conflict Of Interest

E 9270

#### Board Bylaws

#### RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Board of Trustees of the Plumas Lake Elementary School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Plumas Lake Elementary School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Plumas Lake Elementary School District Board of Trustees adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a meeting, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

Attest:  
Secretary/President

Conflict of Interest Code of the  
Plumas Lake Elementary School District

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Board of Trustees members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
  - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, 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 district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
2. Category 2: A person designated Category 2 shall disclose:
  - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
  - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

Designated Positions and Disclosure Category

Category 1:

Board of Trustees Members  
Superintendent of Schools  
Director of Business Services

**Category 2:**

**Facilities, Maintenance, Operations and Transportation Director**

**Director of Curriculum and Instruction and Special Education**

**Director of Innovation and Instructional Technology**

**Food Service Manager**

**Principal**

**Disclosures for Consultants**

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)

**Bylaw PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
adopted: January 15, 2015 Plumas Lake, California

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT  
BOARD OF EDUCATION**

**RESOLUTION NO. 2014-9  
RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code and to review it every two years; and

WHEREAS, the Board of Trustees of the Plumas Lake Elementary School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Plumas Lake Elementary School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Plumas Lake Elementary School District Board of Trustees adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.


PASSED AND ADOPTED THIS 15th day of January, 2015 at a meeting, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

DATED: 01/15/2015



David Villanueva,  
PRESIDENT, GOVERNING BOARD  
PLUMAS LAKE ELEMENTARY SCHOOL  
DISTRICT

ATTEST:

  
\_\_\_\_\_  
SECRETARY, GOVERNING BOARD



# The County of Yuba

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## Office of Clerk of the Board of Supervisors

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**To:** Board of Supervisors

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

A handwritten signature in black ink, appearing to read "Donna Stottlemeyer", is written over the printed name.

**Subject:** Plumas Lake Specific Plan Design Review Committee – Resident Representative

**Date:** February 24, 2015

### Recommendation

Reappoint David Villanueva as a Resident Representative to the Plumas Lake Specific Plan Design Review Committee term ending February 2, 2016.

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted and updated regularly indicating vacancies, appointees, terms of office, qualifications and meeting information. This is a scheduled vacancy due to the expiration of Mr. Villanueva's term. Mr. Villanueva has served on the committee since January 2010 and wishes to continue serving.

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

### Fiscal Impact

None

### Committee Action

None

attachments

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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



### JANUARY 27, 2015 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:45 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 Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Nicoletti presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Abe
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher
- 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: John Nicoletti                      SECOND: Andy Vasquez  
 AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Randy Fletcher  
 NOES: None    ABSENT: None    ABSTAIN: None

#### A. Administrative Services

1. (021-15) Declare four Sheriff vehicles as surplus property and authorize Purchasing Agent to dispose of items in accordance with Yuba County Ordinance Code 2.50.060. Approved.
2. (022-15) Approve permanent vehicle assignments pursuant to Yuba County Ordinance Code 2.150.060 and Administrative Policy D-3 Automotive Transportation. Approved.

#### B. Board of Supervisors

1. (023-15) Reappoint Frank Hall to the Fish and Game Advisory Commission as the District One representative with a term ending December 31, 2018. Approved.
2. (024-15) Reappoint Steve Wigley to the Library Advisory Commission as the District One representative with a term ending December 31, 2018. Approved.
3. (025-15) Approve Board Standing Committee appointments for calendar year 2015. Approved.

#### C. Clerk of the Board of Supervisors

1. (026-15) Approve minutes of the special meeting of January 5, 2014. Approved.

D. Community Development and Services

1. (027-15) Adopt resolution authorizing execution of contract 15F-2053 for 2015 Community Services Block Grant program and authorize the Executive Director of Community Services Commission to execute all necessary documents for program. Adopted Resolution No. 2015-04, which is on file in Yuba County Resolution Book No. 46.
2. (028-15) Approve Floodplain Development Variance for agricultural storage building at 2500A Hoffman Road. Approved.

E. County Administrator

1. (029-15) Approve extending appointment of Interim Human Resources Director for additional 90 days, effective February 1, 2015. Approved.
2. (030-15) Adopt resolution approving the updated AB 939 Local Task Force Membership list dated January 2015. Adopted Resolution No. 2015-05, which is on file in Yuba County Resolution Book No. 46.
3. (031-15) Adopt resolutions reauthorizing the Secure Rural Schools and Community Self Determination Act of 2000 and seeking reauthorization of the Federal Payment in Lieu of Taxes. Adopted Resolution No. 2015-06, and Resolution No. 2015-07, which are on file in Yuba County Resolution Book No. 46.

F. Health and Human Services

1. (032-15) Adopt resolution authorizing Director of Health and Human Services Department to execute Memorandums of Understanding for government authorized alternate care sites. Adopted Resolution No. 2015-08, which is on file in Yuba County Resolution Book No. 46.

G. Human Resources and Organizational Services

1. (033-15) Adopt resolution electing to be subject to section 22922 of the Public Employee's Medical and Hospital Care Act with respect to unrepresented extra help employees and setting the employer's contribution for an employee as that prescribed by section 22892 of the Government Code. Adopted Resolution No. 2015-09, which is on file in Yuba County Resolution Book No. 46.

IV. PUBLIC COMMUNICATIONS:

Mr. Buck Weckman, proposed members to sit on Marijuana ad-hoc committee

Supervisor Griego and County Counsel Angil Morris-Jones responded to Mr. Weckman's comments relating to inclusion of public members on ad-hoc committee, and ad-hoc committee meetings.

V. COUNTY DEPARTMENTS

A. County Administrator

1. (034-15) Adopt resolution authorizing the issuance of Certificates of Participation to finance a portion of the project costs for the Sheriff's Yuba Street Facility project. (Twenty minute estimate) County Administrator Robert Bendorf and Mr. Jeff Small from Capitol PFG recapped project and costs including the following:
  - Estimated project cost to be financed of \$6,900,00

- Financing review
- Updated estimated repayment:
- Estimated annual debt service \$326,750 through year 2020 and \$465,000 from 2021 - 2045

Mr. Bendorf and Mr. Small responded to Board inquiries.

Auditor-Controller Rich Eberle recapped section 66993 of the Government Code regarding use of Impact Fees.

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

Adopted Resolution No. 2015-10, which is on file in Yuba County Resolution Book No. 46.

VI. RECESS: The Board recessed at 10:25 a.m. and reconvened at 10:27 with all members present as indicated above.

#### B. Community Development and Services

1. (035-15) Approve contract change orders for State Route 70/Feather River Boulevard Interchange project and authorize Public Works Director to execute. Assistant Public Works Director Tim Young provided a brief recap on change orders and project update, and responded to Board inquiries.

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

2. (036-15) Approve lease with Tsi Akim Maidu Tribe for a 2.5 acre portion of Sycamore Ranch Park and authorize Chair to execute. (Ten minute estimate) Community Development and Services Director Kevin Mallen recapped the purchase of park; ongoing clean up and improvements; and Tsi Akim tribe's activities and assistance identifying indigenous plants and their cultural significance. Mr. Mallen recapped terms of the park lease as follows:

- Lease term five years
- Renewal of lease in five year term increments
- Lease \$1.00 per year

Mr. Mallen responded to Board inquiries. The following individuals spoke:

- Ms. Wanda Batchelor, Nevada City Rancheria
- Ms. Shelly Covert, Nevada City Rancheria
- Ms. Judith Lowry, Nevada City
- Ms. Rea Cichocki, Yuba City
- Ms. Diana Almendariz, Sacramento
- Ms. Laurie Beacock, Nevada City

Following additional Board discussion Chair Griego established an Ad-hoc committee to establish and foster tribal relationships in regards to the use of Sycamore Ranch Park, and appointed herself and Supervisor Fletcher to serve.

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

3. (037-15) Receive update on public comments received from review period of Draft Development Code and provide policy direction to staff on changes to draft development code. (Twenty minute estimate) Planning Director Wendy Hartman provided a PowerPoint presentation regarding public comments received and responded to Board inquiries.

Supervisor Abe left the meeting at 12:46 p.m.

The Board recessed at 12:47 p.m. and returned at 12:57 p.m. with all present with the exception of Supervisor Abe.

Ms. Hartman continued with Power Point presentation. The following individual spoke:

- Ms. Claudia Street, Yuba Sutter Farm Bureau
- Mr. Nick Spaulding
- Mr. Ryan McKillup, on behalf of Soper-Wheeler Company

VII. ORDINANCES AND PUBLIC HEARINGS:

The clerk read the disclosure statement.

- A. (038-15) Public Hearing - Hold public hearing and adopt resolution adopting amendment to Reuse Plan for new Housing and Community Development Community Development Block Grant. (Ten minute estimate) Planning Director Wendy Hartman recapped the necessary changes to the plan and responded to Board inquiries.

Chair Griego opened the public hearing. No one came forward.

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

Adopted Resolution No. 2015-11, which is on file in Yuba County Resolution Book No. 46.

- B. (039-15) Public Hearing - Hold public hearing and adopt 2014 amendment to Yuba County Conflict of Interest Code. (Ten minute estimate) Chief Deputy Counsel John Vacek recapped the changes to the code and responded to inquiries.

Chair Griego opened the public hearing. No one came forward.

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

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

- A. (040-15) Letter from Yuba County Office of Education regarding disposal of surplus property. Accepted.

IX. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Griego:

- CalLAFCO conference call January 23, 2015
- SACOG Board of Directors meeting January 15, 2015

X. ADJOURN 1:50 p.m.

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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

\_\_\_\_\_  
Chair

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

# *The County of Yuba*

## BOARD OF SUPERVISORS

FEBRUARY 3, 2015



The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 6:00 P.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, Mary Jane Griego, Roger Abe, and Randy Fletcher. Supervisor John Nicoletti was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

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

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

### A. Clerk of the Board of Supervisors

1. (041-15) Appoint Lynne Bradshaw to the Wheatland Cemetery District for a term ending November 18, 2016. Approved.
2. (042-15) Reappoint Patrick D. Osborne as Technical Representative to Plumas Lake Specific Plan Design Review Committee for term ending February 3, 2016. Approved.
3. (043-15) Approve Conflict of Interest Codes for Peoria Cemetery District and Plumas Brophy Fire Protection District. Approved.
4. (044-15) Approve minutes of the meeting of January 13, 2015. Approved.

### B. Community Development and Services

1. (045-15) Approve contract with Dokken Engineering, Inc. for construction support services for the State Route 70/Feather River Boulevard Interchange project and authorize Chair to execute. Approved.

### C. County Counsel

1. (046-15) Approve Addendum No. 3 to sublease agreement between Continental-Pacific Industries Inc. and Century Nationwide Inc. for property located at 1401 Melody Road, Olivehurst and authorize Chair to execute. Approved.



D. Emergency Services

1. (047-15) Adopt resolution authorizing the Director of Emergency Services or his designee to apply for grant funds under the Department of Water Resources Flood Emergency Response Projects program for the operational area joint communications trailer and EOC Management Team training and exercises. Adopted Resolution No. 2015-12, which is on file in Yuba County Resolution Book No. 46.

IV. PUBLIC COMMUNICATIONS: None.

V. SPECIAL PRESENTATION

- A. (048-15) Receive presentation of 2014 State Fair awards plaque by Marysville Future Farmers of America (FFA). (Ten minute estimate) External Affairs Director Sonya Logman, California State Fair recapped exhibit and farm programs at the state fair.

Miss Tia Shoults and Miss Chelsie Vieira, Marysville FFA, recapped the process for preparing the fair exhibit and presented the Silver Award to the Board of Supervisors who commended their work.

VI. COUNTY DEPARTMENTS

A. Board of Supervisors

1. (049-15) Appoint one individual to the Yuba County Planning Commission as the District Five representative with term ending January 15, 2019.

MOTION: Move to appoint Warner Phillips

MOVED: Randy Fletcher                      SECOND: Andy Vasquez

AYES: Randy Fletcher, Andy Vasquez, Mary Jane Griego, Roger Abe

NOES: None    ABSENT: John Nicoletti. ABSTAIN: None

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

- A. (050-15) Four notices from California Fish and Game Commission relating to use of lead projectiles and ammunition for the take of wildlife with firearms; Klamath/Trinity rivers sport finishing; Pacific halibut sport fishing; and Pacific bluefin tuna daily bag limit and fillet procedures. Accepted.

VIII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Abe: Memorial Adjournment - Mr. Frank Hulsey

Supervisor Griego:

- CALFCO Board of Directors Meeting January 28 - 30, 2015
- SACOG Transportation workshop February 5, 2015

County Administrator Robert Bendorf: Community Facilities District 2005-1 bond issuance process completed

IX. CLOSED SESSION: The Board retired into closed session at 6:14 p.m. and returned at 6:32 p.m. with all present as indicated above. There was no report

- A. Personnel pursuant to Government Code §54957 - Public Appointment/Health Officer Recruitment

B. Pending litigation pursuant to Government Code §54956.9(d)(1) - Fellowship of Friends vs. County of Yuba  
Pulled from closed session discussion at the request of Counsel.

X. ADJOURN: 6:33 p.m. in memory of Mr. Mr. Frank Hulse.

\_\_\_\_\_  
Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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



4. (055-15) Reappoint Sue Cejner-Moyers to the Library Advisory Commission as District Five Representative for a term ending December 31, 2018. Approved.
5. (056-15) Reappoint Alyssa Lindman to the Yuba County Planning Commission as District One representative for a term ending January 15, 2019. Approved.

C. Clerk of the Board of Supervisors

1. (057-15) Reappoint Jim Bamford to the Brownsville Cemetery District for a term ending February 10, 2019. Approved.

D. County Administrator

1. (058-15) Adopt resolution approving continuing disclosure procedures for Yuba County. Adopted Resolution No. 2015-13, which is on file in Yuba County Resolution Book No. 46.

E. Human Resources and Organizational Services

1. (059-15) Adopt resolution amending the Classification System - Basic Salary/Hourly Schedule as it relates to the Health Officer, effective March 1, 2015; and Human Resources Manager and Administrative Analyst I and II effective February 1, 2015. Adopted Resolution No. 2015-14, which is on file in Yuba County Resolution Book No. 46.

IV. PUBLIC COMMUNICATIONS:

- Administrative Services Director Doug McCoy advised construction to begin this week at the new Sheriff's facility on Yuba Street and a portion of the parking lot has been closed, with complete closure effective March 1, 2015.
- County Administrator Robert Bendorf updated bond sale for new Sheriff's facility and reduced interest rate.
- Mr. Nick Spaulding, Oregon House - Draft Development Code

V. SPECIAL PRESENTATION

- A. (060-15) Present proclamation honoring Martha Wilson. (No background material) (Ten minute estimate) Proclamation was read and presented to Human Resources Director Martha Wilson by Supervisors Griego and Nicoletti, and County Administrator Robert Bendorf.

VI. COUNTY DEPARTMENTS

A. County Administrator

1. (061-15) Receive projections for Fiscal Year 2015-2016 Budget. (Twenty minute estimate) County Administrator Robert Bendorf provided a PowerPoint presentation including the following and responded to Board inquiries:
  - General Fund Revenues
  - Allocated Positions and Estimated Salaries Increases
  - Increases in Health Benefits
    - Costs shared between county and employee
  - Pension changes
    - New increases costs shared between county and employee

- General Fund Budget Assumptions
- 2015-2016 Budget Goals
- Budget instructions to departments
  - No new positions, or increase in general fund appropriations
  - Departments absorb cost increase and reduce line items as appropriate
  - Identify service impacts and reduce reliance on one-time revenue sources where possible

B. Administrative Services

1. (062-15) Approve contract change order for Sheriff tenant improvement project to authorize Phase 2 of the Vanir Construction Management. Administrative Services Doug McCoy recapped original project authorization for Phase 2, and responded to Board inquiries.

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

C. Agricultural Commissioner

1. (063-15) Consider funding options for consultant services with Applied Forest Management Inc. for Yuba Watershed Protection and Fire Safe Council activities for balance of Fiscal Year 2014-2015 as federal funds will be exhausted in May 2015. (Fifteen minute estimate) Agricultural Commissioner Louie Mendoza recapped request and responded to Board inquiries.

The following individuals spoke:

- Mr. Glenn Nader Farm Adviser for Yuba, Sutter and Butte Counties
- Mr. Steve Andrews Manager for Applied Forest Management
- Mr. Arthur Craigmull, volunteer
- Public Works Director Mike Lee

MOTION: Move to approve adding \$4,000 to mid-year budget request  
 MOVED: John Nicoletti                      SECOND: Andy Vasquez  
 AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Randy Fletcher  
 NOES: None ABSENT: None ABSTAIN: None

D. Community Development and Services

1. (064-15) Adopt resolution committing cost-share funds for the River Highlands/Gold Village Community Services District water and energy efficiency project. (Fifteen minute estimate) Principal Engineer Dan Peterson advised the small scale solar power system was removed from the project resulting in a lower cost share and responded to Board inquiries.

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

Adopted Resolution No. 2015-15, which is on file in Yuba County Resolution Book No. 46.

E. Board of Supervisors

1. (065-15) Consider appointing one individual to the Yuba County Fish and Game Advisory Commission as an at-large representative for a term ending February 10, 2019. (Twenty minute estimate) Clerk of the Board of Supervisors Donna Stottlemeyer responded to specific inquiries relating to applications received and provided for consideration.

MOTION: Move to appoint Mr. Grady Winhdam

MOVED: Roger Abe

SECOND: Andy Vasquez

AYES: Roger Abe, Andy Vasquez, John Nicoletti, Mary Jane Griego, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

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

- A. (066-15) Independent audit report and financial statement for Three Rivers Levee Improvement Authority for year ending June 20, 2014. Accepted.
- B. (067-15) Area 4 Agency on Aging 2013-2014 Annual Report. Accepted.

VIII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Vasquez: Commended Public Works department for quick response to local flooding issues

Supervisor Nicoletti:

- Beale AFB Land Use and Transportation Planning meeting with SACOG
- Marysville City Council meeting
- Memorial Adjournment - Mr. Joseph Langdell
- Memorial Adjournment - Mr. Ron Wooten

Supervisor Abe:

- Office of Education Academic Decathlon
- Beale AFB Land Use and Transportation Planning meeting with SACOG
- RCRC Executive Committee meeting February 11, 2015

Supervisor Griego:

- Memorial Adjournment – Mr. Jimmie Weeks Jr.

IX. CLOSED SESSION: The Board retired into closed session at 11:17 a.m. and returned at 11:46 a.m. with all members present as indicated above.

- A. Pending litigation pursuant to Government Code §54956.9(d)(1) - Fellowship of Friends vs. County of Yuba – Direction provided
- B. Personnel pursuant to Government Code §54957(b)(1) – Public Appointment Public Health Officer – Update received

X. RECESS TO 3:00 P.M.

A. (068-15) Consider draft ordinances for revision of marijuana cultivation and finalize directions to staff to prepare ordinance for first reading. (Two hour estimate) Chair Griego outlined the procedure for discussion and comments. Chief Deputy Counsel John Vacek and Chief Code Enforcement Officer Jeremy Strang recapped previous ordinance considerations and current two options which included the following and requested direction be provided as to final ordinance for first reading:

- Prohibits outdoor grow, authorizes indoor grow in a permitted accessory building to existing residence and registration provisions
- Prohibits outdoor grow on small parcels with 6 plants indoor and revises outdoor grows on graduated parcel size and includes registration provisions

Following Board discussion, the following individuals spoke:

- Ms. Karen Liggett
- Mr. Zach Cross, District Five
- Mr. Lee Boutt, Olivehurst
- Mr. Dennis McLeod, Olivehurst
- Mr. Rick, Olivehurst
- Mr. Brook, Browns Valley
- Ms. Kathie Thelen, Browns Valley
- Ms. Deirdre Echeman, Challenge
- Mr. Buck Weckman, Brownsville
- Mr. Gary Stubbs
- Mr. Cris Caldwell, Oregon House
- Mr. Gordon Abbott
- Ms. Jean Wyatt
- Mr. Tyler Mitchell, Oregon House
- Ms. Colene Weckman
- Mr. Mike Lee, Dobbins
- Mr. Max Del Real, Sacramento
- Mr. Eric Salerno
- Mr. Sean Fitzgibbons, Dobbins
- Mr. Charlie Sexton, District Five
- Mr. Mark Tyndale, Sacramento
- Mr. Gorge Carcia, Linda
- Ms. Dyanna Bollinger, District Five
- Mr. James Jones, Oregon House
- Ms. Shirley Henrikson, Browns Valley

Chair Griego indicated the ad hoc committee would continue relative to collectives.

MOTION: Move to direct Draft 5 Shasta Model for ordinance preparation and set first reading of ordinance February 24, 2015 at 3:00 p.m.

MOVED: Andy Vasquez                      SECOND: John Nicoletti

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

NOES: None    ABSENT: None    ABSTAIN: None

XI     ADJOURN: 4:35 pm in honor of Mr. Joseph Langdell, Mr. Ron Wooten, and Mr. Jimmie Weeks Jr.

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

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

\_\_\_\_\_  
Chair

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



# The County of Yuba

075-15

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone – (530) 749-5430 • Fax – (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901

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



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

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

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

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

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

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

FEBRUARY 24, 2015

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS *Y Y Y FOR!*

SUBJECT: Approve Contract Change Order 1 and accept Loma Rica Road Safety Improvements Project as Complete and Authorize the Public Works Director to Sign and Record the Notice of Completion

### RECOMMENDATION:

The Public Works Department recommends that the Board of Supervisors approve Contract Change Order 1 and accept the project as complete and authorize the Public Works Director to sign and record the Notice of Completion.

### BACKGROUND:

Knife River Construction was awarded the contract for the Loma Rica Road Safety Improvements Project in the amount of \$1,802,230.41 on October 1, 2013. Actual construction cost was \$1,895,080.39 (5.1% increase). Contract Change Order 1 provides payment for unsuitable material encountered, unforeseen drainage work, and additional work at Cross Star Trail. The project consisted of placing and/or replacing drain culverts and storm drains, widening the shoulders with new base material and hot mix asphalt overlay, placing pavement reinforcing fabric, the placement of pavement striping, and the placement of shoulder material along Loma Rica Road from Los Verjeles Road to Marysville Road in Yuba County. The work also consisted of widening and shoulder improvements; replacing storm drains; and the placement of pavement striping, along Marysville Road at Loma Rica Road.

### DISCUSSION:

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

### COMMITTEE ACTION:

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

### FISCAL IMPACT:

The High Risk Rural Roads portion of the contract items will be funded with \$653,478 of Federal HR3 funds and the remaining amount will be funded with a combination of Road Fund and Trust 188 Impact Fees.

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# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone – (530) 749-5430 • Fax – (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
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**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

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

February 24, 2015

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS 

SUBJECT: Approval of Contract Change Order and Accept Powerline Road Bike/Pedestrian Improvement Project (Safe Routes to School Phase III) as Complete and Authorize the Public Works Director to Sign Contract Change Order and Sign and Record the Notice of Completion

### RECOMMENDATION:

The Public Works Department recommends that the Board of Supervisors approve the Contract Change Order (CCO) and accept the project as complete and authorize the Public Works Director to sign the change order for payment and sign and record the Notice of Completion.

### BACKGROUND:

R&R Horn Contractors, Inc. was awarded the contract for Powerline Road Bike/Pedestrian Improvement Project (Safe Routes to School Phase III) on September 10, 2013. Change order work was required to complete this project. The change order work included cement treating subgrade due to unsuitable material, utility conflicts, grade modifications and drainage improvements in the amount of \$180,472.12. The amount of \$44,108.65 will be reimbursed by OPUD due to change order work related to their utilities. The total construction cost for the project was \$1,347,644.40. This project consisted of reconstructing the roadway and adding drainage facilities, bike lanes, curb, gutter and sidewalk from the north side of 9<sup>th</sup> Avenue to north of 6<sup>th</sup> Avenue (approximately 3,600 feet). The project is funded through the federal Congestion Mitigation and Air Quality program (CMAQ) (\$494,000), Regional Surface Transportation Program (RSTP) (\$500,000), a developer contribution (\$106,345) with the remainder coming from Local Funds.

### DISCUSSION:

Field Orders were given to the Contractor to perform necessary additional work to complete the project:

Item No. 1: Additional Work for OPUD	\$ 44,108.65
Item No. 2: Unsuitable Subgrade (Dig Outs/Cement Treat)	\$ 82,449.78
Item No. 3: Underground Utility Conflicts	\$ 5,410.79
Item No. 4: Additional Drainage Improvements and Grade Modifications	\$ 37,588.21
Item No. 5: Additional Work due to Winter Suspension	\$ 10,914.69

TOTAL: \$180,472.12

The Contractor has completed the work. Once the Board accepts the project as complete the Public Works Director will sign the change order for payment and file a Notice of Completion with the Yuba County Recorder.

### COMMITTEE ACTION:

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

### FISCAL IMPACT:

The project will be funded with CMAQ (\$494,000), RSTP (\$500,000), Local Developer Funds (\$106,345) with the remaining balance coming from the Road Fund (\$247,299.40).

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# The County of Yuba

## Office of the County Administrator

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

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

DATE: February 24, 2015

TO: Board of Supervisors

FROM: Russ Brown, Communications & Legislative Affairs Coordinator *B*

SUBJECT: Letter seeking legislation for \$21.3 million for the Local Groundwater Assistance Grant Program or a similar program

**Recommended Action:** Authorize Chair to sign letter encouraging Governor and Legislature to approve Local Groundwater Assistance Grant Program--or a similar program--so that funding will be available to assist in forming Groundwater Sustainability Agencies and developing Groundwater Sustainability Plans.

**Background & Discussion:** Yuba County has responded to state legislation compelling local jurisdictions to establish local plans to address groundwater issues and to participate in regional efforts to meet requirements. Yuba County has dedicated staff time to address groundwater concerns, which also has great relevance to the Yuba County Water Agency. We are now working in a collaborative manner throughout the Sacramento Valley to determine the best approach for forming Groundwater Sustainability Agencies under the new groundwater legislation, as well as developing the next generation of Groundwater Sustainability Plans that provide for comprehensive groundwater management in the Sacramento Valley. Understandably, significant costs are associated with meeting the regulatory requirements.

Earlier this month, Governor Brown released his 2015/16 proposed budget, which includes \$21.3 million for grants that would support projects that develop and implement local groundwater plans. This type of funding would be a vital resource to completing these plans successfully, without further burdening the county's general fund.

**Committee Action:** Due to time constraints, this matter was not presented at the committee level.

**Fiscal Impact:** None

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# *The County of Yuba*

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OFFICE OF THE BOARD OF SUPERVISORS

---



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

---

February 24, 2015

The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol, Suite 1173  
Sacramento, CA 95814

**RE: Local Groundwater Sustainability Funding in the 2015-2016 Budget**

Dear Governor Brown:

The Yuba County Board of Supervisors is pleased to see the inclusion of \$21.3 million in your 2015-2016 Budget Summary "for grants for projects that develop and implement local groundwater plans."

For many years in the Sacramento Valley, water resources managers and local government entities have actively managed groundwater resources within the region as part of our collective effort to sustainably manage all water resources. This includes diligently working on various Integrated Regional Water Management Plans (IRWMP's) throughout the Sacramento Valley. We are now working in a collaborative manner throughout the Sacramento Valley to determine the best approach for forming Groundwater Sustainability Agencies under the new groundwater legislation, as well as developing the next generation of Groundwater Sustainability Plans that provide for comprehensive groundwater management in the Sacramento Valley. State funding of a grant program to assist our local groundwater efforts would assist in this collaboration and be greatly appreciated.

The Groundwater Sustainability Plans will build upon previous Groundwater Management Plans that have been adopted throughout the Sacramento Valley and the various monitoring programs, including CASGEM. The attached maps prepared by the Department of Water Resources (DWR) show the progress the Sacramento Valley has made in advancing groundwater management over the past decade. This prior work was enhanced by grant funding that was administered through the DWR' Local Groundwater Assistance Grant Program. This funding opportunity was created with the passage of AB 303, the Local Groundwater Management Assistance Act of 2000 (now codified at Water Code §10795.) The intent of the Legislature in passing AB 303 was "to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions." Today, funding for this program will support and move us forward in the implementation of your concept of subsidiarity in the California Water Action Plan by providing assistance for local agencies to successfully manage groundwater.

---

**SUPERVISORS**

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

The Yuba County Board of Supervisors encourages your administration and the Legislature to approve \$21.3 million for the Local Groundwater Assistance Grant Program--or a similar program--so that funding will be available to assist us in forming Groundwater Sustainability Agencies and developing Groundwater Sustainability Plans that will foster sustainable groundwater management. We look forward to working with your administration and the Legislature in this effort.

Sincerely,

Mary Jane Griego, Chair  
Yuba County Board of Supervisors

cc: Secretary John Laird  
Director Mark Cowin  
David Gutierrez  
Assemblyman James Gallagher  
Senator Jim Nielsen

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**SUPERVISORS**

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



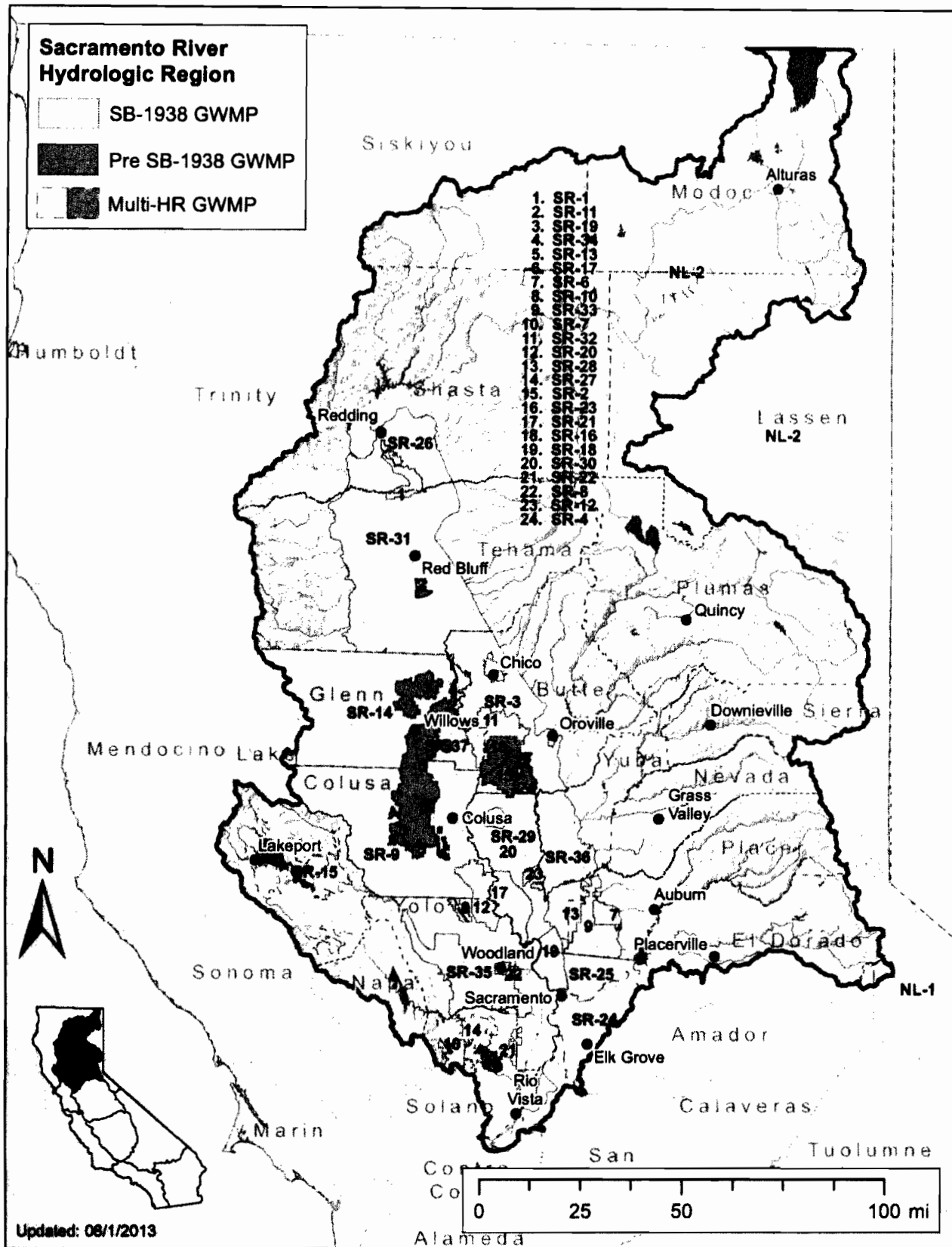
## CASGEM Groundwater Basin Prioritization — North Central Region



# CA Department of Water Resources

## Groundwater Management Plans

### Sacramento River HR Plan



[http://www.water.ca.gov/groundwater/groundwater management/GWM Plans inCA.cfm](http://www.water.ca.gov/groundwater/groundwater%20management/GWM%20Plans%20inCA.cfm)

[http://www.water.ca.gov/groundwater/docs/GWMP/HR SacramentoRiver GWMP.pdf](http://www.water.ca.gov/groundwater/docs/GWMP/HR%20SacramentoRiver%20GWMP.pdf)



# COUNTY OF YUBA

## OFFICE OF EMERGENCY SERVICES


**ROBERT BENDORF**  
COUNTY ADMINISTRATOR  
DIRECTOR OF EMERGENCY SERVICES

**SCOTT BRYAN**  
EMERGENCY OPERATIONS MANAGER

**HOLLY POWERS**  
EMERGENCY OPERATIONS MANAGER

### Board Memo

To: Board of Supervisors

Fr: Scott Bryan, Emergency Operations Manager  
Holly Powers, Emergency Operations Planner 

Re: Proclaim the existence of a local emergency in the County of Yuba

Date: February 24, 2015

#### Recommendation:

The Board of Supervisors adopt a resolution proclaiming the continuation of a local emergency due to the ongoing drought conditions.

#### Background:

On January 17, 2014 Governor Edmund G. Brown Jr. declared a Statewide Drought Emergency due to the impacts on the State of California as a result of four continuous years of drought. On February 18, 2014 the Director of Emergency Services proclaimed a local emergency due to the effects the drought has had within the County of Yuba. Your Board ratified said proclamation on February 25, 2014 and extended on January 13, 2015.

#### Discussion:

With an on-going water shortage affecting the County of Yuba, the final duration of the emergency has not yet been determined. The recent rainstorms are seasonally expected and are consistent with the average rainfall during this time of year. At this point, the storms have had no impact on lessening drought conditions. Therefore it is recommended that your Board extend the current proclamation of a local emergency until the end of the incident period per (*Govt. Code Section 8630 (c)*). This proclamation of emergency will be reviewed and renewed no less than once every thirty days. Per (*Govt. Code Section 8630(d)*) this proclamation of emergency shall be terminated as soon as reasonably possible.

#### Committee Action:

No committee action was taken due to time constraints.

#### Fiscal Impact:

There is an unknown impact to the general fund as of this date.

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

**RESOLUTION:**

<b>THE BOARD OF SUPERVISORS</b>	)	
<b>ADOPT A RESOLUTION</b>	)	
<b>PROCLAIMING THE EXISTENCE OF</b>	)	
<b>AN ONGOING LOCAL DROUGHT</b>	)	
<b>EMERGENCY IN THE COUNTY OF</b>	)	
<b>YUBA.</b>	)	<b>RESOLUTION NO. _____</b>

**WHEREAS**, the Yuba County Director of Emergency Services did hereby proclaim a local emergency in the County of Yuba on February 18, 2014 per Ordinance Code section 4.20; and

**WHEREAS**, conditions of peril to public health and safety remain in the County of Yuba due to the statewide drought; and

**WHEREAS**, the County of Yuba Board of Supervisors does hereby find that the aforesaid conditions of peril do warrant and necessitate a proclamation of the existence of a local emergency due to a statewide drought; and

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED,** that a local emergency continues to exist in the County of Yuba and the Board of Supervisors Proclamations through this resolution of the continuance of a Local Emergency in the County of Yuba.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

AYES:

NOES:

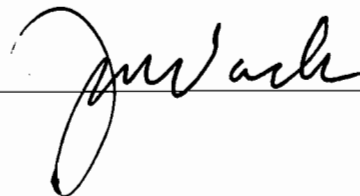
ABSENT:

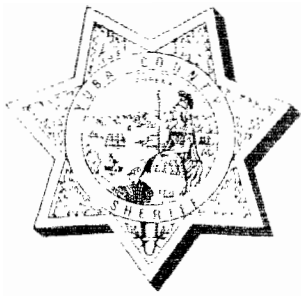
ABSTAIN:

\_\_\_\_\_  
Chair

ATTEST:        DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_  
APPROVE AS TO FORM:  
COUNTY COUNSEL

  
\_\_\_\_\_



# Yuba County Sheriff's Department

## Steven L. Durfor, Sheriff-Coroner

215 5th Street, Suite 150, Marysville, CA 95901  
Ph: 530-749-7777 • Fax: 530-741-6445

079-15

FEBRUARY 24, 2015

TO: YUBA COUNTY BOARD OF SUPERVISOR'S

FR: STEVEN L. DURFOR, SHERIFF-CORONER SLD/mw

RE: MEMORANDUM OF UNDERSTANDING AND LETTER OF AGREEMENT  
WITH SLEEP TRAIN AMPHITHEATRE (BGE YUBA, LLC)

### **RECOMMENDATION:**

Approve the Memorandum of Understanding and the Letter of Understanding between the County of Yuba and BGE Yuba, to provide supplemental law enforcement services at the Sleep Train Amphitheatre.

### **BACKGROUND:**

The Sheriff's Department has negotiated the attached Memorandum of Understanding with BGE Yuba for supplemental law enforcement services at the Sleep Train Amphitheatre. Sheriff's Department personnel will provide general law enforcement services, as well as assist the California Highway Patrol with traffic related duties. The contract will guarantee full salary reimbursement, at an overtime rate, to the County of Yuba for all Sheriff's Department personnel assigned to work at the venue.

### **DISCUSSION:**

This agreement has been in effect for many years. The Memorandum of Understanding and Letter of Understanding covers the period of January 1, 2015 through December 31, 2015.

### **FISCAL IMPACT:**

There is no fiscal impact to the General Fund. The County of Yuba will be fully reimbursed by BGE Yuba for services provided by the Sheriff's Department.

### **COMMITTEE ACTION:**

None. This agreement is a routine item submitted on an annual basis.

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## **Memorandum of Understanding**

This Memorandum of Understanding (hereafter "MOU") is effective for one year (January 1, 2015, through December 31, 2015), by and between the County of Yuba (hereafter "County") on behalf of its Sheriff's Department (hereafter "Sheriff's Department") and BGE Yuba LLC, d/b/a Sleep Train Amphitheatre (hereafter "BGE Yuba").

### **Recitals**

WHEREAS, BGE Yuba requires the special services of the Sheriff's Department for concerts held at the Sleep Train Amphitheatre (hereafter "Amphitheatre"); and

WHEREAS, Government Code section 53069.8(a) provides that the Yuba County Board of Supervisors may contract on behalf of the Sheriff to provide supplemental law enforcement services to private individuals or private entities to preserve the peace at special events or occurrences that happen on an occasional basis; and

WHEREAS, concerts held at the Sleep Train Amphitheatre are such a special event; and

WHEREAS, the provision of supplemental law enforcement services shall not reduce the normal and regular ongoing service that the Sheriff's Department provides to the citizens of Yuba County;

NOW, THEREFORE, the parties hereto agree as follows:

#### **1. Term**

The term of this MOU, as stated above, is for January 1, 2015, through December 31, 2015. Either party may terminate this MOU prior to that date by providing a written notice of termination to the other party no less than thirty (30) days in advance.

#### **2. Staffing**

BGE Yuba agrees to use law enforcement personnel from the Sheriff's Department at every concert produced by BGE Yuba at the Sleep Train Amphitheatre. If BGE Yuba contracts with another entity to produce or sponsor a concert at the Amphitheatre, BGE Yuba shall guarantee the full terms of the approved security plan, traffic management plan, and this MOU are met and complied with by that entity. BGE Yuba agrees to specifically reference this MOU in any and all contracts it makes with another entity or other entities and to fully incorporate this MOU therein.

Should BGE Yuba sponsor, book, and/or promote an event other than a concert at the Amphitheatre, BGE Yuba agrees to notify the Sheriff's Department at least ten (10) days in advance. If BGE Yuba and the Sheriff's Department mutually agree supplemental law enforcement services is needed, they shall agree on the staffing level pursuant to the conditions

set forth in this MOU. The same holds true should an entity other than BGE Yuba sponsor, book, and/or promote an event at the Amphitheatre.

The Sheriff's Department will provide personnel for general law enforcement and traffic related duties.

The Sheriff's Department will assign a minimum of four (4) Deputy Sheriffs and two (2) supervisors (liaisons) at every concert sponsored by BGE Yuba or any other entity producing or sponsoring a concert at the Amphitheatre. Additional staffing will be assigned with the mutual agreement of the Sheriff's Department and BGE Yuba. Should the Sheriff's Department and BGE Yuba mutually agree on less than the minimal staffing requirements as stated above, BGE Yuba shall only be obligated to pay for the number of Sheriff's Department personnel actually provided.

Supervisors from the Sheriff's Department are responsible for supervising Sheriff's Department personnel and will act as liaisons to BGE Yuba personnel.

The Sheriff's Department will use Captains, Lieutenants and Sergeants (as determined in the Sheriff's sole discretion) to staff supervisory positions. Deputy Sheriffs and Reserve Deputy Sheriffs will be used to staff non-supervisory positions. Captains, Lieutenants and Sergeants may be used to staff non-supervisory positions with the mutual consent of both the Sheriff's Department and BGE Yuba.

One Communications Dispatcher will be assigned to every concert in which eight (8) or more Deputy Sheriffs are scheduled to work, at the discretion of the Sheriff's Department. The Dispatcher will be assigned to the Sheriff's Department's Communications Center and is responsible for processing calls for service and law enforcement radio traffic related to the Amphitheatre.

The Sheriff's Department and BGE Yuba will continuously meet and confer on law enforcement staffing levels for each concert. The number of Sheriff's Department personnel used will be based on, but not limited to, the number of patrons, crowd behavior, and the history of similar events at this and other venues. If a mutual agreement cannot be reached on staffing levels, the final decision will rest with the Sheriff.

### **3. Undercover Operations**

The Sheriff's Department and BGE Yuba agree to meet and confer on the need for undercover operations at certain events. The decision to use undercover personnel shall be a mutual one.

BGE Yuba will pay for all personnel costs associated with undercover operations BGE Yuba and the Sheriff's Department have mutually agreed to.

#### **4. Reimbursement for Services**

BGE Yuba agrees to compensate the Sheriff's Department for actual personnel costs incurred. The Sheriff's Department agrees to bill BGE Yuba for the actual time assigned to the event. This may include pre-event briefings. These personnel costs are as follows:

a. Captain	\$650.00/concert
b. Lieutenant	\$70.00/hour
c. Sergeant	\$58.00/hour
d. Deputy Sheriff	\$48.00/hour
e. Communications Dispatcher	\$43.00/hour
f. Reserve Deputy Sheriff	\$30.00/hour

The Sheriff's Department agrees to bill BGE Yuba only for time assigned to the Amphitheatre. This includes pre-event briefings.

The Sheriff's Department will charge BGE Yuba one-hundred and fifty dollars (\$150.00) per concert to off-set administrative costs associated with the Amphitheatre.

The Sheriff's Department will not charge BGE Yuba for the cost of booking prisoners into the Yuba County Jail.

The Sheriff's Department will not charge BGE Yuba for the use of department owned equipment.

The Sheriff's Department will not charge BGE Yuba for costs associated with responses for mutual aid assistance from outside agencies. "Mutual Aid" is defined as the emergency response of on-duty law enforcement personnel from any agency other than the Yuba County Sheriff's Department.

If the Sheriff's Department and BGE Yuba mutually agree to use law enforcement personnel from another law enforcement agency to supplement staffing levels, BGE Yuba must make separate and direct payment to that other agency for services received. This does not apply to emergency mutual aid responses.

The Sheriff's Department will submit a detailed invoice to BGE Yuba on a monthly basis for services provided pursuant to this MOU. BGE Yuba agrees to pay all bills in full no later than thirty (30) days after receiving the bill. The Sheriff's Department agrees to provide BGE Yuba with a written invoice at the conclusion of each concert. This invoice will estimate costs for Sheriff's Department personnel for that event. The Sheriff's Department agrees to make any necessary adjustments to the written invoice in the subsequent monthly invoice.

#### **5. Pedestrian and Traffic Devices**

BGE Yuba agrees to provide, at their cost, all control devices (i.e., signs, cones, barricades, fencing, lighting, etc.) designed for the use of crowd control and/or traffic control. The type of

devices and their placement shall be determined by the approved traffic management plan. Any modifications in the type or placement of such devices will only be made with the mutual consent of BGE Yuba, the Yuba County Sheriff's Department and the California Highway Patrol.

## **6. Insurance and Indemnification**

The County of Yuba is self-insured.

The Yuba County Sheriff's Department shall, to the fullest extent permitted by law and at its own cost and expense, defend, indemnify, and hold BGE Yuba, its parents, affiliated and related companies and their partners, directors, officers, employees, servants, representatives and agents harmless from and against any and all claims, loss (including attorney's fees, witness' fees, and all court costs), damages, expenses, and liability (including statutory liability), resulting from injury and/or death of any person or damage to or loss of any property to the extent arising out of any negligent act of the Yuba County Sheriff's Department or its agents, employees, appointees, or designees which act was performed in the fulfillment of this MOU.

BGE Yuba shall, to the fullest extent permitted by law and at its own expense, defend, indemnify and hold the County of Yuba and the Yuba County Sheriff's Department, their agents, employees, appointees, and designees harmless from and against any and all claims, loss (including attorney's fees, witness' fees and all court costs), damages, expenses and liability resulting from injury and/or death of any person or damage to or loss of any property arising out of any negligent or willful misconduct act by BGE Yuba, its parents, affiliates and related companies and their partners, directors, officers, employees, servants, representatives and agents which act was performed in the fulfillment of this MOU.

BGE Yuba shall provide proof of general liability insurance in the face amount of at least two million dollars (\$2,000,000) per occurrence for bodily injury, personal injury, and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall be twice the required occurrence limit the County of Yuba shall be named as an additional insured and with a carrier acceptable to the County of Yuba. BGE Yuba shall provide Worker's Compensation insurance as required by the State of California. BGE Yuba shall also maintain Employer's Liability in the amount of one million dollars (\$1,000,000) per each accident, one million dollars (\$1,000,000) policy limit bodily injury by disease, and one million dollars (\$1,000,000) each employee bodily injury by disease. Proof of insurance shall be provided to the County of Yuba.

## **7. Authority**

All parties to this MOU warrant and represent that they have the power and authority to enter into this MOU in the names, titles and capacities herein stated and on behalf of any entities, persons, estates, or firms represented and purported to be represented by such entity(s), person(s), estate(s), or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this MOU have been complied with fully.

**8. Amendments**

This MOU may be modified at any time only by written Amendment executed by all of the parties hereto.

**9. Construction**

This MOU reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address or interpret any uncertainty.

**10. Entire Agreement**

This MOU constitutes the entire agreement between the parties with respect to the subject matter and supercedes all prior and contemporaneous agreements and understandings of the parties.

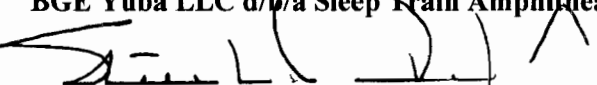
**11. Governing Law**

The laws of the State of California shall govern this MOU

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the dates of their signatures.

  
\_\_\_\_\_  
BGE Yuba LLC d/b/a Sleep Train Amphitheatre

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Steven L. Durfor, Yuba County Sheriff-Coroner  
Pursuant to Resolution No. \_\_\_\_\_

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman  
Yuba County Board of Supervisors

\_\_\_\_\_  
Date

Approved as to Form  
Angil Morris-Jones  
County Counsel

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

## Letter of Understanding

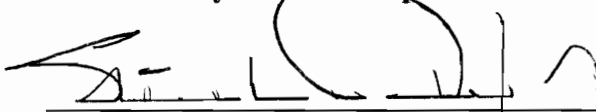
The Yuba County Sheriff's Department and the County of Yuba have negotiated a Memorandum of Understanding with BGE Yuba (Live Nation, Inc.) to provide supplemental law enforcement services at the Sleep Train Amphitheatre. This Memorandum of Understanding guarantees the County of Yuba is fully reimbursed for all personnel costs associated with the supplemental services provided by the Sheriff's Department at this venue.

During the previous fourteen concert seasons, the Sheriff's Department utilized Sheriff's Captains as supervisors at the amphitheatre. The Sheriff's Department intends to do the same in 2015. Since Sheriff's Captains are exempt from overtime compensation, the County of Yuba agrees to pay Captains a premium of six-hundred and fifty dollars (\$650.00) for each concert worked. BGE Yuba agrees to fully reimburse the County of Yuba pursuant to their Memorandum of Understanding with the County.

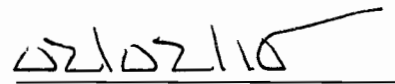
A similar arrangement exists with the use of Reserve Deputy Sheriffs at the amphitheatre. BGE Yuba agrees to reimburse the County of Yuba a rate of thirty dollars (\$30.00) per hour for Reserve Deputy Sheriffs assigned to a concert at the amphitheatre. The County of Yuba agrees to pay Reserve Deputy Sheriffs thirty dollars (\$30.00) per hour when assigned to the amphitheatre.

The terms of this Letter of Understanding are consistent with the terms used during the previous eleven concert seasons. The Letter of Understanding will commence on the dates of the signatures of the parties listed below. It will terminate on December 31, 2015. The County of Yuba agrees to negotiate the terms of this Letter of Understanding as part of the County of Yuba's negotiations with BGE Yuba on their Memorandum of Understanding.


\_\_\_\_\_  
**Chairman**  
**Yuba County Board of Supervisors**

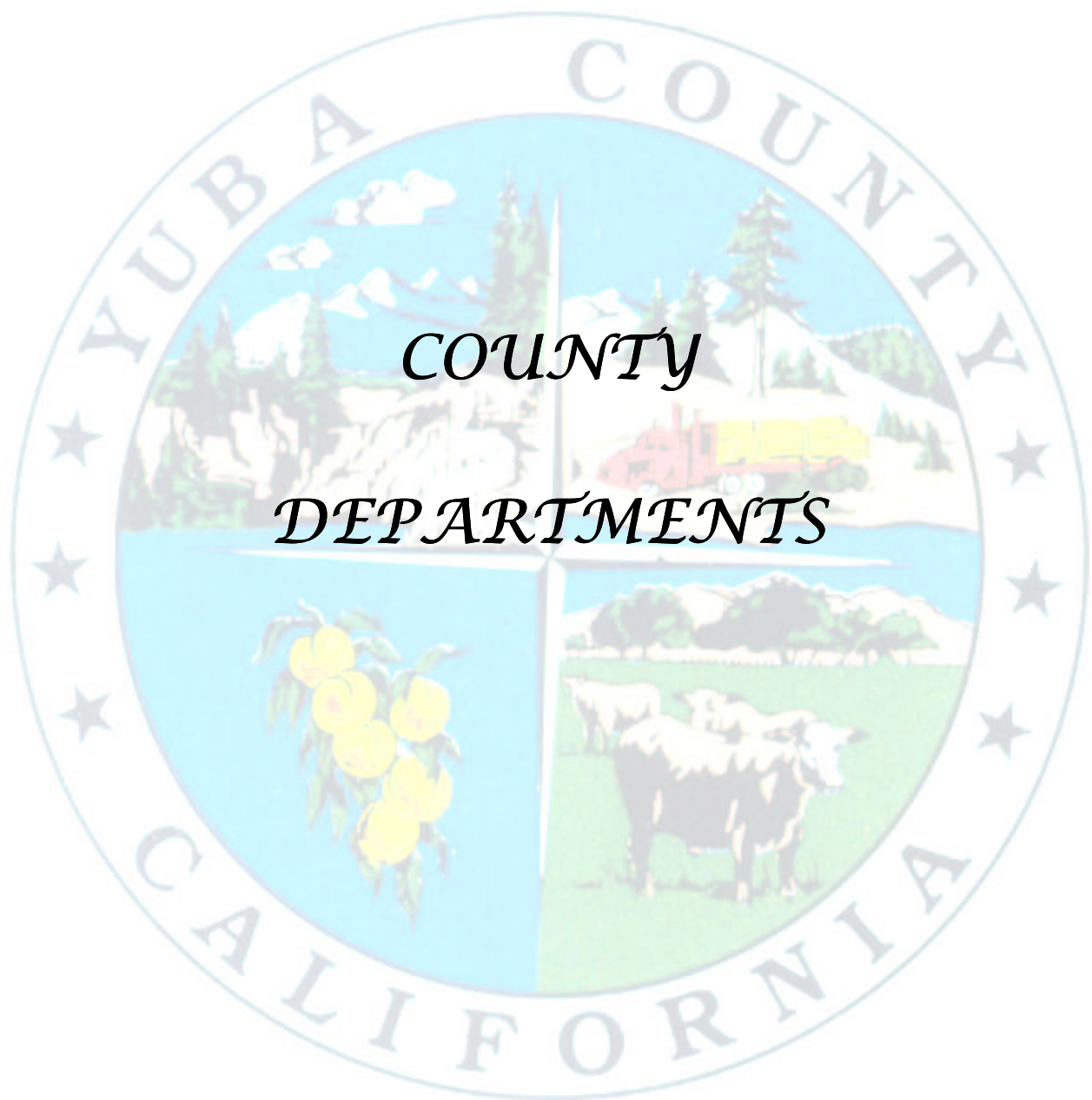
  
\_\_\_\_\_  
**Steven L. Durfor, Yuba County Sheriff-Coroner**  
**Yuba County Sheriff's Department**

\_\_\_\_\_  
**Date**

  
\_\_\_\_\_  
**Date**

**Approved as to Form**  
**Angil Morris-Jones**  
**County Counsel, County of Yuba**

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



*COUNTY*  
*DEPARTMENTS*

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# The County of Yuba

## Office of the County Administrator

Robert Bendorf, County Administrator  
 John Fleming, Economic Development Coordinator  
 Russ Brown, Communications & Legislative Affairs Coordinator  
 Grace M Mull, Management Analyst  
 Teena L. Carlquist, Executive Assistant to the County Administrator  
 Yuba County Government Center  
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[tcarlquist@co.yuba.ca.us](mailto:tcarlquist@co.yuba.ca.us)

**DATE:** February 24, 2015  
**TO:** Board of Supervisors  
**FROM:** Robert Bendorf, County Administrator *RB*  
 By Grace Mull, Management Analyst  
**RE:** Midyear Budget Review for Fiscal Year 2014-15

## RECOMMENDATION

1. Receive 2nd Quarter Financial Report.
2. Approve Proposed Mid-Year Budget Transfers in the amount of \$4,373,752.
3. Approve Proposed Mid-Year Personnel Requests.
4. Approve Proposed Mid-Year Fixed Asset Requests.
5. Approve Proposed Mid-Year Contingency Requests in the amount of \$92,269.

## BACKGROUND

Annually, the County Administrator's Office prepares a mid-year status report on the current year's budget for the Board of Supervisors along with recommendations regarding appropriation changes requested by departments. Typically, these changes are routine in nature to either correct or adjust budget estimates provided at the beginning of the fiscal year.

## DISCUSSION

The attached documents identify requested changes in the County's budget for the second half of the fiscal year. The following is a summary of the requested changes.

Budget Transfer Requests – A total of \$4,373,752 in budget transfers is being requested.

Public Works routinely uses the Mid-Year budget process to true-up estimates with final project costs and current revenue estimates. This year Public Works is requesting a budget reduction in the amount of (\$2,184,126) due to reallocation of project timelines.

Administrative Services is requesting a budget increase in the amount of \$4,809,439 to appropriate estimated project costs for the remainder of the fiscal year for the Sheriff's facility project. Revenue to offset these expenditures will come from bond proceeds and the Capital Outlay Fund.

General Fund Contingency requests in the amount of \$92,269 are being recommended for the following departments:

- The Assessor's Office is requesting \$15,056 for staff overtime and extra help to assist in completing the assessment roll for FY 15/16 and to cover unanticipated increases in health insurance costs for the department.
- The Board of Supervisors Office is requesting \$7,977 for benefits, communications and travel cost related to change in supervisors.
- The Ag Commissioner is requesting \$15,186 for payouts related to an unanticipated retirement and \$4,000 to backfill the Fire Safe Council consultant contract as approved by the Board on 2/10/15.
- Veterans Services is requesting \$1,340 to maintain the General Fund level as required by the state for one-time Veterans subvention funding that was extended for FY 2014-15.
- Probation is requesting \$2,508 for the State Correctional School (CYA) budget for an unanticipated CYA placement.
- Administrative Services is requesting \$46,202 as approved by the Board on 12/16/14 for the reorganization of Admin Services.

Capital Outlay Fund requests in the amount of \$278,482 are being recommended for the following items requested by Administrative Services – Building & Grounds Division:

- \$39,000 - Government Center Fascia Wall Encapsulation Project  
The project is necessary to remediate a section of steel fascia wall that was painted with lead based paint during the renovation of the Government Center which is now failing.
- \$76,482 - Courthouse Backflow Preventer Project  
The project is necessary to meet the requirements issued by California Water Service to ensure that backflow preventer valves are installed in both the 8" water line for fire service and the 4" water line that provides domestic and irrigation water to the Courthouse.
- \$163,000 – Superior Court Carpet Replacement Project  
This project is a coordinated effort with the state Administrative Office of the Courts (AOC) to replace the carpets in the areas occupied by the Courts. The funds provided for this project will be repaid by the AOC upon project completion. Administrative Services has provided a staff report which details this project and is included in the Midyear Budget Review packet.

Personnel Change Requests – Health & Human Services and Community Development & Services Agency (CDSA) have requested changes to their current position allocations. There are no requests for additional General Fund appropriations to support these changes.

Health and Human Services – three (3) net position additions

- Human Services Division
  - Abolish Vacant Office Assistant, Establish Office Specialist
  - Abolish Vacant Registered Nurse, Establish Program Supervisor
- Health Services Division
  - New Public Health Nurse I/II (2)
  - New Program Supervisor (1)
  - Change Vacant Program Aide from Limited Term to Permanent

CDSA – two (2) net position additions

- Public Works Division
  - Delete Vacant Principal Engineer (-1)
  -

- Building Inspection/Code Enforcement Division
  - Add New Code Enforcement Officer I/II (2)
- CDSA Administration Division
  - Add New Administrative Technician (1)

Capital Requests (Fixed Assets) - \$505,297 in fixed asset purchases are requested by various departments. No additional General Fund appropriations are being requested for these items. The requesting departments are utilizing federal and state funds, Capital Outlay funds and budget savings to cover the costs.

## **COMMITTEE**

This item is traditionally presented to the full Board for consideration.

## **FISCAL IMPACT**

The recommended actions will decrease the County's General Fund Contingency balance from \$519,272 to \$427,003, the Capital Outlay Fund from \$2,912,211 to \$2,633,729.

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# 2<sup>nd</sup> Quarter Budget Report Fiscal Year 2014/2015

Period October 1, 2014 – December 31, 2014



## General Fund Discretionary Revenue

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

The total discretionary general fund revenue budgeted for FY 14/15 is \$25,215,885.

Major Discretionary General Fund Revenue Source	Amount Budgeted FY 14/15	Received 2nd Qtr YTD FY 14/15	Percent of Budget FY 14/15	Received 2 <sup>nd</sup> Qtr FY 14/15	Received 2 <sup>nd</sup> Qtr FY 13/14	Increase/Decrease +/-	Notes
Secured Property Taxes	\$9,800,000	\$4,967,959	50.69%	\$4,967,959	\$4,792,380	\$175,579	Property Taxes are received 2 <sup>nd</sup> & 4 <sup>th</sup> quarters
Sales Taxes	\$2,250,000	\$781,507	34.73%	\$580,500	\$536,177	\$44,323	Slight increase from same period last year 8.27%
Franchise Fees	\$1,199,000	\$194,184	16.20%	\$194,184	\$178,989	\$15,195	Slight increase from same period last year 8.49%
General Fines	\$400,000	\$164,070	41.02%	\$97,485	\$84,138	\$13,347	Slight increase from same period last year 15.86%
Interest Earned	\$270,000	\$48,119	17.82%	\$43,589	\$66,260	(\$22,671)	Interest apportionment is in arrears. The amount received this quarter represents 1 <sup>st</sup> quarter activity
Triple Flip	\$7,288,000	\$3,790,630	52.01%	\$3,790,630	\$3,589,664	\$200,966	Triple Flip payments are received 2 <sup>nd</sup> & 4 <sup>th</sup> quarters
Tipping Fees	\$900,000	\$232,178	25.80%	\$232,178	\$225,176	\$7,002	Slight increase from same period last year 3.11%

## General Fund Expenditures

General Fund expenditures were (\$775,699) less than the same period last year. Total percent expended through the end of December was 45.90%.

## Departmental Revenue and Expenditure Reporting

County departments report revenues received and expenditures made on a monthly basis. Through the end of the second quarter of this fiscal year, there were fifteen (15) budgets in the General Fund that exhibited shortfalls for a total amount of (\$847,832). The shortfalls are primarily attributed to timeliness of grant and program reimbursements.

In the Non-General Fund departments, there were sixteen (16) budgets that exhibited shortfalls for a total amount of (\$1,573,062). The shortfall is mainly attributed to timing of budget transfers for workers compensation reimbursement (the full premium is paid in July and transfers are usually processed at the end of each quarter by the Auditor’s Office) and construction reimbursement revenue for the Road Fund.

## General Fund Reserves/Contingencies

### General Fund Reserves

Adopted Budget: \$1,742,588

Balance 12/31/13: \$1,742,588

### General Fund Contingencies

Adopted Budget: \$519,272

Balance 12/31/14: \$519,272

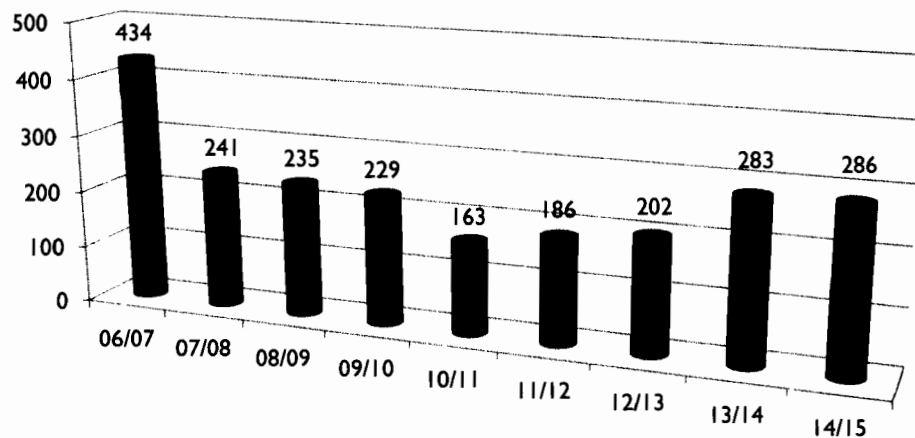
## New Hires

17 vacant positions were filled in the second quarter. The positions, departments and associated funding sources are as follows:

Department	Position	Quantity	Funding Source
Health & Human Services	Eligibility Technician	1	Federal/State
Health & Human Services	Public Health Nurse	1	Federal/State
Health & Human Services	Office Specialist	1	Federal/State
Health & Human Services	Office Assistant	1	Federal/State
Health & Human Services	Social Worker – CWS	2	Federal/State
Veterans Services	Veterans Services Rep	1	State
Sheriff	Deputy Sheriff	2	Public Safety/General Fund
Sheriff	Communications Dispatcher	1	Public Safety/General Fund
Sheriff	Correctional Facility LVN	1	General Fund/Realignment
Sheriff	Correctional Facility Medical Asst	1	General Fund/Realignment
Probation	Control Room Operator	1	Gen Fund/Sutter/Colusa
Probation	Group Counselor	1	Gen Fund/Sutter/Colusa
Probation	Office Assistant	1	Gen Fund/Sutter/Colusa
CDSA Admin	Admin & Accounting Supervisor	1	Reimb from CDSA Divisions
Treasurer	Accounting Assistant	1	General Fund

## Building Permits

Month	2 <sup>nd</sup> Qtr Permits 06/07	2 <sup>nd</sup> Qtr Permits 07/08	2 <sup>nd</sup> Qtr Permits 08/09	2 <sup>nd</sup> Qtr Permits 09/10	2 <sup>nd</sup> Qtr Permits 10/11	2 <sup>nd</sup> Qtr Permits 11/12	2 <sup>nd</sup> Qtr Permits 12/13	2 <sup>nd</sup> Qtr Permits 13/14	2 <sup>nd</sup> Qtr Permits 14/15
Oct	166	82	99	74	64	60	83	93	119
Nov	196	81	71	78	63	49	67	120	104
Dec	72	78	65	77	36	77	52	70	63
2nd Qtr	434	241	235	229	163	186	202	283	286
% of Change		-44.47%	-2.49%	-2.55%	-28.82%	14.11%	8.60%	40.10%	1.06%



Total permits issued were up 1.06% compared to 2<sup>nd</sup> quarter of FY 13/14.

Single Family Dwelling Permits (SFD) The total SFD building permits issued for the second quarter was 19 compared to 39 in the same period (Oct/Nov/Dec) last year. This represents a decrease of -51.28%.

## Foreclosure Activity

There were 38 foreclosed homes in the second quarter (Oct/Nov/Dec) of FY 2014-15 compared to 43 in the same period last year which represents a decrease of -11.63%. The total foreclosed homes for 2014 was 168 compared to 189 in the previous calendar year.



# FY 2014/2015 Proposed Mid Year Budget Adjustments

1

## Board of Supervisors

### Revenue Increase/Decrease

Acct. No.	Acct. Name	Amount
101-0000-363-74-00	Outside Agencies	\$6,343.00

**Total Adjustments \$6,343.00**

### Funds To Be Reduced (journal request to be performed separately)

Fund No.	Fund Name	Amount

### Appropriation Increase/Decrease

Acct. No.	Acct. Name	Amount
101-0100-411-02-02	Co Share PERS	\$3,972.00
101-0100-411-02-04	Group Health Ins	\$6,343.00
101-0100-411-02-09	Retiree Health Ins	\$5.00
101-0100-411-12-00	Communications	\$1,200.00
101-0100-411-29-00	Travel	\$2,800.00
101-6900-410-71-01	Contingencies-Gen	(\$7,977.00)

**Total Adjustments \$6,343.00**

### Funds To Be Increased (journal request to be performed separately)

Fund No.	Fund Name	Amount

## BOS-Special

### Revenue Increase/Decrease

Acct. No.	Acct. Name	Amount
101-0000-361-62-25	Cal Recycle-RWMA	\$15,688.00

**Total Adjustments \$15,688.00**

### Funds To Be Reduced (journal request to be performed separately)

Fund No.	Fund Name	Amount

### Appropriation Increase/Decrease

Acct. No.	Acct. Name	Amount
101-0101-411-52-01	Cal Recycle-RWMA	\$15,688.00

**Total Adjustments \$15,688.00**

### Funds To Be Increased (journal request to be performed separately)

Fund No.	Fund Name	Amount

## Clerk of the Board

### Revenue Increase/Decrease

Acct. No.	Acct. Name	Amount
101-0000-371-93-05	Appeals Board Fees	(\$200.00)

**Total Adjustments (\$200.00)**

### Funds To Be Reduced (journal request to be performed separately)

Fund No.	Fund Name	Amount

### Appropriation Increase/Decrease

Acct. No.	Acct. Name	Amount
101-1701-411-01-01	Salaries	\$1,800.00
101-1701-411-02-02	Co Share PERS	\$655.00
101-1701-411-02-04	Group Health Ins	(\$3,854.00)
101-1701-411-90-00	Reimbursements	\$2,500.00
101-0101-411-23-10	Tax Consultant	(\$1,301.00)

**Total Adjustments (\$200.00)**

### Funds To Be Increased (journal request to be performed separately)

Fund No.	Fund Name	Amount



**Clerk-Recorder**

2

**Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0000-371-97-01	Contribution from Trust	\$51,064.00

**Total Adjustments** **\$51,064.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
382	Recorders Micro Fiche	\$1,819.00
383	Truncation Program	\$299.00
384	Recorders Micro Fiche	\$48,946.00

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0200-411-22-82	Off Exp-Micro Graphic	\$1,819.00
101-0200-411-22-83	Off Exp-Truncation	\$299.00
101-0200-411-22-84	Off Exp-Modernization	\$48,946.00
101-0200-411-01-01	Salaries	(\$2,496.00)
101-0200-411-01-03	Extra Help	\$2,496.00

**Total Adjustments** **\$51,064.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
101	General Fund	\$51,064.00

**Elections****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
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**Total Adjustments** **\$0.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0800-415-01-04	Overtime	(\$750.00)
101-0800-415-02-02	Co Share PERS	\$750.00
101-0800-415-17-00	Maintenance Equip	\$2,000.00
101-0800-415-20-00	Memberships	\$50.00
101-0800-415-24-00	Publications	(\$50.00)
101-0800-415-26-00	Rents/Leases Bldg	(\$2,000.00)

**Total Adjustments** **\$0.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Human Resources****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
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**Total Adjustments** **\$0.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0300-414-01-01	Salaries	\$112,608.00
101-0300-414-02-02	Co Share PERS	(\$2,772.00)
101-0300-414-02-04	Group Health Ins	\$4,175.00
101-0300-414-02-05	Medicare	(\$305.00)
101-0300-414-02-07	Life Insurance	(\$69.00)
101-0300-414-02-10	Replacement Benefits	\$1,034.00
101-0300-414-22-00	Office Expense	\$3,800.00
101-0300-414-23-00	Professional Services	\$10,000.00
101-0300-414-24-00	Publications	\$3,000.00
101-0300-414-28-03	Spec Exp-Oral Boards	\$8,000.00
101-0300-414-90-00	Reimbursements	(\$139,471.00)

**Total Adjustments** **\$0.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Auditor-Controller**

3

<b>Revenue Increase/Decrease</b>		
Acct. No.	Acct. Name	Amount
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Reduced (journal request to be performed separately)</b>		
Fund No.	Fund Name	Amount

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-0400-412-01-01	Salaries	(\$15,650.00)
101-0400-412-01-04	Overtime	\$2,800.00
101-0400-412-02-02	Co Share PERS	\$1,000.00
101-0400-412-02-04	Health Insurance	\$5,000.00
101-0400-412-02-05	Medicare	\$100.00
101-0400-412-02-07	Life Insurance	\$50.00
101-0400-412-02-09	Retiree Health Ins	(\$1,300.00)
101-0400-412-23-00	Professional Services	\$7,000.00
101-0400-412-29-00	Travel	\$1,000.00
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

**Treas-Tax Collector**[illegible]

<b>Appropriation Increase/Decrease</b>		
Acct. No.	Acct. Name	Amount
101-0500-412-01-03	Extra Help	\$5,000.00
101-0500-412-02-03	COPST	\$150.00
101-0500-412-02-04	Group Health Ins	(\$11,241.00)
101-0500-412-02-05	Medicare	\$26.00
101-0500-412-02-07	Life Insurance	\$71.00
101-0500-412-02-09	Retiree Health Ins	(\$6.00)
101-0500-412-22-00	Office Expense	\$5,000.00
101-0500-412-29-00	Travel	\$1,000.00
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
Fund No.	Fund Name	Amount

## Assessor

<b>Revenue Increase/Decrease</b>		
Acct. No.	Acct. Name	Amount
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Reduced (journal request to be performed separately)</b>		
Fund No.	Fund Name	Amount

<b>Appropriation Increase/Decrease</b>		
Acct. No.	Acct. Name	Amount
101-0600-412-01-03	Extra Help	\$6,000.00
101-0600-412-01-04	Overtime	\$7,500.00
101-0600-412-02-04	Group Health Insurance	\$1,556.00
101-6900-410-71-01	Contingencies-Gen	(\$15,056.00)
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
Fund No.	Fund Name	Amount

**County Counsel**

4

**Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0700-413-90-00	Reimbursement	\$8,549.00

**Total Adjustments** **\$8,549.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0700-413-01-01	Salaries	\$3,000.00
101-0700-413-01-03	Extra Help	\$11,905.00
101-0700-413-02-03	COPST	\$358.00
101-0700-413-02-04	Group Health Insurance	(\$17,003.00)
101-0700-413-02-05	Medicare	\$173.00
101-0700-413-02-09	Retiree Health Ins	\$116.00
101-0700-413-22-00	Office Expense	\$2,500.00
101-0700-413-23-00	Professional Services	\$5,000.00
101-0700-413-28-00	Special Dept Expense	\$2,500.00

**Total Adjustments** **\$8,549.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Ag Commissioner****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
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**Total Adjustments** **\$0.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-3400-426-01-07	Vacation Pay	\$15,186.00
101-3400-426-01-04	Overtime	\$8,000.00
101-3400-426-01-01	Salaries	(\$8,000.00)
101-3400-423-23-00	Professional Services	\$4,000.00
101-6100-410-71-01	Contingencies-Gen	(\$19,186.00)

**Total Adjustments** **\$0.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**County Administrator****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0000-371-98-99	Miscellaneous Revenue	\$24,000.00

**Total Adjustments** **\$24,000.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-1700-411-23-00	Professional Services	\$24,000.00

**Total Adjustments** **\$24,000.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Debt Service**

5

**Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
125-0000-372-99-01	Operating Trans In	\$902,018.00

**Total Adjustments** **\$902,018.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
162	Solar Panels	\$902,018.00

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
125-0000-481-42-51	Interest Payment	\$382,146.00
125-0000-481-42-01	Principal Payment	\$519,872.00

**Total Adjustments** **\$902,018.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
125	Debt Service	\$902,018.00

**Admin Services****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
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**Total Adjustments** **\$0.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-1800-410-01-01	Salaries	\$6,379.00
101-1800-410-01-03	Extra Help	\$11,190.00
101-1800-410-01-07	Vacation Pay	\$2,697.00
101-1800-410-01-08	Sick Leave	\$12.00
101-1800-410-02-02	Co Share PERS	\$1,019.00
101-1800-410-02-03	COPST	\$4.00
101-1800-410-02-04	Group Health Ins	\$26,744.00
101-1800-410-02-05	Medicare	\$255.00
101-1800-410-02-07	Life Insurance	\$32.00
101-1800-410-29-03	Travel-Training	(\$2,130.00)
101-6900-410-71-01	Contingencies-Gen	(\$46,202.00)

**Total Adjustments** **\$0.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Custodial****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0000-363-74-04	Outside Agencies-B&G	(\$14,000.00)
101-0000-363-74-10	Outside Agencies-Cust	\$14,000.00

**Total Adjustments** **\$0.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0950-417-14-00	Household Expense	(\$3,544.00)
101-0950-417-17-00	Maintenance Equip	\$3,544.00

**Total Adjustments** **\$0.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Buildings & Grounds**

6

**Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0000-371-93-04	Fees for Services	\$45,058.00
101-0000-372-99-01	Operating Trans In	\$76,482.00
101-0000-372-99-01	Operating Trans In	\$39,000.00
101-0000-372-99-01	Operating Trans In	\$163,000.00
101-0000-363-74-04	Outside Agencies-B&G	(\$7,100.00)

**Total Adjustments** **\$316,440.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
200	Co Cap Impr Trust	\$278,482.00

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0900-417-01-06	Standby	\$1,210.00
101-0900-417-18-03	Maint Facility-Courthouse	\$76,482.00
101-0900-417-18-11	Maint Facility-Gov Cent	\$39,000.00
101-0900-417-28-00	Special Dept Expense	\$163,000.00
101-0900-417-90-00	Reimbursements	\$20,221.00
101-0900-417-90-02	Reimbursements-Sal	\$16,527.00

**Total Adjustments** **\$316,440.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
101	General Fund	\$278,482.00

**Cap Imprv-Sheriff Fac****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0000-371-97-18	Contri from Trust-Sheriff	\$4,809,439.00

**Total Adjustments** **\$4,809,439.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
TBD by Auditor	Bond Proceeds	Combined not to
200	Co Cap Impr Trust	exceed \$4,809,439

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-1205-418-23-00	Prof Servs-Sheriff Fac	\$4,809,439.00

**Total Adjustments** **\$4,809,439.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
101	General Fund	\$4,809,439.00

**YS Enterprise Zone****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
126-0000-371-93-00	Fees for Services	\$20,000.00

**Total Adjustments** **\$20,000.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
126-9504-419-23-00	Professional Services	\$20,000.00

**Total Adjustments** **\$20,000.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount
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<b>Airport</b>	
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<b>Revenue Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
130-0000-351-32-00	Rents & Concessions	\$3,357.00
130-0000-371-93-00	Fees for Services	\$70,000.00
130-0000-361-40-00	Aid for Aviation	\$136,364.00
<b>Total Adjustments</b>		<b>\$209,721.00</b>
<b>Funds To Be Reduced (Journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

7

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
130-9500-432-17-00	Maintenance Equipment	(\$4,000.00)
130-9500-432-18-00	Maintenance Structures	\$7,000.00
130-9500-432-20-00	Membership	(\$6.00)
130-9500-432-22-00	Office Expense	(\$613.00)
130-9500-432-23-00	Professional Services	\$14,500.00
130-9500-432-28-00	Special Dept Expense	\$1,000.00
130-9500-432-29-00	Travel	(\$1,200.00)
130-9500-432-30-00	Utilities	\$10,000.00
130-9500-432-48-00	Taxes & Assessments	\$38,740.00
130-9500-432-61-36	Apron/Taxiway/FAA	\$129,870.00
130-9500-432-61-37	Apron/Taxiway/Airport	\$7,936.00
130-9500-432-61-38	Apron/Taxiway/State	\$6,494.00
<b>Total Adjustments</b>		<b>\$209,721.00</b>
<b><i>Funds To Be Increased (journal request to be performed separately)</i></b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

**Info Technology**[illegible]

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-1900-410-01-01	Salaries	(\$200,000.00)
101-1900-410-01-06	Standby	\$4,000.00
101-1900-410-02-04	Group Health Insurance	(\$50,000.00)
101-1900-410-17-00	Maintenance Equipment	\$100,000.00
101-1900-410-22-00	Office Expense	\$5,000.00
101-1900-410-23-00	Professional Services	\$81,000.00
101-1900-410-28-00	Special Dept Expense	\$60,000.00
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

Bdg	Insp/Code	Enf
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100	100	100

<b>Revenue Increase/Decrease</b>		
Acct. No.	Acct. Name	Amount
101-0000-372-99-01	Operating Trans In	\$77,639.00
<b>Total Adjustments</b>		<b>\$77,639.00</b>
<b>Funds To Be Reduced (journal request to be performed separately)</b>		
Fund No.	Fund Name	Amount
254	Repair & Demolition	\$77,639.00

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-3500-426-01-01	Salaries	\$32,296.00
101-3500-426-02-02	Co Share PERS	\$5,153.00
101-3500-426-02-04	Group Health Insurance	\$9,965.00
101-3500-426-02-05	Medicare	\$468.00
101-3500-426-02-07	Life Insurance	\$39.00
101-3500-426-12-00	Communication	\$3,600.00
101-3500-426-23-00	Professional Services	\$16,568.00
101-3500-426-28-00	Special Dept Expense	\$4,600.00
101-3500-426-29-00	Travel	\$4,950.00
<b>Total Adjustments</b>		<b>\$77,639.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>
101	General Fund	\$77,639.00

### Drainage

8

## Revenue Increase/Decrease

Acct. No.	Acct. Name	Amount
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><i>Funds To Be Reduced (journal request to be performed separately)</i></b>		
Fund No.	Fund Name	Amount

[illegible]

Acct. No.	Acct. Name	Amount
101-3300-425-23-00	Professional Services	\$135,000.00
101-3300-425-90-00	Reimbursements	(\$135,000.00)
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><i>Funds To Be Increased (journal request to be performed separately)</i></b>		
Fund No.	Fund Name	Amount

## Environmental Health

## Revenue Increase/Decrease

Acct. No.	Acct. Name	Amount
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><i>Funds To Be Reduced (journal request to be performed separately)</i></b>		
Fund No.	Fund Name	Amount

[illegible]

Acct. No.	Acct. Name	Amount
101-4800-441-01-07	Vacation Pay	\$1,800.00
101-4800-441-01-08	Sick Leave	(\$4,000.00)
101-4800-441-02-05	Medicare	\$2,200.00
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><i>Funds To Be Increased (journal request to be performed separately)</i></b>		
Fund No.	Fund Name	Amount

## Planning

## Revenue Increase/Decrease

Acct. No.	Acct. Name	Amount
101-0000-371-82-01	Planning & Eng Fees	\$80,350.00
101-0000-371-82-08	Env Consult Fees	\$21,995.00
<b>Total Adjustments</b>		<b>\$102,345.00</b>
<b><i>Funds To Be Reduced (journal request to be performed separately)</i></b>		
Fund No.	Fund Name	Amount

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-4300-427-01-01	Salaries	\$4,138.00
101-4300-427-01-03	Extra Help	\$16,500.00
101-4300-427-01-07	Vacation Pay	\$3,665.00
101-4300-427-02-02	Co Share PERS	\$660.00
101-4300-427-02-03	COPST	\$495.00
101-4300-427-02-04	Group Health Insurance	\$175.00
101-4300-427-02-05	Medicare	\$60.00
101-4300-427-02-06	Workers Comp	\$3,573.00
101-4300-427-02-07	Life Insurance	\$10.00
101-4300-427-02-09	Retiree Health Insurance	\$1,466.00
101-4300-427-15-00	Insurance	\$883.00
101-4300-427-17-00	Maintenance Equipment	\$720.00
101-4300-427-23-00	Professional Services	\$30,000.00
101-4300-427-23-07	Prof Services-Imp Study	\$35,000.00
101-4300-427-53-01	A-87 Charges	\$5,000.00
<b>Total Adjustments</b>		<b>\$102,345.00</b>
<b><i>Funds To Be Increased (journal request to be performed separately)</i></b>		
Fund No.	Fund Name	Amount

<b>Housing</b>	
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9

[illegible]

<b>Appropriation Increase/Decrease</b>		
Acct. No.	Acct. Name	Amount
101-6700-456-01-01	Salaries	(\$10,233.00)
101-6700-456-01-04	Overtime	\$15.00
101-6700-456-01-07	Vacation Pay	\$7,778.00
101-6700-456-01-08	Sick Leave	\$2,440.00
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
Fund No.	Fund Name	Amount

## CSBG 2009

<b><i>Revenue Increase/Decrease</i></b>		
Acct. No.	Acct. Name	Amount
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><i>Funds To Be Reduced (journal request to be performed separately)</i></b>		
Fund No.	Fund Name	Amount

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
117-8003-456-01-01	Salaries	(\$16,500.00)
117-8003-456-01-02	Salaries & Benefits	(\$3,650.00)
117-8003-456-23-00	Professional Services	\$20,150.00
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

## Public Works

<b>Revenue Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
102-0000-312-08-00	Local Trans Tax	\$43,313.00
102-0000-331-13-03	Grading Permits	\$65,000.00
102-0000-361-55-01	Aid for Construction	(\$3,246,677.00)
102-0000-371-96-01	Contrib & Donations	\$689,000.00
102-0000-371-98-99	Miscellaneous	\$5,238.00
102-0000-372-99-01	Operating Trans In	\$260,000.00
<b>Total Adjustments</b>		<b>(\$2,184,126.00)</b>
<b>Funds To Be Reduced (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
102-9100-431-01-03	Extra Help	\$20,000.00
102-9100-431-02-03	COPST	\$600.00
102-9100-431-02-09	Retire Health Insurance	(\$1,526.00)
102-9100-431-11-00	Clothing & Personal	\$5,000.00
102-9100-431-20-00	Memberships	\$1,000.00
102-9100-431-23-01	Special Projects	(\$2,337,200.00)
102-9100-431-25-00	Rents & Leases Equip	\$5,000.00
102-9100-431-63-10	Cap Assets-Vehicles	(\$13,000.00)
102-9100-431-63-50	Cap Assets-Hvy Equip	\$125,000.00
102-9100-431-63-60	Cap Assets-Office Equip	\$11,000.00
<b>Total Adjustments</b>		<b>(\$2,184,126.00)</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>



## Library

10

**Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0000-351-32-03	Rents & Concessions	\$1,000.00

**Total Adjustments** **\$1,000.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-6000-462-01-03	Extra Help	\$6,000.00
101-6000-462-02-03	COPST	\$180.00
101-6000-462-23-00	Professional Services	(\$5,180.00)

**Total Adjustments** **\$1,000.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount

## District Attorney

**Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
108-0000-371-91-01	DA Discovery	\$14,500.00
108-0000-362-72-03	JAG Block Grant	\$2,402.00

**Total Adjustments** **\$16,902.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
108-2500-421-01-07	Vacation Pay	(\$735.00)
108-2500-421-01-08	Sick Leave	(\$201.00)
108-2500-421-02-09	Retiree Health Insurance	\$10.00
108-2500-421-16-00	Per Diem Fees	\$4,000.00
108-2500-421-22-00	Office Expense	\$7,828.00
108-2500-421-29-00	Travel	\$6,000.00

**Total Adjustments** **\$16,902.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount

## Child Support Servs

**Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount

**Total Adjustments** **\$0.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
107-2600-421-01-04	Overtime	\$500.00
107-2600-421-01-07	Vacation Pay	\$45,000.00
107-2600-421-01-08	Sick Leave	\$22,000.00
107-2600-421-02-09	Retiree Health Insurance	\$1,000.00
107-2600-421-26-00	Rents & Leases Struc	\$1,000.00
107-2600-421-30-00	Utilities	\$10,000.00
107-2600-421-23-00	Professional Services	(\$79,500.00)

**Total Adjustments** **\$0.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Sheriff-Coroner**

11

**Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
108-0000-371-85-03	Marijuana Eradication	(\$10,000.00)

**Total Adjustments (\$10,000.00)**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
108-2700-422-01-01	Salaries	(\$164,700.00)
108-2700-422-01-04	Overtime	\$200,000.00
108-2700-422-01-07	Vacation Pay	\$44,700.00
108-2700-422-02-02	Co Share PERS	(\$43,000.00)
108-2700-422-02-04	Group Health Insurance	(\$37,000.00)
108-2700-422-28-03	MJ Eradication	(\$10,000.00)

**Total Adjustments (\$10,000.00)**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Sheriff-Jail****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount

**Total Adjustments \$0.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
108-2900-423-01-01	Salaries	(\$8,600.00)
108-2900-423-01-07	Vacation Pay	\$6,100.00
108-2900-423-01-08	Sick Leave	\$2,500.00

**Total Adjustments \$0.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Animal Care Services****Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount

**Total Adjustments \$0.00**

**Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-4400-427-01-03	Extra Help	(\$1,650.00)
101-4400-427-01-06	Standy	\$1,200.00
101-4400-427-11-00	Clothing & Personal	\$450.00
101-4400-427-23-00	Professional Services	(\$451.00)
101-4400-427-26-00	Rents & Leases Bldg	\$451.00

**Total Adjustments \$0.00**

**Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Sheriff Auto Service**

12

[illegible]

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
151-9400-410-17-00	Maintenance Equipment	\$90,000.00
151-9400-410-63-10	Equipment/Vehicles	(\$90,000.00)
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

## Human Services

<b>Revenue Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Reduced (Journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
100-5200-451-01-01	Salaries	(\$142,000.00)
100-5200-451-02-02	Co Share PERS	(\$40,732.00)
100-5200-451-02-04	Group Health Insurance	(\$62,000.00)
100-5200-451-18-00	Maintenance-Building	\$118,000.00
100-5200-451-22-00	Office Expense	\$272,000.00
100-5200-451-23-02	Prof Services-Contracted	(\$240,438.00)
100-5200-451-23-03	Prof Services-IHSS Prov	\$55,631.00
100-5200-451-26-00	Rents & Leases-Bldg	\$10,732.00
100-5200-451-29-00	Travel	(\$30,000.00)
100-5200-451-30-00	Utilities	\$38,807.00
100-5200-451-63-30	Fixed Assets-IT Hrdwre	\$20,000.00
100-5300-452-40-01	AFDC-CalWorks	(\$152,000.00)
100-5300-452-40-03	Kin Gap	\$2,000.00
100-5300-452-40-05	Foster Care	\$328,381.00
100-5300-452-40-12	Transitional Housing s	(\$178,381.00)
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

## Veterans Services

<b>Revenue Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-0000-363-74-07	Sutter County Contrib	\$1,340.00
<b>Total Adjustments</b>		<b>\$1,340.00</b>
<b>Funds To Be Reduced (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-5800-455-01-01	Salaries	(\$20,000.00)
101-5800-455-01-07	Vacation Pay	\$780.00
101-5800-455-02-04	Group Health Insurance	\$12,000.00
101-5800-455-17-00	Maintenance Equipment	\$700.00
101-5800-455-18-00	Maintenance Building	\$500.00
101-5800-455-22-00	Office Expense	\$5,000.00
101-5800-455-23-00	Professional Services	\$400.00
101-5800-455-29-00	Travel	\$3,000.00
101-5800-455-30-00	Utilities	\$300.00
101-6900-410-71-01	Contingencies-Gen	(\$1,340.00)
<b>Total Adjustments</b>		<b>\$1,340.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

## Health Services

[illegible]

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
106-4700-441-01-01	Salaries	(\$33,432.00)
106-4700-441-01-03	Extra Help	\$22,593.00
106-4700-441-01-04	Overtime	\$7,000.00
106-4700-441-01-07	Vacation Pay	\$21,513.00
106-4700-441-01-08	Sick Leave	\$2,326.00
106-4700-441-02-04	Group Health Insurance	(\$20,000.00)
106-4700-441-12-00	Communication	\$2,700.00
106-4700-441-17-00	Maintenance-Equipment	\$2,609.00
106-4700-441-18-00	Maintenance-Building	\$11,688.00
106-4700-441-22-00	Office Expense	\$36,977.00
106-4700-441-23-00	Professional Services	\$5,725.00
106-4700-441-25-00	Rents/Leases Equip	\$500.00
106-4700-441-26-00	Rents/Leases Struct	\$20,000.00
106-4700-441-28-00	Special Dept Expense	(\$116,937.00)
106-4700-441-29-00	Travel	\$29,496.00
106-4700-441-30-00	Utilities	\$7,242.00
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

## VW Child Abuse

[illegible]

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-3102-423-01-01	Salaries	\$10,024.00
101-3102-423-02-02	Co Share PERs	\$1,854.00
101-3102-423-02-04	Group Health Insurance	(\$787.00)
101-3102-423-02-05	Medicare	\$155.00
101-3102-423-02-06	Workers Comp Ins	(\$178.00)
101-3102-423-02-07	Life Insurance	\$82.00
101-3102-423-17-00	Maintenance Equipment	\$192.00
101-3102-423-23-00	Professional Services	\$96.00
101-3102-423-28-00	Special Dept Expense	(\$6,675.00)
101-3102-423-29-00	Travel	(\$4,763.00)
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><i>Funds To Be Increased (journal request to be performed separately)</i></b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

**Victim Witness**

<b>Revenue Increase/Decrease</b>		
Acct. No.	Acct. Name	Amount
101-0000-361-56-01	Victim Witness Program	\$7,160.00
<b>Total Adjustments</b>		<b>\$7,160.00</b>
<b><i>Funds To Be Reduced (journal request to be performed separately)</i></b>		
Fund No.	Fund Name	Amount

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-3105-423-01-01	Salaries	\$7,576.00
101-3105-423-02-02	Co Share PERS	\$1,212.00
101-3105-423-02-04	Group Health Insurance	(\$1,750.00)
101-3105-423-02-05	Medicare	\$115.00
101-3105-423-02-06	Workers Comp Ins	\$544.00
101-3105-423-02-07	Life Insurance	\$68.00
101-3105-423-12-00	Communication	\$2,796.00
101-3105-423-22-00	Office Expense	\$1,729.00
101-3105-423-23-00	Professional Services	\$43.00
101-3105-423-29-00	Travel	(\$5,173.00)
<b>Total Adjustments</b>		<b>\$7,160.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

## VW JAG-ARRA

14

[illegible]

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-3116-423-01-01	Salaries	\$1,020.00
101-3116-423-02-02	Co Share PERS	\$165.00
101-3116-423-02-04	Group Health Insurance	(\$770.00)
101-3116-423-02-05	Medicare	\$15.00
101-3116-423-02-07	Life Insurance	\$57.00
101-3116-423-02-08	Unemployment Ins	(\$487.00)
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

**VW Fam Resource**[illegible]

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-3150-423-02-04	Group Health Insurance	(\$31.00)
101-3150-423-02-07	Life Insurance	\$31.00
101-3150-423-12-00	Communication	(\$3,000.00)
101-3150-423-22-00	Office Expense	\$3,000.00
101-3150-423-28-00	Special Dept Expense	\$1,000.00
101-3150-423-29-00	Travel	(\$1,000.00)
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><i>Funds To Be Increased (journal request to be performed separately)</i></b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

## State Corr Sch (CYA)

<b>Revenue Increase/Decrease</b>		
Acct. No.	Acct. Name	Amount
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><i>Funds To Be Reduced (journal request to be performed separately)</i></b>		
Fund No.	Fund Name	Amount

<b><i>Appropriation Increase/Decrease</i></b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-3200-423-40-00	Support & Care	\$2,508.00
101-6900-410-71-01	Contingencies-Gen	(\$2,508.00)
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><i>Funds To Be Increased (journal request to be performed separately)</i></b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

## Juvenile Hall

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[illegible]

<b>Appropriation Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
108-3000-423-01-01	Salaries	(\$58,340.00)
108-3000-423-01-03	Extra Help	\$24,000.00
108-3000-423-01-04	Overtime	\$20,000.00
108-3000-423-01-07	Vacation Pay	\$9,909.00
108-3000-423-01-08	Sick Leave	\$1,770.00
108-3000-423-02-02	Co Share PERS	(\$15,000.00)
108-3000-423-02-04	Group Health Insurance	(\$54,782.00)
108-3000-423-02-09	Retiree Health Ins	\$1,443.00
108-3000-423-13-00	Food	\$10,000.00
108-3000-423-14-00	Household Expense	\$5,000.00
108-3000-423-18-00	Maintenance Building	\$15,000.00
108-3000-423-23-00	Professional Services	\$35,000.00
108-3000-423-30-00	Utilities	\$6,000.00
<b>Total Adjustments</b>		<b>\$0.00</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

### STC Probation

<b>Revenue Increase/Decrease</b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
132-0000-361-62-00	Standards & Training	(\$2,613.00)
<b>Total Adjustments</b>		<b>(\$2,613.00)</b>
<b>Funds To Be Reduced (journal request to be performed separately)</b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

<b>Appropriation Increase/Decrease</b>		
Acct. No.	Acct. Name	Amount
132-7700-423-29-00	Travel	(\$2,613.00)
<b>Total Adjustments</b>		<b>(\$2,613.00)</b>
<b>Funds To Be Increased (journal request to be performed separately)</b>		
Fund No.	Fund Name	Amount

### VW Spec Emphasis

[illegible]

<b><u>Appropriation Increase/Decrease</u></b>		
<b>Acct. No.</b>	<b>Acct. Name</b>	<b>Amount</b>
101-3106-423-01-01	Salaries	\$1,687.00
101-3106-423-02-02	Co Share PERS	\$331.00
101-3106-423-02-04	Group Health Insurance	(\$1,873.00)
101-3106-423-02-05	Medicare	\$44.00
101-3106-423-02-06	Workers Comp	(\$240.00)
101-3106-423-02-07	Life Insurance	\$51.00
<b>Total Adjustments</b>		<b>\$0.00</b>
<b><u>Funds To Be Increased (Journal request to be performed separately)</u></b>		
<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>

**Revenue Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-0000-371-98-29	Public Guardian Reimb	\$1,043.00

**Total Adjustments** **\$1,043.00****Funds To Be Reduced (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**Appropriation Increase/Decrease**

Acct. No.	Acct. Name	Amount
101-4100-427-23-00	Professional Services	\$1,043.00

**Total Adjustments** **\$1,043.00****Funds To Be Increased (journal request to be performed separately)**

Fund No.	Fund Name	Amount

**GRAND TOTAL** **\$4,373,752.00****GRAND TOTAL** **\$4,373,752.00**

**Personnel Change Requests - Mid-Year Budget FY 2014-2015**

<b>Department</b>	<b>Change</b>	<b>Cost</b>	<b>Funding</b>	<b>CAO Recommend</b>
<b>Building Insp/Code Enf</b>	New Code Enforcement Officer I/II (2)	\$47,920	Code Enf Abatement Trust	
<b>CDSA Admin</b>	New Administrative Technician (1)	\$16,568	Code Enf Abatement Trust	
<b>Surveyor</b>	Delete Vacant Principal Engineer (-1)	(\$59,885)	General Fund	
<b>Human Services</b>	Abolish Vacant Office Asst I/II (-1) Establish Office Specialist (1)	(\$37,153)	Fed/State	
	Abolish Vacant Registered Nurse (-1) Establish Program Supervisor (1)	(\$31,116)	Fed/State	
<b>Health Services</b>	New Public Health Nurse I/II (2)	\$53,906	Fed/State	
	Change Vacant LT Program Aide to FT (1)	\$16,543	Fed/State	
	New Program Supervisor (1)	\$20,865	Fed/State	

Total Requests	\$27,648.00
CAO Not Recommended	\$0.00
<b>CAO Recommended</b>	<b>\$27,648.00</b>

**CAO Recommended Requests and Funding Sources**

(\$59,885.00)	General Fund
\$0.00	Road Fund
\$0.00	Insurance Funds
\$23,045.00	Fed/State
\$0.00	Grants
\$64,488.00	Code Enforcement Abatement Trust



### Capital Requests (Fixed Assets) - Mid-Year Budget FY 2014-2015

Department	Item	Cost	Funding	CAO Recommend
<b>Public Works</b>	Replacement Plotter Printer (1)	\$11,000	Road Fund	
	New Mini-Excavator (1)	\$125,000	Road Fund	
<b>Human Services</b>	New C-IV Document Upload Kiosk (1)	\$20,000	Fed/State	
<b>Buildings &amp; Grounds</b>	New Backflow Preventer Valve at Courthouse per Cal Water requirement	\$76,482	Co Cap Imprv Fund	
	Replacement Carpet Project for Superior Court	\$163,000	Co Cap Imprv Fund (to be reimbursed by AOC)	
	Gov Center Fascia Wall Encapsulation Project	\$39,000	Co Cap Imprv Fund	
<b>Information Technology</b>	Print Shop Remodel for New IT Space	\$70,815	Salary Savings	

Total Requests	\$505,297.00
CAO Not Recommended	\$0.00
<b>CAO Recommended</b>	<b>\$505,297.00</b>

#### CAO Recommended Requests and Funding Sources

\$0	General Fund
\$136,000	Road Fund
\$278,482	General Fund Capital Outlay Fund
\$20,000	Fed/State
\$70,815	Salary Savings
\$0	

## CAO Recommended Mid-Year Contingency Fund Requests

General Fund Contingency Current Balance                      \$519,272


Total CAO Recommended Requests                                \$92,269

General Fund Contingency Ending Balance                      \$427,003

CAO Recommended		
Dept	Amount	Reason
Board of Supervisors	\$7,977	Benefits, Communications and Travel costs related to change in supervisors
Assessor	\$15,056	Extra Help, Overtime for assessment roll. Incr in Health Ins due to open enrollment
Ag Commissioner	\$15,186	Vacation Payout for retired employee
	\$4,000	Backfill funding for Fire Safe Council contractor approved by the BOS on 2/10/15
Admin Services	\$46,202	Admin Services Re-Organization approved by the BOS on 12/16/14
Veterans Services	\$1,340	Budget correction to maintain General Fund for state subvention for FY 14/15
State Corr School	\$2,508	Unanticipated CYA Placement
Total	\$92,269	



## Administrative Services Memorandum

**To:** Board of Supervisors  
**CC:** Robert Bendorf, County Administrator  
**From:** Doug McCoy, Director, Administrative Services   
**Date:** January 27, 2015  
**Re:** Approval of use of 200 account for Courthouse carpet project

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### Recommendation

The Board authorizes Administrative Services to borrow \$163,000 from the #200 capital account to fund the courthouse carpet project. To be reimbursed by the Judicial Office of the Courts upon project completion.

### Background

The Judicial Office of the Courts (formerly known as the Administrative Office of the Courts, or AOC) has authorized Administrative Services to facilitate a large scale carpet and flooring replacement project in the Yuba County Superior Court Rooms. The existing carpet in the courtrooms is faded, torn, and liberally patched with duct tape.

### Discussion

This carpet replacement project includes relocation of courtroom furniture, removal of old carpet, the abatement of asbestos under the current floor tile, the installation of new tile and carpet and furniture replacement. We have logistically worked out a schedule with the Courts to perform this project in five phases to match the five courtrooms, chambers, jury rooms, etc. in a way that will not impact Court proceedings.

Yuba County Purchasing facilitated a comprehensive RFP from flooring providers. And the Courts have authorized a single payment to the vendor at the end of the project. Administrative Services will oversee and manage the project on the Courts' behalf.

This will required Administrative Services to pay the milestone payments to the vendor as phases are complete. We will then invoice the JOC for reimbursement.

**Committee Impact**

Due to the time sensitivity of this project, work is to begin imminently so as to finish yet this fiscal year, it has been brought directly to the Board.

**Fiscal Impact**

This will be funded from the capital #200 account, paid through the B&G #2800 account. Once the project is complete, 100% of the funds will be reimbursed by the JOC and in to the #200 account. The net result will be a net 'no impact' to the County.

## **Armstrong, Andrea**

---

**From:** Errecart, Bill [REDACTED]  
**Sent:** Tuesday, December 02, 2014 11:42 AM  
**To:** Thomas, Pat  
**Cc:** McCoy, Doug; Armstrong, Andrea  
**Subject:** RE: Yuba County Courts Carpet Replacement Project

Pat,

One invoice is great, the simpler the better and it will help us to process the entire invoice in a straightforward manner. I would like a copy of the schedule when it's figured out as I would like to come by and take some photos for our records. Let me know if you need anything.

Respectfully,

Bill Errecart

Facilities Management Administrator  
Office of Real Estate and Facilities Management  
Judicial and Court Administrative Services Division  
Judicial Council of California  
301 Bicentennial Drive, Sacramento CA, 95826  
Cell (530) 919-1543 [REDACTED] [www.courts.ca.gov](http://www.courts.ca.gov)

*"Serving the courts for the benefit of all Californians."*

**From:** Thomas, Pat [REDACTED]  
**Sent:** Monday, December 01, 2014 4:14 PM  
**To:** Errecart, Bill  
**Cc:** McCoy, Doug; Armstrong, Andrea  
**Subject:** RE: Yuba County Courts Carpet Replacement Project

Bill,

This is great news. We appreciate your efforts. It is very likely that the vendor will request draws for each of the 6 phases. Perhaps for every two phases. Given that you are on a 60-90 day pay schedule, we are proposing that the county pay the vendor for each phase and send you an invoice for the entire project at the end. Will this work for you? Could the final invoice be from the county and not the vendor? Thanks.

Patrick Thomas  
Facilities Manager  
County of Yuba  
530-749-7887

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments may contain confidential and privileged information for the use of the designated recipients named above. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** Errecart, Bill [REDACTED]  
**Sent:** Monday, November 24, 2014 2:52 PM  
**To:** Thomas, Pat  
**Cc:** Konishi, Stephen (yubacourts); McCoy, Doug; Armstrong, Andrea; Moen, Craig; Turner, Nick; Davie, Brenda  
**Subject:** RE: Yuba County Courts Carpet Replacement Project

Pat,

Good news, I was able to obtain the needed funding to complete this project without using inmate labor or buying the materials directly. I think we all would feel better with some recourse should some warranty issue arise. At this time we have funding to \$163K which will take care of the entire project. At the end of the project please send me the invoice and I will deliver to our billing as well as attach to the SWO (service work order) to ensure we have all the information for our records.

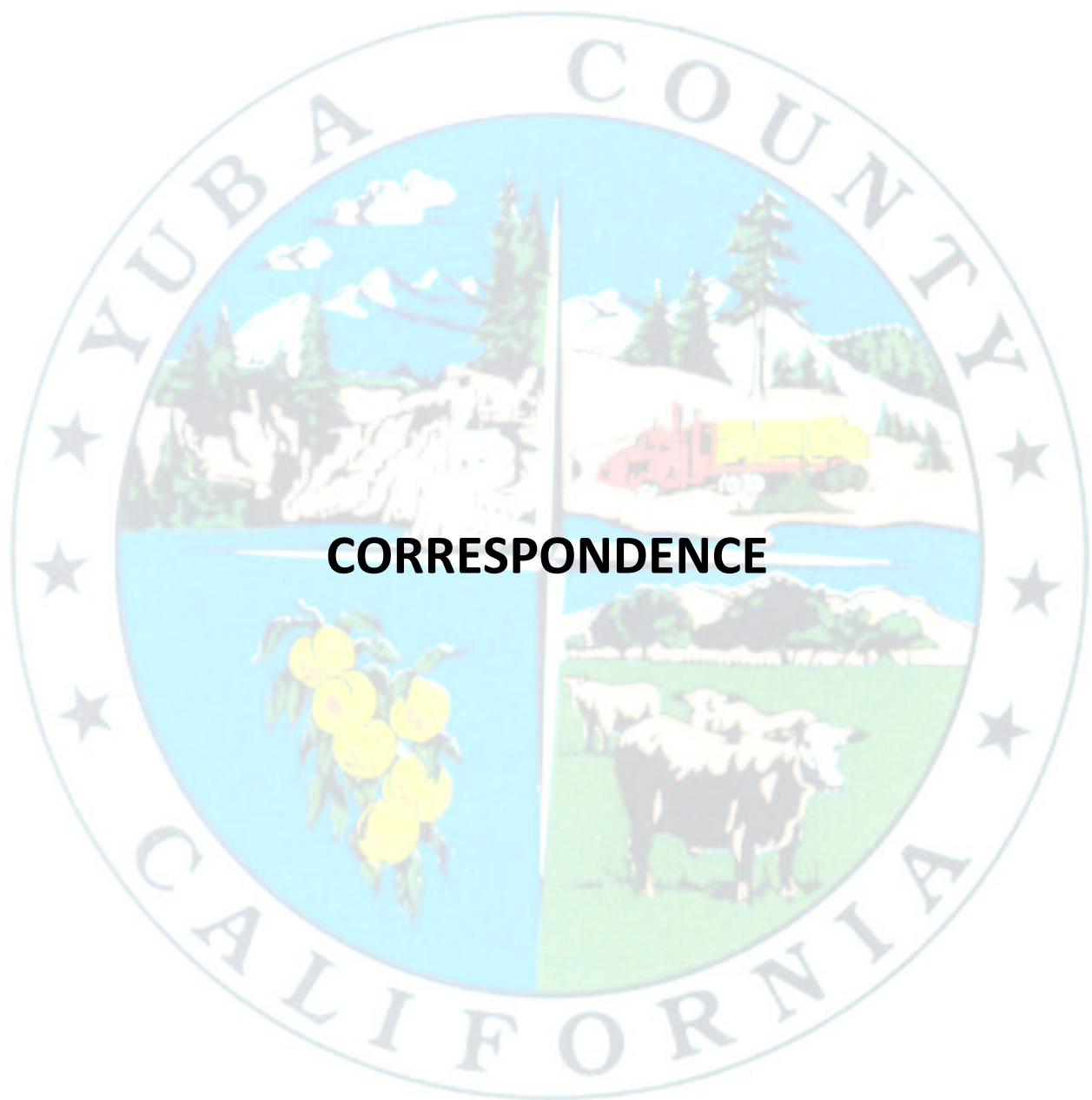
We will treat this project as only having 1 final payment at the end for the total amount, unless there is some need otherwise to break into milestone payments. Our payment cycle runs normally 60-90 days +/- depending on when we receive the invoice during the month. I would like to be notified of the work schedule as I would like to inspect the work as it is being done. My inspection is for documentation, QC and is not intended to delay or be a condition before progressing to a next stage of the project as permitted inspections require. Please contact me should you have any questions or need assistance.

Respectfully,

Bill Errecart

Facilities Management Administrator  
Office of Real Estate and Facilities Management  
Judicial and Court Administrative Services Division  
Judicial Council of California  
301 Bicentennial Drive, Sacramento CA, 95826  
Cell (530) 919-1543 [REDACTED] [Bill.Errecart@judicial.ca.gov](mailto:Bill.Errecart@judicial.ca.gov) [www.courts.ca.gov](http://www.courts.ca.gov)

*"Serving the courts for the benefit of all Californians."*





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February 2, 2015

To: Yuba County Board of Supervisors  
Yuba County Fish and Game Advisory Commission

RECEIVED

From: Dale Whitmore, volunteer

FEB - 6 2015

Subject: Suggested changes to the Yuba County Fish and Game Advisory Clerk/Board of Supervisors Commission bylaws

I had hoped to discuss these recommendations at the December 4, 2014 commission meeting. Item 2, Bylaws, was conducted with no comments from the public. It was announced during the meeting that only commissioner comments would be accepted. I believe that this action was a violation of Section 54954.3 of the Brown Act.

My recommendations to improve the commission bylaws are:

1. 92-010 The Yuba Fish and Game Advisory Commission shall consist of sixteen members (16) **and seven (7) alternate members.**

*Discussion: Sutter County has alternate members on their commission for the following purposes –*

- 1) The alternate members fill in for absent members when a meeting quorum of members is not attainable. There was at least one Yuba Fish and Game Commission meeting (April) in 2014 when the meeting was cancelled due to lack of a meeting quorum. Sutter County has not cancelled a meeting due to lack of a quorum in a long time.*
- 2) The additional members have added new energy and ideas to the Sutter County Fish and Game Advisory Commission with their participation.*

2. 92-030 Addition to paragraph 3

The clerk of the Board of Supervisors shall advertise for one Youth member (1) between the ages of fifteen and eighteen and eight (8) taken at large from anywhere in Yuba County. The Clerk of the Board of Supervisors will forward applications to the Fish and Game Commission for their review. All new members, regardless of how they are nominated, should attend a Fish and Game Commission meeting **for commission familiarization** before appointment is ratified. Application will then be sent to the Yuba County Board of Supervisors for ratification.

*Discussion: The attached letter from Frank Allen explains why this paragraph was written in about 2005. The short addition clarifies the purpose. I left the word "should" as it is because it is up to the Board of Supervisors to determine if it is necessary for the prospective member to be "reviewed" by the commission. The commission does not "vote" on new members in this recommendation.*

*If current members "vote" on prospective members, ill feelings between members can be needlessly created.*

*Prospective members will be less likely to apply to the commission if they know that they will be "voted" on by 5 county supervisors and 14 commissioners. We need to encourage public participation!*

3. 92-050 Addition to MEETINGS

Regular meetings of the Commission shall be held on the first Thursday in the Calendar Year. Special meetings may be called if necessary to transact work of the Commission. The location of regular meetings will be decided at the first meeting of the Fish and Game Advisory Commission, thereafter the location of the regular meetings will be decided each year during the January meeting. The location of special meetings will be determined by the chairperson. All meetings of the Commission shall be conducted in an orderly and systematic manner to permit the input of interested parties and the resolution of all matters coming before the Commission. **Public input/volunteerism will be encouraged at all meetings.**

**To place an action item on the Commission agenda, a public or commission member will submit a written or verbal request to the secretary of the Commission \_\_\_ days prior to the meeting.**

*Discussion: The purpose of this recommendation is to recognize that the commissioners are appointed to serve the public and to encourage the free flow of ideas to the Commission. There should be no screeners/censors between the public/commissioners and the Commission.*

4. 92-080 Addition to COMMITTEES

At the first meeting of the Fish and Game Advisory Commission, standing committees will be established. Standing committees shall thereafter be established and abolished by a majority vote of the Commission.

**Committee Rules**

- i. **It shall be the responsibilities of each committee to report with recommendations on items assigned to each, at regular monthly meetings.**
- ii. **Committee assignment topics shall be made by the chairperson of the Commission for investigation by the appropriate standing committee.**
- iii. **Standing committees may present additional items of importance discussed or proposed by committee members as a result of their meeting for the purpose of consideration by the membership of the Commission.**
- iv. **Chairperson of each standing committee will conduct meetings under the same procedures as the Commission.**
- vi. **The chairperson of standing committees shall appoint a committee secretary for the purposes of recording and reporting activities of the committee to the Commission. Copies of the committee reports will be given to the secretary of the Commission for inclusion in the minutes.**

**vii. Regular meetings of standing committees shall be scheduled as time allows for the purpose of discussion of assigned topics.**

*Discussion: The "Committee Rules" section was added to describe what is expected from a standing committee. A standing committee is a committee which has continuing jurisdiction over a particular subject matter (e.g., budget, finance, legislation) or if the committee's meeting schedule is fixed by charter, ordinance, resolution or other formal action of the legislative that created it. The commission has committees which fall under this definition.*

*Dale Whitmore*

**Dale Whitmore**

Bylawyubarecommendations

RECEIVED BY EACH  
BOARD MEMBER

A

Frank Allen  
Past Yuba County Fish and Game Commission Chairman  
Antelope, CA 95843  
[REDACTED]

RECEIVED

OCT 15 2014

October 6, 2014

Clerk/Board of Supervisors

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

Subject: Attendance at one Yuba County Fish and Game Commission meeting by a prospective commissioner prior to appointment by the Board of Supervisors

Dear County Supervisors:

I was the chairman/member of the commission from 1999 to 2010. During that time there was a problem with newly appointed members showing up for their first commission meeting and then never showing up again. It would take many months for the Board of Supervisors to remove the non-attending member. It was deemed advisable by the commission that prospective members should attend one meeting prior to being appointed so that they could experience a commission meeting.

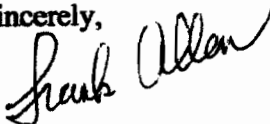
I explained the situation the County Counsel Dan Montgomery in 2005. He advised me that the following wording in Section 92-030, paragraph 3 would accomplish the goal. It was never the intent of paragraph 3 that the current commissioners would vote on the suitability of new commissioners. New commissioners are appointed only by the Board of Supervisors.

Section 92-030, paragraph 3:

***The clerk of the Board of Supervisors shall advertise for one Youth member (1) between the ages of fifteen and eighteen and eight (8) taken at large from anywhere in Yuba County. The Clerk of the Board of Supervisors will forward applications to the Fish and Game Commission for their review. All new members, regardless of how they are nominated, should attend Fish and Game Commission meeting before appointment is ratified. Application will then be sent to the Yuba County Board of Supervisors for ratification.***

I am sending this letter to clarify the history of this bylaw paragraph and why it is worded the way it is.

Sincerely,



Frank Allen

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

**B**

082-15

**MANAGER**

*Michael R. Kimball*

**GENERAL FOREMAN**

*Stephen E. Abshier*

**ADMIN. MGR.**

*Cathy F. Burns*

February 4, 2015

**RECEIVED**

FEB - 6 2015

Clerk/Board of Supervisors

To: Public Agencies

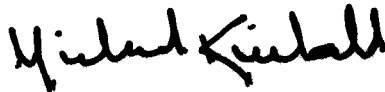
Re: **Public Health Pesticide Application Notification**

Dear Agency:

The Sutter-Yuba Mosquito & Vector Control District may be making public health pesticide applications to waters of the U.S. under your jurisdiction for mosquito control to prevent mosquito-borne diseases, such as West Nile virus. The District will be using larvicides and adulticides listed in the National Pollutant Discharge Elimination System (NPDES) permit for biological and residual pesticides discharges to waters of the United States for vector control operations.

Attached is a list of pesticides that the District could potentially use. Your agency could expect to see applications between January 1 and December 31 of this year. However, the majority of applications occur between May 1 and October 31. The District is required to notify all government agencies that may be affected by these applications under the requirements of the general NPDES permit. Please contact Michael Kimball at 530-674-5456 ext. 101 or Stephen Abshier at ext. 106 if you have additional questions.

Respectively,



Michael Kimball  
District Manager

**BOS CORRESPONDENCE B**

*Post Office Box 726, 701 Bogue Road  
Yuba City, California 95992  
530/674-5456  
Fax 530/674-5534*

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**ATTACHMENT F – LIST OF PERMITTED LARVICIDE PRODUCTS**

<b>Product Name</b>	<b>Registration Number</b>
5% Skeeter Abate	8329-70
Abate 2-BG	8329-71
Agnique MMF G	53263-30
Agnique MMF Mosquito Larvicide & Pupicide	53263-28
AllPro Provect 1G Larvicide	769-723
AllPro Provect 5G Larvicide	769-722
Aquabac 200G	62637-3
Aquabac xt	62637-1
BVA 2 Mosquito Larvicide Oil	70589-1
BVA Spray 13	55206-2
FourStar Briquets	83362-3
FourStar SBG	85685-1
Masterline Kontrol Mosquito Larvicide	73748-10
Metalav S-PT Mosquito Growth Regulator Spherical Pellet	73049-475
Mosquito Larvicide GB-1111	8329-72
Natular 2EC	8329-82
Natular G	8329-80
Natular G30	8329-83
Natular T30	8329-85
Natular XRT	8329-84
Spheratax SPH (50 G)	84268-2
Spheratax SPH (50 G) WSP	84268-2
Summitt BTI Briquets	6218-47
Teknar HP-D	73049-404
Teknar SC Biological Larvicide Aqueous Suspension	73049-435
Vectobac Technical Powder	73049-13
Vectobac-12 AS	73049-38
Vectobac GS	73049-10
Vectobac-G Biological Mosquito Larvicide Granules	73049-10
Vectobac WDG	73049-56
Vectolex CG Biological Larvicide	73049-20
Vectolex WDG Biological Larvicide	73049-57
Vectolex WSP Biological Larvicide	73049-20
Vectomax CG Biological Larvicide	73049-429
Vectomax G Biological Larvicide/Granules	73949-429
Vectomax WSP Biological Larvicide	73049-429
Zoecon Altosid Liquid Larvicide Concentrate	2724-446
Zoecon Altosid Liquid Larvicide Mosquito Growth Regulator	2724-392
Zoecon Altosid Pellets	2724-448
Zoecon Altosid 30-Day Briquets	2724-375
Zoecon Altosid SBG Single Brood Granule	2724-489
Zoecon Altosid XR Entended Residual Briquets	2724-421
Zoecon Altosid XR-G	2724-451

**ATTACHMENT E – LIST OF PERMITTED ADULTICIDE PRODUCTS**

<b>Product Name</b>	<b>Registration Number</b>
Allpro Evoluer 4-4 ULV	769-982
Allpro Evoluer 30-30 ULV	769-983
Anvil 10+10 ULV	1021-1688
Anvil 2+2 ULV	1021-1687
AquaANVIL Water-based Adulticide	1021-1807
Aquaduet	1021-2562-8329
Aquahalt Water-Based Adulticide	1021-1803
Aqua-Kontrol Concentrate	73748-1
Aqualuer 20-20	769-985
Aqua-Reslin	432-796
Biomist 4+12 ULV	8329-34
Biomist 4+4	8329-35
Dibrom Concentrate	5481-480
Duet Dual-Action Adulticide	1021-1795
Evergreen Crop Protection EC 60-6	1021-1770
Fyfanon ULV Mosquito	67760-34
Kontrol 2-2	73748-3
Kontrol 30-30 Concentrate	73748-5
Kontrol 4-4	73748-4
Permanone 31-66	432-1250
Permanone RTU 4%	432-1277
Prentox Perm-X UL 4-4	655-898
Prentox Pyronyl Crop Spray	655-489
Prentox Pyronyl Oil Concentrate #525	655-471
Prentox Pyronyl Oil Concentrate or 3610A	655-501
Pyrenone 25-5 Public Health Insecticide	432-1050
Pyrenone Crop Spray	432-1033
Pyrocid Fogging Formula 7067	1021-1199
Pyrocid Mosquito Adulticide 7453	1021-1803
Pyrocid Mosquito Adulticiding Concentrate for ULV Fogging 7395	1021-1570
Pyrocid Mosquito Adulticiding Concentrate for ULV Fogging 7396	1021-1569
Scourge Insecticide with Resmethrin/Piperonyl Butoxide 18%+54% MF Formula II	432-667
Scourge Insecticide with Resmethrin/Piperonyl Butoxide 4%+12% MF Formula II	432-716
Trumpet EC Insecticide	5481-481
Zenivex E4 RTU	2724-807
Zenivex E20	2724-791



# The County of Yuba

Auditor-Controller

Richard Eberle, CPA  
Yuba County Government Center  
915 8<sup>th</sup> Street, Suite 105  
Marysville, CA 95901

Phone: (530) 749-7810  
Fax: (530) 749-7814  
Email: [reberle@co.yuba.ca.us](mailto:reberle@co.yuba.ca.us)



**RECEIVED**

FEB 10 2015

Clerk/Board of Supervisors

January 5, 2015

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

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

Honorable Members:

An Independent Audit of the financial records for the following agency has been completed for the year(s) specified:

SUTTER-YUBA MOSQUITO & VECTOR CONTROL DISTRICT

JUNE 30, 2014

Yours truly,

A handwritten signature in black ink, appearing to be "C. Eberle", written over a horizontal line.

C. Richard Eberle  
Auditor-Controller

CRE/kmd  
Copy Enclosed

**BOS CORRESPONDENCE**

# The County of Yuba

---

## Auditor-Controller

---

Richard Eberle, CPA  
Yuba County Government Center  
915 8<sup>th</sup> Street, Suite 105  
Marysville, CA 95901

Phone: (530) 749-7810  
Fax: (530) 749-7814  
Email: [reberle@co.yuba.ca.us](mailto:reberle@co.yuba.ca.us)



083-15

**RECEIVED**

FEB 10 2015

Clerk/Board of Supervisors

February 6, 2015

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

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

Honorable Members:

An Independent Audit of the financial records for the following agency has been completed for the year(s) specified:

LOMA RICA BROWNS VALLEY COMMUNITY SERVICES DISTRICT      JUNE 30, 2013

Yours truly,

A handwritten signature in black ink, appearing to read "C. Eberle", is written over a horizontal line.

C. Richard Eberle  
Auditor-Controller

CRE/kmd  
Copy Enclosed

EDMUND G. BROWN JR.  
GOVERNOR

MARK S. GHILARDI  
DIRECTOR



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

**RECEIVED**

**FEB 13 2015**

**Clerk/Board of Supervisors**

February 9, 2015

Ms. Mary Jane Griego, Chairperson  
Yuba County Board of Supervisors  
915 8th Street, Suite 109  
Marysville, California 95901

Dear Chairperson Griego:

On February 4, 2015, the U.S. Department of Agriculture granted a Secretarial disaster designation for the primary counties of **Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba**, and the contiguous counties of **Del Norte, Imperial, and San Francisco**. This designation is a result of the final rule announced for the USDA Disaster Designation Process (7 CFR 759), which includes the nearly automatic approval for counties with drought intensity levels of D2 (for 8 consecutive weeks), D3, and D4 as reported on the U.S. Drought Monitor.

The California Governor's Office of Emergency Services (Cal OES) is providing the enclosed information regarding this designation. Please inform potential applicants throughout your county of this designation and information.

Sincerely,

KARMA HACKNEY  
Individual Assistance Officer

Enclosure

c: Yuba County Office of Emergency Services  
Yuba County Agricultural Commissioner  
Karen Ross, Secretary, California Department of Food and Agriculture (CDFA)  
Gary Leslie, County/State Liaison, CDFA  
Cal OES Regional Administrator  
Cal OES Individual Assistance Division

3650 SCHRIEVER AVENUE, MATHER, CA 95655  
INDIVIDUAL ASSISTANCE DIVISION  
(916) 845-8149 TELEPHONE (916) 845-8395 FAX

**BOS CORRESPONDENCE D**

# U.S. Department of Agriculture (USDA) Designation USDA #S3784 - D2, D3, D4 Drought

## Designation Information

The following table illustrates the designation information.

<b>Eligible Primary County(s):</b>	Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba
<b>Eligible Contiguous County(s):</b>	Del Norte, Imperial, San Francisco
<b>Event:</b>	Final rule for the USDA Disaster Designation Process (7 CFR 759), which includes the nearly automatic approval for counties with drought intensity levels of D2 (for 8 consecutive weeks), D3, and D4 as reported on the U.S. Drought Monitor. <b>Incident Period:</b> Jan. 1, 2015, and continuing.
<b>Assistance made available by designation:</b>	<ul style="list-style-type: none"> <li>Emergency farm loans for both physical and crop production losses as a direct result of the disaster</li> <li>Up to a maximum of \$500,000</li> </ul>
<b>Application deadline:</b>	<b>October 5, 2015</b>
<b>Who may apply:</b>	Farmers and ranchers who conduct family-sized farming operations
<b>How to apply:</b>	<ul style="list-style-type: none"> <li>Contact local Farm Service Agency (FSA) office listed in the local telephone directory under U.S. Government, Agriculture</li> <li>Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD)</li> </ul>
<b>USDA website for additional information:</b>	<a href="https://www.fsa.usda.gov/FSA/webapp?area=home&amp;subject=fmlp&amp;topic=efl">https://www.fsa.usda.gov/FSA/webapp?area=home&amp;subject=fmlp&amp;topic=efl</a>



February 9, 2015

**RECEIVED**

**FEB 13 2015**

**Clerk/Board of Supervisors**

Ms. Mary Jane Griego, Chairperson  
Yuba County Board of Supervisors  
915 8th Street, Suite 109  
Marysville, California 95901

Dear Chairperson Griego:

The U.S. Small Business Administration declared the primary counties of **Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba,** and the contiguous counties of **Del Norte, Imperial, and San Francisco** a disaster area. This declaration is a result of a February 4, 2015, U.S. Department of Agriculture disaster designation due to drought severity levels of D2 (for eight consecutive weeks), D3, or D4, as identified on the U.S. Drought Monitor.

The California Governor's Office of Emergency Services (Cal OES) is providing the enclosed information regarding this declaration. Please inform interested individuals, businesses, and city officials within your county of this declaration and information.

Sincerely,

KARMA HACKNEY  
Individual Assistance Officer

Enclosure

c: Yuba County Office of Emergency Services  
Cal OES Regional Administrator  
Cal OES Individual Assistance Division

# U.S. Small Business Administration (SBA) Declaration SBA #14223 - D2, D3, D4 Drought

## Declaration Information

The following table illustrates the declaration information.

<b>Eligible Primary County(s):</b>	Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba
<b>Eligible Contiguous County(s):</b>	Del Norte, Imperial, San Francisco
<b>Reason/Event:</b>	February 4, 2015, U.S. Department of Agriculture disaster designation due to drought severity levels of D2 (for eight consecutive weeks), D3, or D4, as identified on the U.S. Drought Monitor.
<b>Assistance made available by declaration:</b>	SBA Economic Injury Disaster Loans
<b>Application deadline for business economic injury:</b>	October 5, 2015
<b>Who may apply:</b>	Small, non-farm businesses, small agricultural cooperatives, and most private non-profit organizations of any size. Small businesses include those that do business directly with the growers, such as truckers and suppliers of agricultural equipment or services.
<b>How to apply:</b>	Contact SBA at <b>1-800-659-2955</b> , or visit SBA's website at: <a href="http://www.sba.gov/services/disasterassistance">www.sba.gov/services/disasterassistance</a> . Hearing impaired individuals may call 1-800-877-8339.

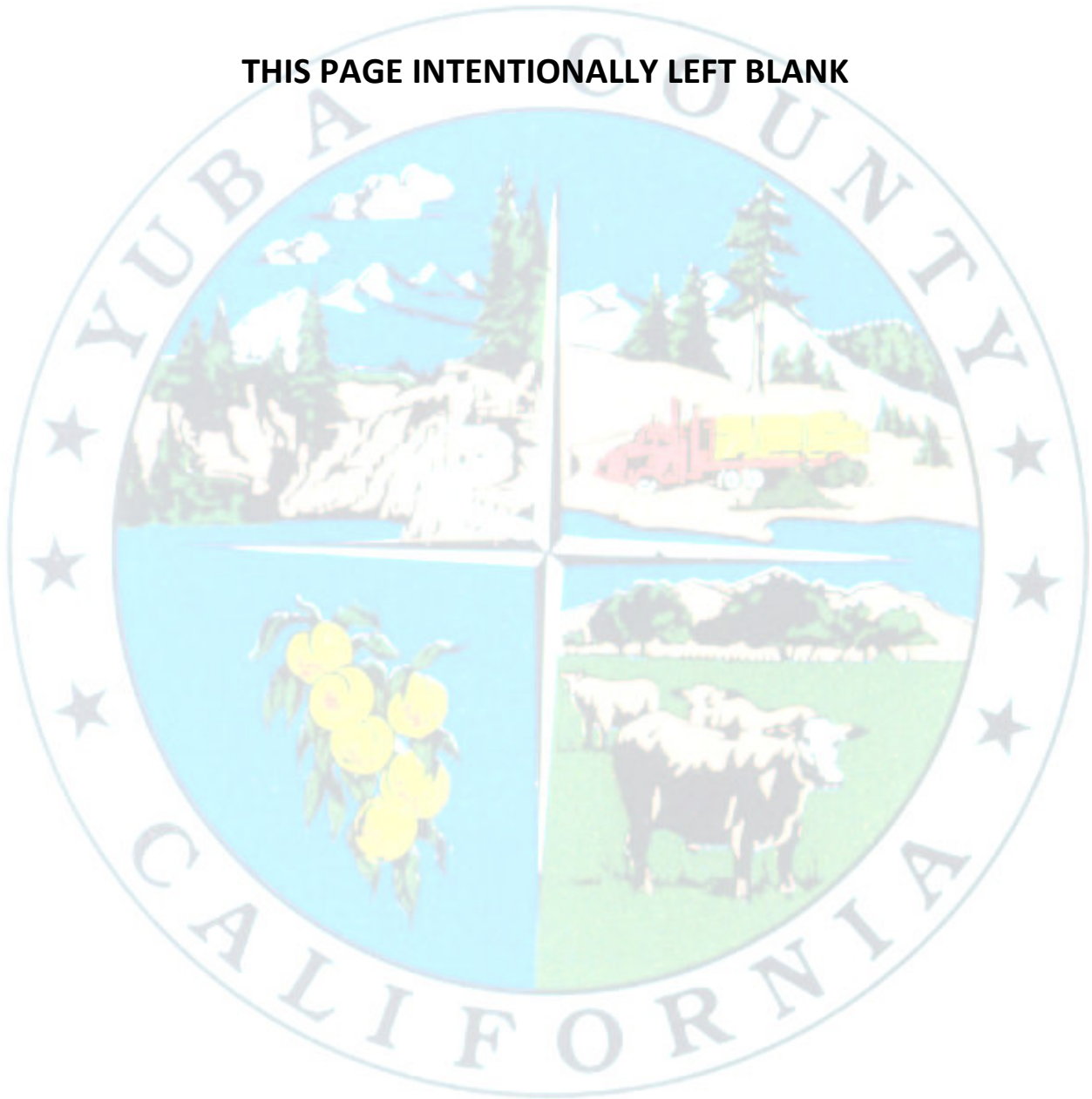


**PUBLIC HEARING**

**AFTERNOON  
SESSION**

**1:30 P.M.**

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# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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



085-15

**BUILDING**  
749-5440 • Fax .

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

**DATE:** February 24, 2015

**TO:** Board of Supervisors

**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
John Rohrbach, Code Enforcement Officer JR

**SUBJECT:** Accounting Hearing to Determine Costs of Abatement to be Assessed Against Property Located at 6223 Mapes Way, Linda, CA and to Authorize Recording an Abatement Lien.

**RECOMMENDATION:** Confirm the attached Cost Accounting and adopt Findings of Fact, Conclusions of Law and Orders authorizing the assessment of administrative and summary abatement costs and the recording of a lien regarding the subject address.

**BACKGROUND:** On July 11, 2014, an inspection of the subject property revealed several code violations consisting of vacant, substandard, unsecured and unmaintained residential property; overgrown weeds and vegetation; the maintenance of a rat harborage; and the storage of junk, trash and debris. Upon final analysis it was determined that due to the degree and nature of the violations and especially the violations that remained subsequent to the property becoming vacant, a Summary Abatement was conducted beginning July 18, 2014, with completion on August 6, 2014. The abatement removed all conditions deemed detrimental to the health and safety of the community, averting the immediate threat to the public.

On August 28, 2014, a Demand for Payment was sent to Richard C. Lantsberger for the administrative and summary abatement costs incurred in abating those violations. The demand remains unpaid, the total due now being \$14,187.96; please refer to Attachment A for the Cost Accounting.

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

**DISCUSSION:** This hearing has been scheduled to allow evidence and testimony to be presented and heard on the sole questions of whether the accounting of the administrative and summary abatement costs reflected in Attachment A are accurate and reasonable and whether such costs should be assessed and a lien recorded.

**COMMITTEE ACTION:** None required.

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

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

COUNTY OF YUBA,	)	CASE NO.	CE10-0374
	)		
Plaintiff,	)	RE:	6223 Mapes Way
	)		Linda CA, 95901
vs.	)		
	)	APN:	021-023-002
Richard C. Lantsberger	)		
	)		
	)		
Defendant.	)		
		FINDINGS OF FACT	
		CONCLUSIONS OF LAW	
		ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 021-023-002 is located at 6223 Mapes Way, Linda, CA, and is owned by Richard C Lantsberger.
2. On July 11, 2014, an inspection of the subject property revealed several code violations consisting of vacant, substandard, unsecured and unmaintained residential property; overgrown weeds and vegetation; the maintenance of a rat harborage; and the storage of junk, trash and debris.
3. Due to the degree and nature of the violations, a Summary Abatement began on July 18, 2014, and was completed on August 6, 2014, to remove conditions that were detrimental to the safety of the community and thereby averting the immediate threat to the public.
4. The property owner, Richard C. Lantsberger, was served with written notice of this Hearing.
5. A Hearing was held on February 24, 2015 to assess the costs of abating the public nuisances and to determine if the Administrative and Summary Abatement costs should be made a lien on said property.
  - (a) A one-page memorandum along with supporting documentation marked as Attachment A (Cost Accounting) and Attachment B (Notice of Hearing) was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.

(b) The owner, Richard C. Lantsberger was ( ) was not ( ) present.

6. The Administrative and Summary Abatement costs incurred totaled: \$14,187.96.

#### CONCLUSIONS OF LAW

1. Richard C. Lantsberger was properly notified to appear before the Board of Supervisors on February 24, 2015 at 1:30pm to show cause, if any, why the Administrative and Summary Abatement costs for the property located at 6223 Mapes Way, Linda, CA, APN 021-023-002, abated pursuant to the Notice of Violation, should not be assessed against the property and why a Notice of Abatement Lien should not be recorded.
2. Administrative and Summary Abatement costs regarding APN 021-023-002 were properly incurred in the amount of \$14,187.96 and the property and its owner bear the costs of same.

#### ORDERS

1. It is hereby found and ordered that the Administrative and Summary Abatement costs to date incurred by the County of Yuba in the amount of \$14,187.96 shall be an assessment against the property located at 6223 Mapes Way, Linda, CA, APN 021-023-002.
2. It is hereby found and ordered that Administrative and Summary Abatement costs shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of Administrative and Summary Abatement costs shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
5. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.
6. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this

decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 24th day of February 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

---

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



---

# YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: February 24, 2015

Case #: CE10-0374

APN: 021-023-002

Owner: Richard C. Lantsberger

Situs: 6223 Mapes Way, Linda, CA

Date	Reason for Charge	Hours	Total
8/31/2010	Received Complaint - Opened Case	.50	73.50
9/2/2010	Initial Inspection	.50	73.50
9/3/2010	Conference with Code Enforcement Manager, Case Review	.50	73.50
9/21/2010	Inspection Request Letter Sent to Property Owner	.50	73.50
10/7/2010	Follow-up Letter Sent to Property Owner	.50	73.50
10/12/2010	Research Status of Utility Services	.50	73.50
10/12/2010	Multi-Agency Conference	1.00	147.00
10/12/2010	Reinspection	.50	73.50
10/13/2010	Conference with Code Enforcement Manager, Case Review	.50	73.50
10/13/2010	Posted Unsafe to Occupy Notice	.50	73.50
10/14/2010	Posted Notice to Vacate	.50	73.50
4/12/2011	Multi-Agency Conference	1.00	147.00
4/12/2011	Reinspection	.50	73.50
4/15/2011	Research Sheriff's Office Calls for Service	.25	36.75
10/27/2011	Reinspection	.50	73.50
11/7/2011	Notice of Violation	.50	73.50
12/27/2011	Reinspection	.50	73.50
3/2/2012	Conference with Code Enforcement Manager, Case Review	.50	73.50
5/31/2012	Reinspection	.50	73.50
5/31/2012	Service Disconnect Request to PG&E	.25	36.75
12/26/2012	Reinspection	.50	73.50
1/15/2013	Additional Complaints Received	.25	36.75
1/15/2013	Reinspection	.50	73.50
7/3/2014	Additional Complaints Received	.25	36.75
7/11/2014	Reinspection	.50	73.50
7/14/2014	Conference with Code Enforcement Manager, Case Review	.50	73.50
7/15/2014	Pre-Abatement Walk Through with Contractor	.50	73.50
7/18/2014	Commence Abatement	.50	73.50
7/21/2014	Continue Abatement	.50	73.50
7/22/2014	Continue Abatement	.50	73.50
7/23/2014	Continue Abatement	.50	73.50
8/6/2014	Completed Abatement	.50	73.50
8/28/2014	Prepared Demand for Payment & Cover Letter	1.00	147.00
	<b>Total Staff Hours Billed</b>	<b>17.00</b>	<b>\$ 2,499.00</b>

5/2/2013	Notice of NonCompliance	FEE	147.00
5/2/2013	CDSA Processing Fee	FEE	73.50
8/6/2014	Contractor Reimbursement (O'Brien Remodel)	FEE	9,255.63
2/24/2015	Cost Accounting Hearing Before the Board of Supervisors	FEE	1,470.00
2/24/2015	Notice of Compliance	FEE	147.00
2/24/2015	CDSA Processing Fee	FEE	73.50
2/24/2015	Release of Abatement Lien	FEE	147.00
2/24/2015	CDSA Processing Fee	FEE	73.50
2/24/2015	Recordation Fee, Two Documents	FEE	24.00
2/24/2015	CDSA Support Fee (6%)	FEE	277.83
		<b>Total</b>	<b>\$14,187.96</b>



# *The County Of Yuba*

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5434



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

Richard C. Lantsberger  
1617 Ramirez Street  
Marysville CA 95901

### **NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN**

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on February 24, 2015, at the hour of 1:30 p.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the administrative and summary abatement costs for the property located at 6223 Mapes Way, Linda CA, APN 021-023-002, should not be assessed against the property and why an abatement lien should not be recorded thereby.

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

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

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

Dated: February 9, 2015

Certified Mail # 7013-1090-0000-2901-2933

Enclosure: Attachment A, Cost Accounting

CODE ENFORCEMENT OFFICER FOR THE  
COUNTY OF YUBA

BY: John Rohrbach  
John Rohrbach





# The County Of Yuba

Community Development & Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5424



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

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

CE13-0147

JOE & MARY ANN SELF  
C/O KATHRYN BILLY  
1910 14<sup>TH</sup> ST  
OLIVEHURST, CA 95961

KATHRYN BILLY  
1910 14<sup>TH</sup> ST  
OLIVEHURST, CA 95961

SUBJECT: 1679 11<sup>TH</sup> AVENUE, OLIVEHURST, CA 95961  
APN: 013-270-022-000  
LEGAL DESCRIPTION: PT L-36 OLVRST TR

**YOU ARE HEREBY NOTIFIED** that the uses of and conditions on the subject property have been determined by the Yuba County Code Enforcement Division to violate the Yuba County Ordinance Code and are therefore declared a public nuisance. The uses and conditions that create a public nuisance on said property are as follows:

**1. Yuba County Ordinance Code § 7.36.310(a)(1):** *Anything which is injurious to health, poses a significant potential to cause economic and/or physical injury or damage to persons or property, or constitutes a significant detriment to the prevention or suppression of fire, or significantly interferes with the provision of emergency services to the public, to wit:*

- A. Accumulation and storage of junk, trash, refuse and debris.
- B. Creating a visual blight.
- C. Vector and vermin.
- D. Accessory uses continuing after termination of principal use.

**2. Yuba County Ordinance Code § 7.36.310(a)(3):** *Any condition in violation of the weed and rubbish abatement laws defined in Government Code Title 4, Div.3, Pt. 2, Ch. 13, Art. 1 (Government Code § 39500 et seq.) and Government Code Title 4, Div. 3, Pt. 2, Ch.13, Art. 2 (Government Code § 39560 et seq.).*

**3. Yuba County Ordinance Code § 7.36.310(a)(5):** *The maintenance or use of any real property in violation of any provision of the Yuba County Ordinance Code, State law or federal law, to wit:*

A. Existence and use of accessory structures and storage of miscellaneous personal property and a vehicle (livestock trailer) continuing after the principal use [residential] has terminated in violation of Yuba County Ordinance Code Chapter 12.01. This parcel is assessed as vacant land and with the removal of the residence, all associated accessory uses shall terminate.

**4. Yuba County Ordinance Code § 7.36.310(a)(7):** *...property which is likely to or does harbor rats or other vectors, feral cats, and other non-domesticated animal nuisances, to wit:*

A. Maintaining an environment for the propagation and harborage of vector and vermin.

**5. Yuba County Ordinance Code § 7.36.310(a)(9):** *Any violation of Chapter 7.05 of the Yuba County Ordinance Code relating to solid waste disposal, to wit:*

A. Failure to remove solid waste, junk, trash, refuse and debris at required interval.

B. Failure to store solid waste, junk, trash, refuse and debris in proper containers.

**6. Yuba County Ordinance Code § 7.36.310(a)(11):** *Any condition that constitutes a visual blight. For purposes of this Code, visual blight is any unreasonable or unlawful condition or use of real property, premises or building exteriors which by reason of its appearance, as viewed at ground level from a public right-of-way or from neighboring premises, is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Regardless of the number of persons directly impacted by visual blight, visual blight in and of itself affects the entire community any time it occurs because it detrimentally impacts property values and limits economic growth. Visual blight includes, but is not limited to, the keeping, storing, deposition, scattering over or accumulation on the premises any of the following:*

A. Junk, trash, debris, scrap metal, refuse, paper, demolition and construction wastes, rubbish, packing materials; and/or

B. Objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers that have been abandoned, discarded, or are no longer useful for their original intended purpose.

**YOU ARE HEREBY ORDERED** to correct and/or remove all violations from the subject property **no later than November 2, 2013**. The attached billing statement shall be paid **no later than November 16, 2013**.

**If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any there be, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Ordinance Code. You may request a hearing by filing a written request for a hearing with the Yuba County Community Development & Services Agency's Code Enforcement Division, whose address appears above, within 15 calendar days of the date of this Notice and Order. Pursuant to § 13.20.500 of the Yuba County Ordinance Code, the request shall be accompanied by a deposit in the amount of \$3,943.00. No hearing will be set or heard without this deposit.**

After a hearing, if a violation is found to exist, or if you do not request a hearing, the cost of abating such violations and administrative penalties will become a lien against the subject property and will also be assessed against the property in the same manner as taxes. The "cost of abating a violation" shall include, but not be limited to, the County's attorney's fees, the cost of the Administrative Law Judge, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the Administrative Law Judge, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

**If the violations are not remedied within the time stated in this Notice and Order to Abate, Administrative Penalties in the amount of \$50.00 per day pursuant to Article 4, § 7.36.420 of the Yuba County Ordinance Code, will begin to accrue. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest imposition of the Administrative Penalties with the Yuba County Code Enforcement Division, whose address appears above, within 15 calendar days of the date of this Notice and Order. Pursuant to § 13.20.500**

of the Yuba County Ordinance Code, the request shall be accompanied by a deposit in the amount of \$3,943.00. No hearing will be set or heard without this deposit.

The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. If you fail to request a hearing or appear at the hearing and fail to raise any defense or assert any relevant point at the time of the hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

In preparing for such hearing, you should be aware that if an initial showing is made by the Enforcement Official sufficient to persuade the Administrative Law Judge that a public nuisance exists on your property, you will then have the burden of proving that no public nuisance exists on your property. Therefore, you should be prepared to introduce oral and documentary evidence proving why, in your opinion, your use of the property is not a public nuisance as defined in the Yuba County Ordinance Code. A copy of the ordinance relating to administrative abatement hearings is enclosed to assist you in the preparation of your presentation.

If an initial showing sufficient to persuade the Administrative Law Judge that a public nuisance exists on your property is made by the Enforcement Official, your failure to sustain the burden of showing that no public nuisance exists on the property may result in an administrative decision ordering the abatement of uses or conditions on your property, which are found to be a public nuisance and may also result in a later judicial order to the same effect.

Further, if you do not request a hearing or if the Administrative Law Judge finds that a public nuisance exists on your property and you fail to abate the nuisance in compliance with the time requirements set forth in the Notice and Order to Abate, or the Administrative Law Judge's Order, the County will abate the nuisance. If the County abates the nuisance, you will be responsible for the actual costs of the abatement, including the costs to the County, if any, of the administrative hearing. If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will be specially assessed against your parcel by the County and added to your tax bill as a special assessment. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing and if the Administrative Law Judge finds that your property is in violation of the Yuba County Ordinance Code, the County will contend that you are bound by such findings at any subsequent judicial action relating to the Administrative Law Judge's Order.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN AN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICIAL CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

Dated: October 17, 2013

Certified Mail: 7011 0110 0002 5084 9481

  
John Rohrbach  
Code Enforcement Officer

JR/jr

Attached: Invoice Number 560

Enclosed: Uniform Hearing Procedures



**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

## Billing Statement

DATE	INVOICE #
10/17/2013	560

**BILL TO:**  
Joe & Mary Ann Self  
C/O Kathryn Billy  
1910 Fourteenth Street  
Olivehurst CA 95961

### CASE INFORMATION

Number: CE13-0147  
Officer: J. Rohrbach  
1679 E. Eleventh Avenue  
Olivehurst CA 95961  
Cert: 7011 0110 0002 5084 9481

			TERMS	DUE DATE
			Net 30	11/16/2013
SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
4/22/2013	Received Complaint, Opened Case	138.00	0.5	69.00
4/27/2013	Initial Inspection	138.00	0.5	69.00
5/1/2013	Phone Call; Property Owner	138.00	0.25	34.50
5/20/2013	Reinspection	138.00	0.5	69.00
6/18/2013	Reinspection	138.00	0.5	69.00
7/10/2013	Reinspection	138.00	0.5	69.00
7/11/2013	Correspondence; Property Owner	138.00	0.5	69.00
7/31/2013	Received Additional Complaint	138.00	0.25	34.50
8/13/2013	Phone Call; Property Owner	138.00	0.25	34.50
8/28/2013	Received Additional Complaint	138.00	0.25	34.50
10/8/2013	Reinspection	138.00	0.5	69.00
10/17/2013	Billing Statement Prep	138.00	0.5	69.00
10/17/2013	Notice & Order to Abate Prep	1,380.00		1,380.00
			<b>Total</b>	<b>\$2,070.00</b>

FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:

1-30 DAYS PAST DUE = 25%  
31-61 DAYS PAST DUE = 50%  
61+ DAYS PAST DUE = 100%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)  
Attachment C

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
 915 8<sup>th</sup> Street, Suite 123  
 Marysville, California 95901  
[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



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

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

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

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

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

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

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

**DATE:** February 24, 2015

**TO:** Board of Supervisors

**FROM:** Community Development & Services Agency, Code Enforcement Division  
 Jeremy Strang, Division Manager  
 John Rohrbach, Code Enforcement Officer *JR*

**SUBJECT:** Accounting Hearing to Determine Costs of Abatement to be Assessed Against Property Located at 1679 E. Eleventh Avenue, Olivehurst, CA and to Authorize Recording an Abatement Lien.

**RECOMMENDATION:** Confirm the attached Cost Accounting and adopt Findings of Fact, Conclusions of Law and Orders authorizing the assessment of administrative and abatement costs and penalties and the recording of a lien regarding the subject address.

**BACKGROUND:** Assessor's Parcel # 013-270-022 is located at 1679 E. Eleventh Avenue, Olivehurst, CA, and is owned by Joe and Mary Ann Self; the property owners are deceased. On October 17, 2013, The Estate of Joe & Mary Ann Self, and administratrix Kathryn Billy were served with a Notice and Order to Abate Public Nuisance, attached hereto as Attachment C, ordering them to correct or remove code violations consisting of an accumulation of junk, trash and debris, harborage of vector and vermin, an overgrowth of weed and vegetation, and the continuation of accessory uses after termination of the principal use.

Neither Kathryn Billy, nor other parties of interest requested a hearing to show cause why the use of the property should not be found to be a public nuisance and abated pursuant to the Yuba County Ordinance Code. On April 22, 2014, an inspection completed by Code Enforcement Officer John Rohrbach confirmed that the violations had been corrected and/or removed pursuant to the Notice and Order to Abate Public Nuisance, although not within the timeline as set forth in the Notice and Order. The demand for payment sent to The Estate of Joe & Mary Ann Self and to Kathryn Billy remains unpaid, the total due now being \$10,895.65. Please refer to Attachment A for the Cost Accounting.

The Estate of Joe & Mary Ann Self, C/O Kathryn Billy has been given written notice of this Accounting Hearing, a copy of which is attached hereto marked as Attachment B.

**DISCUSSION:** This hearing has been scheduled to allow evidence and testimony to be presented and heard on the sole questions of whether the accounting of the costs and penalties

reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

**COMMITTEE ACTION:** None required.

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

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

COUNTY OF YUBA,	)	CASE NO.	CE13-0147
	)		
Plaintiff,	)	RE:	1679 E. Eleventh Avenue
	)		Olivehurst, CA
vs.	)		
	)	APN:	013-270-022
The Estate of Joe & Mary	)		
Ann Self, C/O Kathryn Billy	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 013-270-022 is located at 1679 E. Eleventh Avenue, Olivehurst, CA 95961, and is owned by Joe & Mary Ann Self; the property owners are deceased.
2. On October 17, 2013, The Estate of Joe & Mary Ann Self and administratrix Kathryn Billy were served with a Notice and Order to Abate Public Nuisance ordering them to correct or remove code violations consisting of an accumulation of junk, trash and debris, harborage of vector and vermin, an overgrowth of weeds and vegetation, and the continuation of accessory uses after termination of principal use.
3. Neither Kathryn Billy, nor any other parties of interest requested a hearing to show cause why the use of the property should not be found to be a public nuisance and abated pursuant to the Yuba County Ordinance Code.
4. On April 22, 2014, an inspection completed by Code Enforcement Officer John Rohrbach confirmed that the violations had been corrected and/or removed pursuant to the Notice and Order to Abate Public Nuisance.
5. The Estate of Joe & Mary Ann Self, C/O Kathryn Billy was served with written notice of this hearing.
6. A Hearing was held on February 24, 2015 to assess the costs of abating the public nuisances and to determine if the administrative and abatement costs and penalties should be made a lien on said property.

(a) A one-page memorandum along with supporting documentation marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing) and Attachment C (Notice & Order to Abate Public Nuisance) was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manager.

(b) The property owners are deceased. Kathryn Billy was ( ) was not ( ) present.

7. The administrative and abatement costs and penalties incurred total: \$10,895.65.

#### CONCLUSIONS OF LAW

1. As Joe & Mary Ann Self are deceased, notice was properly sent to Kathryn Billy to appear before the Board of Supervisors on February 24, 2015 at 1:30 p.m. to show cause, if any, why the administrative and abatement costs and penalties for the property located at 1679 E. Eleventh Avenue, Olivehurst, CA, APN 013-270-022, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why a Notice of Abatement Lien should not be recorded.
2. Administrative and abatement costs and penalties regarding APN 013-270-022 were properly incurred in the amount of \$10,895.65 and the property and its owners bear the costs of same.

#### ORDERS

1. It is hereby found and ordered that the administrative and abatement costs and penalties to date incurred by the County of Yuba in the amount of \$10,895.65 shall be an assessment against the property located at 1679 E. Eleventh Avenue, Olivehurst, CA, APN 013-270-022.
2. It is hereby found and ordered that administrative and abatement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of administrative and abatement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.



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

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 24<sup>th</sup> day of February 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



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# **YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING**

Date: February 24, 2015

Case #: CE13-0147

APN: 013-270-022

Owner: Estate of Joe & Mary Ann Self, C/O Kathryn Billy

Situs: 1679 E Eleventh Avenue, Olivehurst, CA 95961

Date	Reason for Charge	Hours	Total
10/22/2013	Phone Call from Kathryn Billy (Owner's Representative)	0.25	\$ 36.75
10/29/2013	Phone Call from Complainant	0.25	36.75
11/8/2013	Reinspection	0.50	73.50
11/15/2013	Prepared & Mailed Follow Up Letter	0.50	73.50
11/18/2013	Supervisor Case Review & Conference	0.50	73.50
1/17/2014	Reinspection	0.50	73.50
1/24/2014	Prepared & Mailed 2 <sup>nd</sup> Follow Up Letter	0.50	73.50
2/14/2014	Reinspection	0.50	73.50
3/10/2014	Reinspection	0.50	73.50
3/28/2014	Prepared & Mailed 3 <sup>rd</sup> Follow Up Letter	0.50	73.50
4/22/2014	Reinspection	0.50	73.50
5/6/2014	Office Visit from Kathryn Billy	0.25	36.75
8/7/2014	Prepared & Mailed Demand for Payment & Cover Letter	0.00	0.00
	<b>Total Staff Hours Billed at \$147.00 per Hour</b>	<b>5.25</b>	<b>\$ 771.75</b>
11/19/2013	Notice of Non-Compliance	FEE	147.00
11/19/2013	CDSA Processing Fee	FEE	73.50
11/19/2013	Unpaid Billing Statement #560	FEE	2,070.00
11/19/2013	Administrative Penalties, \$50.00 Per Day @ 16 Days	FEE	
	(November 3, 2013 thru November 18, 2013)		800.00
4/22/2014	Administrative Penalties, \$50.00 Per Day @ 96 Days	FEE	
	(January 16, 2014 thru April 22, 2014)		4,800.00
2/24/2015	Cost Accounting Hearing Before Board of Supervisors	FEE	1,470.00
2/24/2015	Release of Abatement Lien	FEE	147.00
2/24/2015	Notice of Compliance	FEE	147.00
2/24/2015	CDSA Processing Fee, Two Documents	FEE	147.00
2/24/2015	Recordation Fee, Two Documents	FEE	24.00
2/24/2015	CDSA Support Fee (6%)	FEE	298.40
		<b>Total</b>	<b>\$10,895.65</b>



# *The County Of Yuba*

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5434



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

The Estate of Mary Ann Self & Joe Self  
C/O Kathryn Billy  
1910 Fourteenth Street  
Olivehurst, CA 95961

### **NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN**

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on February 24, 2015, at the hour of 1:30 p.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the administrative and abatement costs and penalties for the property located at 1679 E. Eleventh Avenue, Olivehurst, CA 95961, APN 013-270-022, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

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

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

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

Dated: February 9, 2015

Certified Mail # 7013-1090-0000-2901-2858

Enclosure: Attachment A, Cost Accounting

CODE ENFORCEMENT OFFICER FOR THE  
COUNTY OF YUBA

BY: John Rohrbach  
John Rohrbach

Attachment B

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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



087-15

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

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

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

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

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

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

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

**DATE:** February 24, 2015

**TO:** Board of Supervisors

**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager

**SUBJECT:** Accounting Hearing to Determine Costs of Abatement to be Assessed Against Property Located at 4698 Ardmore Avenue Units A-D, Olivehurst, CA and to Authorize Recording an Abatement Lien.

**RECOMMENDATION:** Confirm the attached Cost Accounting and adopt Findings of Fact, Conclusions of Law and Orders authorizing the assessment of administrative and abatement costs and penalties and the recording of a lien regarding the subject address.

**BACKGROUND:** On September 22, 2014, property owners Jon A & Amy K Messick were served with a Notice and Order to Abate Public Nuisance, a copy of which is attached hereto marked as Attachment C, ordering them to correct or remove code violations consisting of marijuana cultivation in violation of the provisions set forth in Chapter 7.40 of the Yuba County Ordinance Code.

Jon A & Amy K Messick did not request a hearing to show cause why the use of their property should not be found to be a public nuisance and abated pursuant to the Yuba County Ordinance Code, nor did they correct or remove the violations as ordered. On September 29, 2014, an inspection completed by Code Enforcement Officer Jeremy Strang confirmed that the violations had been corrected. The demand for payment sent to Jon A & Amy K Messick remains unpaid, the total due now being \$18,774.51. Please refer to Attachment A for the Cost Accounting.

Jon A & Amy K Messick have been given written notice of this Accounting Hearing, a copy of which is attached hereto marked as Attachment B.

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

**COMMITTEE ACTION:** None required.

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

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

COUNTY OF YUBA,	)	CASE NO.	CE13-0327
	)		
Plaintiff,	)	RE:	4698 Ardmore Avenue, Units A-D
	)		Olivehurst, CA
vs.	)		
	)	APN:	013-231-038
Jon A & Amy K Messick	)		
	)		
	)		
Defendant.	)		
		FINDINGS OF FACT	
		CONCLUSIONS OF LAW	
		ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 013-231-038 is located at 4698 Ardmore Avenue, Olivehurst, CA 95961, and is owned by Jon A & Amy K Messick.
2. On September 22, 2014, property owners Jon A & Amy K Messick were served with a Notice and Order to Abate Public Nuisance ordering them to correct or remove code violations consisting of marijuana cultivation in violation of the provisions set forth in Chapter 7.40 of the Yuba County Ordinance Code.
3. Jon A & Amy K Messick did not request a hearing to show cause why the use of their property should not be found to be a public nuisance and abated pursuant to the Yuba County Ordinance Code. Nor did they abate the violations as ordered.
4. On September 26, 2014, an inspection completed by Code Enforcement Officer Jeremy Strang confirmed that the violations had been corrected.
5. The property owners Jon A & Amy K Messick were served with written notice of this hearing.
6. A Hearing was held on February 24, 2015 to assess the costs of abating the public nuisances and to determine if the administrative and abatement costs and penalties should be made a lien on said property.

(a) A one-page memorandum along with supporting documentation marked as Attachment A (Cost Accounting), Attachment B (Notice of Hearing), and Attachment C (Notice and Order to Abate Public Nuisance) was submitted at the Hearing by Jeremy Strang, Code Enforcement Officer.

(b) The owners, Jon A & Amy K Messick were ( ) were not ( ) present.

7. The administrative and abatement costs and penalties incurred total: \$18,774.51.

### CONCLUSIONS OF LAW

1. Jon A & Amy K Messick were properly notified to appear before the Board of Supervisors on February 24, 2015 at 1:30pm to show cause, if any, why the administrative and abatement costs and penalties for the property located at 4698 Ardmore Avenue, Olivehurst, CA, APN 013-231-038, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why a Notice of Abatement Lien should not be recorded.
2. Administrative and abatement costs and penalties regarding APN 013-231-038 were properly incurred in the amount of \$18,774.51 and the property and its owners bear the costs of same.

### ORDERS

1. It is hereby found and ordered that the administrative and abatement costs and penalties to date incurred by the County of Yuba in the amount of \$18,774.51 shall be an assessment against the property located at 4698 Ardmore Avenue, Olivehurst, CA, APN 013-231-038.
2. It is hereby found and ordered that administrative and abatement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of administrative and abatement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).
3. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
4. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.



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

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 24th day of February 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



## YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: January 13, 2015

Case #: CE13-0327

APN: 013-231-038

Owner: Jon A & Amy K Messick

Situs: 4698 Ardmore Avenue Units A-D, Olivehurst, CA 95961

Date	Reason for Charge	Hours	Total
9/18/2014	Inspection	1	147.00
9/26/2014	Final Inspection	1	147.00
9/29/2014	Demand for Payment & Cover Letter Prep	0.5	73.50
	<b>Total Staff Hours Billed at \$147.00 per Hour</b>	<b>2.5</b>	<b>\$367.50</b>
9/22/2014	Unpaid Billing Statement #591		543.37
9/22/2014	Notice & Order to Abate		1,470.00
9/22/2014	Revise Billing Statement		0.00
9/22/2014 - 9/26/2014	Administrative Penalties; \$2800.00 per day, 5 days (September 22, 2014 to September 26, 2014)		14,000.00
10/3/2014	Notice of Non-Compliance		147.00
2/24/2015	Cost Accounting Hearing, Before Board of Supervisors		1,470.00
2/24/2015	Release of Abatement Lien		147.00
2/24/2015	Notice of Compliance		147.00
2/24/2015	CDSA Processing Fee, Three Documents		220.50
2/24/2015	Recordation Fee, Two Documents		24.00
2/24/2015	CDSA Support Fee (6%)		238.14
		<b>Total</b>	<b>\$18,774.51</b>



# *The County Of Yuba*

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5434



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

Jon A & Amy K Messick  
7652 Plantz Road #F  
Marysville, CA 95901

### **NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN**

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on February 24, 2015, at the hour of 1:30 p.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the administrative and abatement costs and penalties for the property located at 4698 Ardmore Avenue, APN 013-231-038, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

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

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

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

Dated: February 9, 2015

Certified Mail # 7013-1090-0000-2901-2827

Enclosure: Attachment A, Cost Accounting

CODE ENFORCEMENT OFFICER FOR THE  
COUNTY OF YUBA

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

Jeremy Strang

Attachment B



# The County Of Yuba

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5424



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

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

CE13-0327

AMY K MESSICK  
JON A MESSICK  
7652 PLANTZ ROAD #F  
MARYSVILLE, CA 95901

JORGE LOPEZ  
CIRILO LOZANO  
4698 ARDMORE AVENUE  
OLIVEHURST, CA 95961

RE: 4698 ARDMORE AVE. UNITS A-D, OLIVEHURST, CA 95961  
APN: 013-231-038  
LEGAL DESCRIPTION: PT L-34 OL TR

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to violate the Yuba County Ordinance Code and is therefore declared a public nuisance. The conditions that create a public nuisance on said property are as follows:

1. **Yuba County Code § 7.36.310(a)(1)** *Anything which is injurious to health, poses a significant potential to cause economic and/or physical injury or damage to persons or property, or constitutes a significant detriment to the prevention or suppression of fire, or significantly interferes with the provision of emergency services to the public, to wit:*
  - A. Cultivating marijuana in violation of the provisions set forth in Chapter 7.40 of the Yuba County Ordinance Code.
2. **Yuba County Code § 7.36.310(a)(5)** *The maintenance or use of any real property in violation of any provision of the Yuba County Ordinance Code, State law or federal law, to wit:*
  - A. Cultivating marijuana on a parcel less than one (1) acre in violation of Yuba County Ordinance Code Chapter 7.40 including but not limited to, the following violations:
    - A.1. Mature plants in excess of 6 plants
    - A.2. Plants in public view
    - A.3. Plants located within the setback

3. Yuba County Code § 7.36.310(a)(10) *Anything which is indecent offensive to the senses, or an obstruction to the free use of property, so as to unreasonably interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or of any public park, square, street or highway, and which at the same time affects an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals and/ or property may be unequal.*

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property on or before September 25, 2014. Administrative Penalties in the amount of **\$2,800.00 per day** pursuant to Yuba County Code § 7.40.440 (d) **have begun to accrue** and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer.

**If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties.**

**If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.**

**If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.**

**If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at**

the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICIAL CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

**CERTIFIED MAIL:** 7013 1090 0000 2901 2582  
7013 1090 0000 2901 2599  
7013 1090 0000 2901 2605  
7013 1090 0000 2901 2612  
7013 1090 0000 2901 2629

**DATED: September 22, 2014**

  
Jeremy Strang  
Division Manager/  
Deputy Building Official

**Encl:** Excerpts from Yuba County Code, Chapter 7.36  
Billing Invoice #591

**CC:** Occupants 4698 Ardmore Avenue Units A-D, Olivehurst, CA 95961  
Post Property

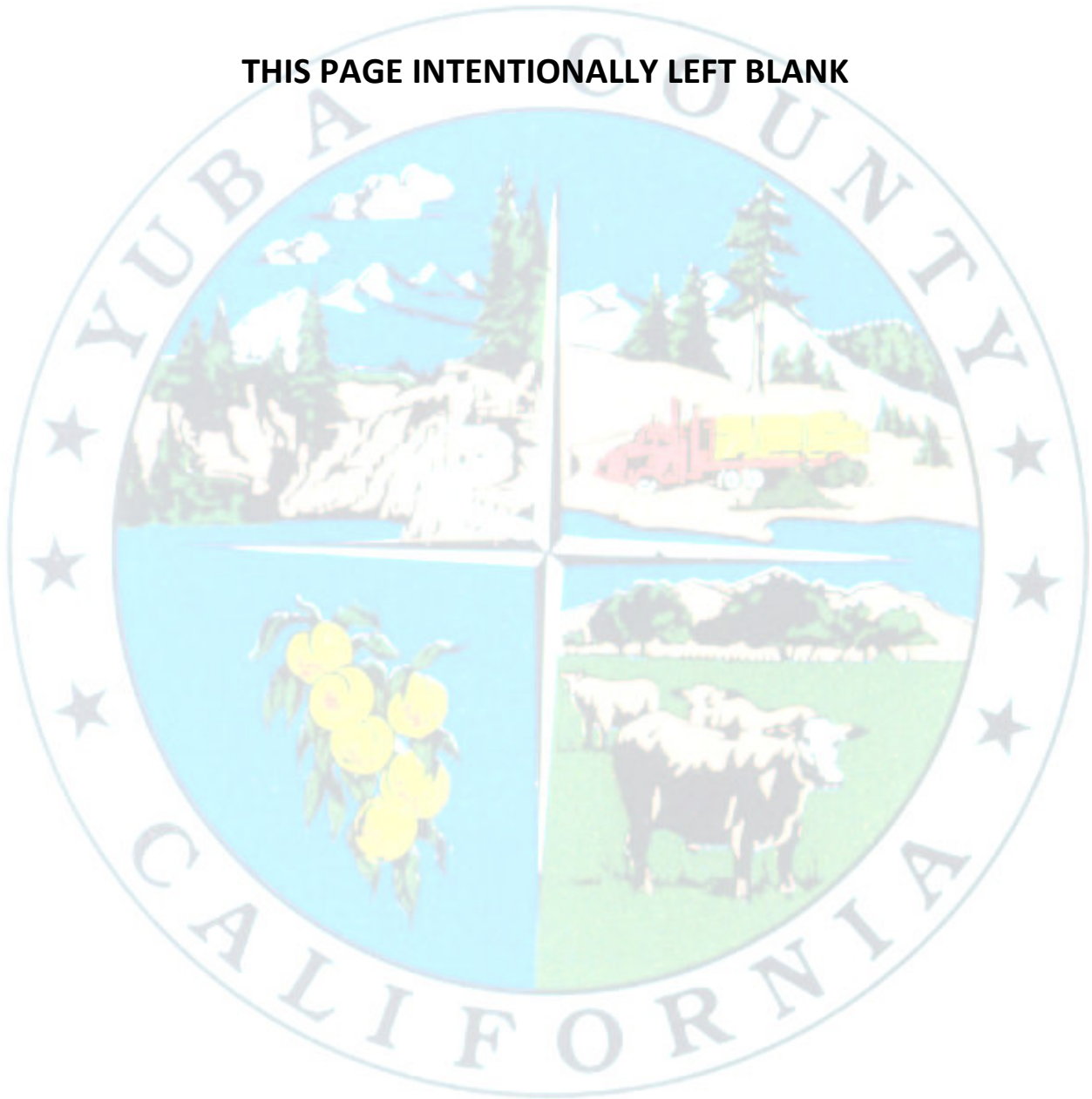


**ORDINANCE**

**AFTERNOON  
SESSION**

**3:00 P.M.**

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# The County Of Yuba

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## OFFICE OF THE COUNTY COUNSEL

---

915 8TH Street, Suite 111  
Marysville, California 95901  
(530)749-7565  
FAX (530)749-7513



ANGIL P. MORRIS 088-15  
COUNTY COUNCIL

JOHN R. VACEK  
CHIEF DEPUTY

JOHN C. WHIDDEN  
DEPUTY

BOBBIE ROSS TODD  
DEPUTY

ERIKA J. STEDMAN  
LEGAL SERVICES COORDINATOR

**To:** Board of Supervisors

**From:** John Vacek, Chief Deputy County Counsel  
Jeremy Strang, Chief Code Enforcement Officer

**Date:** February 24, 2015

**Subject:** Introduce Ordinance Repealing and Reenacting in its entirety  
Chapter 7.40, Marijuana Cultivation, of the Yuba County Ordinance  
Code

**RECOMMENDATION:**

1. Adopt the attached Ordinance repealing and reenacting Chapter 7.40, Marijuana Cultivation, in its entirety.
2. Adopt the attached Resolution establishing medical marijuana cultivation registration fees.

**BACKGROUND:**

In 2012, Yuba County adopted its first attempt at a marijuana cultivation ordinance. Adopted originally as Ordinance No. 1518, the ordinance was amended by Ordinance No. 1522 and integrated into the Yuba County Ordinance Code as Chapter 7.40. The Ordinance allows marijuana cultivation, both indoors and outdoors, with allowable plant counts dependent upon the parcel size. For parcels exceeding 20 acres, as many as 99 marijuana plants are allowed under the ordinance.

In adopting Ordinance No. 1522, the Board committed to periodically reviewing the Ordinance with regard to compliance as well as its effect on the welfare of the County.

At the Board of Supervisors meeting on November 18,

2014, a group of citizens appeared and addressed the Board, expressing their extreme displeasure with the County's current Ordinance. The citizen's group advised the Board of the effect of marijuana cultivation on their neighborhoods and the quality of their lives and the lives of their families. This, among other factors and considerations, prompted the Board to initiate a full review of its Marijuana Cultivation Ordinance. The Board of Supervisor then directed staff to submit a number of draft proposals for consideration, with a handful of expectations including a reduction in plant count and the elimination of commercial, for-profit, grows.

#### **DISCUSSION:**

At the direction of the Board of Supervisors, six draft proposals modeled after multiple jurisdictions have been presented to the Board for its consideration. County staff has submitted several reports and presentations addressing the lack of compliance with the present ordinance, enforcement issues and difficulties, environmental degradation caused by marijuana cultivation, and criminal activity associated with such cultivation. Staff has also previously addressed the changing "legal landscape" involved in the regulation of marijuana cultivation. Those comments, reports, and discussions are incorporated by reference herein. After an extraordinary amount of public comment being received at least three regular Board of Supervisors' meetings and after further research being conducted by the special *ad hoc* committee, the Board directed staff to finalize the 5th version proposal, based in part upon the Shasta County model, and introduce the proposed Ordinance for a first reading.

As discussed at previous meetings, the preamble and enforcement provisions of the proposed Ordinance are substantially the same as the existing Ordinance. The outline below shows the major changes that will become operative if the proposed ordinance is adopted.

#### **Summary of Substantial Changes:**

- Outdoor cultivation and cultivation within any dwelling is prohibited
- Eliminate the graduated plants-parcel scheme
- Limit the maximum number of plants to 12, regardless of parcel size
- All medical marijuana shall cultivated in a permitted and detached structure

that is accessory to a dwelling

- The accessory structure must be equipped with an odor and moisture filtration system
- There is no distinction between a mature or an immature marijuana plant
- Active Code Enforcement violations will have to be corrected prior to registration approval and cultivation of medical marijuana.
- Implement a fee-based registration requirement
- A Cultivator who is not the owner of the property where cultivation is to occur, must submit a notarized letter of consent from the property owner prior to cultivating medical marijuana

**ENVIRONMENTAL  
DETERMINATION:**

Pursuant to Title 14 of the California Code of Regulations, Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3), that the proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment. Further, in addition to the foregoing general exemptions, the categorical exemptions found in Sections 15308 and 15321 also apply.

**COMMITTEE  
ACTION:**

No Committee action is necessary. This request comes at the direction of the Board of Supervisors.

**FISCAL IMPACT:**

The proposed ordinance registration component will generate some revenue through registration fees; however, the full impact on the General Fund is unknown at this time.

**Attachments:**

- Proposed Ordinance Chapter 7.40
- Resolution establishing marijuana cultivation registration fees

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

**RESOLUTION ADOPTING** )  
**MARIJUANA CULTIVATION** )  
**REGISTRATION FEES** )

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

**WHEREAS**, the County of Yuba is proposing adoption of an amended Chapter 7.40 of Title VII of the Yuba County Ordinance Code; and

**WHEREAS**, the amended version of Chapter 7.40 in Section 7.40.340 creates registration requirements and 7.40.340E states that the Board of Supervisors by resolution shall establish fees for such registration.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Yuba, that upon passage of an Ordinance requiring registration of marijuana cultivation sites:

1. A non-refundable processing fee of \$441 shall be paid to Yuba County Community Development and Services Agency in order to accept a marijuana cultivation registration application.
2. All Registrations expire on December 31<sup>st</sup> of each year regardless of the application or issuance date. Applications for marijuana cultivation submitted after March 1<sup>st</sup> shall pay a non-refundable late registration penalty of 50% pursuant to Section 7.40.340F in addition to the processing fee of \$441. For calendar year 2015, the last date to not incur a penalty shall be June 15<sup>th</sup> instead of March 1<sup>st</sup>.
3. Where the County determines that marijuana cultivation is occurring on a property without first meeting the registration requirements set forth in Chapter 7.40 of the Yuba County Ordinance Code, a penalty of 5 times the standard processing fee shall be imposed and shall be in addition to the standard processing fee of \$441.

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4. All processing fees and penalties shall be deposited in Fund 254 to be utilized for the processing and enforcement of Chapter 7.40.

The foregoing Resolution was introduced at a regular meeting of the Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

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

AN ORDINANCE REPEALING AND RE-ENACTING AS AMENDED CHAPTER 7.40  
MARIJUANA CULTIVATION

The following ordinance consisting of three (3) sections was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on the day of , 20\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors County of  
Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

\_\_\_\_\_  
APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

  
\_\_\_\_\_

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

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

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

**CHAPTER 7.40**

**MARIJUANA CULTIVATION**

**Sections**

**7.40.100 Authority**

**7.40.120 Findings**

**7.40.130 Scope**

**7.40.140 Responsibilities**

**7.40.150 Private Right of Action**

**7.40.200 Definitions**

**7.40.300 Cultivation Restrictions**

**7.40.310 Cultivation Requirements**

**7.40.320 Accessory Structures**

**7.40.330 Fencing**

**7.40.340 Registration Requirements**

**7.40.400 Conditions Creating Public Nuisance**

**7.40.500 Enforcement Authority**

**7.40.510 Right of Entry/Inspection**

**7.40.520 Violations**

**7.40.530 Remedies**

**7.40.540 Notice and Order to Abate**

**7.40.550 Administrative Penalties**

**7.40.560 Enforcement Costs**

**7.40.600 Appeal**

**7.40.605 Appeal Hearings**

**7.40.610 Notice of Hearing**



**7.40.620 Powers of the Yuba County Board of Supervisors**  
**7.40.630 Fairness of Hearings**  
**7.40.635 Evidentiary Rules**  
**7.40.640 Order of Proceeding at Hearing**  
**7.40.645 Speakers' Presentation**  
**7.40.650 Submission of Additional Written Evidence and Argument**  
**7.40.655 Field Trips**  
**7.40.660 Recording**  
**7.40.670 Decision**  
**7.40.680 Severability**

## **ARTICLE I GENERAL PROVISIONS**

### **7.40.100 Authority**

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

### **7.40.110 Purpose & Intent**

The purpose and intent in adopting this Chapter is to acknowledge State law as it relates to medical marijuana and to reduce conditions that create public nuisances through enacting these regulations including without limitation, restrictions as to location of cultivation, the number of marijuana plants, and the use of screening and security structures, to more effectively control the adverse impacts associated with marijuana cultivation as stated herein, while considering the desires of qualified patients and primary caregivers, in furtherance of the public necessity, health, safety, convenience, and general welfare within the Board's jurisdictional limits. Nothing in this Chapter shall be construed to authorize any use, possession, cultivation, or distribution of marijuana for non-medical purposes or that is in violation of state or federal law.

### **7.40.120 Findings**

- A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision.
- B. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no

exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.

- C. Division 10 of the California Health and Safety Code, Uniform Substance Control Act, makes it unlawful, under State law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana.
- D. In 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act", (codified as Health and Safety Code Section 11362.5) which was intended to decriminalize cultivation and possession of medical marijuana by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating marijuana. The Act further provided that nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.
- E. The State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act", codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering marijuana, as well as limiting the amount marijuana a qualified individual may possess. The Medical Marijuana Program Act defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person and is further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4<sup>th</sup> 274.
- F. The County's geographic and climatic conditions, which include dense forested areas receiving substantial precipitation, provide conditions that are favorable to outdoor marijuana cultivation, thus growers can achieve a high per-plant yield. The Federal Drug Enforcement Administration reports that various types of marijuana plants under various planting conditions may yield averages of 236 grams, or about one-half (1/2) pound, to 846 grams, or nearly two (2) pounds.
- G. The strong distinctive odor of marijuana plants creates an attractive nuisance, alerting persons to the location of the valuable plants, and has resulted in burglary, robbery and armed robbery.
- H. The strong and distinctive odor of marijuana plants creates a need to ensure that smells that disrupt the use of adjacent properties are minimized, much in the same way that the County has ordinances currently in place to minimize the smells associated with raising livestock.
- I. Children (minor under the age of 18) are particularly vulnerable to the effects of marijuana use and the presence of marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).
- J. The unregulated cultivation of marijuana in the unincorporated area of Yuba County can adversely affect the health, safety, and well-being of the County, its residents and

environment. Comprehensive civil regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation, and that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.

- K. The indoor Cultivation of substantial amounts of Marijuana within a residence presents potential health and safety risks to those living in the residence, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the residence.
- L. Comprehensive restriction of premises used for marijuana cultivation is proper and necessary to address the risks and adverse impacts as stated herein, that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.
- M. Outdoor marijuana cultivation, especially within the foothills, is creating devastating impacts to California's surface and groundwater resources. The State Water Resources Control Board, the North Coast Regional Water Quality Control Board, the Central Valley Regional Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of marijuana gardens, and corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.
- N. The immunities from certain prosecution provided to qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the County will achieve a significant reduction in the complaints of odor and the risks of fire, crime and pollution caused or threatened by the unregulated cultivation of marijuana in the unincorporated area of Yuba County.
- O. Nothing in this Chapter shall be construed to allow the use of marijuana for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the County of Yuba, Yuba County District Attorney, the Attorney General of State of California, or the United States of America.
- P. In *Browne v. County of Tehama*, 213 Cal. App. 4<sup>th</sup> 704 (2013), the California Court of Appeal stated that "Neither the Compassionate Use Act nor the Medical Marijuana Program grants . . . anyone . . . an unfettered right to cultivate marijuana for medical purposes. Accordingly, the regulation of cultivation of medical marijuana does not conflict with either

statute.” Similarly, in *City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.*, 56 Cal. 4<sup>th</sup> 729 (2013), the California Supreme Court concurred that “Nothing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land . . .” Additionally, in *Maral v. City of Live Oak* (2013), 221 Cal.App. 4<sup>th</sup> 975, 983, review denied 2014 Cal. LEXIS 2402 (March 26, 2014), the same Court of Appeal held that “there is no right—and certainly no constitutional right—to cultivate medical marijuana . . .” The Court in *Live Oak* affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

- Q. On May 1, 2012, the Board of Supervisors adopted Ordinance No. 1518 to regulate marijuana cultivation. On December 18, 2012, Ordinance 1522 was adopted revising Ordinance 1518 to modify enforcement procedures and requirements to a specific plant count based on property size from square foot of area for cultivation. The provisions of both Ordinances have proven to be inadequate to control the negative impacts of marijuana cultivation. Since the adoption of Ordinance No. 1522, there has been increased Marijuana Cultivation throughout the unincorporated areas of the County in violation of the provisions of that ordinance. In addition, the graduated areas for cultivation, based on parcel size, have proven cumbersome and problematic to administer and enforce. For example, the original limits were based on square feet of total Cultivation area, leading to uncertainty in measurement when the plants were not cultivated in a defined contiguous area, and the need for multiple inspections throughout the grow season. The current revisions contained in this ordinance are intended to address the aforementioned concerns, and simplify the regulations to be more readily understood by those affected, to expedite the code enforcement process and to more effectively control the adverse impacts associated with marijuana cultivation as stated herein, while considering the desires of Qualified Patients and their Primary Caregivers.

#### **7.40.130 Scope**

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

#### **7.40.140 Responsibilities**

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

#### **7.40.150 Private Right of Action**

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

## **ARTICLE 2 DEFINITIONS**

#### **7.40.200 Definitions**

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

- A. "Accessory Structure" means a separate and permitted building located on the same parcel as the residence.
- B. "Code" means the Yuba County Ordinance Code.
- C. "Code Enforcement Officer" means any person employed by the County of Yuba and appointed to the position of code enforcement officer.
- D. "Costs of Enforcement" or "Enforcement Costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.
- E. "County" means the County of Yuba.
- F. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.
- G. "Defined Area of Cultivation" means a single, indoor, area wherein all portions of cultivation are within one accessory structure completely screening the cultivation from public view.
- H. "Dwelling" means a building intended for human habitation that has been legally established, permitted and certified as a single-family or multi-family dwelling.
- I. "Enforcement Official" means the Code Enforcement Officer or the Sheriff, or the authorized deputies or designees of either, each of whom is independently authorized to enforce this

Chapter.

- J. "Fence" means a solid wall or a barrier connected by boards (redwood or cedar), masonry, rails, panels, or any other materials typically utilized for residential fences (subject to the approval of the Community Development and Services Agency) for the purpose of enclosing, securing, and screening space from public view. The term "Fence" does not include retaining walls.
- K. "Indoors" means within a fully enclosed structure, with a solid roof, floor, and walls. The structure must be securable against unauthorized entry and constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials. Shade-cloth covered and plastic sheeting covered, regardless of gauge, or similar products do not satisfy this requirement.
- L. "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- M. "Marijuana plant" means any mature or immature marijuana plant including the stalks of the plant, or any marijuana seedling, that is capable of producing marijuana. A "mature" marijuana plant is one whose sex can be determined by visual inspection.
- N. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.
- O. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means parcels that are described, recorded and kept in official County records specifically including documents and maps used by the County Assessor's Office, the County Tax Collector's Office and the County Recorder's Office.
- P. "Primary Caregiver" shall have the same meaning as "primary caregiver" as defined in the California Health and Safety Code, commencing with Section 11362.7(d), and as further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4<sup>th</sup> 274.
- Q. "Public View" shall mean as viewed at ground level, without the use of a ladder or similar device, from any place the general public has a lawful right to be including the public right of way, a public way or neighboring premises.
- R. "Qualified Patient" shall have the same meaning as "qualified patient" as defined in the California Health and Safety Code, commencing with Section 11362.7(f).
- S. "Residence" shall have the same meaning as "Dwelling".
- T. "Sheriff" or "Sheriff's Office" means the Yuba County Sheriff's Office or the authorized representatives thereof.

## **ARTICLE 3 RESTRICTIONS AND REQUIREMENTS**

### **7.40.300 Cultivation Restrictions**

- A. Outdoor cultivation on any Parcel is prohibited.
- B. Cultivation within a Dwelling or any other structure used or intended for human habitation is prohibited.
- C. Cultivation of more than twelve (12) marijuana plants on any Parcel is prohibited. The foregoing limitation shall be imposed regardless of the number of qualified patients or primary caregivers residing on the Parcel or participating directly or indirectly in the cultivation. Further, this limitation shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.
- D. All persons and entities engaging in the cultivation of marijuana shall:
  - 1. Have a legal water source on the Parcel;
  - 2. Not engage in unlawful or unpermitted surface drawing of water for such cultivation; and
  - 3. Not permit illegal discharges of water from the parcel.
- E. Marijuana cultivation shall not adversely affect the environment or the public health, safety, or general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of plant or animal poisons, or hazardous materials, processes, products or wastes, or by any other way.
- F. Applicants seeking authorization to cultivate marijuana on parcels where active Code Enforcement violations of any provision of the Yuba County Ordinance Code exist shall first correct Code violations prior to cultivating marijuana.

### **7.40.310 Cultivation Requirements**

- A. Cultivation may only occur on a Parcel improved with an occupied, legally established, Dwelling in conformance with this Chapter. The cultivation shall be contained within the Defined Area of Cultivation in one, single, residential accessory structure affixed to the real property that:
  - 1. Meets the definition of “Indoor;”
  - 2. That is located on the same Parcel as the Dwelling of a qualified patient(s) or a primary caregiver(s); and
  - 3. That complies with all of the provisions of the Yuba County Code relating to accessory structures including, but not limited to, the County’s Development Code in Title XI, and construction codes in Title X of the Yuba County Ordinance Code. Where the provisions of this Chapter are more restrictive than other portions of the Yuba County Code the provisions of this Chapter shall govern.

#### **7.40.320 Accessory Structures**

A. Accessory structures used for the cultivation of marijuana shall meet all of the following criteria:

1. The accessory structure, regardless of size, shall be legally constructed with all applicable development permits including, but not limited to, grading, structural, electrical, mechanical and plumbing approved by the applicable authorities prior to any cultivation activity. The conversion of any existing accessory structure, or portion thereof, for cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable authorities prior to any cultivation.
2. The accessory structure shall not be built or placed within any mandatory setback required by the Yuba County Ordinance Code.
3. The accessory structure shall be equipped with permanently installed and permitted electricity, and shall not be served by temporary extension cords. Electrical wiring conductors shall be sized based on the currently adopted California Electrical Code with anticipated loads identified.
4. The accessory structure shall be equipped with a permanently installed and permitted odor control filtration and ventilation system adequate to prevent an odor, humidity, or mold problem within the structure, on the Parcel, or on adjacent parcels.
5. If the accessory structure is a greenhouse, the panels shall be of glass or polycarbonate and should be opaque for security and visual screening purposes. Where the greenhouse panels are not obscure, the greenhouse shall be screened from view by a solid fence as described in Section 7.40.330 below.

B. Structures that are exempt from Building Permits by Yuba County Ordinance Code, Chapter 10.05, shall not be used for the cultivation of marijuana.

#### **7.40.330 Fencing**

A. Accessory structures that are required to be surrounded by a solid fence shall have a fence that is at least six (6) feet but not greater than (8) feet in height with a locking gate and conform to the following:

1. Fencing materials shall be in compliance with Section 7.40.200j;
2. Location of fence shall meet zoning setback and height requirements;
3. Fences over seven (7) feet in height will require proof of an approved building permit; and
4. The fence and gate must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.

Exception: Topography, natural vegetation, bushes or hedgerows alone may constitute an adequate fence for the purposes of this Section, but shall be subject to the approval of Yuba County Community Development and Services Agency (CDSA).

#### **7.40.340 Registration Requirements**

A. The cultivation of marijuana in any quantity upon any premises without first registering the



cultivation and paying the required fee as listed within Title XIII of this Code is hereby declared to be unlawful and a public nuisance and may be abated in accordance with this Chapter.

- B. The Registration Application shall be prescribed by Yuba County Community Development and Services Agency (CDSA) and shall at a minimum contain the following:
  - 1. The person(s) owning, leasing, occupying, or having charge or possession of any premises have submitted the required annual registration for the premises to CDSA, and provided all of the following current information and documentation to CDSA:
    - a. The name of each person, owning, leasing, occupying, or having charge or possession of the premises;
    - b. The name of each qualified patient or primary caregiver who participates in the cultivation, either directly or by providing reimbursement for marijuana or the services provided in conjunction with the provision of that marijuana;
    - c. A copy of the current valid medical recommendation or State-issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver;
    - d. The number of marijuana plants cultivated on the premises; and
    - e. Such other information and documentation as the Department determines is necessary to ensure compliance with State law and this Chapter.
  - 2. The registration shall contain a statement in substantially the following form: By submitting this registration, the property owner and the cultivator, if different, will allow an enforcing officer(s) to enter the property, at a reasonable time, to inspect for compliance with this Chapter.
  - 3. The registration shall contain a statement, under penalty of perjury, that the information is true and accurate.
- C. Where the registration application is deemed complete, and no violations or conditions are identified to prohibit marijuana cultivation, a registration number shall be provided to the applicants. The registration number shall be kept with the cultivation and shall be presented to the inspecting officer upon request.
- D. This information and documentation shall be received in confidence, and shall be used or disclosed only for purposes of administration or enforcement of this Chapter or State law, or as otherwise required by law.
- E. The Board of Supervisors shall, by Resolution, establish a fee for such annual registration in accordance with all applicable legal requirements.
- F. Every registration under this Chapter shall be valid for no more than one calendar year and shall expire on December 31st of that year. An expired registration shall be renewed in the same manner as an initial registration hereunder. In the event that the registration of any premises for any calendar year is submitted after March 1st of that year, the registrant shall pay a late registration penalty equal to fifty percent (50%) of the applicable registration fee. The Director of CDSA may waive the late registration penalty if the failure to timely register

was due to reasonable cause and not due to willful neglect.

- G. If the person(s) cultivating marijuana on any legal parcel is/are not the legal owner(s) of the parcel, such person(s) shall submit a notarized letter from the legal owner(s) consenting to the cultivation of marijuana on the parcel. Notwithstanding the foregoing, the owner of a Parcel where the cultivator has not obtained a notarized letter shall still be responsible for any nuisance that has been determined to exist upon their property. The Department shall prescribe forms for such letters.
- H. No person(s) shall have any vested rights to any authorization, right, or interest under this Ordinance, regardless of whether such person(s) cultivated marijuana prior to the adoption of this Ordinance. Nothing in this section shall be construed to confer a right to cultivate marijuana prior to the actual approval of a registration application by the Department.

## **ARTICLE 4 PUBLIC NUISANCE**

### **7.40.400 Conditions Creating Public Nuisance**

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

- A. Any person owning, leasing, occupying or having charge or possession of any Parcel within the unincorporated area of the County to cause or allow such Parcel to be used for the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.
- B. The cultivation of marijuana on a Parcel that does not have an occupied legally established Dwelling in conformance with this Chapter.
- C. The cultivation of marijuana on a Parcel by anyone other than a qualified patient or a primary caregiver. A physician's recommendation shall be kept onsite at all times and shall be posted in plain view for inspection. Where multiple people are cultivating, each physician recommendation shall be posted.
- D. Marijuana plants in public view as defined in Section 7.40.200 of this Chapter.
- E. The cultivation of marijuana in a manner that exceeds 12 plants.
- F. The improper use, storage and/or disposal (per the manufacturer's instructions and/or any law that governs same) of chemicals, fertilizers, gas products (CO<sub>2</sub>, butane, etc.) or any other products or equipment associated with the cultivation of marijuana.
- G. Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.

## **ARTICLE 5 ENFORCEMENT**

### **7.40.500 Enforcement Authority**

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

### **7.40.510 Right of Entry/Inspection**

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

### **7.40.520 Violations**

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

### **7.40.530 Remedies**

- A. Any violation of this Chapter shall be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code.
- B. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County of Yuba or any other governmental entity to enforce County ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.
- C. Issuance of a warning shall not be a requirement prior to using any enforcement provision of this Code. Violations are not tiered and are subject to enforcement without warning.

### **7.40.540 Notice and Order to Abate**

- A. Upon making a determination that a public nuisance exists, the Enforcement Official shall notify the owner and/or the alleged violator that a public nuisance exists upon such owner's property. As to an owner, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner directs. As to an alleged violator whom the Enforcement Official has

determined directly or indirectly contributed to the condition creating the nuisance, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, to the last known address of the alleged violator. In addition, the Notice and Order to Abate shall be delivered by first class mail, with postage prepaid, addressed to the owner and/or alleged violator at the same addresses. A copy shall also be posted on the property. The Enforcement Official shall complete a proof of service.

- B. The Notice and Order to Abate shall describe the use or condition which constitutes the public nuisance; and shall order that the uses or conditions constituting the nuisance be abated by demolition, securing, removal, cleanup, repair or other means within a reasonable time certain as determined necessary for such abatement by the Enforcement Official based upon the nature and complexity of the abatement process, normally being three (3) days, or less, from the date such notice is mailed and/or posted.

#### **7.40.550 Administrative Penalties**

- A. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. In addition to the actual abatement and/or administrative costs incurred by the County any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty as follows:
  - 1. A penalty of \$100.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.
  - 2. A penalty of \$200.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.
  - 3. A penalty of \$500.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.
- B. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each marijuana plant in violation of this Chapter shall be charged as a separate violation.
- C. The Administrative Penalty, pursuant to this Section, shall be assessed immediately upon the issuance of a Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer. In the event an appeal has been properly filed with the County, the appeal shall have no affect on the Administrative Penalty and said Penalty shall continue to accrue during the pendency of the hearing. At the conclusion of the hearing the Yuba County Board of Supervisors is authorized to modify or waive the Administrative Penalty for cause and shall make express findings into the record for such modification or waiver.

#### **7.40.560 Enforcement Costs**

- A. All costs and penalties associated with the enforcement of this Chapter are the responsibility

of the owner(s) of any parcel(s) on which a nuisance has been found to exist and such costs shall be paid within 30 days of the date of demand thereof.

- B. Where costs and penalties go unpaid beyond 30 days, the Enforcement Official shall take action to confirm the costs, record a lien and place a special tax assessment pursuant to procedures as set forth in Chapter 7.36 of the Yuba County Ordinance Code.

## **ARTICLE 6**

### **APPEALS AND UNIFORM HEARINGS AND PROCEDURES**

#### **7.40.600 Appeal**

Any person who has received a Notice and Order to Abate Public Nuisance may request an appeal before the Yuba County Board of Supervisors within 10 calendar days of the date of the Notice and Order to Abate. The request for appeal shall be in writing and must be accompanied by a deposit for costs as enumerated in Title XIII of this Code.

#### **7.40.605 Appeal Hearings**

Abatement hearings and hearings to determine administrative penalties shall be heard by the Yuba County Board of Supervisors. The Board of Supervisors, in its discretion, may appoint a hearing officer or commissioner to hear and preside over such hearings.

#### **7.40.610 Notice of Hearing**

If the owner or alleged violator requests a hearing within ten (10) calendar days of the date of the Notice and Order to Abate, the Enforcement Official shall schedule a hearing and provide notice to the owner or alleged violator of the time and place the hearing will take place. Notice of the hearing shall be delivered by personal service or by Certified Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner or alleged violator provides. In addition, the Notice of Hearing shall be delivered by first class mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner or alleged violator provides. The Enforcement Official shall complete a proof of service. The hearing shall be set for a date that is not less than five (5) and not more than thirty (30) days from the date that the request for hearing is filed with the Enforcement Official.

#### **7.40.620 Powers of the Yuba County Board of Supervisors**

The Yuba County Board of Supervisors shall have the power to conduct the hearing, the power to decide a matter upon which a hearing has been held, the power to make findings of fact and conclusions of law required for the decision, the power to issue subpoenas, the power to receive evidence, the power to administer oaths, the power to rule on questions of law and the

admissibility of evidence, the power to continue the hearing from time to time, and the power to prepare a record of the proceedings.

#### **7.40.630 Fairness of Hearings**

Hearings shall be conducted in a manner suitable to ensure fundamental fairness to all parties concerned, limited by the need to secure relevant information necessary to render a decision without unnecessary delay.

#### **7.40.635 Evidentiary Rules**

The hearing need not be conducted according to technical rules relating to evidence. Any evidence may be presented if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but may be rejected if deemed to be unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at a hearing. Unduly repetitious or irrelevant evidence shall be excluded at the discretion of the Yuba County Board of Supervisors.

#### **7.40.640 Order of Proceeding at Hearing**

The Yuba County Board of Supervisors shall ordinarily proceed in the following order when conducting hearings:

- A. The Enforcement Official's presentation shall proceed first. It should include identification of the file and property, a summary of the history and matters at issue, a staff analysis of the legal and factual issues involved, permitted uses to which the property was and is subject, and accounting of enforcement costs relating to the property, and a recommended decision.
- B. A presentation by or on behalf of the appellant shall next proceed.
- C. Tenants or other occupants of the subject property shall speak third.
- D. Individuals who are not appealing but own property immediately contiguous to the subject property shall speak fourth.
- E. Other interested parties shall speak fifth.
- F. The appellant shall be entitled to rebuttal.

#### **7.40.645 Speakers' Presentation**

Each speaker shall approach the microphone and give his or her full name and address for the record.

- A. Each speaker's presentation shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate, but, if used, shall become part of the public record and the property of the County. The Yuba County Board of Supervisors may establish a time limit for presentations; provided, however, that at least ten minutes shall be allowed for each speaker. Speakers shall, at the discretion of the Yuba County Board of Supervisors,

be allowed to speak for longer than ten minutes if that speaker represents a group of individuals, the remainder of which chose not to speak. Speakers with lengthy presentations are encouraged to submit them in writing. There shall be no limitation upon length of written statements.

- B. The Yuba County Board of Supervisors shall hear testimony and receive written and/or documentary evidence relating to the alleged violation. The parties may be represented by legal counsel. Testimony shall be taken on oath or affirmation. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues presented; to impeach any witness; and to rebut evidence. Witnesses shall be subject to cross-examination by the Yuba County Board of Supervisors.
- C. Subject to the Yuba County Board of Supervisors' right to accept a motion to conclude the taking of all testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak shall be heard. Except for rebuttal allowed, each speaker shall speak only once.
- D. The Yuba County Board of Supervisors shall preserve all photographs and other documentary evidence introduced at the time of the hearing. After all of the testimony is taken, the Yuba County Board of Supervisors shall close the public hearing unless he or she deems it necessary to continue the hearing for the receipt of additional evidence or an ordinance interpretation from the Affected Department.

#### **7.40.650 Submission of Additional Written Evidence and Argument**

At any time before or after the hearing up to the point the hearing is closed by the Yuba County Board of Supervisors, any interested party may submit written evidence or argument. In the event the Yuba County Board of Supervisors concludes the hearing and continues the decision to another time, the Yuba County Board of Supervisors may, in their discretion, set a deadline for submission of written argument. Except for the receipt of written argument, no ex parte communications, either direct or indirect, shall be received by the Yuba County Board of Supervisors during the period of a continuance or after the public hearing has been closed.

#### **7.40.655 Field Trips**

Whenever the Yuba County Board of Supervisors deems it necessary to take a field trip to view the site in question, the Yuba County Board of Supervisors may conduct a site visit. Unless the site visit is tape recorded, the Yuba County Board of Supervisors shall not talk to any members of the public during the conduct of such site visit. After the conduct of a site visit, the Yuba County Board of Supervisors shall place into the record the visual observations made and the conclusions drawn as a result of such visit.

#### **7.40.660 Recording**

All proceedings shall be recorded. If a verbatim transcript is desired, the person requesting the transcript shall have the responsibility for arranging for the appearance of a court reporter to

transcribe the hearing. In the event that a court reporter is present at the request of an interested party, the party retaining the court reporter shall provide a copy of the reporter's written transcript to the Yuba County Board of Supervisors at no charge to the County.

#### **7.40.670 Decision**

The decision of the Yuba County Board of Supervisors is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16.

#### **7.40.680 Severability**

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

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